

Planning & Zoning Minutes

December 6, 2007



CITY OF
REXBURG
America's Family Community

12 North Center
Rexburg, ID 83440

www.rexburg.org

Phone: 208.359.3020
Fax: 208.359.3022

Commissioners Attending:

Winston Dyer – Chairman
Mary Haley Thaine Robinson
Mike Ricks Randall Porter
David Stein Charles Andersen
Dan Hanna Josh Garner
Ted Hill Mary Ann Mounts

City Staff and Others:

Gary Leikness – Planning Administrator
Stephen Zollinger – City Attorney
Mayor Larsen
Emily Abe – Secretary
Elaine McFerrin – Secretary

Chairman Dyer opened the meeting at 7:01 pm.

Roll Call of Planning and Zoning Commissioners

Mary Ann Mounts, David Stein, Winston Dyer, Charles Andersen, Thaine Robinson, Dan Hanna, Ted Hill

Josh Garner and **Randall Porter** arrived at 7:02 pm.

Minutes:

A. Planning and Zoning meeting – November 15, 2007

Corrections:

P.16 – Under the issue of the BYU-Idaho street vacation, **Chairman Dyer's** question on access was answered by Stephen Zollinger, but Richard Smith, who represented BYU-Idaho, confirmed the answer.

Dan Hanna motioned to approve the Planning & Zoning minutes for November 15, 2007, as amended. **Thaine Robinson** seconded the motion.

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

Mary Haley arrived at 7:04 pm.

New Business:

1. University Boulevard Urban Renewal Plan – Richard Horner

John Webber; 2580 Diamond H Lane. He presented the renewal plan for the University Boulevard and 12th West area. My purpose this evening is to have a resolution signed that this plan fits the Comprehensive Plan. The purpose of the district is to have a program in place that captures the tax increment as development happens in that area. This would allow us to do different projects within that district. Potential projects include extending University Boulevard from 2nd West to 2nd East, development of 12th West near the new high school, and development of green space, parks, sidewalks, etc.

Chairman Dyer asked how many renewal districts we have now. John Webber said we have three (3).

The Commissioners discussed the proposal.

Mary Ann Mounts motioned that the Planning & Zoning Commission finds that the Urban Renewal Plan for the University Boulevard and 12th West area is in conformance with the Comprehensive Plan. **Dan Hanna** seconded the motion.

None opposed. **Motion carried.**

Public Hearings:

7:05 pm – Rezone – MDR1 to MDR2 – 557 S 5th W – **CANCELLED**

7:20 pm – Comprehensive Plan Map (Preferred Land Use) Amendments

Chairman Dyer explained the process of amending the Comprehensive Plan Map.

The Commissioners decided to hear the different areas for amendment one at a time.

Area #1:

Gary Leikness pointed out area #1 on the map. The request for area #1 is to go from Low-Moderate Residential Density to Commercial designation on the Comprehensive Plan Map. The area north of Highway 33 is in the 100 year flood plain. 2/3 of the parcel south of Highway 33 is already designated commercial on the Comprehensive Plan Map.

David Stein asked if there has been any proposed development in this area that would necessitate a Comprehensive Plan change for this area at this time. Rodney Parkinson; owner of the property north of Highway 33. He said three pieces of property have been sold in the last year. People have been buying them and waiting to sell them together in one group. The reason I want my property designated as commercial on the Comprehensive Plan Map is because I don't want to live there next to a business or across the street from a business. Shauna Ringel; applicant and representative for the property south of Highway 33. She said her mother-in-law, who owns the property, is 95 years old. This property is her parents' original home site. We will not do anything with it until she passes on. This will be developed in the future.

Chairman Dyer opened the public input portion for area #1.

In favor:

Rodney Parkinson; owner of the tract north of Highway 33. The whole purpose for me to change this property is because they are looking to put businesses in and develop that area, and I don't want to live there. I have a family and I don't want to live next to businesses. I want to join in and go. We live there now.

Shauna Ringel; applicant and representative of the tract south of Highway 33. She said my mother-in-law lives on this property. She has seen a lot of changes in her lifetime. Highway 33 used to be a dirt road. It is her wish that we do not do anything with the property until she passes on. This is part of her parents' original home site, and it is very dear to her. 2/3 of the property is already designated on the Preferred Land Use map as Commercial. It is our wish to have it all in one designation. It is our wish to do something with this property commercially. Valley Wide,

Mother Hibbards, Go Investments, Neibaur Properties, Custom Vinyl, Evans Beauty College, Beehive Federal Credit Union, Roderick Chiropractic, Idaho Realty, an insurance company, a gas company, and a rental business are all to the north, northeast, or east of my mother-in-law's property. It is our wish that you would grant us that this would all be in one zone. It will be so much easier to do it now than later. We do not have any wish at all to put that western 1/3 of the parcel into housing.

Neutral: None

Opposed: None

Written Input: None

Chairman Dyer closed the public input portion for area #1.

Gary Leikness said developers he has talked to shy away from the Main Street interchange because they would have to deal with so many property owners in order to gather enough land for development. The tract south of Highway 33 is a nice large piece of land for development, but the Commission might want to stick with the ½ mile buffer around the interchange until those areas become filled. The property north of Highway 33 is in the flood plain. It might be better used as residential.

Mary Haley asked if the vacant home that has been sold is indicative of someone trying to buy up property there to get a large chunk of land. Gary Leikness said it is possible. This will take a lot of property owners coming together to develop this area into commercial use. This property is out of the city limits, but is within our impact area. It is currently zoned Rural Residential 1 (RR1).

David Stein said he is concerned that this is a huge parcel. I think we had some decent logic when we set the commercial designation at ½ mile from the interchange. We have a lot of commercial at the north and south interchanges, and we didn't anticipate major big-box commercial development on Main Street. By extending the commercial designation out, this opens this area up for potential big-box development. No commercial has developed there yet, so I don't see a need to change it at this time.

Mary Ann Mounts said I don't think we should split parcels.

Dan Hanna asked if there is any urgency to bring this forward at this time for the southern piece of property. The transportation plan does indicate that there will be future negotiations to straighten the highway across this parcel.

Mary Haley said I can understand the Ringel family wanting to have the same designation on their entire parcel. However, I don't see an urgent need to change it at this time. The ownership has not changed since we designated this area on the Comprehensive Plan Map. On the north side of the road, the surrounding properties are all residential. At some point, someone who wants to develop the entire area may come in and propose this to all the owners. Right now I don't see a need to change what is there.

Mary Ann Mounts said it is not always best to wait until the need is there. I don't see anything wrong with this.

Dan Hanna said he agrees.

Thaine Robinson said we have a lot of commercial at all our interchanges, and a lot of it is undeveloped. If we keep designating property commercial, we will end up with commercial sprawl. We are not infilling anywhere.

Mary Ann Mounts said the southern property is across the street from the developed commercial area. We have already designated 2/3 of her parcel commercial.

David Stein said parcels can be split. We should not let sizes of parcels decide our comprehensive plan. We should develop the comprehensive plan based on the best use of the land. We can then look at it as it is developed for possible needed changes.

Mary Haley said the comprehensive plan can be reviewed every six (6) months. I don't see the urgent need to change this area now. I understand the family's wish to have this settled in their mother's mind, but there is quite a bit of property that could be developed right now. Somewhere or another commercial development has to stop. I would hate to see commercial abutted against residential in this area.

Ted Hill said I can support the change on the property to the south, but I would like to see property owners on the north side of Highway 33 come in together with a proposal for the area.

Josh Garner said he supports Ted Hill's comment. There is a need for a change on the south property. It may not be urgent, but I don't think urgency is the standard for decisions like this.

Ted Hill motioned to recommend to City Council to approve the Comprehensive Plan Map Amendment from Low-Moderate Residential to Commercial on the property south of Highway 33, and to deny the Comprehensive Plan Map Amendment for the property on the north side of Highway 33. I would rather see more property owners in that area come in together with a proposal. **Dan Hanna** seconded the motion.

Randall Porter said I am concerned that we keep giving incentives to commercial at the expense of residential. If this goes commercial, it could spread. Where are we going to have homes built? At some point we need to ask ourselves if we have saturated the commercial so much that it is not going to fill in, and we are pushing all the residential into the country.

David Stein said I agree with Mr. Porter. It is a long drive from that intersection to the end of the proposed property.

Dan Hanna said Valley Wide has been a very successful business park as far as development, and is virtually completely sold out. The business park at the north end of Rexburg is almost built out as well. Economically, there is a need and space for additional business development. There is also the issue of the transportation plan splitting that parcel, which could lend itself to more commercial development, not residential. I don't see a future need for residential along that highway, with multiple accesses onto the highway.

David Stein said the risk of designating too much as commercial is encouraging big box development where smaller businesses are better next to residential.

The Commissioners discussed the proposal.

Those in favor:

Winston Dyer
Charles Andersen
Thaine Robinson
Ted Hill
Dan Hanna
Josh Garner
Mary Ann Mounts

Those opposed:

Randall Porter
David Stein
Mary Haley

Motion carried.

Area #2

Gary Leikness pointed out the property on the map. This proposal is only for the eastern 5 acres of the property along Highway 20, or 384 feet from the right-of-way. The request is to change from Low-Moderate Residential Density to Moderate-High Residential Density. It is currently zoned Rural Residential 2 (RR2). The canal runs along the south line of the property.

Dan Hanna asked what the current use of the property is. Gary Leikness said it is mostly vacant agricultural ground.

Mike Ricks arrived at 8:16 pm.

Chairman Dyer opened the public input portion for area #2.

In favor:

Steve Crandall; 3456 East 17th Street, Idaho Falls; owner in the joint venture on the property. We are trying to keep the front part of the property with the low density housing. We only want to change the back area on the Comprehensive Plan Map. This falls in line with what is to the south of the property. We are looking at developing a gated community for 55 and older on the west side of the property. We want to put a buffer of married housing between the gated community and the highway. We feel like this will be a good buffer. There is a road proposed on the property on the Comprehensive Plan. The Comprehensive Plan does show Medium-High Density Residential on the property between this land and the south interchange. The land on the other side of the highway is also zoned Medium-High Density. We feel like this proposal is within the same range of everything else that is going on.

Chairman Dyer asked if the neighboring property owner was approached to come in on this proposal with them. Steve Crandall said no.

Neutral:

Trever Einerson; 82 Douglas Drive. I am the current developer of The Meadows Townhomes development. The road that was just spoken of is actually just an easement. There is no exact proposed road. We have actually talked with John Steiner in detail about purchasing this property. I am in favor of the buffer along the highway. I have talked with a number of the property owners here to the west of our development, and the buffer created by our development has been great for their development. They had a hard time selling a lot of their eastern lots until after we started putting that buffer in with vinyl fences and things. In regards to that I am definitely in favor. I am neutral on the development. I'm just glad to see things happening in the future there.

Doug Thompson; 1053 Widdison Lane. I am concerned about the traffic flow. There is only one exit down here where the development is on the south side. 7th South is really just a county road that now has a lot more traffic coming onto it. There is going to be more traffic coming. I'm sure one of the things they are looking at potentially is to come out to the west of that. 12th street has been worked on to put in services, and I don't believe it was put back as it could have been. There are bumps, frost heaves, etc. Traffic uses this road quite heavily. Another thing that concerns me is that on the west side of that residential section, there is a water problem. Every spring water puddles up there. There is a lower section there where the water collects. The potential for that could be a hazard. Looking at what has been proposed with the buffer zone, the buffer zone that has been created to the south is a great thing.

Opposed: None

Written Input:

Letter from Wanless Southwick, opposed to the proposal.

Rebuttal:

Steve Crandall said obviously Mr. Southwick thought we were talking about the entire parcel. We really agree that you don't want to extend this all the way to 12th West. As we looked at this, we think this will be a really nice buffer between the highway and low density. Obviously the road to the south of the property has not gone through, but I'm sure the city would eventually like to see the road continue through there. We would show on our plans a road with stubs to the north and the south so that road could, in the future, continuously run from the north to the south.

Mary Haley asked if they envision a road through the middle of their property in the future. Steve Crandall said yes.

Chairman Dyer closed the public input portion for area #2.

Gary Leikness said this is not a request that is contiguous with other higher-density Comprehensive Plan designations. It would be a "spot" Comprehensive Plan change. The Comprehensive Plan does not suggest that multi-family residential is an appropriate use or buffer between a highway and lower density residential. If the highway is deemed a noise nuisance, placing higher density housing near the highway just brings more people to the nuisance. In fact, our Comprehensive Plan calls for high density housing to be located near arterial intersections. 7th South is not an appropriately sized road to accommodate more multi-family. All vehicular traffic generated by development in this area would ultimately have to empty onto 12th West. Currently we have no functional grid system allowing dispersion of traffic from this point into the city. It will all be funneled onto 12th West. Limiting uses in this area may be appropriate. A possible buffer here would be longer residential lots with a lot of trees and such to create a noise buffer there. The property is currently zoned Rural Residential 2 (RR2), allowing residential lots of ½ acre. This is somewhat consistent with what is going on around there. Currently, under the current Comprehensive Plan designation of Low-Moderate Residential Density, they can request Medium Density Residential 1 (MDR1) zoning. This allows 5 to 6 units attached. You can do some multi-family uses under the current Comprehensive Plan designation on the property.

Chairman Dyer declared a perceived conflict of interest in that he was the engineer of record on The Meadows development. This development has already been platted and he has no further economic interest in it at all. The commissioners did not see an issue with this.

Thaine Robinson said the view of Rexburg is starting to look like apartment complexes from the Highway. The west side of highway 20 is totally different from the east side. It has become more residential with larger lots. There can be something we can do to buffer this area, but I'm not sure high density is the answer.

Charles Andersen said he concurs with Thaine Robinson.

David Stein said The Meadows was a development that we inherited. It was a part of the county, and had been approved as a part of the county. At the time this area was annexed, the citizens in the Widdison subdivision were concerned about their rural way of life being disrupted. I don't think we should comprehensive plan any more multifamily. With the current land designation, there is some opportunity to do some creative multi family development without increasing the density.

The Commissioners discussed the proposal.

Charles Andersen said I am concerned about the traffic. We don't have appropriate traffic flow in the area. If we are going to make that higher density, we are going to struggle on 12th West.

Mary Ann Mounts said I don't think medium density is a good buffer for the area. I don't think this is the best use for along the road.

Dan Hanna said The Meadows has been extremely popular as a product for people to purchase and own. It has been very successful, and has provided a much needed starter home or place to live. It has served a very important function in Rexburg. I could see this extending.

Mike Ricks said I am not in favor of increasing the density in that area, simply because of what else is being planned and is already in the works. When we have two (2) schools, we don't need to overload 12th West with more traffic. If we go to multi-family, we will regret it. We will have more cars than we can deal with, as we have in other areas in town. I think we ought to learn from our mistakes and not do that again.

Chairman Dyer said we should fully expect that as soon as those schools are built, there will be pressure for growth and development over there, and the transportation improvements would have to follow.

David Stein motioned to recommend to City Council to deny the proposed Comprehensive Plan Map Amendment for area #2 because the current transportation infrastructure would not support higher density in that area, and because the proposed use is inconsistent with the wording in the Comprehensive Plan that multi-family housing does not make a good highway buffer. **Charles Andersen** seconded the motion.

None opposed. **Motion carried.**

Area #3

Josh Garner declared a direct conflict of interest and excused himself from the table.

David Stein requested that at a future meeting, we have legal council educate us more on conflicts of interest, how they should be handled, and when they should be disclosed. **Chairman Dyer** asked Stephen Zollinger to present to the Commission on the issue at the January 10, 2008, Planning & Zoning meeting.

Gary Leikness pointed area #3 out on the map. This proposal is 0.39 acres. The property is currently zoned High Density Residential. The Comprehensive Plan supports multi-family through this entire area, not commercial. What is being requested is a Comprehensive Plan Map Amendment from Moderate-High Residential Density to Commercial. This has been a long road. Craig's moved to 2nd East a while ago. The next person to occupy this building wanted to do a use different than a restaurant. The building was grandfathered in not as generic commercial, but as a restaurant. It was considered a previously existing non-conforming use. With a change of use, we were not able to approve it. The applicant is now requesting a change in the Comprehensive Plan to commercial, to basically pave the way for a zone change request.

The Commissioners discussed the zoning in the area.

Josh Garner; 330 Oaktrail Drive. He represented the tenants who are leasing the building old Craig's building. They entered into a lease about six (6) months ago, with the hope to have a commercial business there. They soon learned that they couldn't have it there with its current zone and Comprehensive Plan designation. They have been working with the City and trying to do this the right way. Instead of going in and gutting out the building to do what they wanted to do, they have chosen to take the correct route in coming here to ask the Commission to make some changes. Right now Hogi Yogi is zoned commercial, and there is a commercial strip mall area to the west.

This is different from other requests the Commission has seen, because these people are taking a space that is now in the city and trying to use it for what it has been historically used for. Craig's has been there for a long time, and these people want to continue to use this commercially, but with the correct Zoning and Comprehensive Plan designation.

Randall Porter asked if there is a plan for a type of business that would go in there. Josh Garner said there is a plan. They have been working with the City on requirements for a design plan. They want to make the building more attractive. It is important to look at what is going on in that area. There will be a lot of traffic and pedestrians in the area. They hope to have a satellite company there. This building would be used for a recruiting site.

Chairman Dyer asked if there had been any approach to the neighboring property owners to join in on this proposal with the applicant. Josh Garner said there had not.

Chairman Dyer opened the public input portion for area #3.

In favor:

Ryan Houtz; 247 Marianne Drive; current tenant. We entered into a lease under the assumption that the lot was commercial. We are currently paying rent on that lease. We are a satellite TV and internet company. We have been in business close to nine (9) years. Our intention is to beautify that area. The building has been vacant for at least a year. We have been in the lease for six (6) to eight (8) months. This area is a major thoroughfare for the college. The building now is ugly, and we plan to beautify and use it as a satellite TV and internet company. This will be a nicer building than it is now. To further our position on it, it shares lots with the Hogi Yogi building. Half of the lot is already zoned Commercial. He pointed out the strip mall development to the west. We feel this proposal is conducive to the area, since it is already commercial along part of the street.

Neutral: None

Opposed: None

Written Input: None

Chairman Dyer closed the public input portion for area #3.

Gary Leikness said the only significance of the use is that it is a very neighborhood, student oriented use that is grandfathered in. The proposed uses in a CBC zone could be not so micro-community oriented. This is a very walkable location, rather than a vehicle oriented location. That is the only downside I could see to potentially ushering in a CBC zone. This is a grandfathered use and has always been a commercial corner serving local needs.

Mary Haley asked if the property in question takes in the sloped area, or just the flat area. **Chairman Dyer** said the sloped area in the back is included.

Randall Porter asked if we approve this, does the applicant have to come back for a zone change? At that point does he have adequate parking to take care of the proposed use? Gary Leikness said this depends on the specifications we will have with the actual proposal. The parking impact of what they are proposing versus a restaurant is less. We only required additional parking if the parking need is greater to a certain threshold.

Chairman Dyer asked if there is feasible development of the property if it is changed to commercial. Gary Leikness said there is something there now, and it is a very walkable site. If it were completely demolished, there would be some difficulties in re-developing the property.

The Commissioners discussed the proposal.

Stephen Zollinger said based on tonight's testimony, there is no existing grandfathering left, since it has been vacant for more than a year.

Chairman Dyer asked if this is the appropriate approach for the applicant to take, to request a change in the Comprehensive Plan. Stephen Zollinger said yes.

Mary Ann Mounts said there is another business on that block, called Connexion 23. If you look at the uses that can go there, there is a lot of opportunity. Commercial would be much better than high density housing. If you really think about what can go on that size of a piece of property, it is very limited.

Dan Hanna said this sounds like an opportunity to redevelop and make the property more attractive.

Chairman Dyer said we identified 4th South as a preferred commercial corridor, even though we had a number of individual single-family residences. We felt this was going to be a viable corridor because of the transportation demand. The City has recognized it as an entryway by construction of the round-about. We comprehensively planned that to encourage commercial development along that corridor. We stopped before this property in recognition of existing land uses on this block. We should decide if it would be appropriate to extend this designation onto this block. It would be nice if the commercial uses there could be more catered to the University.

Thaine Robinson said this is a good use of the land.

Randall Porter said this would be an improvement to what is there already.

Mary Ann Mounts motioned to recommend to City Council to approve the Comprehensive Plan Map Amendment for area #3 from Moderate-High Residential Density to Commercial. **Dan Hanna** seconded the motion.

None opposed. **Motion carried.**

Mary Ann Mounts was excused at 9:21 pm.

Chairman Dyer called a 5 minute break.

Area #4

Gary Leikness pointed area #4 out on the map. The request is to change from Moderate-High Residential Density to Mixed Use designation on the Comprehensive Plan Map. The applicants have control of most of the parcels in the proposal. He pointed out these parcels. Staff determined that other parcels in the area should be requested also, so the other areas are staff-initiated.

Chairman Dyer asked if we have permission from these property owners for this request, or if the property owners had been approached. Gary Leikness said no. These properties are currently commercial and residential, so they can maintain their existing uses under a Mixed Use designation. This change would not negatively impact their property whatsoever.

Richie Webb; 133 South 2nd West; part of the project team. He said the only pieces we don't own is where the church parking lot is, and the very corner where the dry cleaner business is. He pointed out the residential properties they do not own. It is our plan to improve the residential in the area. We intend to add retail, office space, some student loft housing, and a lodge. We feel like those combinations of uses will enable us to create a synergy on that property that will be attractive to the University students, the community at large, and beyond. This could be a regional draw for the Rexburg community. Because of where this property sits in relation to the University and the downtown area, this could be a nice corridor. To have a mixed use property in this location seems to make a lot of sense. It is our intent to create something that is far beyond what might be traditional development. We want to put something here that the community can be proud of. Our architect will show you some of our ideas so you can get a sense of what we want to accomplish with this Comprehensive Plan change. We have decided to pursue the PRO zone as a follow up step. This will enable us to present to you in detail the kinds of uses and conditions that we think will be necessary to make this property successful.

Reginald Richey; architect for the project. He showed illustrations of the proposed development.

The Commissioners discussed the proposal.

Gary Leikness said the area currently has a mix of zoning categories. This is already a mixed use block. The change in the Comprehensive Plan would allow that mixing to occur in one big development. The designation of mixed use will allow the property owners to apply for a PRO zone. It would be their burden to come up with an entirely different zoning category, i.e. the "Hemming zone." They would have to come up with the specified uses, the setbacks, lot coverage issues, parking, building height standards, etc.

Chairman Dyer asked if they could use a different zoning category. Gary Leikness said the mixed use allows other zones, which would be the downside of this proposal. However, this is already a mixed use block. This proposal is consistent with the concept of mixed use in that there are already demands for multifamily, dormitory housing, and commercial land uses in the area. Staff would support this proposed change to the Comprehensive Plan Map.

Chairman Dyer opened the public input portion for area #4.

In favor:

Melvin Rudd; 1852 North 2190 East, Sugar City. I have a unique interest in that one of the three houses that are going to stay on the plan is one that my grandfather built and my mother was raised in. It is an in-town thing. Most of the development we see is all outside of town. This is something that will significantly beautify the downtown of Rexburg. I like to see things developed in town instead of outside of town.

Neutral: None

Opposed: None

Written Input: None

Chairman Dyer closed the public input portion for area #4.

Charles Andersen said this is a great use and re-use of space. It is right in the middle of town. It would really make it nice. We already have three (3) different zones on that block, so mixed use would be appropriate.

Thaine Robinson and **Dan Hanna** concurred.

Chairman Dyer said this seems like an ideal location for mixed use, and an ideal opportunity to show everyone how the mixed use concept should work.

Charles Andersen motioned to recommend to City Council to approve the Comprehensive Plan Map Amendment for area #4 from Commercial and Moderate-High Residential Density to Mixed Use. **Dan Hanna** seconded the motion.

None opposed. **Motion carried.**

Unfinished/Old Business: None

Compliance: None

Non controversial Items Added to the Agenda: None

Tabled requests:

1. Preliminary Plat – Silver Estates

Issue remained tabled.

2. Sign Ordinance – Statement of Intent

Issue remained tabled.

Report on Projects: None

Building Permit Application Report: None

Heads Up:

1. Joint Meeting with City Council & Planning Consultants – December 19 – 5:00-7:00 pm
2. December 20 P&Z Meeting Cancelled
3. January P&Z Meetings changed to January 10th and 24th

Chairman Dyer adjourned the meeting at 10:23 pm.