

7:05 pm – Rezone – Trent Birch – Community Business Center (CBC) to High Density Residential 2 (HDR2)

Trent Birch, 4148 Homestead Drive, applicant and owner, presented the proposal. The property is at 357 and 371 West 4th South and was pointed out on the projected map. He stated it will allow him to put 77 units on the property in a 5-story building, along with underground parking. The apartments are planned to be in the center of the property, as he feels this location will look nicer plus will be more efficient, with the corridor or halls around the center instead of around the exterior. He handed out a draft site plan to the Commissioners, which showed the required setbacks, the underground parking, and a drawing of how the building may look. The street is a gateway into Rexburg, and his development will be a positive addition to the community. The apartments will be within walkable distance to BYU-Idaho.

Thaine Robinson asked if Trent Birch will take advantage of the PEZ zone (Area 2).

Mr. Birch stated the proposal will take advantage of the PEZ opportunity, including reduction in the number of parking spaces. There will be surface parking spaces and underground parking spaces. Everything he does will be in compliance with the PEZ zone.

Chairman Dyer reminded the Commissioners that tonight's issue is a zoning issue; it is not a development issue at this point. He said this property was once approved for commercial development. He asked Mr. Birch to give a bit of history of what has occurred to bring about such a rezone request.

Trent Birch said when he first bought the property years ago, he wanted to put apartments there. As time went by, he felt it would be best to put a strip mall at this location. Economy affected his decision on development when he was half way through a demolition on the property. About six months ago, he got the Comprehensive Plan Map land use designation changed to High Density Residential so he could proceed with a development of apartments; commercial development in the area was just not happening.

Ted Hill had concerns about runoff in that area of the City. How will spring runoff be handled?

Trent Birch said he has spoken with City Engineer John Millar. There will be a storage storm drain on the premises that will gradually take the runoff into the City system. The roundabout to the east has had flooding problems, but his property has not had them.

Chairman Dyer asked Val Christensen about surrounding zoning of this proposal, so that the Commission can see how this rezone proposal would fit the area.

The Comprehensive Plan Map was projected on the overhead screen, followed by examination of the Zoning map.

Val Christensen said Trent Birch had previously (about 6 months ago) gotten the preferred land use designation (Comprehensive Plan Map) for this property changed from Neighborhood Commercial/Mixed Use to High Density Residential, which allows High Density Residential 2 (HDR2) zoning. This zone change request is therefore consistent with the Comprehensive Plan Map. From the staff's point of view, tonight's zone change request is acceptable. The property is currently zoned Community Business Center. Mr. Birch is asking for HDR2. The zoning around the property is High Density Residential 1 and Community Business Center.

Mr. Christensen stressed that this request is a land use decision, not a particular project development decision. The development would be looked at when a Conditional Use Permit request is heard.

Gil Shirley asked what was happening to the north of the property in the proposal.

Val Christensen said 3 houses are across the street to the north, and further north are HDR1 and MDR1 zoning designations.

Chairman Dyer opened the public input portion of the hearing.

In Favor: None

Neutral: None

Opposed: None

Written Input: None

Chairman Dyer closed the public input portion. He asked for the staff evaluation.

Val Christensen stated the property in the proposal includes 1.84 acres. It would allow the density for single student housing that Mr. Birch is planning. There will be 6 students in each unit, or potentially 463 students. The City Engineer was fine with this proposal. The burden of the drainage from the project would be up to the owner. He reiterated that the Commission needs to look at the rezone request on its own merits.

Chairman Dyer said the Commission will see the proposal again in terms of development issues because a Conditional Use Permit will be necessary for the developer to proceed. He stated that the question before the Commissioners is: shall this parcel be recommended to City Council for a zoning change from Community Business Center (CBC) to High Density Residential 2 (HDR2)? The Commission could discuss pros and cons, potential impacts on the neighborhood, etc., or any points that should be considered in order to help the Commission to make a decision.

Thaine Robinson said he would be in favor of this request, but he noted it will be the first change from what the Commission had planned (commercial business corridor) to have in this area, and it will be gone.

Scott Ferguson asked for clarification.

Chairman Dyer said major extensive revisions were done about 4 years ago to the Comprehensive Plan Map on West 4th South up to the roundabout to make the area a commercial corridor; it is a wide street with great access as people enter the City. The Commissioners divided up into subgroups and worked hard and went to the area property owners and the public for input on the vision of how the area would develop, and it was decided that the commercial designation fit. They had envisioned that people would buy up several properties. A number of requests did come forward to try to change the commercial land use designation, but the Commission held to that designation. Recently, however, property east of Les Schwab requested and was approved for High Density Residential.

Scott Ferguson asked if from 4 years ago to today, has there been a natural shift away from commercial?

Dan Hanna said two events have occurred that affected the area. One was the creation of University Blvd., which changed the traffic flow into the City. The other event was the creation of

the PEZ zone, which emphasizes pedestrian friendliness and densification of housing for areas around campus.

The Commission discussed what businesses already exist in the area and how they might be affected.

Chairman Dyer stated that they walk a fine line between the rights of property owners and the good of the community.

Thaine Robinson said that one side (the north side) of West 4th South could still be a buffer, remaining commercial, because it is not in the PEZ zone.

Jedd Walker said the change appears to be a natural consequence of the PEZ zone.

Scott Ferguson asked the difference between High Density Residential 1(HDR1) and High Density Residential 2 (HDR2).

Chairman Dyer stated the difference is in density. The maximum density in the HDR1 zone is 30 units per acre. The maximum density in the HDR2 zone allows 42 units per acre.

Gil Shirley did not see any problem with the proposal.

Scott Ferguson agreed with **Thaine Robinson**. He feels this rezone request is a good move, although it is moving away from what was previously intended for the area.

Chairman Dyer said there is one more consideration: a new Mixed Use Zones (MU 1 and 2) document will hopefully move forward at the meeting tonight to City Council for eventual inclusion into the City's Development Code 1026. The zones would be used in areas close to the University in the PEZ zone that allows a mix of commercial and residential together.

Density does not apply in PEZ Zone area 1 – it would be whatever can fit. The building code would govern.

Ted Hill said properties on the south side of 4th South have been available for 3 or 4 years for commercial development. No one has chosen to locate in that area even though there has been quite a bit of commercial development in other areas of the City. He is comfortable with supporting tonight's rezone proposal.

Jedd Walker motioned to recommend approval to City Council for the rezone at 357 and 371 West 4th South, from Community Business Center (CBC) to High Density Residential 2 (HDR2). **Gil Shirley** seconded the motion.

None opposed. **Motion carried.**

New Business: None

Compliance: None

Non controversial Items Added to the Agenda

1. Steve Kelly – Stoneleigh Development concept plan – approximately 275 North 1st East
- PowerPoint presentation

Steve Kelly, 1818 South 100 West, Orem, Utah. He appreciates the time the Commission is taking tonight to hear his presentation. They are working on property for development. He is hoping for feedback and ideas from the Commission. The PowerPoint presentation was projected on the overhead screen. The size of the property is 4.43 acres and is located at approximately 275 North 1st East, across from the Madison School District offices. The current zoning is Light Industrial and Professional Office. The Comprehensive Plan Map (Preferred Land Use Map) land use designation is Downtown Commercial. The property is located near a planned recreation facility. When he made the offer for this property, he did not realize he was looking at the old Development Code (926), as it is still on the City's website. He thought the zoning was Central Business District, which would have allowed multiple housing and commercial.

Thaine Robinson stated that the Professional Office Zone piece of property was changed from the Light Industrial Zone for a development that did not occur.

Steve Kelly stated he came here tonight because he wanted to put in higher density housing, but found out that the zone was changed that would have enabled him to do so, as the zoning was changed in November 2009 when the new Development Code 1026 was adopted. He quoted from the 2020 Comprehensive Plan document. The only zone allowed under the Downtown Commercial land use designation is the Central Business District, for which they could possibly go for a zone change. He stated that mixed use is mentioned. He wanted to present some ideas on what he wants to do, for them and to further the goals of the city. His PowerPoint presentation highlighted the texts that he thought supported their ideas. Building height and landscaping were also mentioned, along with downtown principles. After looking at the preferred land use text and Central Business text, they feel their project would fit

These concept ideas for the project are being presented for the Commission's input. He showed the building footprint – 2 central pods centered around a courtyard. This plan could be flexible. Some of the units would look into the courtyard, which would become like a community center. They would take out residential units on the first floor and make this floor commercial space with the apartments above it. They have found there is a shortage of married housing near BYU-I. Their location is 4 blocks from campus, and within walking distance. It is also close to fast food stores and larger stores such as K-Mart. It is also not far from Main Street. Their location is central.

With this plan, 70% of the units are one- bedroom and 30% of the units are 2- bedroom. They are planning attractive living space along with the higher density. The buildings would have 3 stories, to achieve forty units per acre with 1.7 parking stalls per unit. Mr. Kelly feels there is plenty of room for parking. The layout was shown to give a rough idea of what is planned. They could go 4 stories with 60 units per acre. A few different possible building exteriors were shown. Possible interior floor plans were also shown.

With the feedback and ideas of the Commission, Steve Kelly would eventually want to get something approved to proceed with development.

Gil Shirley asked about the status of the 4 existing storage unit buildings at the location.

Steve Kelly said they would like to acquire them. They are individually owned, and are close to the street.

The current owner of the land where this development would be located is Melvin Rudd (present in audience). These storage buildings are not for sale at this time.

Steve Kelly said they want to design a good project, one at this location that would work for the community and for them, and one that is great looking and designed with the future in mind.

Richie Webb asked if they envisioned utilizing all the property now or just part with more being developed later.

Steve Kelly said they would intend to develop most of the property, with the necessary parking, green space, etc. development requirements.

Dan Hanna thought this idea for development looks great.

Richie Webb asked if the developer would have to change the Comprehensive Plan Map followed by a zone change.

Val Christensen said there are different ways the project might proceed. Right now the property is zoned Light Industrial, with no residential element. They would need a zone change. The Comprehensive Plan map shows the designation as Downtown Commercial, which only allows a zone of Central Business District (CBD). If they do that zone change, that would be zero parking. This current Comprehensive Plan Designation was made by the City's hired planning consultants. Also, the Development Code contradicts itself. The intent was that the zone could have ground floor commercial.

The City would like to work with the developer to have the area allow residential.

The question is whether the Downtown Commercial designation is the proper one.

Steve Kelly said with a conditional use permit, the Commission could specify issues such as parking, landscaping, etc.

Chairman Dyer said the point about the property being located close to retail shopping and food stores and to the Main Street area works well. Its location of 4 blocks from the University may not be that much of an issue. The property has good access. The disadvantage is: this property is located in a Light Industrial Zone. The Commission has to move heaven and earth to create anymore Light Industrial zone areas; they have tried to be protective of it. First of all, it is an area of the City already designated as such. Secondly, creating Light Industrial is difficult, as many residents may come forward with objections. He also wondered how residents of this possible development are going to feel about walking past boneyards and other light industrial developments every time they go to school, out to eat, shopping, etc.

Steve Kelly said anyone who is first to want a change in the character of the area is taking a risk. He feels it is a centrally located area that has been overlooked. If the Rexburg recreation center is developed, the surroundings would change.

They are in this development for the long term.

Chairman Dyer felt this area's preferred land use designation is the wrong one. It should be looked at when the next Comprehensive Plan map amendment applications are heard. Perhaps it could change to something that would be more conducive to mixed use, which could then fit this development. He suggested that Mr. Kelly speak further with Val Christensen.

Thaine Robinson said that with the recreation center possibly coming in to the west in this area, the Madison School District offices and its bus yard may relocate. So, that may clean up that side of the street. This concept plan may be what could change the area dramatically, if they are willing to take the risk.

Jedd Walker said he is not sure Light Industrial is the best use for this property, although it is now being used as such.

Dan Hanna thought tonight's concept plan sounds like a great bold venture that would clean up the area.

Scott Ferguson feels the recreation center will eventually give positive incentive to the market.

Chairman Dyer stated that a lot of expensive fill will be needed to match street grade before anything can be built, as the property is an old landfill.

Dan Hanna stated the property is also in the flood plain.

Steve Kelly said there is a mixed use option mentioned several times in his research – he would want to move on it. Construction costs are low. They would like to develop in phases.

The Commissioners examined Development Code 1026 in regard to Central Business District (CBD) and having parking calculated for each use, based on its own standard (3.13.150).

Val Christensen said what the developer wants to do may fit better in Mixed Use than it does in Central Business.

There is contradiction with the Comprehensive Land Use designation and the zoning.

Chairman Dyer expressed that this current land use map designation was not done by the P&Z Commission.

He suggested that there be a conference call between Steve Kelly, Val Christensen, and City Attorney Stephen Zollinger.

Chairman Dyer stated there is a fine line between rights of the property owner and what is best for the community. This may be better when the Mixed Use Zones are complete. Tonight, the Commission plans to move the Mixed Use Zones document to the City Council.

Mr. Kelly said for the City's sake and for theirs, they want to put in a development that will work really well.

Val Christensen said the main right of the Central Business District (CBD) is for commercial. Conditional uses open the door for possibly something else, but would still say that commercial would be on the ground floor.

Would this Commission grant a conditional use permit (CUP) under Central Business District for residential?

The consensus was they would not, as it does not match with anything that has been done for the Central Business District zone.

Chairman Dyer said the City Council had just adopted the cleanup of the Development Code document, but the specific mixed use zones were not yet ready and were to be added in the near future.

Steve Kelly clarified they would like to start groundbreaking of the project in the spring of 2011.

Ted Hill wondered how to take such a residential impact and make it compatible, layout-wise, with what is around it – existing businesses, etc.

The developer will speak further with the City Attorney and Val Christensen regarding possibilities.

Chairman Dyer stated that the Commissioners all agree that the concept ideas presented tonight are really nice. He feels that if mixed use is done here, it should be right up on the street, with parking in the back. It would serve as a commercial corridor. This community has grown by about 15,000 people in the last eight years; the Commission has been through many development requests. The Commission would like to help get things done, but they are looking at a much broader picture. They very much appreciate that Steve Kelly has made the effort to come before the Commission to show them his concept ideas; they appreciate his willingness to understand their position. The Commission thanked Mr. Kelly for coming before them to allow them to brainstorm, understand what he wants to accomplish, and for him to understand their restrictions.

Steve Kelly thanked the Commission for taking the time to listen to his presentation and ideas.

Nephi Allen gave kudos to the Commission and staff for taking the time to listen to this developer's presentation - that did not happen for him before another P&Z Commission. He appreciates that this developer was able to come forward tonight before the Commission to present his ideas and get their feedback – it was a good thing.

Unfinished/Old Business:

1. Mixed Use Zones - Discussion

Val Christensen opened the discussion.

Richie Webb had to leave the meeting earlier tonight, but he did give Val Christensen some feedback comments and had pointed out some duplicated typos. No one else who is not in attendance tonight had given Mr. Christensen any input.

Mr. Webb had wondered if the use for *Candy/Nut/ Confectionery* should be moved to a permitted use in MU1 and MU2 rather than under a conditional use. Also, should grocery store size be different in MU1 and MU2?

There was discussion as to why some uses are under Conditional Uses and how they might affect the areas around them.

Keep the Conditional Use list as it is in MU1 and in MU2.

Also, for *grocery stores* and for *shopping centers* under conditional uses – change to read:
MU1 – if more than 3 acres but less than 5 acres,
MU2 - if more than 5 acres but less than 10 acres

Richie Webb's other concern – do signs need to be smaller than allowed in the City's sign ordinance? Should they be allowed to be taller in MU2?

Façade – the face of a building, especially the principal or front face showing its most prominent architectural features.

The Commission decided to remove #2 under *Signs* section of MU1 and MU2 (regarding 200 square feet per façade).and leave #1 and #3 as they are regarding pole signs not being allowed and the size of permitted detached signs. Add - Refer to the Sign Ordinance for guidance.

Ted Hill commented on the stated lot width of 60 feet. Is it sufficient?

Change lot width to 100 feet from the stated 60 feet – both in MU1 and MU2.

Vinyl fence comment on last page of MU1 and MU2 – can other materials be used?

Change to “a privacy fence (of vinyl, a masonry wall, or similar approved).”

Dan Hanna motioned to recommend to City Council the Mixed-Use 1 and Mixed-Use 2 Zones document for public hearing and adoption into the Rexburg Development Code 1026. **Ted Hill** seconded the motion.

None opposed. **Motion carried.**

Chairman Dyer thanked Val Christensen and the Commissioners for their hard work on this document.

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

March 4 – Rezone - 814 North Yellowstone – CBC to MDR1

Rezone - 431 West 4th South – CBC to HDR1

Val Christensen would like to further discuss the future road development for the area north of East 7th North and west of South 7th East that was briefly discussed at the January 21, 2010 P&Z meeting. He will have an updated map of the area to include in the Commissioners' binders for the next meeting. In addition, Mr. Christensen would like to discuss a quadrant area of the roads (clockwise) around the City on a regular basis at future P&Z meetings.

Chairman Dyer adjourned the meeting at 10:30 pm.