

Planning & Zoning Minutes

August 2, 2012

35 North 1st East
Rexburg, ID 83440

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CITY OF
REXBURG
America's Family Community

Commissioners Attending:

Winston Dyer – Chairman
Thaine Robinson Mary Ann Mounts
Jedd Walker Gil Shirley
Mark Rudd

City Staff and Others:

Stephen Zollinger – City Attorney
Val Christensen- Community Development Director
Elaine McFerrin – P&Z Coordinator
Darrik Farmer – Community Development Intern

Chairman Dyer opened the meeting at 7:06 pm. He welcomed everyone, including a group of Boy Scouts who were attending to observe the meeting process.

The Chair welcomed the new Planning & Zoning Commissioner, **Mark Rudd**.

Mark Rudd stated he is pleased to be a member of the Commission. He and his wife are longtime residents of Rexburg. He sells real estate with Countrywide Properties.

Roll Call of Planning and Zoning Commissioners:

Jedd Walker, Gil Shirley, Thaine Robinson, Winston Dyer, Mary Ann Mounts, Mark Rudd

Dan Hanna, Marilyn Rasmussen, Richie Webb, Scott Ferguson and Cory Sorensen were excused

Minutes:

1. Planning and Zoning meeting - July 5, 2012

Corrections:

Page 10 – Clarify under Mary Ann Mounts that "...when they get to the zoning request, that is when there are other concerns *that should be addressed.*"

Page 20 – Clarify under Beverly Whiting and a submitted petition that "... *the Chair asked that the petition be added to the official record of this Public Hearing...*"

Page 24 – Clarify that "Thaine Robinson felt this change would be a tremendous *boost* to the City and the area..."

The **Chairman** noted for the record that the July 5th meeting was adjourned at 1:15 am.

Thaine Robinson motioned to approve the Planning & Zoning minutes of July 5, 2012 as amended. **Mary Ann Mounts** seconded the motion.

Mark Rudd, Gil Shirley, and Jedd Walker abstained for having not been present.
None opposed. **Motion carried.**

Public Hearings:

Chairman Dyer explained the procedure that is followed for public hearing. In America, everyone gets their say without intimidation. There will be a presentation of the proposal by the applicant or representative. The Commissioners may ask questions of the applicant and of staff for clarification; the public will also be given the opportunity to ask clarifying questions – these should be questions to help them understand the proposal, saving personal opinion comments for public testimony.

Public testimony from the public will then be taken. Staff evaluation and recommendations will be given. The Commission will then deliberate the matter in order to come to a decision. The Commission is a recommending body to the City Council. One hearing tonight will have the Commission recommendation made to the Madison County Commission, because the subject property is in the City's Impact Area.

1. 7:05 pm – Rezone – 340 and 330 North 12th West - Rural Residential 1 (RR1) and Transitional Agriculture 1 (TAG1) to Medium Density Residential 1 (MDR1)

Dan Larsen, 231 South 300 East, Hyrum, UT presented the proposal. He is one of the three property owners/applicants.

They would like the property to be rezoned to MDR1. This request would allow them to expand the current trailer park to the east.

The property is in the City's impact area.

Thaine Robinson asked if the property is on City services at this time.

Dan Larsen said the location is not currently on City services. They have spoken with City staff; it is possible to get City services there for sewer.

Chairman Dyer asked if they would be alright if a recommendation was made that they do need to connect to the City sewer system.

Dan Larsen said that would be fine.

Val Christensen reiterated that the property is in the Impact Area. The P&Z Commission's recommendation will be to the Madison County Commission.

The City Engineer's review had stated that water is in front of the property and is available for use. The sewer service is available at the corner of Main and 12th West and would need to be extended to the subject site, with most of the cost going to the developer.

It was clarified that this subject property does not abut the City, so annexation is not a point of discussion at this time.

Chairman Dyer opened the public input portion of the hearing.

In Favor: None

Neutral: None

Opposed: None

Written Input: None

Chairman Dyer closed the public input portion and asked for the staff evaluation.

Val Christensen clarified that the preferred land use map or Comprehensive Plan map is a planning tool to show the City's intentions for future planning and development. Zoning the of property would have to fit with the Comprehensive Plan map's land use designation, which in this case is Low-Moderate Density Residential. The requested Medium Density Residential 1 (MDR1) zone is allowed under this land use designation. MDR1 allows 16 units per acre.

Tonight the request is only for a zone change. The applicants would eventually also need a Conditional Use Permit (CUP) because mobile home courts are required to have a CUP.

Gil Shirley asked if it was appropriate to address fire safety and snow removal at this time.

Chairman Dyer clarified that tonight's request is a land use issue. How the development can be done and the safety issues would be looked at in the future.

The **Chair** asked the possibilities of requesting or requiring connection to City facilities.

Stephen Zollinger said they likely would not be granted permission to septic connection, but would likely have to connect to sewer.

The **Chair** said there seems to be a dilemma because someday the property may be in the City, and they would not want to have higher density of individual septic.

Stephen Zollinger said the City manages the land use part; the Department of Environmental Quality (DEQ) manages the utility side of the issue. The City does have the authority to require them to connect once City utilities are within 300 feet of a development.

The DEQ would require a community system for waste.

There was concern expressed about the wastewater issue.

Chairman Dyer said the question before the Commissioners is shall a recommendation be made to the Madison County Commission to rezone the subject property from Rural Residential 1 and Transitional Agriculture 1 to Medium Density Residential 1.

Thaine Robinson said from a land use standpoint, he does not see any problem with this rezone change.

Gil Shirley agreed.

Thaine Robinson motioned to recommend approval to the *Madison County Commission* of a rezone for the property located at 340 and 330 North 12th West, to change from Rural Residential 1 (RR1) and Transitional Agriculture 1 (TAG1) to Medium Density Residential 1 (MDR1). **Gil Shirley** seconded the motion.

None opposed. **Motion carried.**

2. 7:20 pm – Conditional Use Permit – 450 West 4th South – to increase density from thirty (30) units per acre to forty (40) units per acre

Chris Carr, 251 West River Park Dr., Provo, UT, the applicant, presented the proposal. Last year, the hotel on this property was converted to apartments. At this time they want to build more units on the north part of the property. They would also add some covered parking.

Therefore, they are requesting a Conditional Use Permit (CUP) to increase the density to 40 units per acre.

The site plan was viewed on the overhead screen. Mr. Carr pointed out where the units would be added.

Jedd Walker asked for clarification on the number of units.

Chris Carr said currently there are 100 units. They would add 28 units and turn 2 of the existing units into common area amenities, so there would be a total of 126 units. The new units will be one bedroom apartments, and the current units are studio apartments.

Parking requires 1.5 stalls per unit. They will have about 1.8 stalls per unit.

Mary Ann Mounts asked about visitor parking.

Chris Carr said there is plenty of room for the required visitor parking.

Mark Rudd asked about access to the property.

Chris Carr said for the past 35 years, the two accesses on West 4th South were sufficient. The City Engineer has requested that the developer build an access on the east by building a bridge over the canal to connect to 4th West. Although they have been operating for eight months and have not seen a need, they will comply with the City Engineer's request.

A different property to the north has added a bridge crossing, but it is not for shared use.

Thaine Robinson thought the bridge was required to be added as part of the existing project.

The **Chair** asked how the building was allowed to be open and be occupied without bridge completion.

Chris Carr said the building was allowed to be open and occupied because when they wanted to start construction of the bridge the canal was full. They have been in touch with City staff. They will build the bridge over the canal when the canal is empty.

Val Christensen clarified that there first was an effort made to get this applicant to work with the property owner to the north. That did not work out. In the meantime, the canal became full.

The occupancy is a conditional occupancy until the bridge is built.

Mr. Carr said construction is planned as soon as possible.

Mary Ann Mounts asked if the apartments are fully occupied.

Chris Carr said the complex is full. Every single unit has been contracted out. Not every person has moved in.

Gil Shirley asked about parking contracts.

Mr. Carr said parking contracts are a non-issue because the property is not in the Pedestrian Emphasis Zone (PEZ) overlay. Parking has never been a problem.

The three new buildings will be two-story.

Val Christensen said no design review is done at this level. The developer will have to meet design requirements at the time of building review during the building permit process.

He said the original building was an existing building, so the vacant ground is considered underutilized. Staff felt it made sense to add the new buildings.

Mary Ann Mounts had sidewalk concerns for 4th West. The sidewalks around this area are not walker-friendly. Snow will worsen the situation.

Chairman Dyer opened the public input portion of the hearing.

In Favor: None

Neutral: None

Opposed: None

Written Input: None

Chairman Dyer closed the public input portion and asked for the staff evaluation and review.

Val Christensen said the subject property is the location of the old Cotton Tree Inn, which was converted to apartments last year. The applicant is requesting an increase in density to 40 units per acre, which requires a CUP. Regarding the surrounding neighborhood, there are apartments to the north and south and east. Staff feels more apartments in this location is good for the community due to the location of the University nearby.

The bridge was a requirement for the existing project and remains a requirement.

The **Chairman** reiterated the viable sidewalk concerns stated by Mrs. Mounts, regarding 4th West, pedestrian movement, and traffic. It is very narrow and hampered by the existence of the canal and the need for access to the canal. Has the City Engineer looked at the issue?

Val Christensen said the City Engineer looked at this issue when the apartments to the north were done. At that time it was determined that the sidewalk would be across the street. That was the solution because of the location of the canal. There is not a right-of-way for any widening of the street.

Stephen Zollinger said there is no room to widen the street. They cannot go east, and the canal takes all of the western right of way.

Val Christensen said there will have to be a place for snow; this requirement will be addressed during the building review process.

Mary Ann Mounts expressed concern about the nearby railroad crossings and the traffic that crosses over them. At one crossing there is a stop sign for one direction but not the other direction.

Stephen Zollinger clarified that every crossing of a road and the railroad has to be signalized, armed, or have a stop sign, unless there is a safety reason for not having one of these.

Stephen Zollinger said a study was done at this intersection. The City Engineer recognizes it is a substandard road compared to other roads in the City, but it is still well within its capacities.

The concerns here will be watched closely.

If a crosswalk has to be created then no right of way on the west side is left.

Jedd Walker said the site plan does not show sidewalk on the south side of the property.

It was determined that there is sidewalk on the south.

Mr. Zollinger said pedestrian access to all areas to and from the property is required as part of the development. There has to be connectivity to the right of way. The building on the left in the site plan would have to show this connectivity.

Thaine Robinson asked if the bridge going on to 4th West would have a pedestrian access.

Stephen Zollinger said previous bridges have all required a pedestrian wing.

Val Christensen clarified that sidewalk and buffering issues and any other Development Code issues will thoroughly be addressed during site plan review.

Chairman Dyer said the question before the Commission is shall a Conditional Use Permit be recommended to City Council for approval, approval with conditions, or denial for the property at 450 West 4th South to increase the density from 30 to 40 units per acre.

Jedd Walker felt the density is appropriate for this area.

Thaine Robinson said the issue of still not having a bridge here should be a condition even though the bridge was a requirement of the existing project. We still do not have a bridge.

Jedd Walker thought one of the conditions should address pedestrian flow.

There was discussion of maintenance of sidewalks.

Jedd Walker suggested that more green space than what the Development Code requires could also be a condition. The green space currently is very sparse.

Val Christensen said the development would be required to meet the green space requirement.

A minimum of 10 percent green space is required.

Thaine Robinson felt Mr. Walker's point regarding asking for increased green space being a condition is valid. It would benefit the residents. It would be a give back to the City in addition to beautification of the property.

Val Christensen said if the developer cannot meet requirements for green space, they would have to create fewer units.

Jedd Walker motioned to recommend to City Council approval of a Conditional Use Permit for 450 West 4th South to increase density from thirty (30) units per acre to forty (40) units per acre, to include meeting the Standard Conditions for Conditional Use Permits as stated in Section 6.12 of the Development Code No. 1026, and including three proposed conditions:

1. There shall be 15 percent green space (*map attached for the record to indicate recommended green space locations) - and if unattainable, the developer should come back and discuss this issue with the P&Z Commission.
2. A bridge with a pedestrian walkway shall be installed over the canal.
3. The sidewalks around the subject property shall be maintained, and cleared for snow removal.

Thaine Robinson seconded the motion.

None opposed. **Motion carried.**

3. 7:40 pm - Comprehensive Plan Map Amendment –Single Family Residential to Moderate-High Residential – 1042 and 1068 West 7th South

Chairman Dyer said the Commission recognizes that a number of interested citizens have joined the meeting. He restated the public hearing procedure. Everyone has their right to be heard. Quite a number of letters regarding this request have been received. He clarified that a citizen cannot give both public testimony and submit a written input letter, as that is seen as an unfair advantage of giving input twice. A citizen may do one or the other but not both. A community letter has been written and has been submitted by a committee. He will read the committee names at the time of the reading of the letter. If one of the people wants to speak, the name can be stricken from the letter, and they can give public testimony.

Kevin Murray, 3525 Merlin Dr., Idaho Falls. He is a real estate agent representing the two property owners. He has sat in on hundreds of P&Z meetings and has served as a P&Z Commissioner. He complimented the Rexburg P&Z Commission on the job they have done tonight. As was just mentioned, he has received several letters. In all the nine letters, there were typically about four things that kept coming up as concerns.

The **Chairman** intervened and expressed that rebuttal would be reserved till later in the public hearing process. Now is not the time to rebut.

Kevin Murray said the problem that he saw was that there was a lot of misunderstanding of what the difference is between the Comprehensive Plan versus the reasons to adjust the Comprehensive Plan, versus Zoning. In addition the purpose of the platting process and development agreement seem to be by the letter writers as a kind of montage being considered tonight.

Chairman Dyer said he usually tries to help the public understand such issues.

Kevin Murray said the Comprehensive Plan is an overall range of uses. Zoning, which was mentioned in the letters, is a different stage. They are not here tonight for a zoning issue.

The buffering moves out in a ripple effect from commercial. Buffering is an important part of the Comprehensive Plan. Letters he received mentioned concerns of value. There are reasons for the Comprehensive Plan designations.

The request tonight is that the applicants believe because they are adjacent to Moderate- High Density Residential Comprehensive Plan Map land use designation property on the east, that the subject two small parcels could be changed to this land use designation. It is straight-forward thinking.

The property was pointed out on the map on the overhead screen.

The parcel to the south is designated as Neighborhood Commercial/Mixed Use. Mr. Murray stated he sells real estate for a living, and if this is a commercial area, businesses would create traffic. If the Comprehensive Plan map land use designation was changed on this little corner for the two parcels, it would be a buffer from commercial for the residential properties to the north. If this Comprehensive Plan change is granted, a change may eventually move on down all the way west to the corner to make a buffer if the south property develops commercially.

Kevin Murray stated the other issue mentioned in all the letters was there is only one ingress/egress. The applicants did not have anything to do with there only being one ingress/egress. If the requested change is allowed and the parcels are developed, there would be the opportunity to add another ingress/egress.

Letters also mentioned that 7th South is difficult and impassable at times during the winter. He does not know why this matter was mentioned other than the frustration of the people coming in and out of the area.

Chairman Dyer said Mr. Murray needs to indicate what specifically in this proposal would address the stated issue, or Mr. Murray should hold these types of comments for rebuttal.

Kevin Murray said he feels this request is being blamed for things the applicants have no control over. The same is true for noise and debris. It is felt this change would not negatively impact property values in the subject area.

The applicants believe the request is reasonable and prudent, it is contiguous, it is across the street from property that is zoned much more stringently, and it would serve as a good buffer. It makes sense to allow this to happen.

Thaine Robinson asked the Comprehensive Plan land use designation of The Meadows.

The land use designation of The Meadows is Moderate–High Density Residential.

Jedd Walker asked the acreage.

Kevin Murray said each of the two parcels is about 2 acres. The owners of 1068 West 7th South would stay; they do not want to put the property on the market. The owner of the corner property, 1042 West 7th South wants to sell about three quarters of that property. No developers have been in contact with either of the property owners.

Chairman Dyer said the property was before the Commission in the past for this very question.

Mr. Murray stated that the owner of the corner parcel said that it had, but he did not have any details.

The **Chairman** said the Commission would be interested in what might have changed to bring this forward again. The request was denied at that time because it did not fit the character of the Single Family Neighborhood. The Meadows Apartments were done under the County before the property was in the City. The Commission made a very concerted effort about the idea of buffering along the highway which multi-family does a nice job with. The City redid the Comprehensive Plan to reflect that along the highway and then to step down to the single family residential uses.

Kevin Murray said the issue that has come to light is the single ingress/egress.

There is another access point planned on the north of the Meadows for future developments.

The **Chair** said the reason for the Neighborhood Commercial/Mixed Use designation to the south is that it has not been determined what kind of development there is going to be.

Mr. Murray said the plan is to leave the area Single Family Residential even with commercial across the road ?

The Chair said yes.

The Comprehensive Plan map was viewed.

Chairman Dyer said there are two planning documents that are used. One is the Comprehensive Plan map, and that is the question before the Commission. Shall it be changed? This is not a request for a zone change. The Comprehensive Plan is a vision of planning for the future. It is also called the preferred land use map. It gives a developer the right to request certain zones.

The Zoning map was viewed. The Zoning map is the law - what can actually be on a property.

The zones allowed under the current Single Family Residential Comprehensive Plan Map land use designation on the subject property are Low Density Residential 1 and 2 and 3, and Rural Residential 1 and 2.

If the proposal were to go through to change the subject property to a Moderate-High Density Residential land use designation, there would be 4 zones that could be asked for - MDR1 (16 units per acre) and MDR2 (20 units per acre), and High Density Residential 1 (30 units per acre) and High Density Residential 2 (42 units per acre).

If this requested Comprehensive Plan change is approved, it would allow zoning to be requested at another public hearing.

Chairman Dyer asked if the audience had any questions to help them understand the proposal.

A second egress was mentioned. Where would it be?

The north part of the corner property.

How will the sewer be addressed because it is not a City sewer connection.

Mr. Murray said that is not part of this concern tonight. There are options later but it is not known where sewer would be.

The Chairman clarified the steps of change - first a Comprehensive Plan map change is requested; if granted a rezone could be requested, which allows certain uses. Following this would come a development proposal with building and sewer and water line and other issues to be addressed.

There was a question about development to the west.

Kevin Murray said a developer in the future could come in and buy up neighboring properties adjacent to the west if this change is granted.

Chairman Dyer opened the public input portion of the hearing.

In Favor: None

Neutral: Two letters that were neutral to the proposal were submitted. They are included below under the Written Input section of these minutes.

Opposed:

Chairman Dyer stated that a *petition opposing* the Comprehensive Plan Amendment request with a total of 157 signatures was submitted. It is signed by “Rexburg residents from the neighborhoods of the Willow Brook area of Rexburg, including Willow Brook Circle and Blue Willow Circle, The Meadows Townhomes, and residents of 12th West and the Arctic Willow neighborhood...” The petition is part of the official record of this hearing.

Curt Mueller , 681 Blue Willow Circle. His property borders the subject property. He understands the Comprehensive Plan being a preliminary to a Zoning change down the road. In 1999, he and his wife looked for a place to build a home and did so on a nice quiet road in the country, which is now 7th South ending on the west side of Highway 20. They built a home in one of the two cul-de-sacs that were developed for single family homes. It was a nice quiet place in a rural neighborhood. A few years later a developer bought a long narrow strip of land with a plan to build apartments. Their rural road was then annexed into the City to accommodate this development.

What started out as a quiet rural area with a short quarter mile dead-end road now includes over 160 housing units with most residents of these units having one or two cars. It is now an extremely busy road with over 100 cars traveling back and forth all day and all night long.

No other egress was developed, and still there is only one egress to 12th West.

He is a letter carrier in Rexburg, and he is familiar with most of the areas in the City. He cannot think of another neighborhood with this many homes that has only one way to get out. The density has led to some hazardous situations. An example is difficulties of a winter storm – this Comprehensive Plan change request did not cause it, but it could add to it. There was a heavy snowstorm which brought blowing and drifting snow across 7th South. The road became impassable as people were trying to get to and from work. One by one, cars became stuck in the drifts. He went out with others to offer assistance. Three hours later the road became totally blocked with cars. Of course we live in an area where snow storms are expected. Everyone deals with it.

If there would have been an emergency, there would be no other way for anyone to get in or out. High residential would only add to the hazardous situation. They believe that creating more congestion in an already congested area would be a hazard and would not be beneficial to their neighborhood. There is a possibility on these 4 acres to have another 160 units. It could happen.

It is hoped the Commission considers those who are long term residents, as well as the impact this decision would have on the values of their homes and the quality of their neighborhood.

Paul Scholes, 1118 Coyote Willow Way. He is a resident of the Willowbrook Subdivision. He has 3 points of opposition to this proposal. One is it would be setting precedence. Expectations have already been set for this area. Second, there is a contract made in the major investment of buying/building a home. The contract is that there is a certain life style and amenities; the residents expect the contract to be fulfilled for long term and not to be changed. The third point is safety concerns which have already been mentioned

Daniel Moldenhauer, 1049 Arctic Willow. His biggest concern is that there is a neighborhood feel in this area which would be detracted from if more apartments are added. The other concern is property values. Twelve more people would have been here tonight but they were unable to attend, so there was strong support for this opposition.

They realize the applicants are not to blame. The problems already existed but this proposed change would add to it.

Maren Nichols, 649 Countryside. She stated just for information that The Meadows complex has been approached by a developer. The concerns of long term residents regarding property values were mentioned. She is a property owner here for the short term, and she is concerned. She is also concerned about safety. Please consider keeping the land use designation as it is currently.

Written Input: All letters were read by Chairman Dyer. The letters are part of the official record of this Public Hearing:

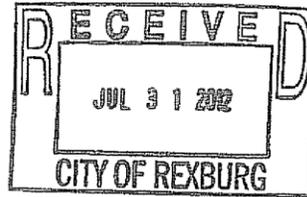
1. Letter from Mike and Michelle King, opposed to the proposal
2. Letter from Tyler and Sharee Barton, opposed to the proposal
3. Letter from Richard and Tammy Geddes, opposed to the proposal
4. Letter from The Committee from Willow Brook, Arctic Willow, and the Meadows, opposed to the proposal – (Committee names are Doug Hansen, Adam Montierth, Nick and Danielle Atwood, Theresa Moldenhauer, Amy and Barry McCoy, Darla and Kelley McCoy, Melodee Mueller, Stacey Kunz, Janet Christensen, Mark Pugh, T.J. Meynders - Several names were removed from this letter if the persons gave testimony tonight or submitted a letter of their own).
5. Letter from Andrew and Melodi Johnson, neutral to the proposal
6. Letter from Barrett and Amy McCoy, opposed to the proposal

7. Letter from Shelly Wilkes, opposed to the proposal
8. Letter from Talsan Schulzke, representing The Meadows Homeowners Association and its Board of Directors, opposed to the proposal
9. Letter from Allison Coltes, neutral to the proposal

Mike and Michelle King
647 Blue Willow Circle
Rexburg, Idaho 83440
208-356-5529

July 30, 2012

Rexburg Planning and Zoning Commission
City Hall
35 North 1st East
Rexburg, Idaho 83440



Dear Rexburg Planning and Zoning Commission:

Subject: request #12 00314 The proposal to rezone 1042 and 1068 West 7th South.

We regret we are not able to attend the public hearing on August 2, 2012. Unfortunately, we had a prior commitment to take a youth group to Martin's Cove. We would not have missed this meeting if it would have been at all possible.

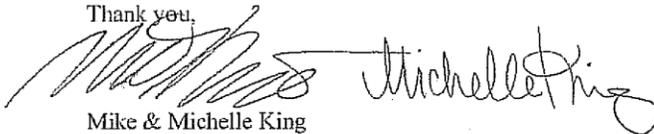
We strongly disagree and oppose the proposal to change the zone of the Ellis and Vasquez properties on 7th South. This area needs to remain Single Family Residential for the reasons listed below.

There is already a large amount of traffic that exists on the very busy section of 7th South. There is only one access to the property. The amount of traffic and limited access needs to be considered in situations that require an ambulance, a fire truck, or any other emergency. The location is also a problem during winter months. This road is often down to only one lane as the snow blows across the fields opposite of the Ellis and Vasquez properties. This area cannot safely handle more density.

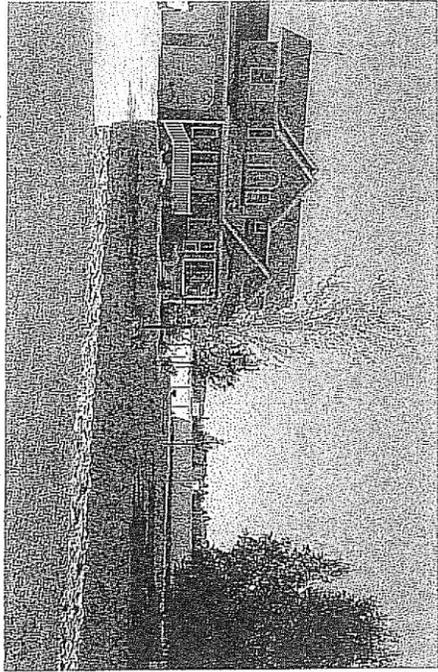
The moderate-high zoning would have a negative effect on the existing homes and property. It would significantly decrease the value of the homes in the neighborhood. It would change the characteristics of the neighborhoods all around it. It is extremely important for Rexburg to have some Single Family Residential zones remain. It adds to the appeal of the area to keep it zoned Single Family Residential.

Enclosed are some pictures of our home and neighborhood. Our property is one of the largest properties that border the Vasquez property at 1068 West 7th South. Please carefully consider the effect this would have with traffic, safety, and value for the entire area. Please keep it Single Family Residential as it is.

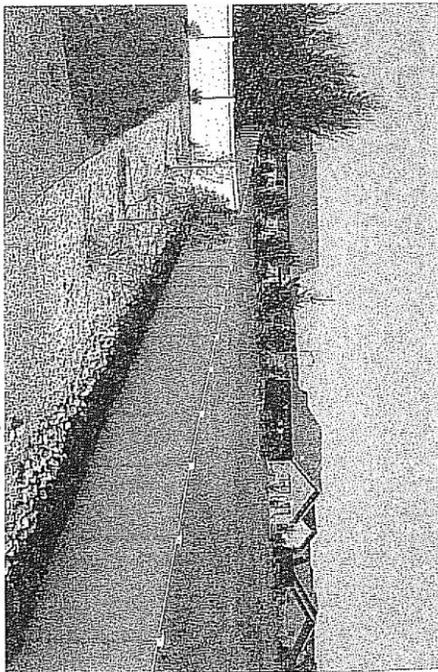
Thank you,


Mike & Michelle King

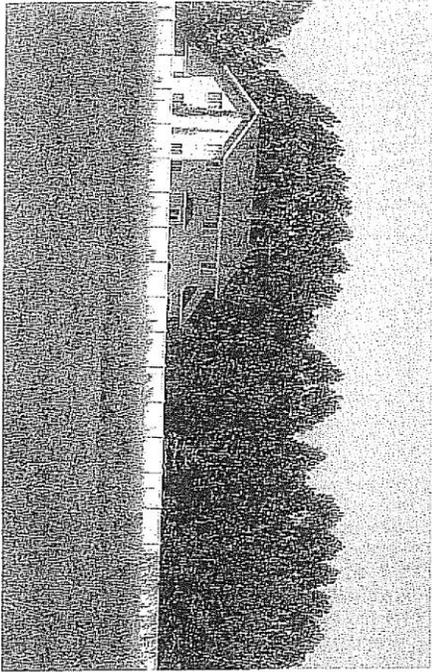
Enclosure (1)



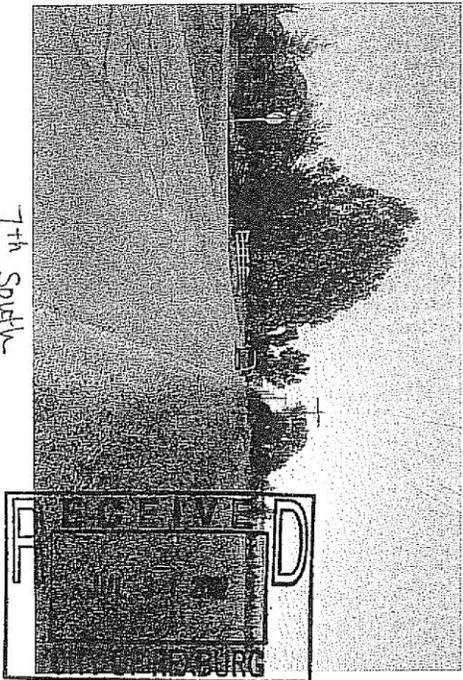
King's house 647 Blue Willow Circle



Property line of Kings @ 647 Blue Willow Circle and Vasquez @ 1068 W. 7th South



Side view of 647 Blue Willow Circle



7th South

Elaine McFerrin

From: Blair Kay
Sent: Wednesday, August 01, 2012 11:44 AM
To: Elaine McFerrin
Cc: Val Christensen
Subject: FW: Planning and Zoning Meeting

From: Sharee Barton [mailto:sharee.barton@gmail.com]
Sent: Wednesday, August 01, 2012 11:08 AM
To: Customer Services
Subject: Planning and Zoning Meeting

*regarding 1200314
Comprehensive Plan Map
Amendment - 10424
1068 W. 7th S.*

Dear City or Rexburg,

Our family has lived in Rexburg for 16 years. We built a home in the Willow Brook subdivision six years ago. We love Rexburg and are so happy to be apart of this great community.

The growth in the city of Rexburg has been amazing to watch. We want to applaud the efforts of Rexbug City Planning and Zoning as they have organized comprehensive plans to handle the growth and maintain the quality of neighborhoods we have here in Rexburg.

We will be out of town for the Planning and Zoning Meeting this week.

When concerning the re-zoning of the land near 7th South we would strongly urge you to not change the zoning. We feel to change the zoning would be an in appropriate use for the property which is already zoned for single family dwellings. The city has spent much time creating comprehensive plans and we appreciate the integrity that this provides for our neighborhood. The choice for us to build in this neighborhood was based on the existing homes and demographics. Thank you for helping us maintain this standard in our neighborhood.

Gratefully,

Tyler and Sharee Barton

Elaine McFerrin

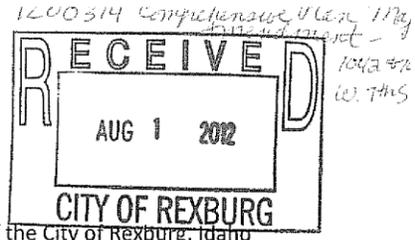
From: Blair Kay
Sent: Wednesday, August 01, 2012 12:06 PM
To: Elaine McFerrin
Cc: Val Christensen
Subject: FW: Proposed change from single family residential to moderate to high density 7th South

-----Original Message-----

From: Richard Geddes [mailto:rtgeddes@cableone.net]
Sent: Wednesday, August 01, 2012 10:58 AM
To: Customer Services
Subject: Proposed change from single family residential to moderate to high density 7th South

*regarding 1200314
1068+1092 W. 7th S.
Comprehensive Plan Map
Amendment*

>>
>> Planning and Zoning Committee Members,
>>
>> It has be brought to our attention that a residence on 7th South in Rexburg, ID is asking for a change in zoning from a single family residence to moderate to high density residential units. Because we will be out of town during the meeting, we have composed this email to state our input.
>>
>> We understand that you, our Panning and Zoning Commission, have already compiled a comprehensive plan to accommodate the growth of Rexburg. We understand you have allotted areas for moderate to high density. We purchased our home with desire to maintain the integrity of our neighborhood zoned for single dwelling families as you currently have proposed. We, therefore, encourage you to maintain the integrity of the current plan and not allow for a change from a single family residential to moderate to high density on 7th South.
>>
>> Thank you,
>> Richard and Tammy Geddes
>>
>>
>



July 30, 2012

Attention: The Mayor and City Planning and Zoning Commission of the City of Rexburg, Idaho

This letter comes from a representation of each of the following neighborhoods which are affected by any changes to 7th South:

Willow Brook, Arctic Willow, and the Meadows townhomes

Rexburg, Idaho has been dubbed "America's Family Community," a theme which has drawn many families into this area. Representatives from Rexburg families from the Arctic Willow neighborhood, the Willow Brook neighborhood, and the Meadows townhouses met on Sunday, July 29, 2012, to discuss some serious concerns regarding the proposed changes to 7th South. The proposal, as we understand it, is to re-zone for moderate to high residential units where single family residential units currently exist.

The first and greatest concern we discussed is the safety of our families, and we are certain the Rexburg city government shares this concern. Currently, in the Meadows there are 160 townhomes. Most families who live there have two cars, with husband and wife both working or attending classes at BYU Idaho or at one of the local beauty colleges. Added to the 160 townhomes are 13 single-family dwellings in the adjacent neighborhoods. Therefore, at peak hours during the day, there could be as many as 300 vehicles traveling east or west on 7th South. Because of the already existing high traffic, we strongly urge the Rexburg City Planning and Zoning Commission to reconsider the proposal to rezone 1042 West 7th South and 1068 West 7th South. The addition of moderate to high density housing would add serious complications to the existing traffic and subsequent safety issues.

At peak hours, we have children boarding buses for school or walking to school. Because most of the neighbors are aware of safety, thus far, there have been no incidents with children, and we'd like to keep it that way. By adding moderate to high density residences, the chances for incident on the single access road into the Meadows will heighten as the traffic increases on a currently inadequate road. The road labeled as 7th South is not wide enough to accommodate the current traffic; therefore, adding more cars is unreasonable. Furthermore, adding more homes to this already crowded area can only be viewed as inappropriate use of space.

in the past few years, we have had several occurrences which readily provide examples of the problems that have created threatening situations for not only residents in the Meadows, but also for the homes situated in the neighborhoods along 7th South. Still alive in many memories is the severe snow storm, so typical in Rexburg, when the road drifted over to the point that residents of the Meadows could not reach their homes by vehicle. Cars, which were not stuck in snowdrifts, were backed up in both cul-de-sacs and in any available driveway. Families with

young children were forced to walk to their Meadows townhome in blizzard conditions. Even with calling for help from the department of snow removal, residents were informed the road would not be cleared until the regular snow removal hours, leaving stranded cars in the path of the snowplow. This singular incident greatly increased the already present concern for safety along 7th South. Adding more homes will simply add more congestion.

Three other specific incidents which have created issues include fire trucks, one which responded to a dumpster fire at the Meadows, and another to a fire on the corner of 7th South and 12th West. There was also a garbage truck which slid off the road on 7th South. All three of these episodes blocked traffic so that residents could not get into or out of the neighborhoods and/or the Meadows to return home from or go to work or classes.

Another serious concern which residents rightfully have with the addition of moderate to high density housing is the inevitable devaluation of existing homes and property. In America's existing economy, homeowners do not need another "hit" to stressed home values and struggling finances. This is just one more way that adding numerous housing units to this area will generate an impracticable situation.

The unsafe conditions of 7th South have been present since the first townhouse was built in the Meadows. The problems have significantly escalated as the number of residents has increased. This issue needs resolution, not more complications resulting from additional homes and cars. There are other areas in which moderate to high density lodgings can be and are being constructed. We have to wonder why this inconvenient corner of Rexburg is being considered for additional residences.

If Rexburg is to preserve its reputation as "America's Family Community," the voices and concerns of her citizens must be acknowledged and respected in decisions which affect the safety of their surroundings. We look to our city government to protect the interests of Rexburg families. Because of the current crowded and unsafe conditions of 7th South, we ask that the Rexburg City Planning and Zoning Commission and the City Council carefully reconsider the rezoning proposal to add moderate to high density housing in an area where single-family dwellings now exist and are really the most practical type of dwelling for all concerned.

We appreciate your attention to these concerns, and we welcome each of you to come to visit out neighborhoods to take a closer look at the unfeasibility of adding to this physical location.

Thank you,

The Committee from Willow Brook, Arctic Willow, and the Meadows (Names available upon request.)

2

(Committee: Doug Hansen, Adam Montierth, Nick and Danielle Atwood, Theresa Moldenhauer, Amy and Barry McCoy, Darla and Kelley McCoy, Melodee Mueller, Stacey Kunz, Janet Christensen, Mark Pugh, T.J. Meynders - Several committee names were removed from this letter if the persons gave testimony tonight or submitted a letter of their own).

Comprehensive Plan
Map Amendment
1200314

Written Input #5

Elaine McFerrin

From: Elaine McFerrin
Sent: Wednesday, August 01, 2012 2:12 PM
To: Elaine McFerrin
Subject: FW: WrittenInput# 5 - Comp Plan - 1042 & 1068 W. 7th S.

From: ANDREW MELODI JOHNSON [<mailto:melodij@msn.com>]
Sent: Wednesday, August 01, 2012 1:35 PM
To: Customer Services
Subject: Zone change

Dear Committee Members,

We live at 646 Willow Brook Circle and love being part of this wonderful community. The cul-de-sac we live on is right off of 7th South which dead ends into The Meadows housing complex. We appreciate that you have helped make Rexburg an attractive and safe place to raise a family. Public service can be a thankless job and we commend you for caring enough to serve.

We will be out of town on August 2nd and will miss your meeting.

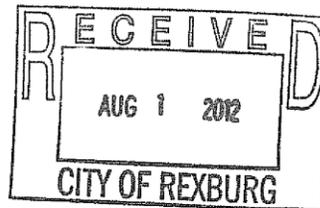
Our concern with the zone change on the Ellis and Hernandez property is that we have only one outlet for the traffic. For safety reasons and code compliance I would hope that we take every effort to maintain and uphold the law. Do we have the proper egress and ingress needed for this change? What impact will this add to the traffic flow and how will it benefit or impact our neighborhood?

Thank you for your consideration in this matter.

Sincerely,
Andrew and Melodi Johnson

Barrett & Amy McCoy
677 Willow Brook Circle
Rexburg, ID 83440
July 31, 2012

Planning and Zoning Commission
City Council Members
City of Rexburg
35 North 1st East
Rexburg, ID 83440



*Written Input # 6
1200314
Comprehensive Plan
Map Amendment -
1042 & 1068 W. 7th S.*

Dear Representatives:

In response to notice given of the August 2, 2012, hearing to amend the Comprehensive Plan Map for the City of Rexburg, considering request # 12 00314 to amend the current Comprehensive Plan Map from Single Family Residential to Moderate-High Residential, with said proposed changes to the Comprehensive Plan Map taking place at 1042 & 1068 West 7th South:

As homeowners and tax-paying residents of Rexburg, we have strong concerns regarding the negative impact that the proposed zoning changes will make to our home, property, and existing neighborhood.

Safety has always been our greatest concern. As the only access road for the Meadows Townhomes, West 7th South cannot safely bear the additional traffic that continued Moderate-High Density zoning will bring. We have personally witnessed how a single access road can quickly block traffic making entering or leaving densely populated areas impossible. One such incident was caused by a house fire, and another hazardous situation arose due to drifting snow. On both occasions, traffic was backed up as the only access was blocked.

As our property borders West 7th South, we have noticed a dramatic increase in refuse and noise pollution to our property and home as the density of land locked housing in the area has increased. We continually gather litter from our yard and are rudely interrupted as the thumping of loud music floods our home. We hear the roaring of engines as they accelerate too quickly for this short stretch of road. Additional Moderate-High Density zoning changes will continue to degrade the peace and beauty that we continually strive to maintain in our small neighborhood.

Moderate-High Density zoning is not a natural, aesthetic, or sensible border for an established rural residential neighborhood of one acre lots. It detracts from property value and the stability of neighboring homes. A constant stream of heavy traffic in and out of our neighborhood makes our locality less attractive to prospective long-term residents and increases the number of homes in our neighborhood that are rented.

With other logically planned areas zoned for Moderate-High Density housing, it does not make sense to continue to burden our small community with additional traffic, pollution, and other challenges that result from an unusually large number of residents using a rural, quiet neighborhood as the only option of exit and entrance. Although many of you visited the Willow Brook area while campaigning, we invite you back to see first-hand how the proposed changes will adversely affect our neighborhood's role in "America's Family Community."

Sincerely,

*Barrett McCoy
Amy McCoy*

Barrett & Amy McCoy

Elaine McFerrin

Subject: RE: Planning and zoning

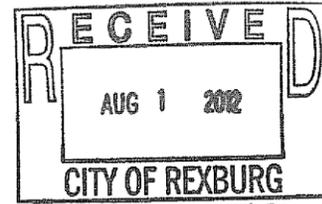
From: shelly wilkes [mailto:sewilkestoo@gmail.com]
Sent: Wednesday, August 01, 2012 2:49 PM
To: Customer Services
Subject: Planning and zoning

*Written Input #7
1200314
Comprehensive Plan
Map Amendment -
104241068 w. 7th S*

To Whom It May Concern:

I would like to express my concern for the proposed new zoning that is being discussed next to my home off of 7th South. I love where I live and the feel of the neighborhood we live in and I contribute some of that to the comprehensive plan that is currently in place. I commend the city on it's time and money already spent on coming up with the layout and zoning of our neighborhoods and I feel that if the density were to change, our family feel, our neighborhood feel would depreciate as well as the value of our homes. I feel the best interest for our city, neighborhood and community would be to leave the zoning as planned originally. Thank you for your time and consideration in the matter.

Sincerely,
Shelly Wilkes
1115 Arctic Willow Dr
208 403 8326



*Written Input # 8
1200314*

30 July 2012

Planning and Zoning Commissioners,

The Meadows Home Owner Association, of The Meadows Townhome Subdivision located at 693 Countryside Ave. in Rexburg, would like to formally address its concerns regarding and opposition to request #12 00314 to amend the current Comprehensive Plan Map from Single Family Residential to Moderate-High Residential at 1042 and 1068 West 7th South.

Residents of The Meadows and the Willowbrook Subdivision are extremely concerned about the proposal to increase density in an area clearly intended for single-family dwellings. The Comprehensive Plan Map in its capacity as a planning tool plainly shows that higher densities are not intended for that area. And the current Zoning Map fortifies this concept with surrounding zones whose allowable densities do not exceed the single-family threshold defined in Section 3.7.010 of the Rexburg Development Code.

The proposed change would be a first and wrong step toward a zone change that allows for non-single-family dwellings. The Meadows HOA adamantly opposes such action. The concentrated population density in The Meadows is considered by its HOA and an overwhelming majority of residents in Willowbrook to be problematic to begin with. Adding to the existing complexity would not be in the best interest of residents in our community or adjacent neighborhoods.

Besides contradicting the implicit goals of the current Comprehensive Plan Map, this change would introduce significant infrastructure challenges, particularly for waste water. As noted in the city's Public Works Review Action for this request, "The only way to serve this property with sewer facilities is through the Meadows private system and this might not be deep enough." The Meadows HOA is not prepared to allow such a burden to be placed on its residents and operational considerations. The Review further notes that "If this cannot be accomplished a sewer line will need to be extended from 12th west along 7th south." This is a major safety concern for residents of The Meadows.

Currently, there is a single access to The Meadows, which is from 7th South. Installing sewer line along our only access will cause massive congestion and potential safety hazards if The Meadows needs to be accessed by emergency response vehicles or evacuated by residents. Public Works similarly noted that allowing higher density residential "places additional traffic on a single access roadway (7th south) further complicating a congested roadway at times [and] The single access at some point will be a problem if it becomes blocked for any reason." We echo the Public Works Department's sentiment that "this is not a good use for the constricted access land."

On behalf of the 160 home owners at The Meadows, the HOA Board encourages the Commission to uphold the purposes and objectives of the MDR1 and lesser-density zones, which are to "protect stable neighborhoods of detached single-family dwellings on smaller lots and multi-family housing [including attached single-family dwellings]." We thank you for your thoughtful consideration of our position.

Sincerely,

Talsan Schulzke, President
On behalf of The Meadows HOA and its Board of Directors

12 00314
Written Input #19
Comprehensive Plan
Amendment - 10428 1068W7

Elaine McFerrin

From: Val Christensen
Sent: Thursday, August 02, 2012 9:21 AM
To: Elaine McFerrin
Subject: FW: Residential Zoning of 7th South

From: Richard Woodland
Sent: Wednesday, August 01, 2012 10:29 AM
To: Val Christensen
Subject: FW: Residential Zoning of 7th South

From: A C [<mailto:a.l.coltes@gmail.com>]
Sent: Tuesday, July 31, 2012 7:53 PM
To: Christopher Mann
Cc: Donna Benfield; Jerry Merrill; Sally Smith; Jordan Busby; Bruce Sutherland; Richard Woodland
Subject: Residential Zoning of 7th South

For work related purposes I am unable to attend Thursday's meeting with city council, I appreciate the council's time in providing me the opportunity to participate via email in order to voice my opinion/concerns.

I was approached by another resident of The Meadows requesting me to sign a petition regarding the rezoning of adjacent areas in the vicinity from single family units to multi-family units. After listening to her arguments I signed on the premise that rezoning would pose a potential safety threat to current and future residents. Her argument, to which I agreed, was that the Meadows has only one access road which would bottleneck in an emergency evacuation be it for a fire, flood, etc.

However, if more access points were created decreasing a safety hazard I would support multi-family zoning for adjacent properties. The Meadows is a family friendly environment, rezoning it could remove that atmosphere which I think would be important to maintain for the families that live here. However, I have no reservations in the rezoning of other areas into moderate to high density residential units provided that alternative access routes are created.

-Allison Coltes

Rebuttal:

Kevin Murray requested clarification of the petition that was read earlier tonight. The Chair re-read the petition information.

Mr. Murray asked how much traffic 7th South is authorized to carry. Chairman Dyer said there should not be interaction with the Commission at this time in the hearing process. He explained briefly that there would be a capacity for that roadway; a 2-lane roadway will carry safely about 900 vehicles per hour without degrading the level of service.

Mr. Murray said much of the information that was brought forth in the letters and testimony indicated that as many as 300 cars would be on the street in one hour. Please take into account that West 7th South is not near capacity.

He asked what zoning is allowed under the current land use designation.

Stephen Zollinger stated that the Single Family Residential land use designation allows Low Density Residential 1, 2 and 3, and Rural Residential 1 and 2. Twin homes are allowed in LDR2 and LDR3 with a conditional use permit.

Mr. Murray asked if The Meadows sewer system is private.

This sewer system is private.

Chairman Dyer closed the public input portion and asked for the staff evaluation and recommendations.

Val Christensen clarified that this request is to change the properties from Single Family Residential to Moderate-High Density Residential. The applicants feel this request is consistent with the use to the east. The City Engineer/Public Works has expressed concern about the availability of sewer to the subject parcels, additional traffic on a single access roadway, 7th South, and that it will be a problem if it at some time is blocked for any reason. The City Engineer/Public Works in his review stated that this is not a good use for the constricted access land.

Mary Ann Mounts said it has been mentioned that The Meadows has only one ingress/egress. The biggest concern has been brought to the Commission's attention by the Public Works Department - there is only one access road, and that road dead ends. When and if there comes a time when that road does not dead end, that might be a time when such an issue could be looked at. At this point, she believes as Public Works has said - that it presents a real safety issue here. The road ends and does not go anywhere. She does not feel the requested change is doable.

Thaine Robinson said on the Comprehensive Plan Map, The Meadows property is not really congruent with the Rural Residential neighborhood to its west. The City kind of inherited that project from the County. He would not want to encroach upon the Rural Residential. If the property was LDR1 or LDR2 it might be a different issue. Traffic bottlenecks on West 7th South here. He does not see the situation getting better and does not want to add to it.

Jedd Walker said when looking at the community as a whole, he would hope that the density could be developed in the places that have already been designated for the best density before changing other areas. He would like to see those areas that the City has specified to be densified to be filled in first.

Gil Shirley said the timing may not be right. He is concerned about the bottleneck that could increase here on West 7th South. He is concerned with safety. If there were other accesses the situation might be different.

Mark Rudd asked for clarification on a possible access north of The Meadows.

Chairman Dyer said the land has been platted, but it is awaiting development of the property to the north. The developer would be required to connect for circulation.

Chairman Dyer noted that this request is conducive in that it would be abutting against an existing multi-family, so it is worthy to come forward and be considered. However, he reiterated that the Commission has long struggled with this whole area west of the freeway. At the time there were a number of development proposals coming forward – stable single family neighborhoods, large plats with varied uses, and small pieces of property that wanted to be added on two or three at a time to all of this, and with varying proposed densities. The Commission recognized that they needed to get a handle on the master planning of this area.

The Commission spent a considerable amount of time and made a concerted effort through the comprehensive planning to get it all put together. They talked about leaving the buffer along the highway and then protecting the interests of the single family. The applicant has pointed out potential mixed use to the south. However the planning was done this way until it could be seen how things are happening; it was unsure how things would go – whether residential or commercial. It was mentioned tonight about an unwritten social contract. The Commission does that in a way with their planning effort, in indicating what they foresee to be the logical and desired types of development and growth in certain areas, and they have done that through the Comprehensive Plan. **Chairman Dyer** felt in the position to deny this request for these reasons and planning purposes, even though it is recognized that the applicants had a connective right to ask for this request. The Chair wanted the record to reflect that he very much appreciates Mr. Walker’s observation that the areas specified to be densified be filled in first. It is looking at part of a larger picture.

Thaine Robinson motioned to recommend to City Council to **deny** the Comprehensive Plan Map Amendment request for the properties at 1042 and 1068 West 7th South to change from Single Family Residential to Moderate-High Density Residential. **Jedd Walker** seconded the motion.

None opposed. **Motion carried.**

Unfinished/Old Business: None

New Business: None

Compliance: None

Non controversial Items Added to the Agenda:

1. ***Cancelled*** - Discussion – Kirt Crittenden – properties on Widdison Lane and Parkside Drive
2. **Priority Area of Infill Exercise Study** -
Not all of the Commissioners have completed this exercise. Emails will be sent requesting that they do so.
3. **Map**
Val Christensen said the purpose of this map is to look at use at a glance - the underlying use map. The idea with this map is to establish where some of the more solid stable single family neighborhoods still exist. The focus area that is being looked at for infill and redevelopment is outlined on the map. The map is still in the refining stage.

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

August 16- Infill Zoning Discussion

The meeting was adjourned at 10:25 pm.