

Planning & Zoning Minutes

May 7, 2015

35 North 1st East
Rexburg, ID 83440

www.rexburg.org

Phone: 208.359.3020
Fax: 208.359.3022



CITY OF
REXBURG
America's Family Community

Commissioners Attending:

Thaine Robinson – Chairman
Mark Rudd Jedd Walker
Steve Oakey Tisha Flora
Rory Kunz

City Staff and Others:

Mayor Richard Woodland
Brad Wolfe – City Council Liaison
Val Christensen – Community Development Director
Stephen Zollinger – City Attorney
Darrik Farmer – Building Permit Technician
Timothy Helferstay – Community Development Intern
Elaine McFerrin – P&Z Coordinator

Chairman Thaine Robinson opened the meeting at 7:03 pm and welcomed everyone.

Roll Call of Planning and Zoning Commissioners:

Attending: Rory Kunz, Steve Oakey, Mark Rudd, Thaine Robinson, Jedd Walker, and Tisha Flora

Bruce Sutherland, Melanie Davenport, and Gil Shirley were excused.
Chuck Porter and Cory Sorensen were absent.

Minutes:

1. Planning and Zoning meeting – April 16, 2015

Steve Oakey motioned to approve the Planning & Zoning minutes of April 16, 2015. **Rory Kunz** seconded the motion.

Jedd Walker abstained for having not been present.
None opposed. **Motion carried.**

Public Hearings: None

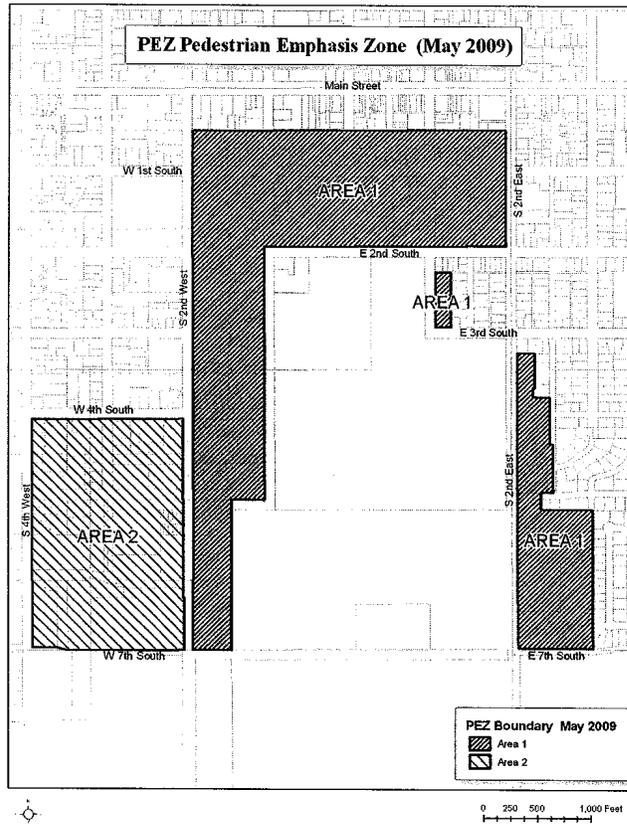
Unfinished/Old Business: None

New Business:

1. Pedestrian Emphasis Zone (PEZ) overlay - Visitor parking amendment discussion

Community Development Director Val Christensen stated that at the April 15, 2015 City Council meeting, the Off-Campus Housing Association presented findings and information regarding visitor parking. The City Council asked the representatives to present their information to the Commission.

The Commission will be considering a possible reduction to visitor parking in the PEZ zone overlay and would then make a recommendation to the City Council on amending the ordinance.



The PEZ overlay map was shown on the overhead screen. The designated PEZ Area 1 is located closer to the university campus than PEZ Area 2.

Trent VanderSloot, general manager of the North Point Apartments complex, and representing the Off-Campus Housing Association, provided the Commission with 2 handouts that recently had been presented to City Council - the *Off-Campus Housing Association Booting and Towing Evaluation Report*, and a statement from BYU-I Approved Housing Owners stating their commitment to

managing booting and towing practices. He appreciates the opportunity to come before the Commission tonight. In gathering some of the data and talking to the City and members of the community, they have come to a better understanding and appreciation for the decisions made in the past.

The association has a resolution, which is in two parts: booting and towing management that they would manage themselves, as well as some recommendations on changing the ordinance.

Previously, this Commission had asked the complex owners/managers to keep records regarding problems of booting and towing. The collected data is a collaborative effort, with a number of housing complexes involved. The data represents five thousand beds and covers a time period of two semesters when booting and towing were monitored.

Chairman Robinson asked the size and scope – how small is the smallest complex involved? The Commission also has to consider them as well as medium and large complexes.

The complex size ranges from less than one hundred to the thousands of beds.

Trent VanderSloot referred to the Booting and Towing Evaluation Report; 4605 beds are represented over two semesters. An average of 18 percent visitor parking was being used. The peak would be 30 percent. They determined about 2 percent of parking spaces had a parking violation. The amount of City parking violations is not known. The association wanted to bring owners together to decide how they are going to do better with managing.

Chairman Robinson stated he would have liked the university to have been represented here tonight. The university needs to give their viewpoint.

Rory Kunz asked what the peak hours were for the monitoring and the dates the monitoring took place.

Trent VanderSloot stated that the data was gathered from 5:00 pm to 8:00 pm. The monitoring was done at the end of March and the beginning of April, near the end of the semester.

The association is in agreement that some booting practices can and in some cases do hurt residents and others. That has brought the housing association to a better understanding. They want to do better at managing some of these parking enforcement issues. The number one thing is that the association set protocol for those companies who are providing booting and towing services. The booting companies will do a weekly report on any booting/towing, including date, time, location, pictures and other specifications. This has been adopted as the Off-Campus Housing Association's current policy (see Housing Association commitment statement below).

At a City Council meeting very recently, those booting and towing providers were in attendance and explained how recording systems could help.

Rory Kunz asked if booting/towing companies boot or tow at the recommendation of a manager or if they are allowed to boot and tow as they deem necessary.

Trent VanderSloot explained the housing association set up times that the companies can boot or tow. They are allowed to boot. Towing is a different issue - manager/owner approval is required beforehand.

**Off-Campus Housing Association
Booting and Towing Evaluation Report**

4,605 beds represented

BYU-Idaho Semesters Fall 2014 - Winter 2015

Percentage of visitors parking used

Average 18%

Peak 30%

Number of visitors compared to number of beds

Average 1.1%

Peak 3.2%

Percentage of parking spaces with parking violations

2%

BYU-I Approved Housing Owners

Our commitment to monitoring and managing booting/towing practices

Set protocol for all BYU-I Off Campus Housing Owners

Booting/Towing report will include:

List of boots/tows

Date

Time

Location

License plate number

Pictures of the vehicle

Resolution (fee waived, boot removed, etc.)

If there was an escalated incident during or after the boot or tow to the booting company's knowledge, Managers will be informed within 24 hours.

Housing managers will submit booting reports weekly to the complex owner or Director of Operations (or equivalent) on a weekly basis.

Housing complexes will not boot or tow during move-in or move-out periods.

Housing managers will distribute booting/towing and parking information during check-in to all residents outlining in a simple format parking rules.

Housing complexes will provide parking contracts outlining parking rules and booting/towing practices to be signed by the students and the complex managers.

Chairman Robinson asked how many apartments in the PEZ overlay are members of the BYU-I Off-Campus Housing Association. What is the estimated percentage of active participants and housing owners by complex?

Trent VanderSloot said all of the apartments in the PEZ overlay belong to the association. A really good job has been done at collaborating on this issue. Some of the owners have not been able to attend meetings but have provided written statements to the City Council.

Blake Willis, owner of Towers Apartments, stated the association represents over 5000 beds.

Val Christensen stated that 98 percent of single beds are in the PEZ overlay.

Rachel Whoolery, owner of Windsor Manor Apartments, said many complexes are participating through giving feedback on the information that is provided to them.

Steve Oakey asked if only complexes in the PEZ zone overlay are part of the association.

Rachel Whooley clarified the association includes all off-campus single student housing, not just those in the PEZ.

Trent VanderSloot said association representatives have communicated with all complexes.

Rachel Whooley stated there are 14, 599 single beds at this time.

Steve Oakey wondered if 2 percent parking violations is the norm compared to regular City traffic violation enforcement.

The numbers on City parking violations were not known.

Blake Willis said Darren Helm of Guardian Booting and Towing has a new software program that helps this issue. It is being implemented. It will have necessary data – license plate, name, and he can email a photo of a situation, etc.

Rachel Whooley said she is able to link to her booting company website to see pictures of any booting activity.

She stated the PEZ zone overlay has now been in operation for over 5 years. It can now be looked at regarding possible changes to the document.

Chairman Robinson explained. When the PEZ ordinance was established, it was not to be changed in its first 5 years, in order to see how it would work.

Rachel Whooley stated that visitor parking is underutilized.

Representing the Off-Campus Housing Association, she presented two options:

Option 1: The PEZ requirements currently state 10 percent of beds need to be visitor parking. The statistics gathered show 10 percent is overkill. Change the verbiage of the PEZ overlay requirements to allow for different complexes to come and meet with staff to show a plan asking for less visitor parking, as part of or an addendum to the CUP process. It would allow for economy of scale as there are complexes of varying sizes.

At the Windsor Manor complex, they are numbering each parking stall as a way to help solve some problems.

Val Christensen said it is hoped that the City can get out of this parking business; it would be his number one goal. The City cannot tell apartment complexes how to manage their units per the City Attorney. The Chair stated that the college could do so.

Steve Oakey stated he rode his bike up the six levels of North Point in the evening, and most of their parking was empty. That parking is a product of the recommendations of this body and City Council that required them to have the parking. A structure is in place that was required and appears underutilized but yet the developer had the cost of paying for it. He likes what Val Christensen just stated regarding the City stepping away from the parking. He asked what direction the association recommends parking requirements should go. What has been explained sounds very complex.

Rachel Whooley said Windsor Manor developers chose their ratios at the time of the CUP process. It is working, but the required visitor parking is taking too high a percentage of their parking.

Steve Oakey asked for some input on the North Point parking situation he observed.

Trent VanderSloot clarified that at North Point Apartments there is lots of visitor parking and often not enough regular parking. Spring semester is light and may not be a good time to observe

the parking situation. The numbers now are not what they will be for fall. In fall, the resident parking is packed full.

Option 2: Change the number – for example, 5 percent to 7 percent instead of 10 percent, etc. The difficulty with this is it does not take into consideration the size or other differences in complexes.

Chairman Robinson stated he likes the idea of graduated economy of scales.

Rachel Whoolery said it has been suggested by their association committee that PEZ Area 1 could be 3 to 5 percent, and PEZ Area 2 would be 5 to 7 percent. The problem is there is no flexibility for economy of scale or for location.

Ms. Whoolery stated Blake Willis had suggested an alternative view: never allow overnight parking on the streets, because it becomes visitor and not resident parking.

There are many ideas on the table, and she feels the best one is allowing them to run their businesses and express what they need.

She has found that men residents have more cars than women. Windsor Manor has more men than women residents and is switching the men's building and the women's building in the fall to improve the situation.

She has also found that her visitor parking was being used by those who already had assigned parking further away from the buildings. She started booting after many warnings.

She created four 10 minute parking stalls to allow for unloading of groceries.

She had 10 boots last semester. Now the situation is much better. It is working.

Tisha Flora expressed that both options might be combined – lower the percentage and allow the option of a presented plan for flexibility.

Steve Oakey stated there are multiple interests here, and multiple scenarios, different apartments, different distances, and different demographics in the student body. It is nearly impossible for them to negotiate with the City to get correct numbers on parking. He made the suggestion that there be a proposal for no parking minimums in the PEZ zone overlay.

Jedd Walker said the PEZ zone already says that a developer can go down to zero parking. It is already in the ordinance, but the visitor parking is different.

Steve Oakey told of a video he watched on YouTube of a panel discussion by urban planners that included the comment that there should not be any parking minimums – that it should be between the property owner and the people who want to occupy the property.

Chairman Robinson said the rule is already in place. The Commission is talking about only visitor parking. **Steve Oakey** said the Commission is looking at a recommendation from this body to the City Council.

Val Christensen clarified that the question was visitor parking and the reduction of the current 10 percent requirement in the PEZ zone overlay. He has not seen a single student housing complex overbuild on parking - in standard housing yes, but not in single student housing. The real question is visitor parking and not the total parking; the Commission should stay focused on visitor parking.

Rachel Whoolery felt that if owners are responsible, they would do what works best for their complex.

Trent VanderSloot said they have the best interests for their residents and their guests in mind. It would be good if they did not have any visitor parking requirements.

Blake Willis said owners would not have a problem with managing their own visitor parking and allowing for flexibility, so that each semester they could change the numbers if necessary rather than coming to the city every time.

Rachel Whoolery thought 3 percent could be the lowest figure.

Richie Webb, owner/manager of the Willows Apartments complex, said it is an interesting concept, and it has value for people who have expertise and experience in the industry. Speaking from personal experience, his project built at the lowest ratio. He did not know exactly what the right mix would be. He had the option because he had a zero requirement on parking, and he put in 36 visitor stalls. His point is that it is hard to know exactly what the right number is. He has more knowledge and experience now. He would need 5 percent, and 4 percent visitor parking at his Willows location. It would vary because of location, so he feels there is some value in creating percent ranges. In an ideal world, Steve Oakey is right. If Mr. Webb could manage his own parking today, he could do it because he now has the experience and the knowledge and the time. He feels there is some value in his opinion that when you build in downtown Milwaukee, you are talking about generally sophisticated developers who probably have had enough research and money to figure out what they should do. In Rexburg, someone may not have that kind of sophistication and knowledge; some guidelines might be useful.

City Attorney Stephen Zollinger stated another factor is they are not talking about a free market here in Rexburg. When there is a free market and the University does not mandate where their students are going to live, then Steve Oakey's idea may be the solution. When the apartments hit 95 percent occupancy, historically owners may stop behaving as responsibly when they have to vie for customers.

Val Christensen stated that at last night's City Council meeting, the Council held a hearing for changes to the Development Code that included reducing parking for multifamily housing to 80 percent. City Council put a threshold on this – for any apartments fewer than 6 units the 20 per reduction would not apply.

It was clarified that the PEZ overlay is for ten units and greater unless there is permission through a CUP to do less units.

Jedd Walker asked if there was still the potential to build a small unit within the PEZ.

Val Christensen said there is if permission is granted to do so.

The Kensington Apartment complex was mentioned. The 4-plex being added is part of a larger whole.

Chairman Robinson said one case does not fit all. There could be a set number to be used in most cases, and anything else might be looked at in the CUP process.

Val Christensen would like to keep this as simple as possible. He suggested looking at what the right number may be and then making a recommendation to the City Council.

City Council gave Building Permit Technician Darrik Farmer and himself charge regarding collecting data on the issue of standard housing parking. If given direction, they could do something similar on this visitor parking issue.

Steve Oakey said there are five apartment complex representatives here tonight. They are asking for a suggestion on a minimum percentage and for freedom and flexibility to do what their businesses require so they do not have to come in to the City every time there is a seasonal change or demographic change. This sounds contradictory. He is not sure this body or any body can give a minimum.

Val Christensen said they need to plan for the largest. He stated that Councilman Wolfe had a suggestion - why not set a certain number; it can be a trial number for a certain amount of time, and then they can come back and revisit it.

Trent VanderSloot suggested: 8 percent up to 200 beds, 4 percent up to 300 beds, 3 percent starting at 700 beds –for PEZ 1.

Blake Willis said he did not build under a traditional CUP. He built with a one to one parking ratio and his visitor parking requirement numbers are different. He believes complex owners should manage themselves with some sort of guideline for the visitor parking. They are asking the Commission to come up with a number.

Mark Rudd said the Commission is trying to come up with something that is not a burden to City. He would feel more comfortable if there was some data like that done by staff for the standard parking.

Blake Willis said the college is down 3,000 students this semester. Monitoring of visitor parking at this time could not be accurate.

Tisha Flora felt if this issue is too complex with more and more rules, it would be back before the Commission when the times change. The Off-Campus Housing Association has given the Commission two options. She thought combining those two options is what they are asking for. Go with what they want.

For Commission discussion, she suggested the following based on the association's suggestions for visitor parking:

For complexes with more than 100 beds: manage their visitor parking between the ranges of 3 to 5 percent as they deem necessary. If exceptions are applicable, they would apply for a Conditional Use Permit.

Councilman Wolfe commented that he attended a meeting with the university yesterday. It was stated that 1000 students per year are expected to be added in the next 3 years. Take that into consideration.

Chairman Robinson asked the apartment complex owners present tonight if they are comfortable with Mrs. Flora's suggestion.

Richie Webb said he did not know if he would put the range of percentage. There are so many factors. There has to be some self-governance and intelligence and research that goes into what a developer is going to do.

Steve Oakey said based on the discussion, everyone is equivocating about percentages. Everybody wants somebody else to come up with a number. He is not hearing a consensus on a number. At the same time, he is hearing that the apartment owners want flexibility.

Steve Oakey motioned to recommend to City Council that there be no visitor parking minimums. **Motion died** for lack of a second.

Val Christensen expressed it is easier to not go as low. If the figure is too low, it will be hard to come back up.

Tisha Flora stated for the record she would have seconded Mr. Oakey's motion, but she is hearing that the apartment complex owners here tonight want to have a minimum percent - 3 percent.

Steve Oakey stated he realizes that one of the reasons why this issue is before the Commission is because there are complaints, but for customers to go to the City and complain about how a business is run is not the place of the City to deal with. The City also receives complaints about its own traffic enforcement, and they deal with this.

As important in a market economy as success is, failures are probably more important. An apartment is a business. Parking is part of the accommodations that the owners provide to their customers. If that parking cannot be provided, the customer is going to go somewhere else, and that business model has failed. There is a lot of experimentation that goes on in business. Rexburg may not be as sophisticated as a larger city, but at some point owners have to learn their lessons in order to produce a good business model. For government to come in and tell business owners where to benchmark for a business's success, is interfering with a market that will really thrive. There may be apartments that do not offer parking but might have cheaper rent. It is up to the apartment owners to find their customer base. The percentages are going to be floating forever, because there is always going to be some study that needs to be done.

Rory Kunz wondered about the idea that was mentioned regarding no overnight parking on the street and if there could be the option to go with a low minimum, with overnight street parking to hold everything in check.

Chairman Robinson clarified that idea reverts back to parking in general as a whole and not to the visitor parking issue that is being discussed tonight.

Rachel Whoolery suggested keeping the percentage to two numbers. She suggested: PEZ 1: 3 percent if over 100 beds; 6 percent if less than 100 beds. PEZ 2: 6 percent.

Jedd Walker motioned to recommend to City Council to reduce visitor parking in the PEZ Zone to: PEZ Area 1: 3 percent if over 100 beds; 6 percent if less than 100 beds. PEZ Area 2: 6 percent. **Motion died** for lack of a second.

Val Christensen clarified for Tisha Flora that there is always a Conditional Use Permit (CUP) in the process when projects in the PEZ overlay ask for reduced parking.

Thaine Robinson felt the main thing would be to keep it simple. Guest parking currently is at 10 percent visitor parking for both PEZ1 and PEZ2.

Mark Rudd liked what Mr. Christensen said regarding not doing too low a percentage to begin with.

Rory Kunz said he is inclined to agree with Mr. Oakey in that lower is better; however, the owners have come to the Commission and are asking for a minimum and also need the option of flexibility.

Tisha Flora suggested adding a CUP option to Jedd Walker's earlier motion.

Jedd Walker motioned to recommend to City Council an amendment to the Development Code regarding modification of the minimum visitor/guest parking requirement in the Pedestrian Emphasis Zone (PEZ) from one vehicle parking space per 10 residents to the following:

1. PEZ Area 1:
 - a. 1 to 99 beds: .06 visitor parking stalls per bed.
 - b. 100 or more beds: .03 visitor parking stalls per bed.
2. PEZ Area 2:
 - a. .06 visitor parking stalls per bed.

These minimum visitor parking requirements may be reduced through the PEZ CUP (Conditional Use Permit) process. This may not be changed for a period of two years.

Tisha Flora seconded the motion.

Steve Oakey stated that by asking for arbitrary numbers, the owners are placing a certain amount of blame and responsibility on the City; if a scenario fails, the City could potentially be blamed. It removes a layer of responsibility from the property owners, who should be responsible for their businesses. He would not vote positive for a default position. This is a default motion.

Those in Favor:

Rory Kunz
Mark Rudd
Thaine Robinson
Jedd Walker
Tisha Flora

Those Opposed:

Steve Oakey

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:

May 21, 2015:

Annexation – 275 Stationery Road – Development Workshop, by City of Rexburg

Chairman Robinson adjourned the meeting at 8:54 pm.