City Council Meeting

September 19, 2012

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CITY OF REXBURG
America's Family Community

September 19, 2012

Mayor Richard Woodland
Council Members:
Christopher Mann Jordan Busby
Donna Benfield Jerry Merrill
Bruce Sutherland Sally Smith

City Staff:
Stephen Zollinger – City Attorney
Richard Horner – Finance Officer
John Millar – Public Works Director
Val Christensen – Community Development Director
Scott Johnson – Economic Development Director
Blair Kay – City Clerk

7:00 P.M. City Hall

Welcome to the meeting by Mayor Woodland.

Roll Call of Council Members:
Attending: Council President Mann, Council Member Sutherland, Council Member Busby, Council Member Benfield, Council Member Merrill, Council Member Smith, and Mayor Woodland.

Gordon Maybe led the Pledge to the Flag.
Josh Christiansen said the prayer.

Public Comment on non-controversial issues not scheduled on the agenda (limit 3 minutes) - NONE

Presentations: - NONE

Committee Liaison Assignments for 2012:
A. Council Member Christopher Mann: *Golf Board · Emergency Services Board · MYAB*

Council President Mann reported the Mayor's Youth Advisory Board met last Wednesday for its opening social.

B. Council Member Jordan Busby: GIS Oversight · *Airport Board*

Council Member Busby reported the Airport Board will have a joint city/county meeting on November 7th.

C. Council Member Donna Benfield: *Trails of Madison County · IBC · Teton Flood Museum Committee · M.E.P.I.*

Council Member Benfield reported she meet with Jill Spencer and the coupons for the travel guides are drawing more patronage into the Teton Flood Museum. The romance marque advertisement is also a help to the museum. M.E.P.I. met on the 10th to ratify the articles of incorporation, the bylaws, and a new executive board. Trails of Madison County is meeting tomorrow night. Keland Draney resigned as committee chairman. A new chairman and secretary will be elected tomorrow night at their meeting.

D. Council Member Sally Smith: *Legacy Flight Museum · Rexburg Arts Council (Romance Theatre & Tabernacle Civic Center, Orchestra)*

Council Member Smith reported the Legacy Flight Museum Board met last Friday. Brad DeBow is retiring from the board. The board would like to replace Brad DeBow with Glenn Embree.

Council Member Smith moved to appoint Glenn Embree on the Legacy Flight Museum Board as a replacement for Brad DeBow; Council Member Sutherland seconded the motion; Discussion: Mayor Woodland asked for a vote:

Those voting aye	**Those voting nay**
Council Member Busby	None
Council President Mann	
Council Member Sutherland	
Council Member Benfield	
Council Member Merrill	
Council Member Smith	

The motion carried.

Council Member Smith reported there will be a fly over for the Veterans Day ceremony held on November 12th, per request from the Rexburg Chamber of Commerce. There will also be a fly over at the St. Anthony airport this Saturday the 22nd. The Arts Council has met and the committee is currently without a chairman. RonaLee Flansburg resigned from the committee chair position. The painting of the old wood in the Romance Theater is complete. The arts events are listed in the Rexburg Recreation Guide. Several arts activities/events are coming up. Margret Arnold reported the summer concert series went well.

Mayor Woodland thanked RonaLee Flansburg for her service as committee chair of the Rexburg Arts Council. The Mayor also thanked the students for the help they provided in painting the Romance Theater.

E. Council Member Jerry Merrill: *Beautification Committee · Parks & Recreation · Traffic & Safety · Urban Renewal Agency*

Council Member Merrill reported the new part to fix the boiler at Rexburg Rapids at Riverside Park came broken. Recreation Director Bob Yeatman wants to make sure Rexburg Rapids is working properly before it is winterized. The parks look good. Council Member Merrill suggested replacing the grass in front of Rexburg Rapids with extra parking including islands with trees. There hasn't been a need for extra parking in front; however the other side of Riverside Park may be in need of extra parking in the future. The Traffic and Safety Committee met; 7th South is complete and looks great. There is a concern about the intersection on University Blvd and Yellowstone Highway; vehicles pull up past the railroad tracks to stop. Vehicles should stop before the tracks to allow space for large trucks turning. There is a sign with flags; however it is easily missed. Council Member Merrill recommended painting the road designating vehicles to stop before the tracks. Neighbors around Burton Elementary were concerned for a crosswalk. Burton Elementary agreed to split the cost of placing a cross walk with the city. There is a concern on the speeding to pass as 1st North turns into one lane. Traffic from Pioneer Road speeding on Mariah Ave has brought some concerns. Council Member Merrill spoke with Captain Lewis who presented the possibility of placing speed bumps there to slow the traffic. A new stop light will be put in on 12th West 100 South near Madison High School. The Urban Renewal Agency met a month ago; their projects have finished under budget.

F. Council Member Bruce Sutherland: *Planning & Zoning · School Board · Police*

Council Member Sutherland reported Planning and Zoning met and discussed issues that are on the agenda tonight. The Madison School Board will met tomorrow night, September 20th. Council Member Sutherland thanked the Police Dept. for their professionalism and everything they do to keep the community safe.

Mayor's Report:

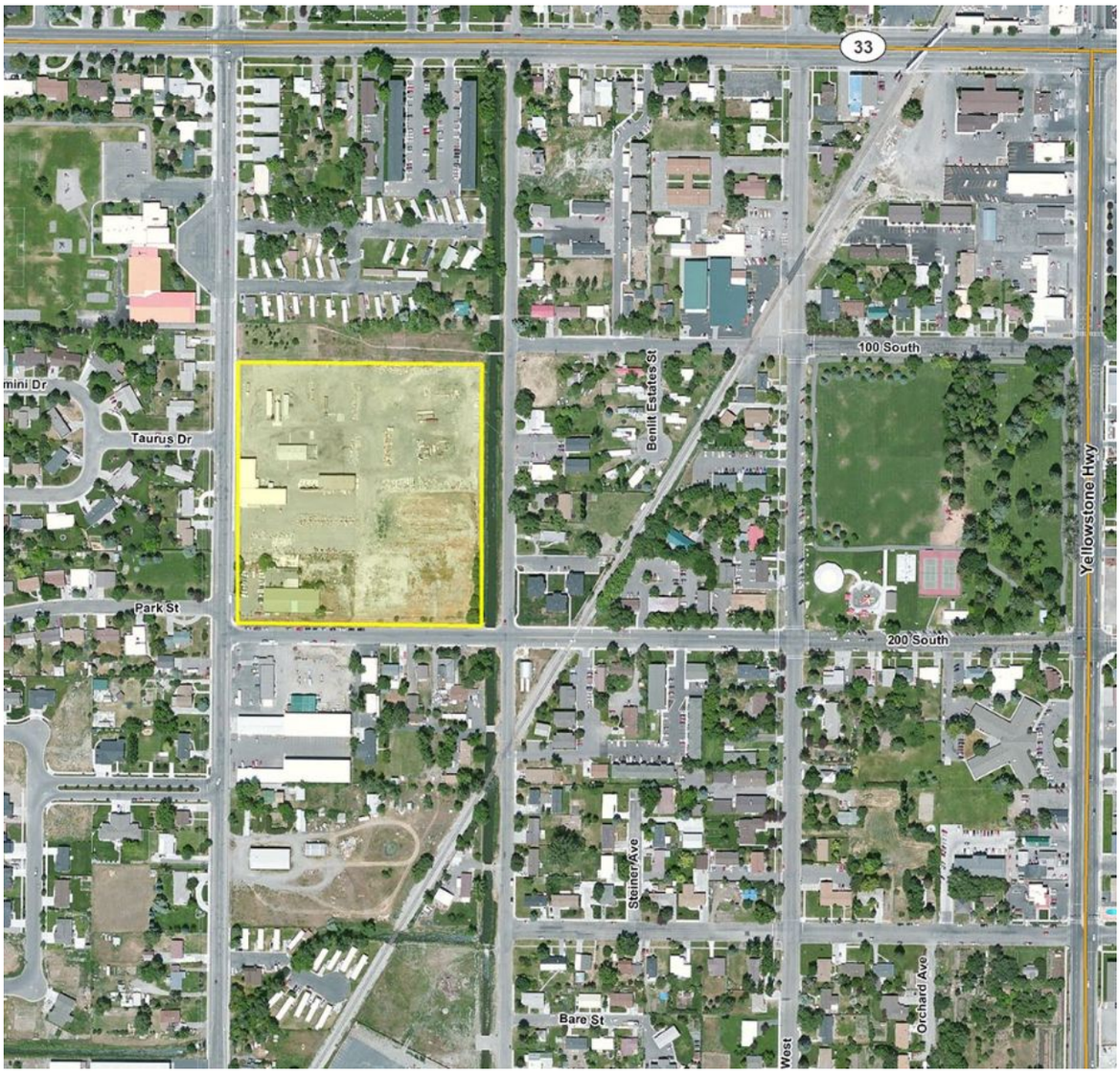
Mayor Woodland reported there has been no appointment to the Planning and Zoning commission.

Public Hearings continued from August 08, 2012:

A. Rezone – Light Industrial and Medium Density Residential 2 to High Density Residential 1 at approximately 424 West 2nd South

Mayor Woodland opened the public hearing.

Presentation by staff: Community Development Director Val Christensen reviewed the property on the overhead screen.



The property is approximately 9.5 acres. Half of the property is zoned Medium Density Residential 2 (MDR2) and the other half is zoned Light Industrial 1(LI1). The Comprehensive Plan for this area is Moderate to High Density Residential which allows the zone change to High Density Residential 1 (HDR1). The recommendation from Planning and Zoning included 5 conditions:

1. There shall be surface parking only - no parking structure;

2. No access onto 5th West;

3. Buildings will not exceed 40 feet in height;

4. Maximize landscape around the perimeter of the property; and

5. Thirty-six (36) month sunset clause specifying that the subject property will revert back to current zoning if the project does not move forward in that period of time.

Council Member Busby asked Community Development Director Christensen to explain the property labeled City Park north of the project. Community Development Director Christensen explained the property is the cities right-of-way. It is currently used by the city as a nursery. Council Member Busby asked if the 5th West side of the project allows for parking. Community Development Director Christensen explained 5th West does allow parking.

Council President Mann asked if a traffic study has been done for the project. Community Development Director Christensen explained the developer decided not to move forward with a traffic study until after the rezone was approved. The traffic study is needed to approve the development of the project. The study will describe whether or not the project is feasible.

Council Member Smith asked for an explanation on the difference between the amount of units allowed by the current MDR2 and HDR1. MDR2 allows for 20 units per acre and HDR1 allows for 30 units per acre. A density bonus called Planned Unit Development (PUD) can be used with MDR2 to increase the density. These density bonuses are only given if certain requirements are met with regards to green building (e.g. solar panels). A PUD requires a public hearing. The condition for surface parking only, limits the density of the project.

Council Member Merrill asked for an explanation on the condition to maximize landscaping around the perimeter of the property. Council Member Merrill felt the condition was too general; there is no requirement on the percentage of green space needed. Community Development Director Christensen explained the Design Review Committee would evaluate the landscaping. Planning and Zoning anticipated the landscaping will need to meet design review requirements.

Council Member Busby asked where the developer will plan for snow storage. Community Development Director Christensen explained the property has 10 ft. of space around the perimeter for snow storage. They are also able to use any green space within the property for snow storage. The development plans will undergo a hard review to ensure it conforms to requirements.

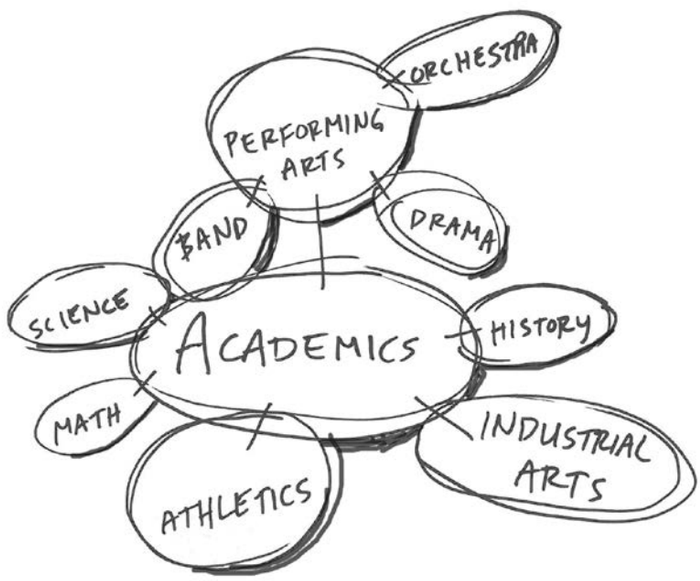
Council Member Merrill explained the possibility of the project plans changing into something undesirable is a concern for him and other residents. Development Director Christensen explained conditions along with design standards in the development ordinance

limit undesirable change. Configuration of buildings may change; however, the project must still meet conditions and requirements.

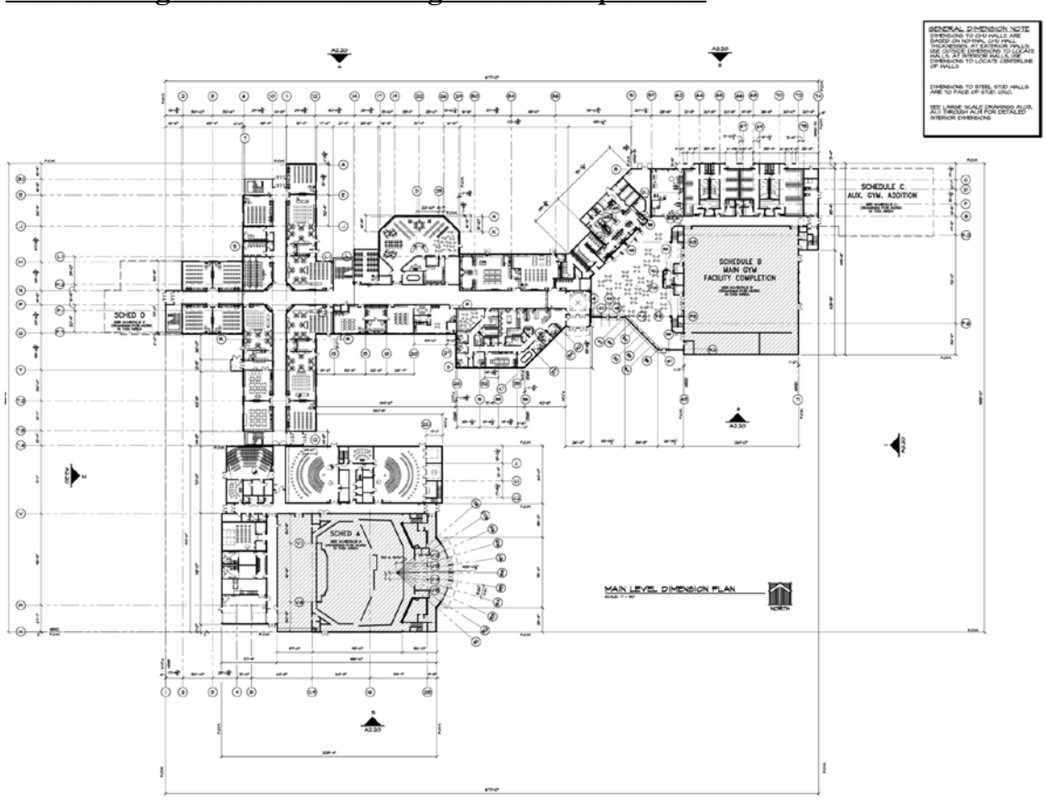
Presentation by Applicant: Jonny Watson at 1152 Bond Ave explained he has offered to give this presentation on behalf of the applicant. Mr. Watson reviewed his presentation on the overhead screen. The presentation consisted of the new Madison High School project; the Rexburg Comprehensive Plan 2010 versus the 2020 Comprehensive Plan; and zoning conditions that can be applied.

Each challenge within a project has rarely a yes or no answer or a black or white solution. Usually there is compromise from both sides for the betterment of the project. The new Madison High School project was an example of compromise. Each academic department was asked for their needs. Not one department was able to receive everything they wanted; however their compromise was for the benefit of the entire school. The following sketch of a preliminary Madison High School design as envisioned by individual departments. This input from Madison High School Departments required compromise to come up with a final design.

Department Proposal for each Department



Madison High School "Final Design" after compromise.



Mr. Watson indicated Rexburg's growth has raised questions. The City of Rexburg Vision 2020 Comprehensive Plan answers these questions.

Chapter 1: Introduction and Community Vision Statement

The Comprehensive plan is the official statement of the City's legislative body (City Council), which sets forth its major policies concerning desirable future physical development. The published comprehensive plan includes a single unified physical design for the community and it attempts to clarify the relationships between physical development policies and social and economic goals. It consists of text, maps and other exhibits and includes all of the planning elements required by Idaho Code Section 67-6508.

A Comprehensive Plan sets out to capture and articulate a common vision for residents, businesses, property owners, and city and County staff and officials for future growth and development of the community. It is a guiding document adopted by the community to help decision-makers evaluate development proposals and implement a desired future for the community.

Mr. Watson reviewed the overall goals of the comprehensive plan.

Overall Goals of this Comprehensive Planning Effort

1. *To improve the physical environment of the community as a setting for human activities-to make it more functional, beautiful, decent, healthful, interesting, and efficient.*
2. *To promote the public interest, the interest of the community at large, rather than the interests of individuals or special groups within the community.*
3. *To facilitate the democratic determination and implementation of community policies on the physical development.*
4. *To effect the political and technical coordination in community development.*
5. *To inject long-range considerations into the determination of short-range actions.*
6. *To bring professional and technical knowledge to bear on the making of political decisions concerning the physical development of the community.*
7. *To maintain high levels of interaction with the public for planning and decision-making. Encourage citizen input when considering code modifications.*

Below was a comparison, reviewed on the overhead screen, of the Rexburg Comprehensive Plan made in 1998 for 2010 and the Rexburg Comprehensive Plan made in 2008 for 2020.

Mr. Watson indicated both comprehensive plans are similar; however, Rexburg has done a great job implementing the goals, polices, and vision outlined in the comprehensive plan.

CITY OF REXBURG COMPREHENSIVE PLAN
GOALS / POLICIES

1998	2008
"Downtown Rexburg is the Heart of the Community"	Downtown is the heart of "America's Family Community"
"New buildings downtown should retain first floor retail, offices and or residential above."	"Downtown is a mixed-use center which includes retail, offices, residential …"
"Make it easier and safer for people to travel by foot or bicycle."	"Downtown is a pedestrian-priority area."
"Require developers to lessen the effects of their developments on existing streets."	"Undertake infill, adaptive re-use" "Developers must demonstrate availability of public services and facilities."
"Encourage compact development to retain a convenient city. Promote continuous development rather than leapfrogging."	"Emphasize mixed-use development. Infuse residential units downtown. Encourage development of vacant or underused land.
"Provide a variety of housing types in Rexburg."	"Developing attractive, efficient and affordable housing is one of Rexburg's central concerns." "Plan for a land use policy that encourages housing to meet the demands of all stages of the life cycle, including starter and senior housing."
"Develop high density housing adjacent to Ricks College. Students should be within walking and biking distance from the college and commercial services."	"Multi-family residential will continue to be located around the BYU-I area. Infuse residential units downtown."
"Rexburg residents may wish to live closer to jobs and shopping."	"Economically, it is advantageous to have a high percentage of the local workforce remain within the local community, as workers are then more likely to make purchases closer to home and workplace." LIVE, WORK, PLAY
"Multi-family housing, with its height, parking areas, and landscaped lawns, buffers single family housing from the commercial development."	"Multi-family housing, with its height, parking areas, and landscaped lawns, will continue to buffer single-family housing from commercial developments, downtown, and BYU-I."
"College Avenue will be redeveloped to provide a pedestrian corridor from Ricks College to downtown."	

Mr. Watson reviewed the rezoning of the property. The change from Light Industrial and MDR2 to HDR1 allows a four story structure. Because of higher structures, the opportunity

for more green space is available. MDR2 would allow smaller buildings which would result in higher quantity buildings. HDR1 doesn't necessary allow for a higher density due to the number of parking stalls needed per unit built per acre. For a one bedroom apartment, 1.5 stalls are required. For two - three bedroom apartments, two stalls are required. The space required for parking stalls will lower the density below 30 units per acre. For creating a walkable community and improving traffic patterns, this property is a great location. The Brickyard Project shouldn't be held to HDR1 requirements alone due to the sensitive issues raised by the residents. Conditions set on the project will allow for compromise between the residents and the developer.

	ALLOWED HIGH DENSITY RESIDENTIAL 1	CONDITIONS COMPROMISE
Setbacks	Front Yard - 25 feet Rear Yard - 20 feet 6 feet or 5:1	Increased front yard? Side yard - 1:1
Buffering	As per ordinance	Landscape berm along 5th West Increase tree requirements
Density	30 units per acre	Density outside of PEZ Zone is limited by parking 1.5 stalls = 1 bedroom 2 stalls = 2 bedrooms 2 stalls = 3 bedrooms
Additional		No vehicle access on 5th West

Public Testimony **in favor** of the proposal (5 minute limit): NONE
Public Testimony **neutral** to the proposal (5 minute limit):

Steve Oakey at 25 South 3rd East said because this topic continues to resurface and by the capacity of the room it would be important to change course otherwise the city can anticipate larger antagonistic parties. It is reasonable for the residents to be fearful and angry when a development does not invite them to participate. It is also reasonable for the developer to be frustrated and the City Council to be conflicted or torn with making a decision. Collectively, we have failed to do the hard work and heavy lifting before any plans have been created. The city should gather the various interests together to work out a plan with a shared goal in mind. Mr. Oakey proposed for the City Council to take invitations to residents to meet with developers in order to coordinate planning. Working together is important to finding a solution. Mr. Oakey thanked the City Council for the time and dedication they give to this community.

Public Testimony **opposed** to the proposal (5 minute limit): NONE

Mayor Woodland closed the public hearing for discussion by City Council:

Discussion:

Council Member Merrill said this development is in his neighborhood and one of the major concerns from residents is traffic. It is a great idea to house as many people closer to campus rather than farther away from campus. This will lower the traffic through neighborhoods. The traffic study should be done before the development is approved; however, it is understandable not to waste time and resource on a study for a project that might not move forward. Council Member Merrill took it upon himself to do an unofficial traffic study at different times of the day and at different apartment complexes. Traffic is not overly congested. Not at any one time was there more than one car waiting to get out on the street. Even though it appears to be a lot of people in one apartment complex, residents come and go at different times. This project is well designed. By setting conditions and working together this development would work.

Council President Mann asked Community Development Director Christensen about the height of the Spring Hill Suites Hotel to gage the height of this development. President Mann is concerned this development will allow for other projects of this magnitude on 5th West.

Council Member Sutherland stated that apartments are just a structure; however what goes in the apartment is more important and that is people. Most residents have lived in an apartment complex at one point in their lives. These people are starting their lives and need a place to live. Equating the situation with people instead of a project makes a large difference. This is a wonderful city because of the people.

Council Member Busby thanked Steve Oakey for his comments. There is concern with how this development will affect Kennedy Elementary School and the Madison School District. These residents will be affecting kindergarten and first grade. Those are the biggest grades in Kennedy Elementary.

Council Member Smith explained she heard in a prior meeting that Kennedy Elementary is already at capacity and will need to be expanded.

Council Member Busby explained the Burton Elementary School was built 3 years ago; however, the Madison School District recently added four new classrooms to the Burton School.

Council Member Sutherland asked if the schools will be impacted regardless of the location of the development. Council Member Busby said yes.

Mayor Woodland commented that it is a definite fact the city is growing and the growth will impact the schools.

Council Member Benfield stated we need to agree to disagree and still be friends. Her concern is the traffic, safety, neighborhood, environment, etc.; how does it affect where the community has positioned themselves.

Council Member Merrill explained referring back to the comprehensive plan goals shown beforehand; the focus is to provide housing for University residents as close to the University as possible. This will allow them to walk to the University. This is a good proposal because it addresses the concerns, issues, and goals of the community. There is no other piece of property that is large enough to house this amount of people along with being in close proximity to the University. The development needs specific conditions.

Discussion on the amount of feet the buildings should be from the city right-of-way. Planning and Zoning recommended 80 ft. from the city right-of-way.

Council Member Benfield thanked Steve Oakey for his comments. Some problems could have been eliminated if the problem would have been worked out ahead of time. Infill should fit the neighborhood. This dense of infill does not fit the single family homes in the neighborhood; more moderate infill is more appropriate.

Council Member Smith also thanked Steve Oakey and all those who are in attendance tonight. The Planning and Zoning Commission and City Council are working together diligently to prepare and stay in front of the growth in the community.

Council Member Smith moved to re-zone property at approximately 424 West 2nd South from Light Industrial and Medium Density Residential Two to High Density Residential One including the five conditions recommended by Planning and Zoning:

1. There shall be surface parking only - no parking structure;
2. No access onto 5th West;
3. Buildings not to exceed four stories;
4. Maximize landscape around the perimeter of the property;
5. Thirty-six (36) month sunset clause specifying that the subject property will revert back to current zoning if the project does not move forward in that period of time;
6. Buildings a minimum of 80 ft. off of the city right-of-way; and
7. Landscape buffering to be more specific rather than general when the plan is reviewed.

Council Member Sutherland seconded the motion;

Discussion: Council Member Merrill requested to add an additional condition.
Council Member Merrill moved to amend the motion as to include:

8. Trees to be no farther than 40 feet apart on the perimeter.

Council Member Sutherland seconded the amended motion; Discussion: Council Member Busby asked Community Development Director Christensen about the egress on the east side of the property. Community Development Director Christensen explained once the traffic study is completed the city engineer will determine whether or not an egress is required on the east side of the property. Discussion on adequate access for the Fire Department into the property and the traffic study that will be done on the project. The development plans will be reviewed in every aspect to meet city standards and requirements. Mayor Woodland asked for a vote:

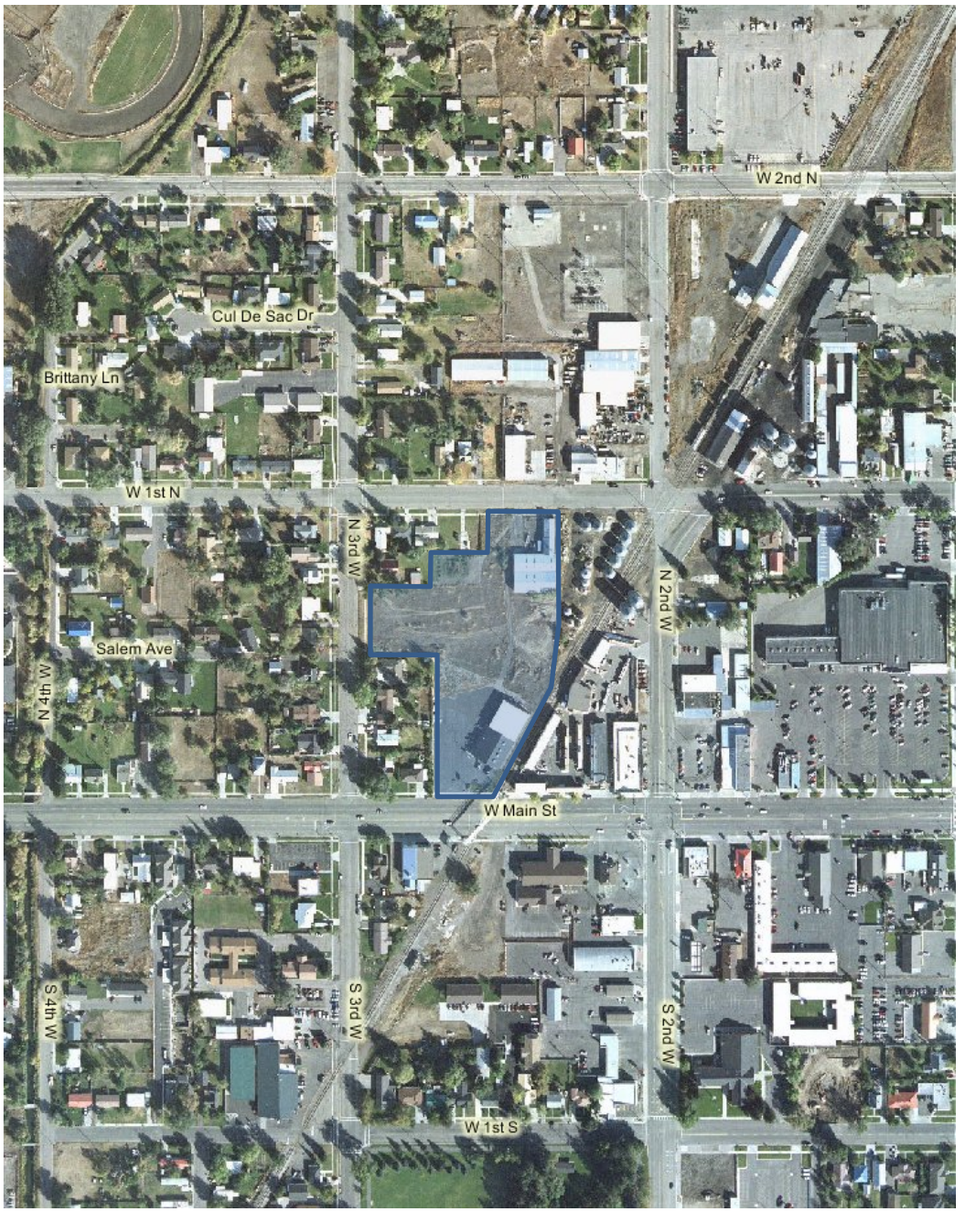
Those voting aye	**Those voting nay**
Council Member Busby	Council President Mann
Council Member Sutherland	Council Member Benfield
Council Member Merrill	
Council Member Smith	

The motion carried.

B. Rezone - Low Density Residential 2, Light Industrial and Community Business Center to Mixed Use 2 at approximately 245 West 1st North

Mayor Woodland opened the public hearing.

Presentation by staff: Community Development Director Val Christensen explained the city is working on improving its policies and working with the community. Discussion on the legal complications associated with council members working with the community on potential developments. Community Development Director Christensen reviewed the zone change on the overhead screen.



The proposed zone change is from Low Density Residential Two (LDR2), Light Industrial (LI) and Community Business Center (CBC) to Mixed Use Two (MU2). The Comprehensive Plan in this area is MU1 or MU2. The property includes Wolfe Lighting and it is 4.3 acres in size. The City Engineer has asked for a traffic study to be completed for this project prior to the time the building permit is released. The recommendation from Planning and Zoning included four conditions:

1) There shall be surface parking only - no parking structure;

2) No access onto 3rd West;

3) There shall be a landscaped area along the frontage of the subject property on 3rd West with a depth of not less than fifty (50) feet; and

4) Thirty-six month sunset clause specifying that the subject property will revert back to current zoning if the project does not move forward in that period of time.

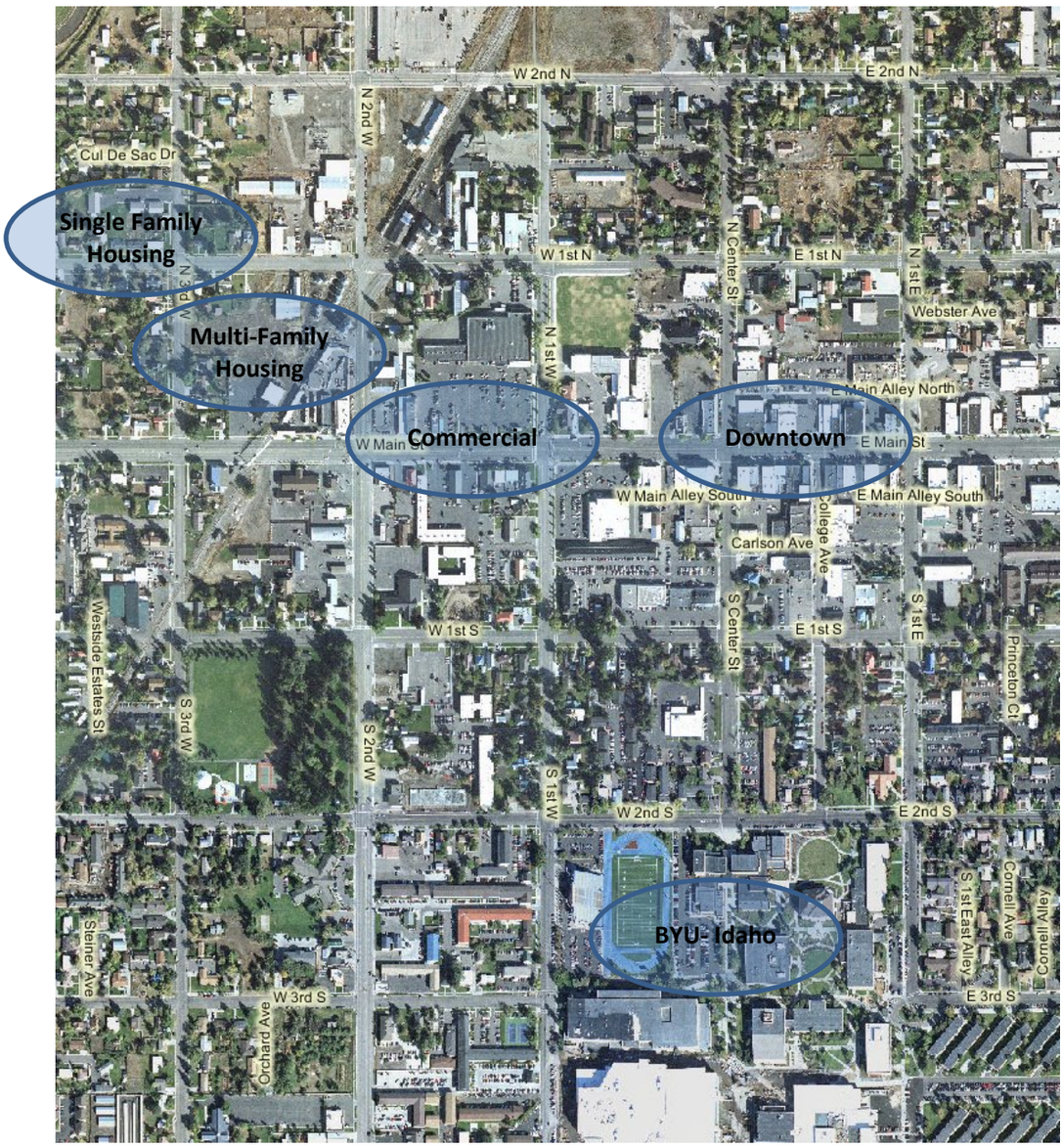
Council Member Merrill asked if building twin homes on the LDR1 portion of the property has been considered. Community Development Director Christensen explained the idea was discussed; however the developer has not mentioned the idea.

Presentation by Applicant: Jonny Watson at 1152 Bond Ave reviewed the presentation on the overhead screen. There is excellent opportunity to keep Rexburg downtown vibrant and full of energy. This project supports the idea to allow access for people to live, work, and play in the downtown area. The project follows policy written in the City of Rexburg Vision 2020 Comprehensive Plan:

"Multi-family Housing, with its height, parking areas, and landscaped lawns, will continue to buffer single family housing from commercial developments, downtown and BYU-I."

"Policy: Allow for multi-family or home mixed use development as buffers between commercial and single-family residential areas, as well as in the vicinity of town centers and near the university. Accessory dwelling units may also be considered in appropriate areas."

This multi-family project provides the buffer between single family housing and commercial, downtown, and the university.



Mr. Watson explained this project encourages pedestrian usage by placing residents close to recreation, shopping, and the University. The property will be developed and cleaned. Conditions should be placed on the project in order for the project to fit the neighborhood. It may be appropriate for the City Council to condition the project to leave the low density residential housing in the vacant lots. The setbacks on the buildings should be a 1:1 ratio. The project may be conditioned to step-up the buildings from a two story unit to something larger so as to appear to blend in with the neighboring houses. A condition to limit the density to 16 units per acre can be applied to the project. Below are conditions that can be placed on the project in order to allow for the project to fit the neighborhood.

	ALLOWED MIXED USE 2	CONDITIONS COMPROMISE
Setbacks	Front Yard - 0-10 feet Rear Yard - 0 feet Side Yard - 0 feet	Increased setbacks on West and North to 1:1 minimum
Buffering	As per ordinance	Provide park along 3rd West Increase tree requirements
Density	30 units per acre	Density outside of PEZ Zone is limited by parking 1.5 stalls = 1 bedroom 2 stalls = 2 bedrooms 2 stalls = 3 bedrooms
Additional		No vehicle access on 3rd West 6 foot fence along railroad property

Public Testimony **in favor** of the proposal (5 minute limit):

Kent Hillman at 124 South 3rd West explained he purchased his home 25 years ago. After the Teton Dam flood there was an empty lot left next to his property. The property was bought to develop student housing. Mr. Hillman seriously voiced his opinion on the issue with every negative impact the project could have on the neighborhood. Mr. Hillman is now one of only two single family houses on the block. Retrospectively the developments have not changed his lifestyle and are not as bad as he thought they would be. The neighborhood is still good and wonderful. The focus should not be placed only on the negative aspects of the project. There are good aspects to the project.

Dalen Bergner at 490 Pioneer Rd #8201 explained he is a student that came to hear the proceedings. Mr. Bergner found a handout from the neighborhood opposed to this project. He was surprised to find negative remarks on the handout directed to the City Council members and the University students. He explained Rexburg is his home town and he plans to stay here to raise his family. He lives on Pioneer Rd; his family drives to work, to school, and to everything. Mr. Bergner explained he would like to take part in a walkable community alongside of everyone else. He asked the City Council and the Mayor to remember all of the voices in Rexburg's Community.

Brad Wolfe at 368 Eagle Court owner of 250 West Main-Wolf Lighting explained he has been in the community for seven years. Mr. Wolf serves on the Chamber of Commerce and two boards at Madison Memorial Hospital. Any project that stimulates economic growth is needed and is a benefit for the community. He asked the City Council to consider all that's presented to them; if it meets the established guidelines, it should be approved. Council Member Merrill asked if the traffic in and out of his parking lot is a concern. Mr. Wolfe explained the traffic is not a concern for him.

Roger Luthy at 16416 East Ririe Highway representing BMC West explained he is in favor of the proposal. The proposal will benefit the area by replacing weeds and debris with developed landscape property. The proposal will benefit BMC West.

Public Testimony **neutral** to the proposal (5 minute limit):

Tonya Johnson at 5th West and Taurus attended the meeting to discuss the previous public hearing on 5th West. She asked about the rezone at 424 West 2nd South. Discussion on the 424 West 2nd South rezone public hearing previously approved. Ms. Johnson asked if the people living in new developments will pay their fair share of taxes for adding capacity to schools, etc. Council Member Merrill and Council Member Sutherland explained the property owner will pay taxes equal to the value of the property and will be taxed on the renting business.

Public Testimony **opposed** to the proposal (5 minute limit):

Kendal Peck at 363 West 1st North explained he is not opposed to development; however; he believes that the scope and the magnitude of this development is not in scale with the character of the neighborhood. This project is to the benefit of the developer and at the expense of the residents. Because the scale and magnitude of this project is not in line with the neighboring properties this project will decrease property values around it. Parking on 3rd west from residents in the apartments will be an issue difficult to manage. There are no sidewalks on the north-east side of the block; this is a safety concern for pedestrians. The north-east intersection of the block

is a traffic safety concern. There are other solutions; changing the zoning will not be in keeping with the neighborhood. There are other locations that can accommodate this development more appropriately.

Janet Evans at 47 North 3rd West explained this project will affect the children living in single family homes. Ms. Evans described studies showing the social benefit that comes from children living in single family homes. She asked the City Council to consider the future of the children living in this community.

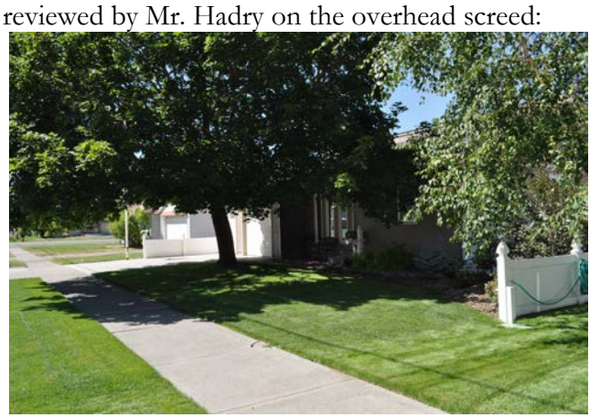
Rebekka Hanson at 57 North 3rd West would like to remind the City Council this project was rejected on the 18th of April. The consensus then was that this project was too massive for the neighborhood. The project is now larger and it is believed will have a negative impact on the community. Ms. Hanson referred to the literature she submitted to the City Council. If the principals of good infill are followed, development projects would not garner protest by the existing residents, but will instead be welcomed as a needed improvement in the neighborhood. Good infill will preserve the quality and character of our neighborhoods. The current project will be in close proximity to homes and will, literally, be looking into their backyards. Development in this town will increase congestion. It is a safety concern for families to live next to railroad tracks and granaries. Representatives from both the railroad and the granaries have safety concerns on this project. This situation only benefits the developer. This zone change is an example of spot zoning. Many feel they have been ignored by their elected representatives. Ms. Hanson explained she is concerned with the history and heritage of Rexburg. Preserving Rexburg's history is important for its future. The residents should not be forced to continually sacrifice. The neighborhood is not against development, renters, students, or the University. Appropriate development should be done at the appropriate place and time. This project is too massive for the neighborhood and will have negative repercussions. Ms. Hanson asked the City Council to consider all the letters submitted, the petitions, the lives of those being affected, etc. and reject the zone change.

Delynn Nedrow at 337 Salem Ave explained concerns with his neighboring apartments. He would like the City Council to consider the neighborhood concerns and the lives the project will affect.

Ron Gibb at 329 West 1st North explained developments made for housing University students should be built in the south part of town. He does not appreciate the construction that has occurred on College Ave. The infill projects will only affect a small portion of the growth that will occur at the University. A study should be done to compare the cost of a development project out of town to one built in town. Infill has its place; however only within limits.

Ken Hart at 367 Salem Ave explained he shares the same concerns his neighbors have expressed. His primary concern is the parking on 3rd West. Tenants of this development will find it more convenient to park on 3rd West rather than navigating through their parking lot. Mr. Hart asked City Council to consider a wall to stop tenants from walking through the park into the development or place homes on the two lots off of 3rd West. A condition to limit the density of development should be placed on the project.

Frank Hadry at 23 North 3rd West thanked City Council for their time and efforts. There are three parties in this decision the Developer, City Council, and the local neighborhood. Mr. Hadry explained the neighborhood is the only party that has made a compromise. The neighborhood wants development that is harmonious with the neighborhood. This project is simply not harmonious with the neighborhood. Mr. Hadry asked the City Council to vote for what the residents want. Below are pictures submitted showing the condition of the neighborhood and reviewed by Mr. Hadry on the overhead screed:



Gary Taylor at 63 North 3rd West explained he agrees with everything that has been said. The size and magnitude of this project does not fit the neighborhood. Residents are concerned development projects will drive them out of the neighborhood. Mr. Taylor asked the City Council to help the residents.

Rebuttal by Applicant: Jonny Watson at 1152 Bond Ave explained his appreciation for the comments made by the neighborhood. There are various misconceptions regarding the development that should be corrected. The development cannot reach 160 units per acre, if enough parking was allowed the maximum would be 120 roughly. Placing 60 to 70 units would allow the project to be sensitive to the neighborhood concerns. This public hearing is a land use issue not a site plan review. The issue is whether or not this property should be MU2. Mr. Watson explained he could submit a building permit for a 55 ft. structure falling under Light Industrial uses without a public hearing. Building that structure is not the right solution. City documents and policy point toward designating this property as MU2. Mr. Watson explained he does not represent Brigham Young University-Idaho (BYU-I); however, the growth from BYU-I is acting as an economic stimulus. Conditions may be placed on the project in order to reach a compromise. There needs to be a barrier between 3rd West and the development; two twin homes between the development and 3rd West is most likely the best solution. Increasing the setbacks on the buildings will help with the sense of scale and site lines of the buildings. Conditioning the density to 20 units per acre or 16 units per acre will also help with the size of the project. Mr. Watson asked the City Council to seriously consider the conditions for compromise in the proposal.

Mayor Woodland closed the public hearing for discussion by City Council:

Discussion:

Council Member Merrill asked Mr. Watson if the building closest to 3rd West can be dropped down in scale to match the neighborhood. Mr. Watson explained the build can be dropped down.

Council Member Merrill explained this project is good use for this property. The residents' concerns should be addressed; if the project is approved there should be conditions.

Council Member Sutherland asked Mr. Watson regarding access to twin homes if built on the empty lots off of 3rd West. Mr. Watson explained the twin homes would have one driveway to allow access from 3rd West and the backyard would be fenced off.

Council President Mann explained concern with the magnitude of the development. Infill in Rexburg and the growth of the University are not his concerns. The size of the project looks too big for the neighborhood.

Council Member Benfield reiterated what Council President Mann explained. This area is still a neighborhood and this project is not right for this area. Council Member Benfield expressed concern for listening to the community as an elected official for the community.

Council Member Smith explained infill is not only apartments or housing; infill can be many different things. Compromise is important in meeting the concerns of the neighborhood. Council Member Smith asked the neighborhood to stay involved if this does not pass in order to decide an appropriate type of infill.

Council Member Merrill explained appreciation for the letters submitted by the residents. The project needs to have conditions that will allow the developer to make a return on investment. At the same time the conditions should help meet the concerns of the residents. The building next to residents should be buffered with the purpose of blocking any view into backyards. Council Member Merrill would rather allow a park to be built off of 3rd West; however it would be important to follow the neighborhoods desire by placing twin homes on the empty lots. The land should be used in an appropriate way. The project should be scaled down and conditioned to fit the neighborhood.

Mayor Woodland explained the project can be a benefit to the neighborhood, the city, and every citizen. The project needs to be tempered to fit the neighborhood.

Council Member Sutherland asked Mr. Watson if making adjustments would be feasible for the project. Mr. Watson directed the question to City Attorney Stephen Zollinger. City Attorney Zollinger explained the proposal will need to return in order to discuss substantial adjustments.

Council Member Mann moved to deny the re-zone from Low Density Residential 2, Light Industrial and Community Business Center to Mixed Use 2 at approximately 245 West 1st North; Council Member Benfield seconded the motion; Discussion on the developer returning with a more detailed proposal to fit the property. Council Member Merrill asked the City Council to consider placing conditions on the project instead of completely denying it. The motion would need to be detracted. The motion was not detracted. Mayor Woodland asked for a vote:

Those voting aye	**Those voting nay**
Council Member Busby	Council Member Sutherland
Council President Mann	Council Member Merrill
Council Member Benfield	Council Member Smith

Mayor Woodland voted nay to reject the motion.

The motion failed.

Discussion:

Mayor Woodland asked the City Council for a different motion. Council Member Merrill suggested applying conditions on the project in order to minimize the impact on the neighborhood. Council Member Sutherland explained the least evasive construction would be to build twin homes on the 3rd West lots. Cory Sorensen explained the lots on 3rd West can be left as LDR2 to match the neighborhood. This will allow twin homes, single homes, or the lot could be sold.

Council Member Merrill moved to approve the re-zone from Low Density Residential Two, Light Industrial and Community Business Center to Mixed Use Two at approximately 245 West 1st North with the exception of the two 3rd West lots be left LDR2 at the depth needed for what will to be built in the LDR2 lots, including the following conditions:

Planning and Zoning conditions:

1) There shall be surface parking only - no parking structure;

2) No access onto 3rd West;
3) No landscaped area along the frontage of the subject property on 3rd West with a depth of not less than fifty (50) feet (Lots have been left as LDR2); and
4) Thirty-six month sunset clause specifying that the subject property will revert back to current zoning if the project does not move forward in that period of time.

Additional conditions:

5) Sufficient buffering with landscape for any line of site from a building to a neighboring backyard;
6) 1:1 ratio setback; and
7) Allow no more than 16 units per acre;

Council Member Sutherland seconded the motion; Discussion: Mayor Woodland asked for a vote:

Those voting aye	**Those voting nay**
Council Member Merrill	Council Member Benfield
Council Member Sutherland	Council President Mann
Council Member Smith	Council Member Busby

Mayor Woodland voted aye to approve the motion.

The motion carried.

C. Resolution No. 2012-10 amending Street Permit Parking Map – Staff

Presentation by staff: City Attorney Stephen Zollinger reviewed the resolution.

Proposed Changes to the maps:

1. College Avenue (1st South – 2nd South) – U permits
2. 1st West (1st South – 2nd South) – U permits (three homes (2 U – permits each)
3. 2nd South (1st East – 2nd East) – U permits
4. 5th and 6th South (2nd West – 4th West) – U permits
5. 3rd West (5th South – 6th South) – U permits

Temporary "O" permits will be signed for the three homes on College Avenue. Two parking stalls will be marked for each home owner as close to their home as possible with orange paint.

Council Member Sutherland moved to approve Resolution No. 2012-10 amending Street Permit Parking Map; Council Member Busby seconded the motion; Discussion: Mayor Woodland asked for a vote:

Those voting aye	**Those voting nay**
Council Member Busby	None
Council President Mann	
Council Member Sutherland	
Council Member Benfield	
Council Member Merrill	
Council Member Smith	

The motion carried.

Items for Consideration:

Staff Reports:

A. Public Works: – John Millar

Public Works Director Millar reviewed projects.

1. The LID street project is complete. There will be a report for the project next council meeting.
2. A 5 year capital improvement plan will be prepared for next council meeting.
3. Treatment Plant project is going good. No problems with the project yet.
4. Rebuilding the Kmart pump station due to deterioration.

5. A standby generator is being installed at two wells on 5th South and 2nd East.
6. The street light project has been opened for bids.

Discussion on the parking situation by 7th South.

Calendared Bills and Tabled Items:

A. **"LAND USE ACTION" –** BILLS RECOMMENDED/APPROVED IN A LAND USE
B. PUBLIC HEARING PROCEDURE:
   1. **Ordinance 1091** – Impact Area Rezone of property at 330 & 340 North 12th West (Trailer Park on North 12th West by Teton River) - Rachel Whoolery) "Recommended by Planning and Zoning and approved by Madison County Commissioners"

Council Member Mann moved to suspend the rules for Ordinance 1091 – Impact Area Rezone of property at 330 & 340 North 12th West (Trailer Park on North 12th West by Teton River - Rachel Whoolery) recommended by Planning and Zoning and approved by Madison County Commissioners; Council Member Benfield seconded the motion; Discussion: Mayor Woodland asked for a roll call vote:

Those voting aye	Those voting nay
Council Member Busby	None
Council President Mann	
Council Member Sutherland	
Council Member Benfield	
Council Member Merrill	
Council Member Smith	

The motion carried.

Council Member Mann moved to approve Ordinance 1091 – Impact Area Rezone of property at 330 & 340 North 12th West (Trailer Park on North 12th West by Teton River - Rachel Whoolery) recommended by Planning and Zoning and approved by Madison County Commissioners; Council Member Benfield seconded the motion; Mayor Woodland asked for a vote:

Those voting aye	Those voting nay
Council Member Busby	None
Council President Mann	
Council Member Sutherland	
Council Member Benfield	
Council Member Merrill	
Council Member Smith	

The motion carried.

C. **BILL Introduction**:- NONE
D. **First Reading**: Those items which are being introduced for first reading:- NONE
E. **Second Reading**: Those items which have been first read:- NONE
F. **Third Reading**: Those items which have been second read:

   1. **Ordinance 1089** – Amend Appropriation Budget 2012

Council Member Sutherland moved to third read Ordinance 1089 to amend the Appropriation Budget 2012; Council Member Merrill seconded the motion; Discussion: Mayor Woodland asked for a vote:

Those voting aye	Those voting nay
Council Member Busby	None
Council President Mann	
Council Member Sutherland	
Council Member Benfield	
Council Member Merrill	
Council Member Smith	

The motion carried.

   2. **Ordinance 1090** – False Alarms (Police and Emergency Services)

Council Member Benfield moved to third read **Ordinance 1090** for the curtailment of False Alarms (Police and Emergency Services); Council Member Mann seconded the motion; Discussion: Mayor Woodland asked for a vote:

Those voting aye	**Those voting nay**
Council Member Busby	None
Council President Mann	
Council Member Sutherland	
Council Member Benfield	
Council Member Merrill	
Council Member Smith	

The motion carried.

Consent Calendar: The consent calendar includes items which require formal City Council action, however they are typically routine or not of great controversy. Individual Council members may ask that any specific item be removed from the consent calendar for discussion in greater detail. Explanatory information is included in the City Council's agenda packet regarding these items.

A. Minutes from September 05, and September 12, 2012 meetings
B. Approve the City of Rexburg Bills

Council Member Mann moved to approve the Consent Calendar; Council Member Sutherland seconded the motion; Mayor Woodland asked for a vote:

Those voting aye	**Those voting nay**
Council Member Busby	None
Council President Mann	
Council Member Sutherland	
Council Member Benfield	
Council Member Merrill	
Council Member Smith	

The motion carried.

Council Member Smith moved to adjourn; Council Member Merrill seconded the motion; Mayor Woodland asked for a vote:

Those voting aye	**Those voting nay**
Council Member Busby	None
Council President Mann	
Council Member Sutherland	
Council Member Benfield	
Council Member Merrill	
Council Member Smith	

The motion carried.

Adjourned at 12:05 A.M.

_____
Richard S. Woodland, Mayor

Attest:

_____
Marianna Gonzalez, Deputy City Clerk