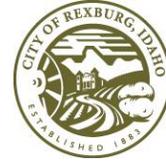


Planning & Zoning Minutes

February 5, 2009



CITY OF
REXBURG
America's Family Community

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Commissioners Attending:

Winston Dyer – Chairman
Ted Hill Mary Ann Mounts
Dan Hanna Thaine Robinson
Joshua Garner Randall Porter
Nephi Allen Charles Andersen

City Staff and Others:

Rex Erickson – City Council Liaison
Gary Leikness – P&Z Administrator
Elaine McFerrin - Secretary

Chairman Dyer opened the meeting at 7:03 pm. He welcomed those in attendance, including a group of Boy Scouts.

Chairman Dyer welcomed the City's newly appointed P&Z Commissioner, **Nephi Allen**, to the meeting.

Nephi Allen stated he grew up in St. Anthony and has lived in Rexburg for about 12 years. He owns and operates Rexburg Plumbing and Heating and also works in construction.

Roll Call of Planning and Zoning Commissioners:

Dan Hanna, Ted Hill, Thaine Robinson, Winston Dyer, Charles Andersen, Randall Porter, Mary Ann Mounts, Nephi Allen

Chairman Dyer noted that the City has been working on an Advisory Committee Handbook, which has been provided tonight to all P&Z Commission members. He asked everyone to review the handbook.

Minutes:

1. Planning and Zoning meeting – January 15, 2009

Correction:

Page 12 - under Gary Leikness' comment, change to read: "Gary Leikness recommended the Commissioners look through the provided *material*, and then give direction and input to him at a future meeting."

Dan Hanna motioned to approve the Planning & Zoning minutes for January 15, 2009, as amended. **Thaine Robinson** seconded the motion.

Charles Andersen and **Nephi Allen** abstained for not having been present.
None opposed. **Motion carried.**

Public Hearings:

Chairman Dyer explained the public hearing procedure that is followed. The applicant or representative will come forward and give a description of the proposal. The Commissioners will then be given the opportunity to ask questions for clarification of the proposal. Public input will then be taken. Then the Commission will deliberate the proposal and make a decision. Tonight the Commission will hear potential changes to the Preferred Land Use Map (Comprehensive Plan Map).

7:05 pm – Comprehensive Plan Map Amendments –

Area 1 –Joshua Fullmer– 264 East Main (Low Density Residential to
(Neighborhood Commercial/Mixed Use)

This application was **withdrawn by the applicant** and will proceed at a future meeting without having to go through a Comprehensive Plan Map Amendment change.

Chairman Dyer explained that the Comprehensive Plan Map (Preferred Land Use Map) is the vision of where Rexburg is going in the future; it is conceptual in nature and is open for revision only once every six months, by State law. It is a planning tool. From that map comes the Zoning map, which gives regulations on how the City governs land use. It is an administrative tool. Tonight the P&Z Commission will make a recommendation to City Council on the requested change, and the City Council will make the final decision.

Area 2 –Jared Sommer – 431 and approximately 445 West 4th South
(Neighborhood Commercial/Mixed Use to High Density
Residential)

Jared Sommer, 3614 N. 3000 W. – He presented his proposal. The area he is requesting the land use map change to was shown on the map projected on the overhead screen. Mr. Sommer pointed out the southern portions of the property as the area of the proposal to change from Neighborhood Commercial/Mixed Use to High Density Residential; the northern (front) part of the property is not part of the requested change. He pointed the area out on the projected map, including the areas nearby that are already zoned for high density. This area for the requested land use change has been in its present state for several years. The property owned by Mr. Sommers and his father behind Les Schwab Tires, was for sale for a few years, but it did not sell. The parcel to the east of the Sommers' was likewise for sale but with no results. Mr. Sommer has been working on this plan for about a year. Earnest agreements have been completed with neighboring properties.

Jared Sommer stated the intent of his Comprehensive Map Amendment request was to eventually allow for a zone change for high density use. The requested change would help to make the land financially viable.

Josh Garner arrived at 7:15 pm.

Jared Sommer said he met with John Millar, the City's Public Works Director, regarding his staff review comments in reference to the water line extension for fire hydrant capabilities – it will not be needed per his talk with Mr. Millar, as there is a 14 inch water main in existence. There was also a

concern that residents in the existing trailer court would be displaced. Mr. Sommer stated this would not happen. He stated that his goal is to have married housing, not single student housing. He said that High Density Residential (HDR) is already designated for the property to its south and east of his property.

Chairman Dyer clarified that the City's Comprehensive Plan Map shows the area in the proposal as planned for Neighborhood Commercial/Mixed Use. The Zoning map shows the property as adjacent to High Density Residential 1(HDR1).

Thaine Robinson asked about the frontage distance on 4th South. Jared Sommer stated it was 115 feet. There would be access onto 5th South, 4th South, and 4th West.

Chairman Dyer asked Gary Leikness for any input to help the Commissioners understand the proposal.

Gary Leikness stated the current zoning for the property is Community Business Center (CBC). The parcels total about 2.14 acres He added that the property is just under a half mile from the western edge of the BYU-I campus

About one third of the property would be left as commercial.

Randall Porter asked about the Bingham property's (431 West 4th South – trailer court) zoning. Mr Sommer said it is zoned Community Business Center (CBC).

Chairman Dyer opened the public input portion of the hearing.

In Favor:

Nick Allison, 405 W. 4th N. Although he has wonderful neighbors in the trailer park whom he will miss, he is in favor of improving this property and supports the proposal. He voiced concerns for sewer, water lines, and traffic flow on 4th South, and electrical wire across the back of his property. He and his wife have talked with the developers about these concerns. It was indicated that exiting of the property would be on 4th and 5th West, which he feels is great in addressing some of his concerns about increased traffic. Mr. Allison also feels additional signage for the slowing down of vehicles, may be needed. The requested land use change would be an improvement to the city overall. The property is on a main entry way into Rexburg, and he feels that with some good landscaping and quality buildings, the proposal would be a positive one for the City.

Neutral: None

Opposed: None

Written Input:

Letter from Paul Diehl, 459 South 5th West, in favor of the proposal.

Chairman Dyer closed the public input portion of the hearing. He asked Gary Leikness for his staff report.

First, Gary Leikness clarified the 2 maps – the Zoning map and Preferred Land Use map (Comprehensive Plan Map), as **Chairman Dyer** had stated earlier in the meeting. The Zoning map states what the current property rights are. The Comprehensive Plan map is the vision map, the direction the City wants to go. If the zoning supports what an applicant would like to do on his property, he can move toward that goal right away. If the property is not zoned to allow the uses the applicant wants, there will either need to be a zoning change or a Comprehensive Plan map change. The new Comprehensive Plan map that was just recently adopted has 3 residential designations (Low, Medium, and High) rather than 2 as the old map had. The City has tried to tie higher density designations closer to the college campus. Planning staff is currently working on more mixed use zones, but these mixed use zones will likely not allow the same residential densities as are allowed in HDR zones.

The question is whether the land use change request heard tonight is appropriate for that location. This request is not a rezone request. This is a request to change the vision (land use).

Mr. Leikness went over the *Items to Consider* from his staff report, including this property being located adjacent to existing HDR1 zoning, but it would be a re-direction of the City's vision on the Comprehensive Plan Map, which designates the area as Neighborhood Commercial/Mixed Use.

Mary Ann Mounts said the Commission has to consider this request with an open mind because nothing has happened with development in the area that the property is located. This entrance into Rexburg has had no change for a long time. In these economic times, they need to consider other possibilities. It is just the back (South) part of the property for which this change is requested. Mrs. Mounts stated that she drives on that street daily, and the area does not look good.

Chairman Dyer stated that the question before the Commissioners is, shall the Preferred Land Use Map of the Comprehensive Plan be amended to describe the requested change in the planning designation of this property? **Chairman Dyer** noted **Mrs. Mounts'** input that she feels this change should be considered because nothing has happened to the property. The Commission should consider - what do we want to see on 4th South; what is Rexburg to look like on this corridor? It is a planning decision, not a zoning decision.

Dan Hanna and **Ted Hill** agreed with **Mary Ann Mounts** that this opportunity for change in land use needs to be considered.

Thaine Robinson feels it is still good planning to leave the area as commercial, as is designated in the Comprehensive Plan.

Chairman Dyer said the Commission spent quite a bit of time on the 4th South corridor and its appropriate land use. They looked at where the residential uses would be, where the higher densities would be, and where they wanted to encourage commercial development. They very thoughtfully planned that area. When the market moves and opportunities are available, the right kind of developer will come in and pick up several pieces of property and will be able to do something that will be attractive and functional for being on a major arterial in Rexburg.

It was clarified that the depth of the front of the property (2 parcels) is 165 feet.

Discussion continued.

Mary Ann Mounts feels this proposal would be a better use for the land.

Charles Andersen said the Commission could clarify in the motion how the property would be split for the 2 designated land uses.

Gary Leikness verified that was correct.

Mary Ann Mounts motioned to recommend approval to City Council of a Comprehensive Plan Map land use change from Neighborhood Commercial/Mixed Use to High Density Residential for 431 West 4th South and approximately 445 West 4th South, clarifying that the first (front) 165 feet of the property remains Commercial and the back of the property is High Density Residential. **Ted Hill** seconded the motion.

Those in Favor:

Mary Ann Mounts
Randall Porter
Ted Hill
Charles Andersen
Nephi Allen

Those Opposed:

Winston Dyer
Dan Hanna
Thaine Robinson
Josh Garner

Motion carried.

Unfinished/Old Business:

Chairman Dyer asked the status of letters being sent out to developers who have not recorded their final plats in the allotted time of 6 months.

Gary Leikness stated that staff continues to work on the list of developers to be notified. One developer was notified verbally and is acting on getting his plat recorded promptly.

New Business:

1. Final Plat – Meurs Subdivision

Aaron Swenson, 266 Jill Dr., of Forsgren Associates, representing Rexburg Lodging. He pointed out where Springhill Suites (Marriot) is located, it is currently under construction. They are subdividing the remaining 5 acres of Springhill Suites land into 3 lots (the hotel, a restaurant, a concept office building). He pointed out the areas on the overhead screen projection. A concern when the preliminary plat was presented was connectivity of access roads to future development. The final plat shows how this connectivity has been addressed. There will be 2 driveways - on the north and on the east, each 22 feet wide and approved by John Millar. The driveway to the north would have been under construction, but has been held up by weather. It will be built in the spring. The driveway to the east will have been three-fourths built with the Springhill Suites project. The other quarter lies on the other lot and will be completed when the building goes onto this lot. As requested, the final plat shows deeded city ownership for right-of- way, as well as the easement adjacent to that right-of-way boundary.

Chairman Dyer complimented Aaron Swenson on the putting together of this plat. He asked if all staff comments regarding the preliminary plat have been addressed.

Aaron Swenson stated that all staff comments and concerns, including connectivity, have been addressed.

Thaine Robinson motioned to recommend approval to City Council of the Final plat for the Meurs Subdivision located at 1321 S. Yellowstone Hwy. **Dan Hanna** seconded the motion. None opposed. **Motion carried.**

Compliance: None

Non controversial Items Added to the Agenda:

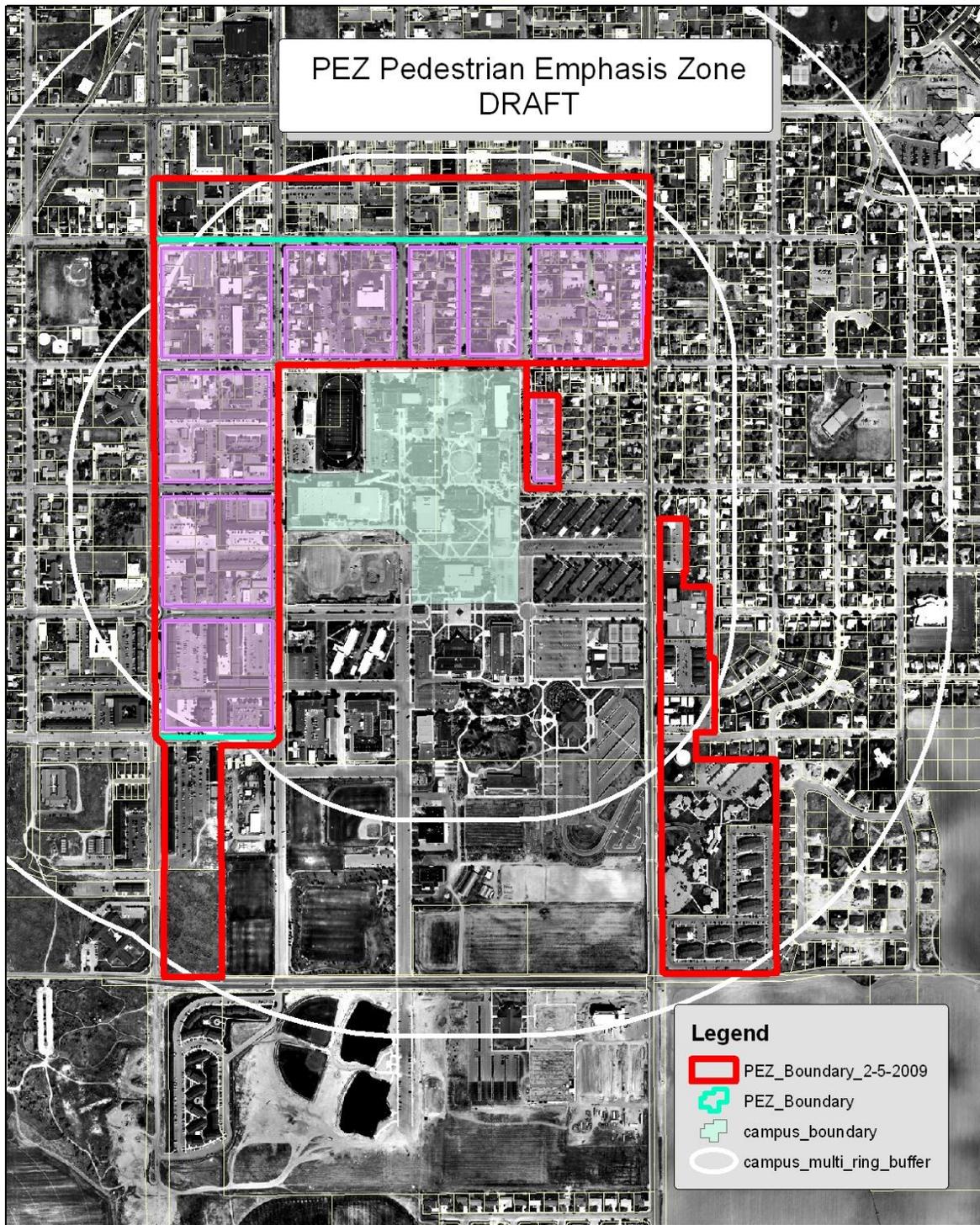
1. Sign Ordinance – Temporary Signs and Banners - first march and next agenda
2. Reduced student parking discussion follow-up
3. Development Code Work Session
4. Project Priority List

In deference to the attending audience, the above items were taken in the following order:

Item # 2 - Reduced student parking discussion follow-up

Gary Leikness presented the issue. The Draft Pedestrian Emphasis Boundary (PEZ) map was projected on the overhead screen, which is recommended in the new 2020 Comprehensive Plan document and the draft was put together by staff based on that recommendation. This document could be an amendment to the parking regulation of the Development Code, or it could go in the direction of an overlay zone. It is now presented as a draft as a boundary with a parking regulation change. At the last P&Z meeting on January 15th, Mr. Leikness showed the proposed boundary basing it off of adjacency to downtown, and the generally flat topography, with a strict one- block buffer. The map has expanded from what Planning staff originally presented based on input from other City staff, and listening to the goals of BYU-I. The intention is to reduce parking in those areas to encourage students to live closer to campus. The City is trying to find a tool that encourages larger scale redevelopment near to the campus core and benefits those people who want to walk, leaving their cars at home. With the announcement by the college of an increased student body population, the City hopes this ordinance will pave the way for redevelopment near campus and maximizing these areas. However, Planning and Zoning has been working on this concept since well before the University's most recent student enrollment cap being raised. With teardowns and infill, there could be meaningful open space and more efficient land use. In the past there was a 0.5 parking ratio (5 spaces for every 10 students); then it changed to 0.7. In 2001-2002, it was changed to 1 space for every student.

The map was projected on the overhead screen.



Chairman Dyer stated the draft was more in line with what was comprehensively planned 5 or 6 years ago , when they tried to put an inverted U around the campus. He stated it looks good.

Chairman Dyer invited the BYU-I representative, present in the audience, to come forward with any comments on this draft.

Richard Smith, 50 Mill Hollow Rd., representing BYU –Idaho. They agree with what Gary Leikness has proposed, and they feel strongly that the university wants to work with the City for any necessary steps. They have done an extensive poll of the students to analyze what affect this issue would have on the University. The poll indicates that 60% of students do not use their cars during any given week. They truly are pedestrians. The university would like the Commission to consider infill for some of the area, land area available for development close to campus. They want to make sure cars do not sprawl out into outlying areas. There may need to be a tweaking of boundaries The university is less likely to approve single student housing that is a long distance from campus (based more on safety), and are more likely to approve single student housing that is close to campus. They are working on lighting for safety of the campus and its students. They want a year round true pedestrian nature surrounding the university, including maintenance of sidewalks,

Chairman Dyer stated the change is only if the developer meets the specified conditions.

There was some discussion.

Richard Smith said in many respects the university wants to see higher density. They do not want to move into established single-family residential areas.

An audience member asked the number of units suggested. Gary Leikness stated at the last P&Z meeting, staff recommended a minimum of 20 units per building to discourage home use and conversion and to encourage large scale redevelopment. The audience member felt the City needed to make sure that the number of units was not too high, which could make it difficult for many houses/neighbors to cluster together to create complexes that meet the requirements. It might take six to add the area needed for the complexes, which would take much coordination between neighbors.

Gary Leikness said the Commissioners could discuss this draft further and then make a decision at the next meeting in 2 weeks, or they could go ahead and move the draft forward to City Council.

Richard Smith stated he did not realize the draft included a 10- year non-altering of boundaries. He would suggest the Commission spend time to discuss this time limit. He feels boundaries should be able to be changed if needed. He thinks such a time limit really ties their hands.

Gary Leikness said this draft is a tool, meant for a very specific area, meant to encourage redevelopment and to discourage speculation. This draft would be a tool meant to tell developers not to touch the PEZ zone, a safe conservative location, safe for pedestrians. If developers want to touch the PEZ zone, they can buy property inside it and redevelop it rather than requesting a boundary expansion. Mr. Leikness did remind the Commission that regardless of what the ordinance says on time limits, they Commission and Council can still change. In fact, a developer could apply for the time limit to be reduced in the future. This time limit would be more of a signal to developers of commitment the City is making to this PEZ zone and that the City feels strongly about the infill and redevelopment of this very specific area.

Ten years as a time limit can be changed, but is recommended by Planning staff.

Randall Porter worried about bulb outs (staff note: Mr. Porter was referring to the new map proposed that showed some PEZ expansion into the east side of the campus) east of 2nd East. He felt residents living in that area may not understand and will worry about encroachment.

Gary Leikness said the map does not show anything beyond what already is zoned High Density Residential.

Chairman Dyer suggested that the 2 Neighborhood Associations on this east side of 2nd East could be invited to future discussions.

Gary Leikness said he was advised by the City attorney that the P&Z Commission does not need to hold a public hearing; they can send a recommendation to City Council, where a hearing will then be held.

Mr. Allen thought a 10 year time limit on the boundaries would tie the City's hands.

Mr. Smith suggested a parcel to the west on the PEZ map should be included as part of the PEZ map.

There was more discussion.

Charles Andersen said 3 to 5 years is not a bad amount of time to keep the boundaries of the PEZ unaltered.

Richard Smith said visitor parking is very important and that the proposed ratio may need to be higher. He suggested getting rid of some parking lots within the PEZ zone, maintaining the green space, and adding more units, thus infilling and making the area more pedestrian friendly.

This draft would apply to 20 plus units per building; article #6 would be stricken from the draft.

The Commission discussed the possibility for existing housing to add on additional wings, which would help to make the campus area more pedestrian friendly. Gary Leikness stated there needs to be a threshold.

Chairman Dyer said they actually made 5 decisions on this draft tonight. From what the draft PEZ parking reduction has proposed, the following were the ideas discussed that would potentially modify the draft:

- 1) Increase guest parking ratio to 1 parking space for every 10 students, rather than the 1 to 20 ratio as proposed in the draft.
- 2) Allow the boundary as shown on the map tonight, and
- 3) Potentially expand the boundary to allow for a different, but also reduced parking ratio within an area described as: South of 4th South, east of 3rd East, north of 7th South, and west of 2nd West.
- 4) Within that western expansion, the parking ratio would be reduced to 0.5 ratio in addition to the 1 to 10 guest parking ratio. Essentially requiring 0.6 parking ratio.
- 5) Increase the minimum gross floor area of a dormitory unit to require 150 square feet per person rather than the 75 square feet as proposed in the draft.

The Commission decided to continue their discussion of the PEZ draft at the February 19th P&Z meeting, to further discuss unresolved issues, including the 20-unit threshold, and other items, at which time they hope to resolve these issues and move it forward to City Council.

Item #3 - Development Code work session -

Gary Leikness went over the materials the Commissioners received tonight. Two CDs were given to them: 1) the adopted 2020 Comprehensive Plan (they will soon receive a hard copy), and 2) the DRAFT Development Code 926 revisions. In addition, they were given a hard copy of an 11 x 17 matrix to show what changes have been made to the Development Code. He asked the Commission to determine if they are fine with the draft Development Code 926 revisions so they can make a recommendation and move the proposed draft forward to the City Council for public hearing. Items that were of concern to City Council were given to them on a smaller attached sheet. This item will be discussed in more depth at the next meeting.

Item #4 –Project Priority list –

Gary Leikness was given written input from some of the Commissioners. They can e-mail him their list of project priorities.

Item #1 - Sign Ordinance – Temporary Signs and Banners

The Commissioners decided that this item would be discussed thoroughly at the following meeting.

In addition, the creation of new Mixed Use Zones will be discussed.

Report on Projects: None

Tabled Requests:

1. Final Plat – Trehusen Subdivision

Chairman Dyer noted that the developer of this plat has been notified by City staff of the plat's status and what is needed for it to proceed – evidence clarifying property ownership, which should be submitted to the City. He thanked staff for doing this.

Building Permit Application Report: None

Heads Up:

At the February 19th P&Z meeting, Mike Ricks will be recognized for his years of service as a P&Z Commissioner.

The meeting was adjourned at 10:00 pm.