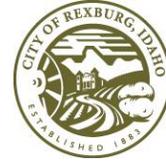


# Planning & Zoning Minutes

March 5, 2015



CITY OF  
**REXBURG**  
America's Family Community

35 North 1<sup>st</sup> East  
Rexburg, ID 83440

[www.rexburg.org](http://www.rexburg.org)

Phone: 208.359.3020  
Fax: 208.359.3022

## Commissioners Attending:

Thaine Robinson – Chairman  
Dan Hanna            Mark Rudd  
Jedd Walker            Melanie Davenport  
Bruce Sutherland     Steve Oakey  
Tisha Flora            Cory Sorensen

## City Staff and Others:

Brad Wolfe- City Council Liaison  
Val Christensen- Community Development Director  
Stephen Zollinger - City Attorney  
Faron Young – Community Development  
Timothy Helferstay – Community Development  
Porter Wilkins – Community Development  
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:

Steve Oakey, Cory Sorensen, Mark Rudd, Dan Hanna, Bruce Sutherland, Thaine Robinson, Jedd Walker, Tisha Flora, Melanie Davenport

Gil Shirley was excused.  
Chuck Porter was absent.

## Minutes:

1. Planning and Zoning meeting – February 19, 2015

**Bruce Sutherland** motioned to approve the Planning & Zoning minutes of February 19, 2015, as corrected. **Melanie Davenport** seconded the motion.

Mark Rudd and Cory Sorensen abstained for having not been present.  
None opposed. **Motion carried.**

## Public Hearings:

1. 7:05 pm – Rezone – City of Rexburg – 1<sup>st</sup> North (specified area) – from Low Density Residential 2 (LDR2) to Mixed Use 2 (MU2)

**Chairman Robinson** explained the procedure that is followed for a public hearing. The applicant will present the proposal. The Commission may ask questions of the applicant and staff to help them understand the proposal. Public hearing testimony will then be taken. Please keep comments to no more than 5 minutes. The Commission tries to formulate an opinion based on the information they are presented with. Staff will then give their report and recommendations. The Commission will then deliberate the issue in order to come to a decision and make a recommendation to the City Council.

**Chairman Robinson** asked if anyone wished to declare a conflict of interest or a perceived conflict of interest.

**City Attorney Stephen Zollinger** disclosed that he cannot represent the City as legal counsel tonight on this issue, as he owns property in the subject area. He will be speaking in favor of the proposal.

**Chairman Robinson** clarified that this request is a public hearing to rezone an area on 1<sup>st</sup> North from LDR2 to MU2. This is a land use issue only.

**Val Christensen** stated the City is acting as the applicant on this particular request. The reason for this is that there have been two different requests from interested individuals looking at possibly doing a zone change to Mixed Use 2 (MU) for a few of the properties that are designated in this hearing. Rather than doing spot zones, the City determined it made sense to do a larger piece for a rezone, so that in the future this would not come forward bit by bit or piece by piece. MU2 would allow a mix of residential and commercial.

A potential applicant was interested in doing a commercial piece on the corner of 1<sup>st</sup> North and 1<sup>st</sup> East that would also have a residential component. The other individual had property close to this piece. There are commercial properties on the same side of the street to the east. Rather than these individuals coming forward with what would be a spot zone, staff felt the specified area of 1<sup>st</sup> North defined in this proposal was ready to be looked at for a zone change to MU2 on this side of the street. The request meets the intent of the Comprehensive Plan.

**Chairman Robinson** asked if any of the properties included would then be in more than 1 zone if the change is made. The map was viewed. Staff felt this would not be a problem but would give more options to the property owner.

**Chairman Robinson** asked how this request affects the Comprehensive Plan.

**Val Christensen** clarified that the Comprehensive Plan land use map designation is Neighborhood Commercial/Mixed Use.

The Comprehensive Plan map was viewed.

The existing zone of LDR2 does not match the Comprehensive Plan designation of Neighborhood Commercial/Mixed Use. The proposed MU2 zoning does match the Comprehensive Plan designation.

The area is in close proximity to the downtown.

**Val Christensen** explained for the audience that the Comprehensive Plan is a planning tool to help the City plan for future growth. It does not touch on property rights. It is the preferred land use map and looks at the direction for Rexburg's development in different areas of the City.

The map shows the vision of Rexburg's future for land uses. The Neighborhood Commercial/Mixed Use designation for this area was done here because the idea was that as the City grew, with the area's close proximity to the downtown, the area would transition into a potential mixed use area.

The zoning map is more detailed and specific and is the law in regard to what kind of development can be done. If one has an existing zone that does not meet the Comprehensive Plan designation, the zone is still a grandfathered right that would stay with the property unless the use changes. If one were to ask for a different zone, the zone must fit with the Comprehensive Plan designation.

**Melanie Davenport** asked if the City had received a report from Envision Madison on what is envisioned for this area.

**Val Christensen** stated not all findings have been received from Envision Madison. One scenario from them typically may be that of the status quo and having no change, with other ideas offered in regard to what the general public gave as input during the planning meetings that were held. It is too early in the process to say what the scenario will be.

It was clarified that the depth of the specified area's parcels is 165 feet.

**Val Christensen** also clarified that it is not a 'splitting' of parcels if there are 2 zones on the property. It is still one parcel.

The subject request cannot be made larger unless there would be another hearing. The request could be made smaller.

**Melanie Davenport** asked what size of buildings could be here.

**Val Christensen** thought that 2 stories in this area would fit well here, but the requested zone would allow up to 55 feet in height. However, typically the taller buildings would be single student housing closer to the University. It may make the most sense here to have something like professional office or possibly a couple of units above a professional office.

The Commission should be looking at this proposal by land use and not by project at this time.

**Steve Oakey** asked why the proposed change was not carried all the way over to 2<sup>nd</sup> East.

**Val Christensen** explained that the property is already commercially (CBC Community Business Center) zoned.

**Chairman Robinson** asked if anyone in the audience had a question to help them to better understand the proposal.

An audience member said his property is now zoned commercial. How would this change affect him?

Val Christensen said if his property is currently commercial, it would be grandfathered as commercial. All this zone change would do is increase options from the owner's standpoint if he ever wanted to develop or sell the property.

**Chairman Robinson** opened the public input portion of the hearing.

**In Favor:**

**Stephen Zollinger**, 707 Engleman. He is speaking for himself and not for the City.

He is the sole owner of properties that he pointed out in this specified area. He is a general partner on another property, and he is a member of a limited partnership that owns several properties through the center block.

He grew up in a home in this area. He is in favor of the proposal, not because they have any use for what the zone change would do; they recognize as property owners in this neighborhood that the 1<sup>st</sup> North corridor has been transitioning or trending toward a mix of residential and commercial uses as evidenced by the commercial growth here. With the traffic increase along the 1<sup>st</sup> North corridor, it makes sense to allow these parcels as they become less desirable as single family homes, to transition into professional office or other type of use that is consistent with MU2 that would fit here.

The intentions with their parcels are to continue with residential uses through the interior of the center block, possibly with a slight increase in density but not high density. If some of their parcels have 2 different zones should this proposal be approved, that does not bother them one bit. It would give them some options on the street frontage to consider, for perhaps a professional office if it is decided to go that way.

In general, 1<sup>st</sup> North is transitioning. The homes here may not necessarily be desirable as single homes because of the high traffic volumes, but they are very desirable as far as their proximity to the commercial corridor of Main Street and their ability to access many of the amenities in the community. He is strongly in favor of this rezone proposal.

**Mark Hepworth**, 299 North 2100 East, St. Anthony. He and his family used to live here. They own property on North 1<sup>st</sup> East that is included in this request. Years ago, they put in Tri State Tire down the road to the west. This rezone request is a good idea, for not necessarily commercial, but more for professional office and for apartments. It is time for this change.

**Cy Hepworth**, 299 North 2100 East, St. Anthony. He agrees with his father, who just spoke before him in favor of this proposal.

**Neutral:**

**Mindi Martin**, 135 East 1<sup>st</sup> North. She just bought her home and is a first-time buyer. She just wanted to make a comment that when she was applying for a loan for purchasing the home, she could not get certain kinds of loans because of the zoning. At the time she thought the home was zoned commercial/residential.

**Steve Bunnell**, 135 Webster Ave. He lives about a block south of 1<sup>st</sup> North. The property where he lives is zoned commercial. The proposal makes perfect sense for the requested area be changed to mixed use commercial. It does not matter to him personally, so he is neutral, but he hopes that someday his property may be absorbed for other commercial purposes.

**Opposed:**

**J.D.Hancock**, 124 South 1<sup>st</sup> West. He owns 2 parcels in the area of the requested change, 46 and 58 West 1<sup>st</sup> North, across from the library and the playfield of the former junior high. He has talked to most of the people in his block. None have requested a zone change. There is no commercial in their block. It has been residential for 40 years. They are pleased with the look of the neighborhood. Most of the property owners on the block want to maintain the current zoning.

Secondly, there is too much commercial property in Rexburg and too much property that has been zoned commercial. Look at the south side of 1<sup>st</sup> North. There are numerous residences there, and there are other parcels that are zoned commercial if someone wants to develop them. There was talk of transition areas. With a new Walmart coming in, much of the commercial development will follow it on the Salem Highway. Timing is everything. Now is not the proper time to consider rezoning here. There really is no compelling reason to change the zoning, at least from Center Street to 1<sup>st</sup> West. There are plenty of other places that can be developed for professional office-type commercial. Comprehensive Plans change, and the City has changed. Look at the timing. He sees no need for this change, along with his neighbors.

**Written Input:** None

**Rebuttal:**

**Val Christensen** stated that the only rebuttal comment he wished to make is that the properties mentioned by property owner Mr. Hancock are rentals and are not owner-occupied.

**Chairman Robinson** closed the public input portion of the hearing and asked for the staff evaluation and recommendations.

**Val Christensen** said the Ready Team (Community Development Director Val Christensen, Mayor Richard Woodland, Economic Development Director Scott Johnson, City Attorney Stephen Zollinger, City Clerk Blair Kay, Public Works Director John Millar, City Engineer Keith Davidson,

GIS Director Craig Rindlisbacher) was responsible for the City's coming forward with this request. Staff has been directed by the City Council to look at land use issues. If a possible rezone would make sense, staff was directed to try to move forward with a rezoning of an area, rather than the rezone being done in small pieces as applicants come forward.

The size of the subject property is approximately 8.75 acres. MU2 would allow a mixture of uses, both residential and commercial. The Public Works Director did not have any concerns.

**Steve Oakey** said a loose definition of a business would be an entity that generates an income. There are businesses on the west, east and south sides of the subject property. It was mentioned that there are several non-owner-occupied properties that are rentals.

**Val Christensen** stated he brought up two of those properties in his rebuttal because the owner had given testimony and referred to them.

**Steve Oakey** said of the testimonies that were given, only Mindi Martin said that she is a homeowner who lives in her home, and she spoke as being neutral. He asked if there was a way to determine how many of the properties are rentals and not owner-occupied.

It was determined that several of the homes are rentals and are not owner-occupied.

**Steve Oakey** stated that 1<sup>st</sup> North appears to be a street that is basically business-occupied.

**Melanie Davenport** asked if the proposal changes the walkability of this area. The City should always plan for walkability as developments move forward.

**Val Christensen** expressed that the zone change would not make walkability worse. It could bring improvement.

**Chairman Robinson** said the Mixed Use 2 zoning would address the walkability as development moves forward.

**Chairman Robinson** reiterated that this request is a land use issue only. Shall the specified property be changed from Low Density Residential 2(LDR2) to Mixed Use 2 (MU2)?

**Jedd Walker** stated that based on the traffic studies that Horrocks Engineering has done and how 1<sup>st</sup> North is seen as becoming more of a thoroughfare, and also the existing commercial uses, this proposal of changing the zoning to MU2 would be a great transition.

**Dan Hanna** wondered how many owner-occupied homes were included in the request, from Center Street to 1<sup>st</sup> West. His point is that the size of the requested zone change could be reduced to exclude that block.

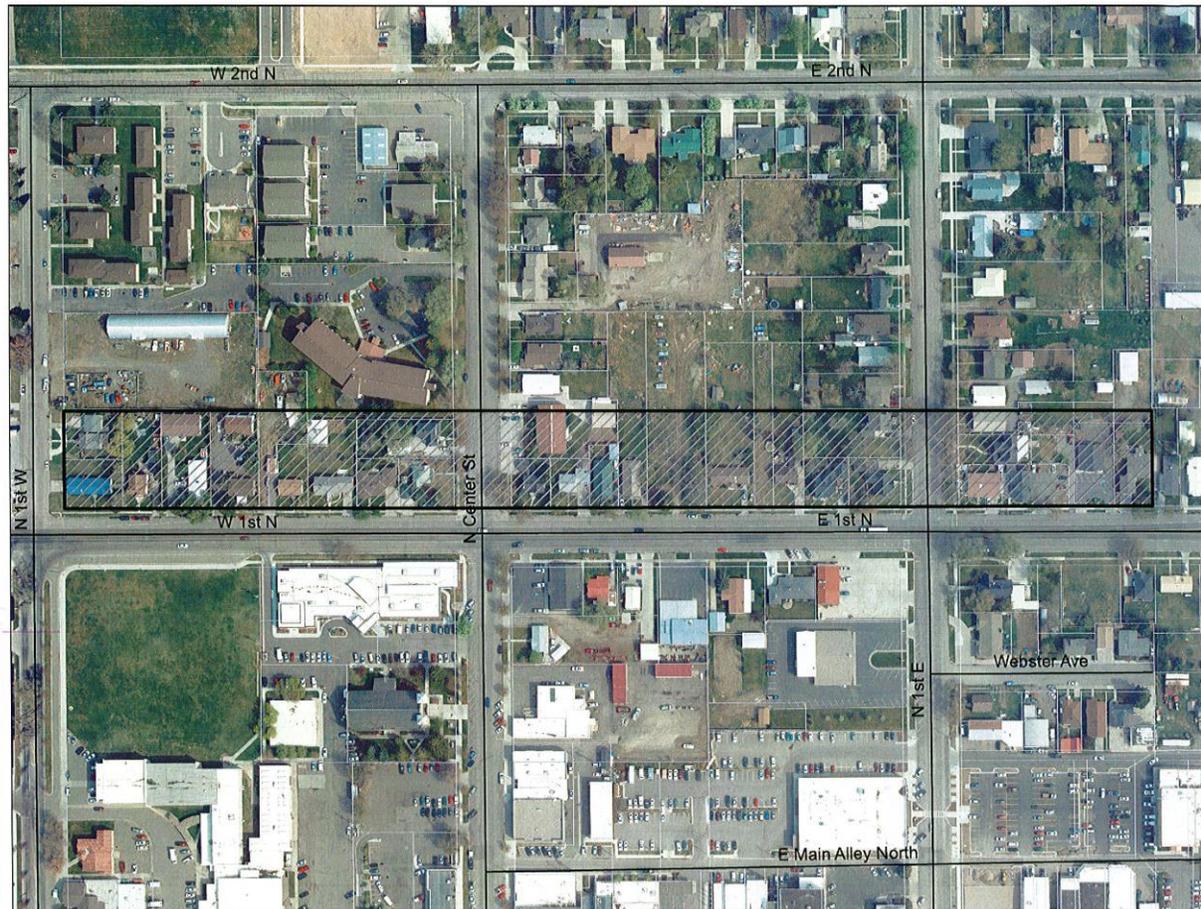
It appeared that two homes are owner-occupied on that block.

**Cory Sorensen** said the whole purpose of the mixed use zone is intermixing homes with commercial.

**Dan Hanna** stated that he is comfortable with the rezone proposal as requested by the City.

**Bruce Sutherland** motioned to recommend to the City Council approval of a Rezone of 1<sup>st</sup> North for the specified area as presented, to change from Low Density Residential 2 (LDR2) to Mixed Use 2 (MU2). **Jedd Walker** seconded the motion

None opposed. **Motion carried.**



15 00056 Rezone -1<sup>st</sup> North

**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:**

March 19, 2015 P&Z Meeting:

1. Recognition of Service for P&Z Commissioner Dan Hanna
2. Comprehensive Plan Map Amendment – 1030 South 5<sup>th</sup> West – Low-Moderate Density Residential to Moderate-High Density Residential – **Cancelled per Applicant request**
3. Rezone –1030 South 5<sup>th</sup> West – Rural Residential 1 (RR1) to High Density Residential 2 (HDR2)- **Cancelled per Applicant request**
4. Rezone – 408 and 416 West Main, and 407 West 1<sup>st</sup> North – Medium Density Residential 2 (MDR2) to High Density Residential 2 (HDR2)
5. Charles Place Planned Unit Development (PUD) – Preliminary Master Plan

**The next P&Z meeting, on March 19<sup>th</sup>, will begin at 7:30 pm per consensus of the Commission.**

**The April 2<sup>nd</sup> meeting is also going to begin at 7:30 pm.**

The Chairman adjourned the meeting at 8:21 pm.