

Planning & Zoning Minutes

December 19, 2013



CITY OF
REXBURG
America's Family Community

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Commissioners Attending:

Winston Dyer - Chairman
Thaine Robinson
Mary Ann Mounts
Gil Shirley
Mark Rudd
Richie Webb
Cory Sorensen
Melanie Davenport
Dan Hanna

City Staff and Others:

Bruce Sutherland – City Council Liaison
Val Christensen – Community Development Director
Stephen Zollinger – City Attorney
John Millar – Public Works Director
Scott Johnson – Economic Development Director
Kelvin Giles – Technology Coordination Services Director
Michael Bagley – Technology Coordination Services
Shawn Summers – Technology Coordination Services
Darrik Farmer – GIS Technician
Elaine McFerrin – P&Z Coordinator

Chairman Winston Dyer opened the meeting at 7:02 pm. He welcomed City Councilman Bruce Sutherland, City staff, applicants and interested citizens.

On behalf of the Commission, **Chairman Dyer** addressed **Bruce Sutherland**. It is recognized that this is likely Councilman Sutherland's last meeting with the P&Z Commission. He has served very faithfully and well as the Commission's liaison with the City Council for several years. He has been a great advisor and a champion of the P&Z process, and his wisdom is appreciated. He has given 24 years of service to this community. The Chair noted he was appointed to this P&Z Commission and as chair by Mr. Sutherland at the time when Mr. Sutherland was mayor of Rexburg. It is recognized that Mr. Sutherland has the community's best interest at heart. The City of Rexburg is a much better place because of his involvement. He was congratulated and thanked for his service.

Bruce Sutherland thanked the Chair and the Commission. He did not do this for power or money. He loves his community – that is why he has served. There is so much dedication from the good people of the community. He urged everyone who wants to see the community do better, to volunteer their time. You will never regret it.

Roll Call of Planning and Zoning Commissioners:

Mark Rudd, Melanie Davenport, Dan Hanna, Richie Webb, Winston Dyer, Thaine Robinson, Cory Sorensen, Gil Shirley

Jedd Walker and Chuck Porter were excused.

Mary Ann Mounts arrived at 7:07 pm.

Minutes:

1. Planning and Zoning meeting - November 21, 2013

Dan Hanna motioned to approve the Planning & Zoning minutes of November 21, 2013. **Gil Shirley** seconded the motion.

Mary Ann Mounts and Thaine Robinson abstained for having not been present.
None opposed. **Motion carried.**

Public Hearings:

1. 7:05 pm – Rezone – Approximately 1450 North 2nd East – Transitional Agriculture 1 (TAG1) and Light Industrial (LI) to Regional Business Center (RBC) – Walmart Real Estate Business Trust

Chairman Dyer gave an introduction and some background information.

The P&Z Commission is an appointed body, not an elected body. The Commission serves as an advisory body to the City Council. The Commission's charge is to review the matter and make appropriate recommendations for the City Council's consideration, which the Council will do for this particular matter on January 8th.

Chairman Dyer explained the process that is followed for a public hearing. The applicant or representative will present the proposal to the Commission. The Commissioners may then ask clarifying questions. Because of this particular issue's public interest, the public may ask clarifying questions in order to better understand this land use proposal. Staff may also be asked questions for clarification. Comments on how one feels about the proposal should be saved to be expressed during the public testimony part of the hearing.

During public testimony, everyone is guaranteed their say without any intimidation. Questions cannot be answered during public testimony. If giving public testimony, please state your name and address for the record, and your affiliation with the proposal, such as neighbor, interested citizen, etc. Anyone who wishes to speak in favor of, neutral to, or opposed to the proposal may do so. If there is opposition, the applicant will have the right of rebuttal. Staff will then give their review of the proposal and recommendations. The Commission will then deliberate the matter, looking at both pros and cons in order to reach a reasoned and rational decision on the issue, to recommend to the City Council.

The question to be answered is "shall this Commission recommend to the City Council the approval, denial, or approval with conditions for a zone change for the subject property from Transitional Agriculture 1 and Light Industrial to a new land use, as a Regional Business Center?"

This is a land use discussion and decision tonight. What shall this piece of ground be used for in general? Normally, development details of what is actually going to go on the land are not part of the discussion when there is a land use decision. Where this particular proposal obviously could lead to substantial impacts eventually, it will not be possible to totally ignore what the land will be used for. The Commission looks at whether the use itself will produce impacts that may be too great, or if any impacts could be mitigated. While Walmart is here to make the presentation, keep in mind the question of whether the land should be used as a Regional Business Center zone. The focus should be off of Walmart and onto the use of this property as being appropriate or not or with particular conditions.

The Comprehensive Plan Map was shown. Chairman Dyer said this map is the vision of what the land use should be in certain locations in Rexburg. What will it become and how will it best serve the community in the future? It is not a zoning map.

The Comprehensive Plan designations of the subject property are Light Industrial and Commercial. The P&Z Commission and City Council in past consideration of this particular area of Rexburg have visualized that one day this area would likely be developed in commercial and light industrial uses.

The Zoning map was shown. The zones are the actual standards and laws and restrictions of what can or cannot be done on a piece of property.

The Comprehensive Plan map is the wish list. The Zoning map is the law.

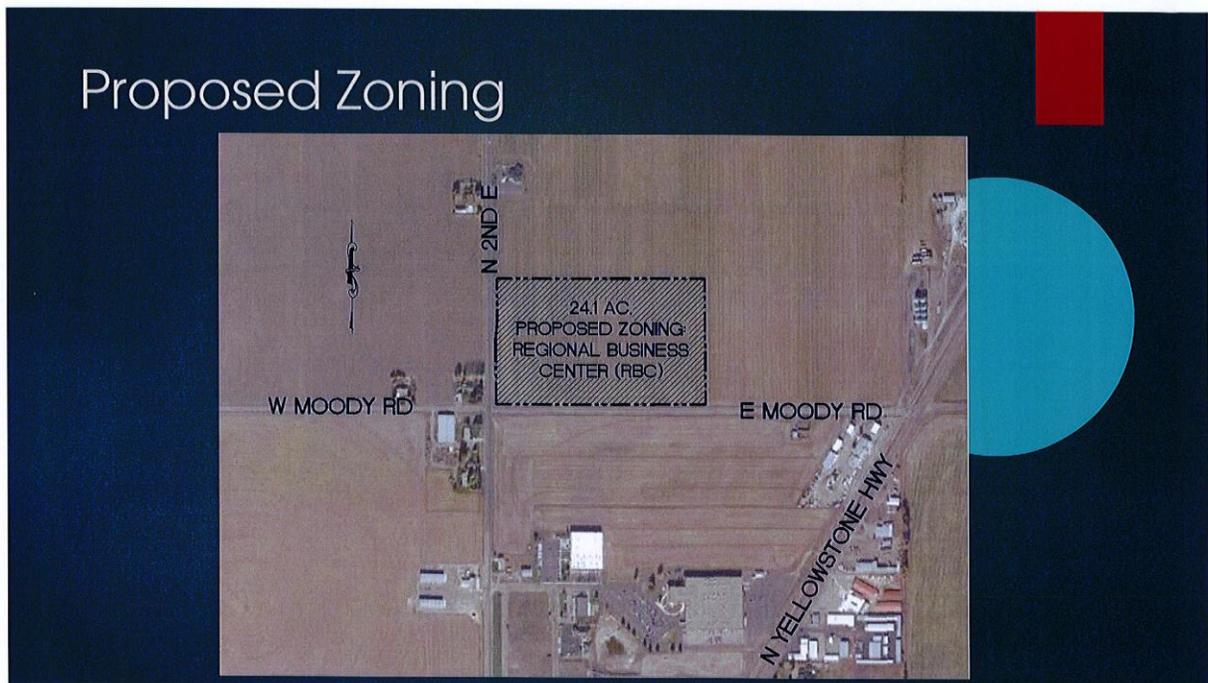
The subject property is zoned Transitional Agriculture 1 and Light Industrial. It is recognized that Transitional Agriculture 1 is currently an agricultural use but is expected to transition to other uses in the future.

The Regional Business Center zone is the proposed land use of this rezone request.

For clarification, **Val Christensen** read the definition of Regional Business Center (RBC) zone from the Development Code Ordinance No. 1026. In the RBC zone, in part, "...The primary use of the land is for commercial and service uses to serve the needs of people living in an entire region... The RBC zone should be located close to freeways and adjacent to major arterials to provide convenient access for major traffic volumes. The uses characteristic of this zone will be large chain department stores with satellite shops and facilities serving an extremely wide range of goods and services with an equally large selection of types and styles..."

The zone would provide for commercial services and a regional appeal.

The only other location that is zoned RBC in Rexburg at this time is near University Blvd to the south of the new McDonald's.



JoAnn Butler, 251 East Front St., Boise. She is representing the applicant, Walmart. She handed out hard copies of a PowerPoint to the Commissioners. Brent Turley of Transpo Group is here tonight; Transpo Group recently submitted the traffic impact study analysis to the Rexburg Public Works Department for staff review. Deborah Herron, Walmart Director of Public Affairs is here. Mike Neer and Jim Cook, engineering principals from Pacland, were not able to make it to tonight's meeting due to travel difficulties. Ms. Butler is covering for them.

Thank you to the staff and to the Chairman for setting the stage for the audience. The existing zoning was adopted by the city from when the property was annexed into the City of Rexburg in 2005, almost as a holding zone, recognizing what was there, but with the understanding that different uses may come along in the future. In 2008, the Rexburg Comprehensive Plan identified the property as commercial or industrial. This set the stage for a future rezone. The proposal tonight for a rezone to the Regional Business Center (RBD) zone is in accord with the City of Rexburg Comprehensive Plan. It is appropriate to use as commercial and zone as commercial. The property is a little over 24 acres in size.

Walmart is the applicant. They hope to get through the city processes including site plan review, design review, and a Development Agreement that will help get infrastructure in place. But tonight this is the rezone hearing, which would set the zone for the property so that any use under the Rexburg Development Code that RBC allows could be in this area. It is setting aside an area striving to provide regional commercial services.

Ms. Butler stated that Comprehensive Plan speaks of expanding shopping and the desire to capture lost sales in Rexburg that now go to other cities.

The RBC zone here is appropriate. It is north of downtown, but it will help capture those regional business sales. Part of a rezone would also analyze whether or not the surrounding infrastructure is adequate or what would make it adequate to the property. Mr. Butler reiterated that this request meets all of the rezone criteria in accordance with the Comprehensive Plan.

There is the need to increase the capacity of utilities. Water and sewer would have to be brought to the site. The project engineers have been meeting with City Engineer John Millar and other senior staff. It is to be identified what has to go into the Development Agreement that establishes exactly what has to be done to meet the necessary capacity, etc.

Ms. Butler reiterated that the traffic impact study has been submitted. Yes, the roads in that area need to be improved. There are County and Idaho Transportation Department (ITD) road issues also. This will be looked at over the course of the next month. It is not known today exactly what those improvements will be.

In addition to bringing the capacity of all public infrastructures up to speed to serve the property, the applicant would make sure the existing public services are not impacted. Impact fees will be determined for this new city business resident, making sure that capital improvements are kept up for public services.

It must be found that there are no nuisance or health issues. Any issue, including any health or nuisance issues, and capacity traffic, sewer, water, solid waste collection, and storm drainage would be addressed in the Development Agreement with the City of Rexburg.

There have been no recent changes in land use in the area, which was stated in the staff report. Walmart as the applicant is making the commitment to work with staff to make sure public utilities are brought up to appropriate capacity.

If this rezone proposal does move forward through all necessary steps and reviews, the project will be a Walmart Supercenter. Building size would be 186, 933 square feet. There would also be 3 out lots; at this point it is not known what will go on those lots, but the possible types of uses were looked at and considered in the traffic impact study.

JoAnn Butler concluded the presentation. The applicant requests that the P&Z Commission recommend to City Council approval of this rezone request. It is in accord with the Comprehensive Plan.

Deborah Herron, Director of Public Affairs and Government Relations for Walmart Stores in the Northwest Region 60, 935 Powell Ave., Renton, Washington. She is glad to be here tonight.

Walmart appreciates being a longstanding member of the business community. Walmart made an investment in Rexburg about 20 years ago. That investment continues to grow through jobs, through charitable giving, and through volunteers. Some familiar faces are in the audience – Walmart store manager Mike Bullard, as well as some store associates who have been with the company in Rexburg for 20 years.

Walmart wants to continue their investment in this community and in the region. The rezone is the first step for Walmart to do this. This investment would also include marketing the existing building should everything move forward, to draw more retail to this area. Walmart looks forward to continuing being a partner in this community.

Chairman Dyer asked for clarification of JoAnn Butler's affiliation with the applicant.

JoAnn Butler stated she is a land use attorney in Boise and the consultant attorney (Spink Butler) for Walmart.

Chairman Dyer asked why in general this particular parcel was chosen. This would be helpful to the Commission and would answer citizen concerns.

JoAnn Butler said the applicant in part looked at the size. There are not that many properties of this size in Rexburg that are available. The zoning and Comprehensive Plan designations were also looked at. The City has done a lot of work before tonight to expand the area to the north, including an annexation. There is a vision and goal of the city of Rexburg to expand further north; the City has given direction for this area to have more commercial. In some ways, this was easier than having to find other parcels and possibly going through a Comprehensive Plan Amendment change. These are the general reasons – the size of the parcel, and the fact that the City has already given some direction as to where they would like commercial to be.

Chairman Dyer said the RBC Zone has some very unique and pointed design standards for large regional developments and facilities. When the development step comes, which is beyond tonight's land use issue, would the applicant be willing to meet those standards and abide by them?

Ms. Butler said in discussion with Walmart architects and city staff, preliminary renderings have been looked at, and some input has been given. The applicant is happy to adhere to the design standards and guidelines.

Chairman Dyer asked what the applicant sees as impacts in general of this land use decision, and what benefits to the community are there that would be worth those impacts.

JoAnn Butler stated that whenever a commission is making a recommendation to a council, and a council is making the ultimate decision, what are being looked at are the benefits and burdens on the increasing urban life. With growth and change, there are always benefits and always burdens. The issue is to try for balance so there is a good middle.

There is a lot of construction going on in Rexburg. Boise would be head over heels if there was this amount of construction. This may be causing some consternation as well. There may be growing pains. It does improve the tax base. Traffic will be changed in this area and will increase. Traffic engineers will need to address this and will look at what needs to be done to mitigate the impacts to improve the roads. However, there is the benefit of a regional shopping area, closer and capturing sales within this community. Regarding infrastructure, the city has a good process in place to allow the Public Works staff to work with the applicants to identify the extension of public services into this area. Extending those public services is a benefit to this area.

Chairman Dyer said even though this is a land use discussion tonight, the subject of the existing Walmart building was touched upon. For the benefit of the citizens who are here tonight, what is the plan for this building?

Deborah Herron said Walmart's intent would be to market the building for sale to those in retail or other businesses who might be interested in a building that can be reused. The reuse and renovation of an existing building is very sustainable. Walmart looks forward to marketing this building and leveraging their original investment in doing so.

The **Chairman** stated that Rexburg has experienced phenomenal growth, with the University's expansion, etc. For the record, is Walmart making the commitment to market the existing Walmart building?

Deborah Herron said Walmart is committed to do so. This was also stated to the Rexburg Standard Journal several weeks ago when the application was submitted. Regarding why the new site was chosen from a business perspective, Walmart gets a lot of feedback from their customers. Their customers are telling them that they would like a full service store that has additional departments and offerings than what can be provided in the existing square footage. Walmart wishes to better serve the customers. This is one of the fundamental foundations of this company's service.

Chairman Dyer asked an additional development question. It was indicated that there has been some discussion to date regarding a Development Agreement with the City of Rexburg. For the record, is Walmart willing to mitigate whatever impacts are discovered and identified, so that to address them and make them functional will not become a burden on the citizens of the community in the future?

Deborah Herron stated yes. Walmart is willing and has demonstrated their willingness to work with city staff as to what elements may need mitigation, and working together on solving them. This is their approach in every community.

Joann Butler said it has been a delight to have had initial conversations with staff because they clearly know this community well. They have been very helpful to help Walmart identify what the particular public infrastructure issues are and the impact of this particular use. Because of their being very direct and pointed about what is needed in terms of a sewer line or water line, road issues eventually, etc., all indications are that this will all come together.

Chairman Dyer said in fairness to Walmart, it is obvious that mitigation of impacts needs to be reasonable, but at the same time there could be substantial impacts to mitigate. If so, is Walmart prepared to move forward with reasonable requests and a Development Agreement?

Ms. Butler answered yes. The Pre-application meetings with staff have been very helpful, helping them to understand even before making application, what the parameters are likely to be.

Melanie Davenport had a question in regard to the Regional Business Center zone design standards intent. The Development Code Ordinance No. 1026, *Section 4.13 Commercial Design*

Standards states: "...design standards will promote a more interesting City and better create a 'sense of place'. A community with an expectation of high quality development will attract businesses and employers that feel the same about their companies thus perpetuating a higher quality community that promotes quality business..." From the Design Standards *Intent* (v.) section under *Facades and Exterior Walls*: "Facades ... should provide visual interest that will be consistent with the Community's identity, character, and scale...."

Mrs. Davenport stated this is a beautiful community. She asked if it is Walmart's intention to present the minimum required design standards, or if they would be willing to go the extra mile, with the intent of this Code.

JoAnn Butler said several *Intents* are in this Design Standards Section 4.13 of the Development Code. There is the intent to encourage a more human scale for the facade, the intent for a friendlier appearance, the intent to vary the roof lines, and the intent to vary materials and colors of exterior walls as part of the visual impact of the building. Rexburg as a community has a sense of place. All of the *Intent* statements under *Section 4.13* are what Walmart would intend to do.

Deborah Herron added that building at this day and age affords them to incorporate a number of sustainable design standards as well as some other materials one might not see on a Walmart either in Rexburg at this time or on Walmart stores in the eastern part of the state. What they will be bringing forward in building elevations looks remarkably different than what one may be used to seeing.

Melanie Davenport hoped Walmart would seize the opportunity to create something that is as aesthetically beautiful as the rest of this community. How will this Walmart compare in the shopping experience to the other Walmart stores, to bring sales here and keep people here?

Deborah Herron said should all plans move forward, Walmart's intent would be to have a full service store, which would include a variety of departments on the interior, and would also bring the latest in design standards that they are pursuing at this time. There are a number of things included in those design standards that do everything from making buildings energy efficient to the use of stone and texturing on the outside. Ms. Herron stated she has taken notes on what has been said and appreciates the question being raised so they can confer back with their architectural team.

Thaine Robinson said from a land use perspective for this proposed property, is the property in the Sugar City School District or the Madison School District taxing revenues?

Stephen Zollinger said this has no relevance to the issue because the Commission does not have any responsibility regarding this issue.

Thaine Robinson felt it would be good to know this information.

Richie Webb appreciates Walmart being here tonight. He asked for comparison of the 2 buildings and of parking.

JoAnn Butler stated the existing Walmart building is one half the size of the planned new Walmart building. The parking meets code requirements (about 3 times more parking). The square footages of the out lot buildings have not been determined. They will comply with the Code requirements.

Val Christensen said he is struggling at this zone change level in regard to the concern for the number of parking spaces. He understands discussion of impacts but the number of parking spaces and architectural design gets passed a zone change impact discussion and would be reviewed in the building permit process.

Richie Webb stated he is trying to get a sense of how much more traffic there may be here.

Chairman Dyer stated that because of the great interest in this issue and the decision to be made, the audience will be given the opportunity to ask any clarifying questions to help them understand

the proposal. Please hold editorializing or expression of feelings for during the public testimony portion of the hearing.

1. Trever Einerson in the audience wondered about the jogs in boundaries of the Comprehensive Plan land use designations in the subject area.

Stephen Zollinger said at the time that the Comprehensive Plan was adopted, the property to the east of the subject property had just recently been purchased by an industrial user. The designation was driven by what was about to get built.

Chairman Dyer said at that time, the city wanted to define 2nd East/Salem Highway as a commercial corridor. They started by looking at how deep they would have to go off the roadway to be able to accommodate reasonable commercial development. A minimum setback of 600 feet was set.

2. A citizen in the audience asked City limits to be pointed out. Rexburg City boundaries and Sugar City boundaries were pointed out on the overhead map for clarification.

3. A citizen asked if there are restrictions on the sale of the existing Walmart property. Are leasing and selling the same? Is there no restriction on who they can sell the property to when it is marketed? Can the building be sold to anyone?

Deborah Herron said tonight their focus is on the zoning question. When Walmart has a property they would be marketing, sometimes it makes business sense to do a sale and sometimes it makes business sense to do a lease. They are not at that point yet, so the question cannot clearly be answered. They have an existing building with several hundred associates that are running a business operation every day. They would not get to that point until they are sure that the next step of rezoning is going to happen, with plans firmly in place, before they start working on the existing building. At this point, Ms. Herron is not aware of any restrictions, but she would like to take some time to research this question and provide answers to City staff that they can provide to citizens who are interested.

The **Chairman** asked if staff had additional information to help the Commission to understand the proposal.

Val Christensen clarified that the subject property includes 2 Comprehensive Plan land use designations - Industrial and Commercial. When a property covers more than 1 land use, the applicant may request either use.

Chairman Dyer opened the public input portion of the hearing.

In Favor:

Johnny Watson, 1152 Bond Ave. He is a lifelong community member; he is very concerned about his community. Secondly, he is a neighbor to the south of the subject location with his business. Thirdly, regarding his professional career, he is very excited to see the possibility of an additional RBC zone in Rexburg. He has done a number of preliminary designs for people who have tried to negotiate property in the RBC zone at the south part of Rexburg. He has felt though the owners are good friends, that the zone to the south is being held hostage for developments that have tried to come into Rexburg. He does not know whether it is price or other issues.

How would this zone change affect the community? Some may argue that the infrastructure may be currently stronger to the south. There are different kinds of infrastructure. There is a far greater investment by business people in the interest of existing facilities out on North 2nd East. If this land use created a vacant space, does that vacant space become more marketable by the use of RBC to the north or to the south?

He has grown up watching how Idaho Falls has changed. With this zone change, the vacant space would be used, and 2nd East becomes stronger. It will buoy up businesses better with this change of zone to the north than on the south. Water and sewer can be added a lot more easily because of the existing infrastructure that is already on 2nd East. Please weigh these things in your decision. He is definitely in favor of this zone change.

Mike Bullard, 3960 East 2060 North, Rigby. He is the manager of the current Walmart in Rexburg. The reason he is in favor of this zone change request is that he wants to take care of the customers better and serve them better. The current store space is tight. This new store would be larger; Walmart would be able to offer a lot more opportunities to the customers and the community.

Rachel Whoolery, 2169 Ferris Lane. There are 3 things this community needs. One is jobs. Enlarging the facility would increase job opportunities for the work force in this community. Secondly, Rexburg loses a large amount of revenue. This would provide an anchor to bring people here and also to stay here. Third, businesses have a high turnover. Maybe businesses such as restaurants would be better able to stay in Rexburg with this change.

Neutral:

Kristine Bennion, 295 Shoshone. She is not for or against this request. Her main concern as a citizen is what is going to happen to the old Walmart building. She hopes the Commission and the City Council vigorously do their due process to understand the impact that an empty building would leave in that section of town. Why is Walmart not expanding where they are?

It is great that the business will bring more revenue and more jobs. She would like to be able to stay here and not go to Idaho Falls. Also, if they lease the current property, are there restrictions on who could lease it? Citizens should not be stuck with the bill for reuse of the building. She is concerned about lease or sale of the old building.

Trever Einerson, 87 Ash Ave. He appreciates business people and those who want to invest in the community. There have been a lot of changes and ideas in the last few years. He is a real estate agent and builder. He is relocating the Ace Hardware store currently from 2nd East to the downtown area to a new building under construction. They are currently renting their building, and it will be empty when they move. That is their decision. If Walmart wants to build to the north, more power to them. If they want to build to the south, more power to them. If they want to stay where they are, that is fine. He appreciates the process and is neutral.

Opposed:

David Stein, 370 South 4th East. He was on the P&Z Commission for 6 or 7 years when the City last talked about potentially putting a regional development in the City. At that time the P&Z Commissioners and City Council were very concerned about the impact on the infrastructure. He drove the distance the other day. It is about 2 miles to the nearest other store. Much of that 2 miles is a 2-lane country road, heavily trafficked. His concern is the impact in terms of moving the sewer and the cost. You talk about mitigating, but who is going to pay for that? You can mitigate but it is a huge expense to expand that road so it can handle that level of traffic as well as the services.

Mr. Stein's other concern is the talk about lost sales. The Comprehensive Plan, which is the vision document, specifically talks about lost sales related to entertainment, sit down restaurants and convenient shopping. Walmart is not his definition of convenient shopping.

The Comprehensive Plan vision statement states that "... The City is economically sustainable and has vibrant business districts. Rexburg strives to maintain a supportive and friendly environment for these businesses as they help define a significant part of the city's economic base. 'Home grown' businesses have been a staple of the community for years, but have difficulty competing against larger retailers. Rexburg values small, locally owned businesses and is supportive of helping these businesses become a stronger economic force."

He is not sure how changing the zoning of this area helps that vision statement. It is not in the best interest of the community in terms of the overall business community. If there is going to be a regional development, it has to go where the momentum is, and that is to the south where there are already hotels and restaurants, it is close to the University, and infrastructure is already there. If someone wants to put in more regional development, they should do it there, not practically out in the country. He respects that it is near the highway, but the reality is most students are going to drive up 2nd East, which already has traffic issues and accidents.

Mr. Stein appreciates the work of the Commission. It is a hard decision. Private property rights and the beauty of capitalism have to be weighed. There is the public good and the impact. The impact of this zone change at this time is too large. He does not think the City at this time is able to support a Regional Business Center. We cannot do it based on low prices. Some people travel further for more variety or better prices; that is their choice. The community has a sense of place and is thriving, but there are also a lot of struggles within the business community, within the downtown area. There are a lot of vacant spots within the existing business community. We do not have to create a new business area north of the City where there is nothing there.

Written Input: None

Chairman Dyer closed the public input portion of the hearing.

Rebuttal:

JoAnn Butler addressed the neutral comment by Kristine Bennion regarding concern of what happens to the old store. The store will be actively marketed. They will get specific information on any restrictions and get back to Kristine Bennion. She also asked why the existing store is not being expanded. It is sometimes difficult to bring a willing buyer and a willing seller together, and sometimes it does not happen. In this instance, there is the ability to purchase land of the size that will serve the use. David Stein commented on having to weigh the public good. She would say to the Commission that is correct. The weighing of the public good happened by the legislative body of the City, the City Council, at time of the Comprehensive Plan adoption in 2008, as their vision of the future, including bringing in regional development to the area, to capture not only the downtown but a broader area.

Deborah Herron anecdotally said a circumstance comes to mind regarding a similar size Walmart store in another state. There was a business decision to relocate that store in the community. The purchaser of the prior property was a manufacturer of electrically powered motorcycles. She states this to give a sense of breadth of the uses. That may not comply with the zoning in Rexburg. When Walmart markets a facility their professional real estate staff will bear in mind city codes, city zoning, etc. so that they are looking for the right kind of buyer.

Chairman Dyer asked for the staff evaluation and recommendations.

Val Christensen gave his staff report. The size of the property to be rezoned is 24.19 acres. He reiterated the rezone would change the subject property from Transitional Agriculture 1 and Light Industrial Zones to the Regional Business Center Zone.

The Comprehensive Plan map designates the property as Commercial and Light Industrial. When a parcel covers more than one land use, the applicant may ask for either use. The applicant is requesting the Regional Business Center zone; this zone is allowed under the Commercial land use designation. Staff feels this is a good fit as far as the Comprehensive Plan land use map. If someone was asking for a total Light Industrial zone here going out to 2nd East, that would likely have even greater impact.

The City Engineer is currently working with the traffic study that he recently received. It is premature at this time to know what is going to come from that study. He has been in discussion with the engineering firm who put the study together. The City Engineer is also working with the applicant's engineering firm to put together the Development Agreement that will address sewer and water getting to the property, size of the street and sidewalks, and other development aspects. Staff requests that the Commission as part of their findings identify the Development Agreement and the satisfaction of the City Engineer and the City of Rexburg.

If the Commission determines all criteria are met, Staff requests the Commission recommend approval to City Council of the zone change.

Richie Webb said when the Regional Business Center (RBC) description was read earlier in this meeting, to him it sounded much more like a multi-unit type shopping center that would have a big box store or two, much more of a shopping area than just a big box with three out lot parcels. Please clarify how this fits the RBC.

Val Christensen feels the zone could be expanded; this is the first request. If it is found that this request is the right fit for the property, it could be looked at for the surrounding area. It is premature to say in which direction this may be.

The required minimum lot size in the RBC of 20 acres is met in this request. The three out lots are fairly large and could be quite diverse. If the area is determined as right for this request, this would be a good anchor for this zone.

Chairman Dyer wondered if the Fire Department had any concerns at this point. He understands this would be looked at later as part of the building permit process.

The Chair asked City Engineer John Millar if there were any concerns in getting adequate fire protection out to the area.

John Millar stated they are working on the final phases of a water system master plan. They have an up to date computer model that shows excess capacity available at that area. Flow-testing of the hydrants is to be done today.

Chairman Dyer said in general there has been a lot of discussion about the Development Agreement. It is central to this land use decision. The Commission recognizes that those are discussions and details that will take place. Obviously there is quite a cost in infrastructure development. He asked if there was anything in general that Mr. Millar sees as prohibitive in changing the land use in terms of infrastructure that would give caution or greater detail to the Commission in making a decision.

John Millar stated in conjunction with the Comprehensive Plan, the utilities are planned for such a change. When the line was extended at 2nd East years ago, it was a 12-inch capacity to serve growing areas. Long term, that water line would be extended east and west from this point. Eventually that line going west will cross U.S. Highway 20 and wind up clear over on 12th West. All of this will be

looped together. In order to get the subject area served with sewer, a pump station, which the City would incur some cost on, would be required.

The City would recover later from others who would hook on to the line system.

Chairman Dyer said this request is a major land use question and proposal for this community. He thanked the Commissioners for bearing with the lengthy discussion. He thanked the applicant for the very helpful presentation.

The Chair suggested discussion along 2 lines. First, look at the pros of this particular decision and why it would be in the community's best interest to support this zone change. Then to make sure the Commission does its duty and due diligence, speak about any concerns or cons that need to be taken into consideration in the Commission's decision making. Through this discussion, a consensus regarding the issue can be identified in order to move toward a decision on the rezone request.

Advantages:

MaryAnn Mounts stated that some advantages are the extending of public services out farther and of future jobs. There are a lot of people who are excited to have a Super Walmart here. She did not want the first Walmart, and she does not shop in Idaho Falls. As her first choice she would love to see Walmart stay where it is at. Her second choice would be for Walmart to be on the south side of Rexburg where the infrastructure is better for it. However, we need to focus on the fact that the decision was made in 2008 when the Comprehensive Plan was adopted that allows for this to happen. That adoption limited the ability to deny this. While she agrees with many things that have been said here and while she has feelings about whether or not she wants this, do not get too bogged down in emotional issues because at this point in the process, the focus of the discussion is on if this is a good zone change.

Richie Webb said as he looks at the history of Rexburg, for him it converted from a town that had a lot of small local businesses that were actually more successful than the local businesses are today. The reason that happened is that Idaho Falls became a very regional shopping center, and it has drawn people going both north and south. In order to be able to capture and become a regional area, things like a supercenter and other big boxes and other businesses need to come to this area to be able to help it to grow and become a regional place to keep people here, because we are losing them. Is this going to impact small businesses? Small businesses have already been impacted. The greater impact is happening 30 miles down the road. The growth that is happening there continues to outpace what is happening here. Rexburg needs regional draws in order to compete. If this is the first one that helps draw other big boxes to this area and helps economically, then we need to be supportive of that direction. Just continuing to stay status quo in the hope that the small businesses are all of a sudden going to do better is a false hope.

Thaine Robinson said he is always one for looking at the future and trying to make decisions better for Rexburg 10 or 15 years down the road. This is a good decision 10 or 15 years down the road. It may not be a good decision for the next 2 or 3 years because of some cons that may be talked about, but it is a good decision for Rexburg's future growth.

Cory Sorensen grew up in the small town of Fallon, Nevada. This happened in his hometown. There was a Walmart when he was in high school. Five or six years ago, a new Walmart was built to take its place, 2 miles down the road, very similar to this request. Since then there is an amazing

charter school and a rental business at the location. The Walmart is a huge success. Part of Christmas when he was growing up was driving 60 miles to go Christmas shopping in Reno. Now, his family sometimes goes Christmas shopping in Idaho Falls. He is a dad of six kids. He goes to Walmart in Idaho Falls because there are so many other options there. The way to help our local businesses is these regional draws. This is the start. This is a great thing, whether it is on the north or the south. That is Walmart's decision, as long it is made sure that the infrastructure and other things are fair for both the City and Walmart.

Melanie Davenport said tonight the Commission has heard from several people during public testimony on their feelings regarding this request. Her favorite Walmart store is in Perry, Utah. They merchandise their store beautifully.

She feels that the design standards for the new Walmart store should be more than just the required minimum standards. If they cannot fulfill the *Intents* under Section 4.13 v. Design Standards as stated in the Development Code and discussed earlier in this meeting, Rexburg does not gain anything in the relocating, if it does not attract more people and draw more people in. If these things are addressed and they give Mr. Bullard (store manager) the opportunity to do a better job to serve customers, than he can do a better job. The look of the building and the landscaping must be nice.

Chairman Dyer stated the request is consistent with the City's Comprehensive Plan. It provides for economic development, jobs, and taxes. Rexburg is grateful always for people with a willingness to invest in the community and with something that can be done that would enhance the attractiveness of the community overall. If it is done properly, it will entice and expand Rexburg's regional appeal. It would attract other businesses, because it would serve as an anchor. One of the advantages for having this on the north rather than the south is that there has been quite a growth of the rest of the business community along that corridor. If it were to go on the south of town, that could cause some concern to that business community. From a regional perspective, the location is near the highway where it has access to other cities and transportation and freight, etc.

Dan Hanna stated this development would provide a presence off of Highway 20 to show there are goods and services available. What he likes about the location is the Moody Road and that there may be 3 accesses off that road and 1 access off 2nd East. It would help create a flow of traffic. The development would complement the corridor being looked at for 1000 East. This would invite people from various directions and gives the opportunity to address issues on North 2nd East that in the long term would be beneficial. Also, regarding the current store building, having an empty building for economic development is a big plus. There are not too many.

Concerns:

Concerns and impacts to the community regarding this rezone request were discussed.

Mary Ann Mounts said her biggest concern is the traffic.

Thaine Robinson said he has some concerns but they are probably short term. One is that some businesses have postured themselves to be around Walmart, and when Walmart moves it is not helpful. Also, there are college students who walk to Walmart. Unless public and private transportation picks that up, they would not be walking down that road. We are also leaping a lot of places to put in another building.

Gil Shirley said a lot of the issues are dealt with in the Public Works Department staff review comments on this rezone request that were provided to the Commissioners in their information binders.

Chairman Dyer requested that these review comments be entered into the record.

Rezone Application File #13 00494 – Walmart Real Estate Business Trust
Zone Change Comments from Public Works:

1. *Our primary concern is the change in traffic patterns that may be driven by this zone change for this development, or any other commercial development that may desire to locate on North 2nd East. The developer has been required to complete a traffic study to determine the projected impacts of the proposed zone change. This study has not been submitted to date, but we are anticipating that we will be able to work with the proposed zone change to mitigate any effects that may result.*
2. *The City has adequate water supply and capacity to meet the demands of the proposed zone change. The development will be required to extend water main lines to the site and also to extend those water lines through this development to facilitate looping of the local water distribution system as the area continues to develop.*
3. *Wastewater collection will require the construction of a pumping station and related pressure line to move the wastewater from the proposed development to the existing collection system at Stationery Road. We will be working with the development to locate and size the pumping station so that it will provide capacity for any potential development of lands north, west and east of the proposed site.*
4. *Storm water management will be located on site and will be constructed to meet the requirements of the Division of Environmental Quality, “Best Management Practices”.*
5. *Traffic control facilities, road widening, turn lanes, etc. will be determined as we review the information from the traffic study and have a formal site plan to review.*
6. *Public Works sees no obstacles that cannot be properly engineered that would negatively affect moving forward with the proposed zone change.*

Cory Sorensen said his biggest concern is the bridge crossings, basically non-existent except for one, that can handle traffic loads. The City has been in conversation about this for several years. By putting RBC here it may force the City to deal with a problem they know they have had for a long time, which would benefit everyone in the community, in having other traffic patterns that can cross the river.

Chairman Dyer stated as a planner, professionally and for many years as a member of the Commission, this proposal makes zero sense from a planning perspective. It is a mile and a half further from anything they have got, which will bring problems. He thinks of Logan, Utah that located a similar expansion north of their town. Because everyone needed and wanted to locate along there, that corridor was crowded. The City and County then had to get together with a multimillion dollar cost for a whole new traffic facility a mile to its west to be able to get around all this and keep traffic moving.

It is very expensive infrastructure to expand out to the subject location. Walmart has committed in the record that they would be willing to step up and take care of some major responsibilities so they would not impact the citizens of Rexburg. Mr. Stein’s testimony points to all of that. We have made a major, major effort at turning Rexburg into a pedestrian community. We put the Pedestrian Emphasis Zone overlay around the University and put in place the redevelopment areas there. We have done remarkable things. We have encouraged owners to build high rise structures to maximize the density, and then issue ‘no car’ contracts to their tenants so they could easily walk to

places. Now there is the question of having to have a car. 2nd East has a problem. The level of service here sometimes breaks down to a failing grade.

There is not any question that this is an area that is appropriate for the use. The question in the Chair's mind is one of timing. There have been requests before, and it was felt that the timing was not right. It has always been said that we will do it when we get the right use, the right opportunity that would start this all off in a major way.

The question is, is this the opportunity? If the Commission were to consider recommending approval for this rezone request, the Commission might consider a condition that it could be subject to the successful negotiation and execution of a Development Agreement with the City, so that concerns are mitigated and covered.

Melanie Davenport said this may not be in walking distance, but there are other businesses that sell what Walmart does that are in walking distance.

Dan Hanna asked for clarification that the Development Agreement is always part of the development process. He wondered why it would need to be a condition for a zone change.

Chairman Dyer said that normally it is part of the process. He is furthering the Development Agreement, that if they cannot come to terms (successful negotiation and execution) on the Development Agreement, then the land use should not move forward. Further, this is Walmart, and their investment is appreciated. But, what if it gets too expensive for them, or they end up with other plans; now the City has rezoned this property and it is wide open for just anything.

The Development Agreement is key, because this is going to create hundreds of thousands of dollars of impact in infrastructure.

Dan Hanna wondered if there were specific conditions within the Development Agreement that needed to be identified.

Melanie Davenport would like a design review.

Mary Ann Mounts said we need to think of the zone change only. We are here tonight to decide if this request is an appropriate zone change. It is not the time to address specifics or the design review.

Possible conditions and a possible sunset clause were discussed.

Cory Sorensen felt if a Regional Business Center zone makes sense, it would be an anchor no matter what the business. The market will drive what goes there. He thought recommending approval with no conditions was appropriate.

Richie Webb said in 2008 when the Comprehensive Plan was adopted, this is what we had in mind. Let's go with it.

Cory Sorensen motioned to recommend to City Council the approval of a zone change for Walmart Real Estate Business Trust, for the property at approximately 1450 North 2nd East, to change from Transitional Agriculture 1 (TAG1) and Light Industrial (LI) to Regional Business Center (RBC), as proposed. **Richie Webb** seconded the motion.

Motion discussion. Stephen Zollinger clarified that the City is not going to allow anyone to build anywhere in the City if we cannot service them pursuant to the Development Agreement.

None opposed. **Motion carried.**

Break was called.

Mary Ann Mounts was excused from the meeting.

4. 7:30 pm - Conditional Use Permit –340 & 330 North 12th West – to expand the existing mobile home park – Pier 340. The zoning of the property is Medium Density Residential 1 (MDR1). The property is in the Impact Area.

Chairman Dyer on behalf of the Commission apologized to Rachel Whoolery for the previous hearing held on November 21, 2013 regarding this issue and all of the consternation it involved. Due to hearing process procedure error (hearing had 3 City and 3 County P&Z members when it should have been just the full Rexburg P&Z Commission), that hearing was declared null and void. A new public hearing for the same request is scheduled tonight.

P&Z Commissioners Gil Shirley, Dan Hanna, and Chuck Porter represent the Impact Area on this Commission. Their votes are equal in weight to essentially the balance of the Commission on a matter that is outside the City and in the Impact Area. Chuck Porter is excused this evening. Mr. Shirley and Mr. Hanna will represent the Impact Area tonight.

For the benefit of the Commissioners who were not at that present, the hearing was very lengthy. Mobile home courts are not frequently dealt with. Rexburg's mobile home ordinance dates from 1974.

We cannot transfer the information from the null and void hearing, but because of all of the discussion that identified the issues, the Commission knows what to focus on that will help to facilitate discussion of this matter. For the Commissioners' benefit, they may refer to the November 21, 2013 P&Z Commission minutes that they have before them.

The P&Z Commission's recommendation that is made tonight will go to the Madison County Commission for a final decision because the property is in the Impact Area.

Rachel Whoolery, 2169 Ferris Lane, an owner of the property, presented the proposal. A new site plan was handed out to the Commissioners. From meeting with the Fire Chief Corey Child and Fire Inspector Dale Pickering and Val Christensen, some changes were focused on. The difference in this site plan is the 30 foot wide road with 4 foot sidewalks on each side, so there is 38 feet of pavement that can take the weight of the fire trucks. It is a marriage of many ideas.

The property is on North 12th West where the boat house is located. Currently there are 13 trailers. The plan would be to add 31 more trailers. Infrastructure would be brought in, with a lift station. It would go half a mile to the nearest hook-up which would be near the Shell Station at West Main and 12th West.

Mrs. Whoolery has had many meetings with City Engineer John Millar. The City is looking at how much commercial is going into the area; the City would increase the line on top of what is necessary for the mobile park.

There is a need in Rexburg for lower priced housing. This makes it more affordable for some people to own their own home. The plan is to bring in some of the trailers and also have other people bring in theirs. Mailboxes are in front. Parking pads are shown, with two 9' by 20' parking stalls per pad for each trailer as required by ordinance. There would not be any parking on the street. Chief Child

wants to make sure fire lanes are accessible. There is a pathway at the very center of the lot going to the recreational area, which is to be planned, and which will include playground equipment. There will be lots of green space. Her hope is to keep kids off the street. The walkway to the play area would be away from the road.

Water already runs along on 12th West. The property would hook on to that. Snow storage areas were pointed out. Snow removal is contracted. Everyone maintains their own yard and parking pad. There are existing enforced contracts with the tenants which address noise, care of lawn, not parking on the street, etc. Mrs. Whoolery lives close by the trailer park and drives by the property frequently; the property would not ever become unkempt.

Flood elevation site data has been completed. Very few of the trailers are below base flood elevation.

Rachel Whoolery read Fire Chief Child's letter for clarification (see following page).



26 North Center Street, Rexburg, Idaho 83440 * 209-359-3010

19 December 2013

Rachael Whoolery
2169 Ferris
Rexburg, Idaho 83440

Dear Ms. Whoolery,

In reviewing the pdf in your email of 18 December 2013 (pier340v7A.pdf), I have the following comments:

1. The site layout appears to meet the requirements as listed in my 10 December 2013 letter to you. However, there are a few questions and changes that need to be addressed as noted below.
2. There is no cross section on the site plan noting the imposed load requirement of D102.1 of the Fire Code.
3. The road at the entrance of the property will need to have a 30 ft. radius on both sides according to the City Engineers specifications.
4. The north east fire hydrant needs to be moved 100 ft. to the west—this will allow a 450-500 ft. spacing of hydrants on both sides of the road.
5. Although the turnaround meets the requirements of the Fire Code, it does not need to be as spacious as designed. This is certainly your call. Perhaps the space on both sides of the road could be used for visitor parking. The fire code requirement in Appendix D would allow this area to be narrower if needed.
6. The site plan does not indicate any placement of signage for no parking—we will require the final/approved site plan to include a signage and addressing plan.

This letter is provided as clarification only; the requirements and recommendation in the 10 December 2013 letter are still applicable.

If you have further questions regarding this plan, please feel free to contact me or Inspector Pickering.

Kind regards,

Corey R. Child
Fire Chief

c.c: Inspector Pickering
Val Christensen
John Millar

Our Goal, Our Mission, Our Purpose

To Maintain a State of Readiness in:
Our People, Our Equipment, Operational Accuracy,
and Administration

Our Core Values

Integrity, Honor, Pride and Courage

Mark Rudd asked for clarification on if because there would now be an extra sidewalk and widening of the road, the Fire Department is now not requiring it to be on the north side.

Val Christensen clarified that the Fire Department requires a 26 foot set up area in order to park their vehicle if necessary. Public Works wanted at least a 12 foot lane. That is how the 38 foot size was reached.

Mark Rudd asked if any agreement for access with adjacent property owners was still necessary, as it was mentioned in the previous meeting.

Rachel Whoolery said this new plan will work. With this plan, they do not need neighboring landowners' access.

She had contacted the landowners with no positive results.

Dan Hanna asked if screening, landscaping and fencing had been addressed. The intent would be to buffer the trailers from the neighbors.

Rachel Whoolery said the neighbors are actually barley and alfalfa fields at this time.

She stated that a 4-foot picket fence is in place. She would like to keep it as it looks nice. They will need to finish a small part near the stables and will also put in trees. The trees would be around the recreation area and the boat house area. The trees would not be on individual lots. There will be lots of grass.

For clarification, **Chairman Dyer** read from the Mobile Home Ordinance No. 548, Section VII E:

Development of Boundaries

An ornamental, sight-obscuring fence or wall of not less than five (5) feet nor more than six (6) feet in height. And/or evergreen planting of not less than five (5) feet in height, shall surround the mobile home park. Such fence, wall or planting may be placed up to the front property line if adequate vision clearance for entrances and exits is maintained.

Rachel Whoolery stated that some of the existing trailers would be repositioned as people move out.

Chairman Dyer said Mr. Hanna and Mr. Shirley represent the County's interest in this particular matter. He asked if they had any further questions regarding understanding what is proposed.

Dan Hanna felt this proposal is better all-around than the previous one.

Gil Shirley thought the mailboxes being moved off the road and the accommodation for school buses are positive and are improvements for safety.

Melanie Davenport asked Rachel Whoolery is she is satisfied with this final design and the recommendations that have been given.

Rachel Whoolery said she would know more in the future when this goes up for bid.

Width of the road and the lift station, gravel, and concrete pads are very costly. It is like a subdivision without the revenue that homes create.

It was reiterated that the Rexburg P&Z Commission recommendation will go to the Madison County Commission and not to the Rexburg City Council.

Val Christensen clarified the existing mobile home park is being looked at as a grandfathered 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 recommendations.

Val Christensen said the applicant went through a zone change from Transitional Agriculture 1 and Rural Residential 1 to Medium Density Residential 1 for this property a little over a year ago. The CUP is required in Medium Density Residential 1 for a mobile home court. The Comprehensive Plan land use map designation is Low-Moderate Density Residential. The adjacent properties are agricultural with some residential homes across the street.

The City Engineer review comment stated there would be a need for right-of-way dedication of 12th West. He has worked with Rachel Whoolery regarding sewer connection. John Millar, Corey Child, and Val Christensen met and came up with the 38 foot wide aisle, which the sidewalk is part of. Mrs. Whoolery has provided two parking spaces per trailer, so there will be some internal visitor parking.

The recommendation of this Commission would go to the Madison County Commission.

Chairman Dyer noted for the record that it appears the applicant has addressed all concerns that were identified previously, and those concerns were discussed here tonight.

There was discussion to clarify conditions.

Dan Hanna motioned to recommend to the Madison County Commission approval of a Conditional Use Permit to expand the existing mobile home park at 340 and 330 North 12th West, to include 12 conditions:

1. There shall be right-of-way dedication of 12th West as per the City Engineer.
2. There shall be a plan for sewer line and water connection per City requirements.
3. The fire lane shall be approved by the Rexburg Fire Marshall.
4. There shall be a Development Agreement with the City.
5. Lighting within the trailer park shall comply with City standards.
6. There shall be adequate fencing and/or landscape buffering as per requirements of Title 14 for Mobile Homes of the Rexburg Municipal Code.
7. All trailers added to the mobile home park shall be hooked up to City services (sewer and water).
8. Elevations of mobile home trailers shall comply with FEMA standards.
9. There shall be a walkway installed to access the play area mid-way through the development.
10. Any trailer moving into the trailer court shall meet State mobile home standards.
11. There shall be a 30-foot wide private road with 4-foot sidewalks on each side, and with No Parking signs as required by the Fire Marshal.
12. There shall be 2 parking spaces per trailer to accommodate internal visitor parking.

Gil Shirley seconded the motion.

None opposed. **Motion carried.**

Unfinished/Old Business: None

New Business: None

Compliance: None

Non controversial Items Added to the Agenda: None

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

January 2nd – Development Code Changes discussion continued.
Parking question regarding Bell Black property.

Chairman Dyer adjourned the meeting at 10:43 pm.