

Planning & Zoning Minutes

February 19, 2015



CITY OF
REXBURG
America's Family Community

35 North 1st East
Rexburg, ID 83440

www.rexburg.org

Phone: 208.359.3020
Fax: 208.359.3022

Commissioners Attending:

Thaine Robinson – Chairman
Dan Hanna Jedd Walker
Melanie Davenport Steve Oakey
Bruce Sutherland Gil Shirley
Tisha Flora

City Staff and Others:

Brad Wolfe- City Council Liaison
Val Christensen- Community Development Director
Faron Young – Community Development Intern
Darrik Farmer – Community Development
Elaine McFerrin – P&Z Coordinator

Chairman Thaine Robinson opened the meeting at 7:01 pm.

Roll Call of Planning and Zoning Commissioners:

Melanie Davenport, Tisha Flora, Bruce Sutherland, Thaine Robinson, Jedd Walker, Dan Hanna, Gil Shirley, Steve Oakey

Mark Rudd was excused.

Chuck Porter and Cory Sorensen were absent.

Minutes:

1. Planning and Zoning meeting – February 5, 2015

Bruce Sutherland motioned to approve the Planning & Zoning minutes of February 5, 2015.

Melanie Davenport seconded the motion.

Gil Shirley abstained for having not been present.

None opposed. **Motion carried.**

Public Hearings:

1. 7:05 pm – Comprehensive Plan Map Amendment – City of Rexburg – 3rd West Neighborhood – Moderate-High Density Residential to Low-Moderate Density Residential

Chairman Robinson explained the process that is followed for public hearings. The applicant will give a presentation of the proposal. Tonight the applicant is the City. The Commission may then ask clarifying questions. Public input testimony will then be taken. Those who wish to speak in favor, neutral to, or opposed may give may give input. The Commission would ask that if someone has already spoken about certain concerns, please be courteous and say you agree rather than repeating the same concerns. During public testimony, there cannot be any interaction between the public and the Commission. If anyone has submitted a written input letter, the letter can stand as their testimony, or they make choose to give spoken testimony tonight. They cannot do both, as that would be seen as unfair advantage. Staff will then give their evaluation. The Commission will then deliberate the proposal and make a recommendation to City Council for the final decision.

Val Christensen presented the proposal. He clarified that the request tonight is not a zone change; it is a Comprehensive Plan map change.

He summarized the history of this request. Originally a plan similar to this one tonight was put together by a group of citizens who are residents in the neighborhood. They obtained residents' signatures on a petition and came forward wanting a Comprehensive Plan Map change from Moderate-High Density Residential to Low-Moderate Density Residential, as is also requested in tonight's proposal. The City brought the request forward for them. It was felt by the Commission at that time that the request encompassed too large an area. The neighborhood was asked to reduce the size of the request.

A map was shown of what the City is proposing tonight. Staff is trying for a different boundary. The City wants to satisfy the neighborhood. It is the same proposed change to the Low-Moderate Density Residential land use designation from Moderate-High Density Residential, but it is a smaller proposal than the original one.

The Comprehensive Plan map was viewed.

Melanie Davenport asked for clarification on how it was decided to include or not include an area in the proposed Comprehensive Plan map change.

Val Christensen stated that mainly apartments and some light industrial were not included.

Jedd Walker asked what is currently located on the blocks in this proposal.

Val Christensen stated that parcels are mostly single family residences, with some four-plexes and duplexes, and a trailer court.

There are some apartments on Main Street.

Chairman Robinson opened the public input portion of the hearing.

In Favor:

Candi McFadden, 182 North 4th West. She lives within the area in the proposal. The high density land use designation does not make sense. The neighborhood is predominantly single family homes. They are not opposed to small apartments. They would just like to keep the neighborhood feel versus higher traffic, etc. In talking with the County assessor, she was told that the value of homes does decrease when apartments are nearby. They want to protect their investment. They realize that the City is growing and that there is development that needs to be done, but these are mostly starter homes. Homes are being built farther out, but not all of us want to live outside of town; we want to stay in town. We like the neighborhood and the amenities that are close by. You bring apartments in and homeowners do not want to be near them.

Kathy Hanosky, 330 West 1st North. Her home is also in the area of the proposal. She agrees with everything that Candi McFadden has said. The neighborhood did bring in this proposal before, and the Commission asked them to re-do (make smaller) it. The neighborhood did re-do the area but would have had to get signatures again as the boundary description had changed. That is when the City came forward and approached them about doing this request. The neighborhood residents have done all that was asked of them. They have conformed with everything the City has asked of them.

Dave Pearson, 154 North 4th West. Some of the homes have big lots, which some of the residents like. He has lived in his home a long time. He realizes apartments have to be somewhere, but there does not need to be big apartments here. He does not want to see any change to the neighborhood. They want to keep it as it is.

Frank Hadry, 23 North 3rd West. This neighborhood is primarily single homes. Most of the people have lived in the neighborhood for years. A lot of families with children live here, including one blind child. This area is one of the original plats from when Rexburg was formed. It would be nice to keep it. It includes some historical houses. As said earlier, there are concerns about traffic

and property values. Does the area have the infrastructure for massive apartment complexes? Huge apartments are not consistent with the neighborhood. This was discussed a year ago. He stands with his neighbors.

See below for two Written Input letters in favor of the proposal.

Neutral: None

Opposed:

Gary Wight, 336 West Main. He is speaking for himself. His parents submitted an opposing letter. He owns the property along with his parents. He understands and respects the citizens and their wanting to keep the integrity of their homes and their property values.

Their property on West Main is about a half-acre, which they specifically bought for the purpose of investment. They paid high dollars and taxes on the property and are looking at how to develop the property. If single family homes were built there, there would be several driveways backing out on Main Street, which would probably be contrary to what the City would want.

He does not have any problems with this Comprehensive Plan Amendment request other than that it includes their property. The Main Street location is different. He hopes whoever is looking at this issue could take this into consideration, accessing lots on Main Street individually.

See below for one Written Input letter in opposition to the proposal.

Written Input:

All of the submitted written input letters were read by Chairman Robinson. The letters are part of the official record of this Public Hearing:

1. Letter from Brandon Kunz, in favor of the proposal
2. Letter from Shawna Hill, in favor of the proposal
3. Letter from Reginal and Corinne Wight, opposed to the proposal

Elaine McFerrin

From: Blair Kay
Sent: Wednesday, February 18, 2015 9:00 PM
To: Elaine McFerrin
Subject: Fwd: P&Z Meeting Comments - 2-19-15

Sent from my iPad

Begin forwarded message:

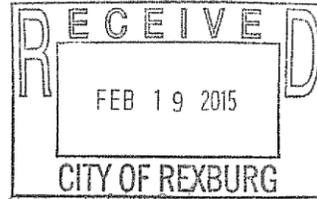
From: Brandon Kuhns <brandon.kuhns@yahoo.com>
Date: February 18, 2015 at 8:27:28 PM MST
To: Blair Kay <Blair.Kay@rexburg.org>
Cc: Danielle Kuhns <dmkuhns@gmail.com>
Subject: P&Z Meeting Comments - 2-19-15
Reply-To: Brandon Kuhns <brandon.kuhns@yahoo.com>

Blair - Would you be able to read the following statement in favor of the "Comprehensive Plan Map Amendment" for the 3rd West neighborhood. I apologize for the lateness of this email. I was planning on coming to meeting but will no longer be able to attend. Thank you.

Brandon Kuhns
839 Engleman St
Rexburg, ID

I own the property located at 115 N 3rd W. I am in favor and fully support the proposed change to the "Comprehensive Plan Map Amendment" for the 3rd West neighborhood. This is a great neighborhood with a lot of great people. We have professionally responded to each proposed change to this neighborhood...and there have been MANY over the last two years. Much effort has been given to bring this proposed change to this point. Many have gone above and beyond to learn and understand this process. Please listen to what the majority of the people of this neighborhood want and support this change. We have been patient during what I would consider a continued effort to encroach on our neighborhood. Thank you to all the city employees who helped us get this proposal to this point. Thank you

To Whom it may Concern



I would like to go on record in this Planning & Zoning Meeting to say, that I am for the changing of the Comprehensive plan change. I know that before I saw this article was coming before you that I had lost all faith that our City Officials would ever listen to us. Even when we had tried so often to let you know how we felt it was said that you didn't know what we wanted. Well I do know what I desire not more apartment complexes but what our community needs is more businesses to sustain it's growth and stop the monopolies that are present in our town. Please after having to come before you so many times before acknowledge that you do know what is desired for this area by the citizen that live in this area

Thank You
Shawna Hill

February 17, 2015

To: City of Rexburg

Attn: Blair D. Kay, City Clerk

Re: Notice of Public Hearing to Amend the Comprehensive Plan Map for the City of Rexburg

First of all, we would have never known about this hearing if we had not received a call from a builder interested in purchasing our property located at 336 W Main St, Rexburg, ID 83440. He mentioned the hearing to us last Sunday and thought we should be involved. We live in Everett, WA, and never received any notice relating to this proposed zoning change in the mail. Our property tax bills and notices from the city concerning required maintenance to this property always seem to get to us without incident. However, something as important as a hearing, which would change the zoning of our property resulting in a substantial loss in value to us, never seemed to get to us as required by law.

Second, we purchased this property several years ago because of its location on Main Street and the high density zoning. We paid the fair market value of the property at that time based on of its zoning and potential future value. We paid several thousand dollars to purchase the property and have paid thousands more over the years in property taxes and maintenance on the property. This investment was made by us with the anticipation of the value of the property increasing and someday in the future selling the property for a good profit.

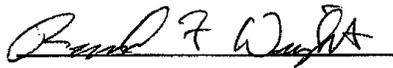
Third, the proposed rezoning of this property will result in our property losing value, resulting in us suffering a substantial financial loss, and also both the City of Rexburg and Madison County losing future revenue because of the reduced property taxes paid on the property in the future.

In summary, this property is located on a busy street and has had its' high density zoning for many years. All the people that purchased property in this approximate three block area being rezoned, knew what the zoning was when their property was purchased, just as we knew what the zoning was when we purchased our property several years ago. If the Planning and Zoning Commission passes this amendment to the Comprehensive Plan as proposed, they will in effect be stealing from those of us who have invested our hard earned dollars in the community.

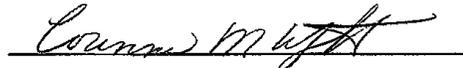
We respectfully request that the Commission exempt our property from the amendment to the Comprehensive Plan because of the following:

- Lack of proper notification.
- The unfairness that would result to those of us who invested in a property because of its location and high density zoning.
- The location of our property on Main Street does not fit the proposed zoning change.

Sincerely,



Reginal F Wight – Owner



Corinne M Wight - Owner

Chairman Robinson closed the public input portion of the hearing and asked for the staff report. Because of the content of the last letter, the Chairman asked that Mr. Christensen address the zoning issue and the Notice of Public Hearing issue.

Val Christensen clarified that this request is not a zoning change; it is a Comprehensive Plan map amendment change. The current zoning of the properties that are part of this request would not be affected. No property rights are associated with this request. The current zoning rights would remain. In the future if someone wants to change the zoning, they would have to follow the guidelines of the Comprehensive Plan.

The current Comprehensive Plan land use designation of the subject property is Moderate-High Density Residential. Currently, someone could request to change zoning to as high as High Density Residential 2 (HDR2), which allows building height of up to 55 feet. No commercial or mixed use or industrial could be here.

Mr. Christensen explained that if the Comprehensive Plan map designation is changed to the Low-Moderate Density Residential designation as is being requested, this designation would allow up to Medium Density Residential 2 as the highest zoning that could be requested.

Up to 42 units per acre is allowed in HDR2. MDR2 would allow up to 20 units per acre, with a building height of up to 40 feet (no higher than 3 stories). An apartment complex could still be built. Some of the large complexes in the City are in the MDR2 zone.

If someone wants to change the zone, they have to prove that it is not only the right thing to do in the area, but also that the timing is right.

Mr. Christensen reiterated that the Comprehensive Plan does not have any zoning property rights associated with it, only the direction for possible future zoning.

Regarding notice of the hearing, the P&Z Secretary explained that no individual notices of public hearing were mailed out to surrounding property owners. Per Idaho State Statute, individual notices are not sent out if 200 or more property owners are involved. The hearing notice was published twice in the Standard Journal newspaper, and the property was posted in 4 locations, with copies of the notices provided for the public's information. This is considered sufficient notice in such a case.

Val Christensen gave the staff report. The Commission does not have to stay with the exact proposal.

"The Planning and Zoning Commission should take testimony in the public hearing to determine if this change to the Comprehensive Plan Map is in the best interest of the community. Staff requests that discussion should include the following:

- 1. Consideration for the NW Platte Neighborhood Association. Including nuisances and safety.*
- 2. Recent changes to the Comprehensive Plan Map in or near the requested change. Why changes were made.*
- 3. The City of Rexburg Comprehensive Plan Map in general. What is the purpose? Does the map adequately reflect anticipated future growth? If the map is changed in this area, should other areas be changed? Are the proposed changes best for the entire community?*
- 4. How does the request fit in with Envision Madison proposals? (Mr. Christensen said this was discussed at length during the last hearing for this neighborhood, and it had been decided that it was too early to weigh in on this point, because Envision Madison is still happening).*
- 5. How does the request correlate to recent changes to the Development Code including Section 4.16 Infill/Redevelopment Standard?*
- 6. If an area is to be changed, do the boundaries identified meet with the best interests of the community?"*

Steve Oakey referred to the Rexburg Development Code Ordinance No. 1115. He requested that Val Christensen read from the. Infill/Redevelopment Section 4.16, page 217:

The City of Rexburg City, Council, Planning and Zoning Commission and the City Staff have been actively engaged in an effort to promote good planning principles. After a great deal of study, it has been determined that whenever possible the large demand for community housing generated by a growing university be focused to areas within the City core that are close to the BYU campus, commercial centers, community amenities (such as parks, library, pool, theaters) and job centers.

And from Development Code page 220:

Policy Statement- Densification through Infill and Redevelopment will save tax dollars by reducing the cost of Streets, Infrastructure, Police, Emergency Services, Sanitation, and other vital services. The purpose of the Infill/ Redevelopment effort is to balance community good with individual voice and property rights. The existing Comprehensive Plan Map is the primary document for planning future city growth and development. It is in the best interest of all of the citizens of Rexburg to locate Higher Density Housing Projects near Campus and the City Core whenever possible. Besides the savings of tax dollars, there is also a positive health effect and other cost savings associated with being able to walk to campus, shopping, parks and other City amenities. Identifying Infill/ Redevelopment projects near the City Core and making the necessary zone changes to encourage development not only will clean up vacant weeded properties, but will also partially “level the Playing field” for these projects versus the lower cost of finding cheaper agricultural ground on the periphery of the City. Infill and redevelopment are also encouraged in other parts of the city of Rexburg besides the Focus Area.

Steve Oakey asked if the area in the proposal fits in the designated redevelopment area.

Val Christensen said about two-thirds of it fits in the corridor but not the top part of the proposal.

Steve Oakey asked if reducing zoning options encourages or discourages developers from building.

Val Christensen thought we have to stay focused on talking about zones that met the requirement.

Steve Oakey referred to the Wight letter written in opposition of the change and the concern that property values would be reduced with such a change. It stated they were approached by a developer, and they are concerned that minimalizing either the Comprehensive Plan or the Zoning is going to reduce their property values thereby reducing the opportunity for a developer to come in and develop something that is going to fit that stated infill/redevelopment process.

The issue of what may constitute a potential nuisance was discussed – examples could be higher volume of traffic, a large building very close to homes, overgrown lots and abandoned equipment, etc. Some of these had been concerns of some of the residents in the past hearing.

Steve Oakey asked if the proposed change would fit in accordance with the Infill/Redevelopment policy as stated in the Development Code, if the change were to take place.

Val Christensen said the Infill/Redevelopment policy encourages higher density; it does not say highest density. Apartments and housing growth, because of the growing University, are encouraged to be close to the city core. It is well stated in the policy.

Melanie Davenport asked if what was addressed in the current Comprehensive Plan might have changed since it was adopted.

Val Christensen said the current Comprehensive Plan was created looking toward 2020 and was adopted based on previous Comprehensive Plans. It often changes. The document will be updated again in the near future.

Citizens have expressed numerous times on numerous occasions that living near community housing is much preferred to living near single student housing.

The City has tried to be proactive in various areas regarding zoning and preparing for development.

There is a growing university. Apartments have to be somewhere. If they are not close to the city

core, apartments might be put further out where the infrastructure and services would have to be extended. Development near the city core is encouraged.

At the request of **Gil Shirley**, there was brief discussion of recent Comprehensive Plan and Zoning changes near the specified area.

Dan Hanna asked if the area of the requested Comprehensive Plan map change is considered to be in the city core.

Val Christensen stated that it is, although is not as close to the University as some other areas. It is very close to many amenities.

Dan Hanna asked if any owner-occupied single family homes have been constructed in the subject area.

Val Christensen stated that some owner-occupied homes have been built on West 3rd North about 10 years ago.

Dan Hanna said the city has not had a situation where property taxes go up and values go down.

Chairman Robinson stated that it was time for the Commission to deliberate this issue.

He asked if any of the Commissioners wished to declare a direct conflict of interest or a perceived conflict of interest.

Dan Hanna declared a direct conflict of interest and recused himself. He owns property within the specified area.

Bruce Sutherland thought the proposal was well done. He had had a little concern with the property on West Main, but after Mr. Christensen's explanation of what could still be built there regarding number of units per acre, he felt positive about this requested change.

Tisha Flora liked the proposal. There are family homes here. The citizens are trying to protect their neighborhood.

Jedd Walker expressed that he is fine with the proposal but is undecided on the point about Main Street.

Chairman Robinson expressed that he likes the proposal. He sees Main Street transitioning to a more commercial entity over time, so he felt that perhaps the Main Street properties included in this request should be cut out of it and should remain as they are.

As a Commission, they have encouraged residents and neighborhoods to come in and do exactly what this neighborhood has done – band together, work hard, and come in and make a proposal. Neighborhood rights need to be respected.

Steve Oakey stated that he is against this proposal for 2 reasons and will submit a statement specifying these reasons.

Gil Shirley would be in favor of this proposal, but he is a little reluctant about the south part of the proposal on Main Street. Timing is important.

Melanie Davenport felt this is a good proposal. It is congruent with the Comprehensive Plan and protects opportunities for residents in this area to develop their properties as they would like to. The residents have worked very hard on this proposal.

Bruce Sutherland motioned to recommend approval to the City Council of a Comprehensive Plan Map Amendment Change for the 3rd West Neighborhood as presented.

Motion died for lack of a second.

Melanie Davenport said the staff report indicated that the name of the neighborhood association was the Northwest Platte Neighborhood Association.

Bruce Sutherland motioned to recommend approval to the City Council of a Comprehensive Plan Map Amendment Change for the Northwest Platte Neighborhood Association to change the Comprehensive Plan map designation for the specified area, from Moderate-High Density Residential to Low-Moderate Density Residential as presented.

Melanie Davenport seconded the motion.

There was discussion regarding Main Street.

Bruce Sutherland stated that his motion stands as he stated it. He does not wish to amend it.

In Favor:

Bruce Sutherland
Melanie Davenport
Thaine Robinson
Tisha Flora
Gil Shirley
Jedd Walker

Opposed:

Steve Oakey

Motion Carried.

Dan Hanna rejoined the Commission on the dais.

Unfinished/Old Business: None

New Business:

1. **Area of Impact – Discussion**

Val Christensen provided 2 maps which were shown on the overhead screen. One map was the zoning map that shows the current impact area with the suggested impact area boundary changes. The second map showed the suggested impact area transposed over the County zoning map.

City Staff has met and determined that it may be the time to ask the County for a substantial enough expansion of the City impact area in order to not to have to do it again for some time.

It was clarified that the Impact Area is land that still is in the County which the City may see as possibly expanding into in the future. It helps the City control what may be there in the future.

Val Christensen clarified that the request to change the Impact Area boundaries would eventually be taken before the County. This discussion is just the first step. This is City staff's first attempt at possibly expanding the boundaries as indicated. The Commission could suggest adding or subtracting from this suggested expansion.

Nothing would be changed on the east side of the City in this proposed impact area expansion; there would be expansion on the 3 other sides of the City.

Val Christensen explained that the Impact Area would follow City Development Code rules. There would be no other change. The land would still be in the County. No one with septic and wells would need to change this.

After discussion of the issue, there were no objections from the Commissioners on the proposed Impact Area boundary changes.

Chairman Robinson asked **Councilman Brad Wolfe**, the Council liaison at Rexburg P&Z meetings, for his input.

Councilman Wolfe felt it is a smart idea for the City to think ahead.

Chairman Robinson clarified that the Commission could recommend the proposed changes to the City Council for their review.

The decision on the impact area expansion would eventually be made by the County.

Jedd Walker motioned to recommend to the City Council the proposed City of Rexburg Impact Area boundary changes. **Bruce Sutherland** seconded the motion.

None opposed.

Motion carried.

Compliance: None

Non-controversial Items Added to the Agenda: None

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

March 5 – Rezone – City of Rexburg – 1st North (Specified area) – from LDR2 to MU2

The Chairman adjourned the meeting at 8:43 pm.