

Planning & Zoning Minutes

November 4, 2010



CITY OF
REXBURG
America's Family Community

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Commissioners Attending:

Winston Dyer – Chairman
Thaine Robinson Ted Hill
Jedd Walker Mary Ann Mounts
Dan Hanna Nephi Allen
Gil Shirley

City Staff and Others:

Val Christensen – Community Development Director
Natalie Schneider – Compliance Officer
Jake Rasmussen – I.T. Intern
Elaine McFerrin – P&Z Coordinator

Chairman Dyer opened the meeting at 7:00 pm.

Roll Call of Planning and Zoning Commissioners:

Mary Ann Mounts, Gil Shirley, Jedd Walker, Winston Dyer, Thaine Robinson, Dan Hanna, Ted Hill

Scott Ferguson, Cory Sorensen, and Richie Webb were excused.

Nephi Allen arrived at 7:02 pm.

Minutes:

1. Planning and Zoning meeting - October 21, 2010

Corrections

Page 4 – Clarify under Mark Oswald’s statement - “... Some of the trees *in the existing right of way* on the east side of the building will remain there.”

Page 10 – Clarify under Ted Hill’s statement - “... Maybe this is not the right *development* on the right piece of property.”

Gil Shirley motioned to approve the Planning & Zoning minutes of October 21, 2010, as amended.

Jedd Walker seconded the motion.

Mary Ann Mounts abstained for not having been present.

None opposed. **Motion carried.**

Public Hearings:

7:05 pm – Rezone – Targhee Professional Offices, LLC – Low Density Residential 2 (LDR2)
and Low Density Residential 1/Professional Overlay to Mixed Use 2(MU2)

Chairman Dyer explained the procedure that is followed for public hearings. The applicant or a staff member will come forward and present the proposal for the Commission. Commissioners will then ask clarifying questions to understand the proposal. Public input will be heard. Staff evaluation will be given. The Commissioners will then deliberate and reach a decision.

Johnny Watson, 1152 Bond Ave, JRW & Associates. He said the City has expanded their application request for specified parcels.

Val Christensen clarified that City staff decided to move forward to include the entire west side of the block bordered by South 2nd East, East Main, and East 1st South; and also 232 East Main for this rezone request; he pointed out the specified area on the projected map.

Johnny Watson said they came before the Commission about a year ago to request a Comprehensive Plan map land use designation change to Neighborhood Commercial/Mixed Use. At that time the City went forward with the entire block, shown on screen, rather than going piece by piece. He pointed out various doctor offices on the projected site plan. He pointed out Neighborhood Business Zone to the east. There are offices throughout the Professional Plaza area. It is a transition area between Main Street's commercial area leading into mixed use and to the existing neighborhood. It is a fantastic neighborhood. Citizens have done an excellent job of taking care of and maintaining their homes and the neighborhood. It is a key neighborhood in this community. He pointed out on the projected site plan the properties currently owned by the doctors. Now that the City has their Mixed Use zones in place, they are coming forward with this request. They have had a number of neighborhood meetings in the last two or three years. They have gone through several different scenarios and still do not yet have the final solution. If this zone change is approved, they will come back numerous times as they proceed to the building process –including site plan review, and design standards. The P&Z Commission and the City Council will have opportunities to give input before the project can be approved. They still have a lot of teamwork to do, including continuing good communication with the neighbors. They are comfortable with the language of the City's MU2 Zone. He introduced business partner Andrea McCulloch, of Milieu Design. She will walk them through some of the particulars of what they are planning for the future for the subject area and will give more specifics on the direction they would like this project to go.

Andrea McCulloch, Milieu Design, 793 West 430 South, Logan. Utah. The meeting they had with the City about a year ago regarding the Comprehensive Plan map land use designation change helped to solidify and formulate the right approach to be able to move forward. It was highly recommended to them that they take a stance of involvement with the neighborhood. They were encouraged to understand the thoughts and concerns of neighbors, and have strived to do so, individually and with groups. She wanted the Commission to know this is something they take very seriously. They have been sensitive to the community. They have pure motives and want to be an asset to the community and not a detriment.

Ms. McCulloch gave a PowerPoint presentation entitled "*Targhee Mixed Use Medical Plaza.*" The Rexburg Comprehensive Plan Vision 2020 language encourages reinvestment into downtown and its revitalization - that is the direction they are trying to take. Mixed Use developments are encouraged. They want their development to show sensitivity to the City's vision by having a project that "...architecturally ties to the historic downtown roots and demonstrates sensitivity to the adjacent neighborhood ideals."

An example of revitalization is the Bed Place on Main Street. It is an historic building. In their proposed project, they want to do facades that attract and have longevity. As it is now, their project area is heavily medical. With the Mixed Use component, they want to have options of possible residential units and parking systems as part of the long term vision. They will need to do critical studies of how the project will interface with 2nd East. They want to have appropriate businesses that compliment what is already there. They will be sensitive to the family neighborhood.

They want to emphasize Rexburg's rich heritage, as is stated in the Downtown vision. Rexburg has something that is very unique. Rexburg has its Main Street corridor, the Porter home on the corner of Main and 2nd East that they definitely want to keep intact, and Rexburg has the Courthouse. These architectural roots will be taken into consideration as infill progresses.

Andrea McCulloch read a quote that was not her words but that she felt was important: “Downtown Rexburg is lacking in the polish and vibrancy of a successful downtown, but it has all the necessary bones for making the transition to an active downtown that serves as a destination for city residents and visitors.” She said that Rexburg is a diamond in the rough. In the design world, the term *furnishings* is used in regard to embellishments or amenities on the exterior (benches, trash cans, trees, etc) as well as the interior of a building. These are important. Ms. McCulloch said the Rexburg Vision 2020 supported their proposal - “...the City should encourage mixed-use developments – where office or residential occurs on a second floor over retail – and higher density residential development within the downtown district.” They are excited to be a pilot project that can really address this vision.

A map of the properties owned or managed by this physician group was shown. There are still a few parcels that are privately owned. They have approached these neighbors with the option of purchasing their property whenever the neighbors are comfortable. Photos of architectural ideas and historic options were viewed. It will make a difference. Quality of design and detail is important. It will be an inviting environment. They will be affordable, but they want to maintain the character of the neighborhood.

Johnny Watson said the photos show the importance of not only the building itself but its exterior furnishings, window size, doors, etc. They are the key human scale elements in design which will help them transition from downtown through to the Mixed Use, and into the neighborhood.

Chairman Dyer said this is a land use proposal tonight, rather than a development proposal, but it is good to keep an eye out for the end from the beginning.

Thaine Robinson said the MU2 zone has a residential component. He asked if they were planning on putting in residential portions.

Andrea McCulloch said if they are given license to move forward with the entire project (from north side of block all the way to the south end), they would want that as an option for future phases, but not for the first phase of the project.

Thaine Robinson asked how many phases are planned.

Johnny Watson said there will be at least 2 phases. The second phase has the residential component that meets the required percentage. They are looking at a vertical Mixed Use and a horizontal Mixed Use, but they are not developing the entire piece of property during Phase 1. They are working with staff through at what point they will do some of these requirements.

Val Christensen said he had informed project representative Richie Webb that if they did do the project in phases rather than as one piece, they would have to apply for a Conditional Use Permit if certain percentages are not provided.

Thaine Robinson wondered if it would be more practical to use another zone than Mixed Use if they are not going to utilize it as they go through the process.

Val Christensen said the applicant is looking at the larger project as a whole.

Johnny Watson said they have examined the other possible zones, but the verbiage stated in the Development Code’s MU2 Zone most closely fits what they want to accomplish, in long term development, of the total project.

Chairman Dyer clarified that at the moment they are just talking about the potential of residential use or components somewhere in the project, but nothing is specified at this point.

Johnny Watson said that was correct.

Andrea McCulloch said they have the intention of moving forward.

Chairman Dyer asked if the applicants would consider a conditional rezone, where if the residential component did not appear, the property would revert back to the original zone.

Johnny Watson said that would be fine. One of the obstacles in the current economic situation is that in order to get a loan, it is necessary to have tenants.

Chairman Dyer said citizens in the audience may be wondering how the Commission would justify a mixed use zone if there is no mixed use.

Johnny Watson said they are looking at commercial, professional business, and residential components.

Mary Ann Mounts wanted to make sure that the developer wants residential rather than having to include it out of necessity.

Andrea McCulloch said it is what they want.

Mary Ann Mounts said a mixed use zone is more desirable in her opinion than another zone, because of the residential component.

Chairman Dyer asked if there are homes included in the land that the applicants own.

Andrea McCulloch said there are some homes.

Chairman Dyer said tonight they have a land use proposal before them, but they also need to discuss how this zone change could potentially impact a neighborhood. He asked for information on what buildings will stay and what buildings will go.

Andrea McCulloch clarified on the projected map the area where the structure would go for Phase 1. Property owner Pat Hinton's home would remain. They have spoken with her about how they would manage the immigration of a mixed use structure next to her home. They feel there are solutions to make it a comfortable environment. It is a huge transition. They are committed to doing it well. The new building will be well designed to bring in the neighborhood feel – there will be dormers and attractive windows and other positive features. The home on Main that is owned by one of the doctors would come down, to put in an attractive parking lot that will have the required landscape buffer. They will have sensitivity in how they proceed with the development. The way they handle such a transition definitely matters.

Chairman Dyer asked Ms. McCulloch to summarize the meetings that were held with neighbors and what was accomplished.

Andrea McCulloch said they have had open and cordial round table conversations with neighbors. A major concern that she felt was expressed by the neighbors was that any material used on this project should complement the neighborhood area. At these meetings, the developers showed the planned elevations and the varied roof planes. Neighbors were concerned about impact of traffic in their daily lives. Ms. McCulloch felt the neighbors might now be more positive about the project after these meetings. Pat Hinton would be the property owner most affected by the complex they want to build. They want her to be comfortable in her space. There would be approximately 16 feet from her property line to the building that is planned. There is 24 feet from structure to structure. The neighbors want to make sure that this is a quality project. Although most people do not want change, change will come. The commitment that the doctors and architects have is apparant. They are committed to doing a quality project that will have the neighborhood ambiance. Hopefully, the project will continue to become more beautiful over time.

Chairman Dyer asked Ms. McCulloch if she felt they have neighborhood support after these meetings.

Ms. McCulloch said she felt there is more warmth and understanding from the neighbors. They understand that the developers will incorporate their concerns in the planning of the final designs.

Chairman Dyer said there is a long history with this block. Several interested citizens and neighborhood leaders are in attendance tonight. At this time, the **Chair** would like the floor opened for the public to ask any questions that would help them to understand what is being proposed. The Commission wants to make sure the citizens have their questions answered. Opinions or other comments should be saved until the public input portion of the hearing.

Marcia Bair asked about the 55 foot height for buildings and the 75 height allowed for telecommunication towers, as stated in the Mixed Use Zones document. These would drastically change the elevation of the area. Nothing in the area is of those heights at this time.

Andrea McCulloch said the height of the proposed building would be 2 and a half stories (less than 45 feet). No communication towers would be built. Windows could be within a roof structure. They have looked at many design concepts and want the elevations to be complimentary to the neighborhood.

Johnny Watson said the building height would be far less than the existing trees that line 2nd East.

Gil Shirley asked about the building to the east and the height elevation change.

Johnny Watson said they would be a little higher than the existing building. They have done a number of 3-dimensional fly-through models of the space of the block and the elevations of the hill. Their greatest challenge is Pat Hinton's home because of its lower-built style. There is language in the ordinance that helps protect her from building being built right on the property line. In the future during the design review process, they need to be sensitive to what faces her property, what windows face her backyard, spaces, etc., to keep from infringing on her privacy.

Richard Boivie asked if they put in a residential component, could they get up to 55 feet in height?

Andrea McCulloch said they would not go up to 55 feet in height.

It was stated that the Henderson project is 4 stories high and still does not reach that maximum height.

Pat Hinton said one of her biggest concerns is the size of her property; it is smaller than the ordinance stated required minimum size. If the zone changes, where does that leave her? There is no property adjacent to her that is not owned by the doctors.

Val Christensen said that regulation is only for newly constructed lots. Where there are existing lots, language in the ordinance overrides the requirements; the lot size is grandfathered.

Chairman Dyer asked Don Sparhawk, president of the East Main Neighborhood Association, how things have gone in meetings with the developer. Now is the time to understand how the public has been involved, because once the hearing opens for public testimony, there cannot be any back and forth dialogue.

Don Sparhawk said a few years ago the P&Z Commission and the City Council did ask representatives of the neighborhood and representatives of the developers to get together and discuss the situation to try to come up with a solution. They have met a few times, but it has not been a working kind of meeting where they worked out a concern. The meetings were just to inform the neighborhood of what the architects were planning. He said the neighborhood appreciates being informed, but they have not been involved in making any of the plans shown. The meetings have been cordial. They appreciate and like the feel of what the architects are trying to do. They are happy that the buildings will not be basic, cheap stucco. They are pleased with a lot, but Mr. Sparhawk's public testimony will give some recommendations of things they would like to see addressed.

Chairman Dyer asked Mrs. Hinton if she has been able to give input. She and her property have a major degree of impact under the current proposal.

Pat Hinton said she appreciates talking with the representatives and feels that they have listened to her concerns and are trying to the best of their ability, to meet those concerns. She does feel that what they want to do would be a good fit. However, she is concerned about the MU2 zone language and how it will affect those who live on the block. She is concerned with the possibility of zero setbacks. She would like to see something that lines up with what is currently there.

Val Christensen said at staff level, the first question they had was, is Mixed Use 2 the right zone for the request. Mixed Use 1 would be the only other zone allowed under the Neighborhood Commercial/ Mixed Use Comprehensive Plan land use designation. Directly across the street is a downtown commercial zone that allows zero setbacks. The reason why they did not designate the rest of Professional Plaza in the zone change at this time was because they felt that was an existing use that would be a good buffer between this requested use and the residential neighborhood. Mixed Use 2 seemed like a good fit.

Chairman Dyer clarified it is possible that a zero to 10 foot setback could be approved.

Mrs. Hinton said she is also concerned about the side yard because the ordinance says there are no side yard requirements.

Chairman Dyer said the code states if there is a residential property next to the new project then the residential side yard setback requirements will apply.

Andrea McCulloch assured everyone that they would not encroach upon neighboring properties.

Chairman Dyer said this is a land use decision, and certain rights come with that. There is no guarantee that tomorrow someone else might own the property and come forward with a different proposal once the zoning is changed. It is always a tightrope they seem to walk. The Commission has made a commitment to this neighborhood to try to do the very best they can to protect the neighborhood and do right for the people who live there. Public input involvement helps the Commission to be better informed, helps the citizens to be better informed, and helps toward better decisions being made. It also helps the owners and the developers understand what the issues are. They want a win- win situation for everyone involved.

Pat Hinton said she appreciates the chance to get her concerns clarified.

Marsha Bair said she is concerned about traffic. If a building is closer to the street, it would cast a shadow to properties to the west- what about the ice problem on the sidewalks and roads? It would increase. She lives across the street to the west. On 2nd East at 5 pm in the evening and 8 am in the morning, it is a disaster. Having additional traffic on 2nd East at those hours would not be a good situation. Many of the residents here are not young. Adding congestion in that area could really affect the people to the west. She reiterated that she is very concerned about traffic. Higher density brings more people.

Chairman Dyer said from an engineering perspective, a certain amount of traffic would be expected from residential developments and commercial developments. It can be evaluated through number formulas to predict what the added number of cars would be. Based on the proposal they have heard, he feels the City Engineer would find that the increase in traffic from this development would be minimal. Regarding ice, the trees cast the shadows as they are now.

Marsha Bair said the trees will lose their leaves. When something solid is blocking the sunlight, there is more ice.

Val Christensen said they have this height of building downtown on Main Street, College Avenue near Porter's, and there are some throughout town. Where there is shade, ice is probably there longer.

Richard Boivie said he also lives to the west of the proposed rezone. Right now for the residents who have to go in and out of Autumn Arbor on to 2nd East or 1st South, traffic is already difficult, and there is no development yet across the street. He asked exactly what they have in mind regarding a left hand turn. He feels that would be very dangerous and cause a lot of traffic back up. He wanted the entrance to the proposed development clarified.

Johnny Watson said they would not have an exit going out on to 2nd East, but rather an ingress. This issue would be discussed with the City Engineer and addressed in the development agreement.

Pat Hinton said there will be more traffic with this new development as a destination. Tonight, traffic was so backed up when she was trying to get out of her driveway that it took her 10 minutes to do so. If people slow down to turn into the area, it may make things even more difficult for her.

Richard Boivie said the reason he is here is that the City needs to take a serious look at whether they have to widen 2nd East. There is a lane and a half that goes north, but the lane ends.

Chairman Dyer said the City Engineer would be examining the development proposal for what would be needed.

Steve Oakey said they are thinking too hard about the particulars of this project. 2nd East is going to continue to see more traffic. As an owner of the property, the developers will move their own snow; they would have liabilities if people were to fall on icy, snowy sidewalks. People are smart enough to direct themselves; they would find another way rather than going across the street in busy traffic. Everyone does this. They are overthinking and trying to put up barriers. He comes to this from a business owner point of view – he wants input from his neighbors; he wants to be a good neighbor, but he does not want his neighbors to develop the project for him. There will be more traffic. That may bring more police officers and more stop lights. Problems will be dealt with –engineers will be hired to develop the project. He appreciates the efforts these developers have put forth and their concern for the neighborhood. He does not want to put up roadblocks by nitpicking every single little thing to stop them from making this community a better place.

Chairman Dyer said he appreciated Mr.Oakey's input. The Chairman's intention in having the audience ask questions was to have the proposal be clarified for those concerned so everyone would understand what is being proposed before public testimony is given. Questions cannot be answered during public testimony.

Kent Archibald asked if the current plan was to have residential on the second floor.

Chairman Dyer said that has not been specified by the developer at this time. The developer has said that the residential component would come in later phases.

Chairman Dyer asked if staff had any clarifying information to help the Commission understand the proposal.

Val Christensen pointed out that some buildings across the street to the north are built to the property line. The proposed development would be kept in line with that type of setback. It is about where the houses are now.

The **Chairman** opened the public input portion of the hearing.

In Favor:

Steve Oakey, 25 South 3rd East. Along with the other neighbors, he has met with the developers. They have been very cordial. He has a great deal of appreciation for the Commission and City Council for their efforts to get the developers and neighbors together. His comments are his own and not those of the neighborhood association. He is in favor of the proposal and project for a number of reasons. The developer has demonstrated a willingness to communicate with the

neighborhood and to embrace them as partners in the development of this project. Mr. Oakey is also in favor of those who are willing to invest in the future of the City. He feels the developers are sensitive and on the right track in regard to architecture of the project. This is a prime piece of real estate that will go a long way to helping develop the downtown and keep other business downtown. It will encourage other downtown businesses to put more investment into their properties.

Rexburg's downtown is the only one there is. There is very little inventory of period architecture in this City. He is grateful that people are going to spend money and invest in a period model that will look good. He is very appreciative of the developers and architects, who are helping to make their neighborhood an inviting place to be.

Gary Lovell, 473 Morgan Dr., one of the investors in the subject property. Tonight, he also represents Dr. Lofgren and Dr. Smith. When they started their remodel of their building 10 years ago, they had seriously contemplated moving to another location. The historic home on the corner of East Main and 2nd South was already there, as was Professional Plaza. When they looked at expanding their building the idea was to mirror image the existing building. Dr. Lovell has never built a new office and does not really want to, especially not at this stage of his career. However, the nature of their organization has seen growth; they have the opportunity to create a nice, multi-specialty facility for this community.

It is a problem for physicians to have to go through multiple stoplights to get to the hospital. It is a problem to be a ways away, as some of the clinics currently are. The hospital may not always be where it now is located. However, the investors feel there will be usage of this new building for professional space for at least 10 or 20 years, and it will be near a hospital. As one of the investors, he is hoping everything will pay for itself in time. Dr. Lovell feels eventually the area will have higher density or commercial of some sort, because of the nature of the traffic there. Their earlier idea of mirror imaging their building did not seem to have long-term staying power. They thought they should look at something that had permanent attractiveness, even it were not a medical facility. That is what they have tried to come up with. They definitely need expansion; more physicians are interested. They are very proud of the planned building. As to the traffic issues that were raised tonight - in the drawing plans of the project, the overall idea was to eventually have traffic flow primarily from north to south through the subject block, with the entrance on Main Street, or from Professional Plaza. The entryway off of 2nd East was planned to try to reduce the amount of traffic that was going around the block from one side to the other. They feel now it is an opportune time to move forward with this building. Personally, he is now towards the end of his career as a physician, yet some of the other doctors are not in the position to be investors. The doctors who are the investors want to do something in the interest of the City that would change the nature of the downtown in a positive way. A couple of the existing buildings are eyesores and would be removed. Overall, the City would be blessed with an attractive new facility, no matter what its use will be. He encourages the Commission to approve their rezone request.

Neutral:

Don Sparhawk, 37 South 3rd East, president of East Main Neighborhood Association. He was not sure if they are in a neutral or opposing position. If the area is going to be developed, the Association would like to see it successfully developed, blending into the existing neighborhood. The Association is making *eight* recommendations that they would like the Commission to consider attaching to the approval if the rezone moves forward. They feel these recommendations do not make it impossible for the developers to do what they want to do. He read them aloud:

- 1) Setbacks of buildings from the street must match the average setback of the existing homes;
- 2) Front yards must be maintained in landscaping to match the existing homes in the neighborhood;
- 3) Parking is only allowed at the side or back of buildings that face the street, with no parking being

allowed in the front yards; 4) No lot or parcel of land in the MU zone should have a building/structure that exceeds the height of 2 and ½ stories with a maximum of 35 feet, measured at the top of the building's horizontal wall, and chimneys, flagpoles, or similar structures not used for human occupancy are excluded in determining height; 5) No telecommunication towers are allowed; 6) Residential Lighting Standards are applicable as described in Chapter 4.14, Supplementary Regulations of the Development Code; 7) The City must verify that sufficient parking is provided before approval of specific projects within the zone is given; 8) Because approval of specific projects will be made by the city staff and not the P&Z Commission, the East Main Neighborhood Association and local homeowners must be given the opportunity to see the plans and verify that the proposals meet all city codes before final approval is given by the City. - The East Main Neighborhood Association appreciates that the Commission consider their recommendations.

Kent Archibald, 1325 South 2nd East. His medical office is at 76 South Professional Plaza, which is contiguous to the proposed project. He is a novice as far as zoning. He does not understand it. He did not hear much about this project until he received the public hearing notice. He thinks the concept for this project is great, and he has no problem with it. However, all of them have seen projects that have been delayed or stalled or stopped half way through. All of a sudden there could be a new owner, and it turns into college housing. That is his concern. Their concept is great, but, should something fail, then he sees an issue - the cleanliness of his professional building, parking, etc. Why could this not be the same as what Professional Plaza is now, with the professional overlay? When the developers really do get to the residential phase, they could at that point come forward with a zone change request.

Opposed:

Pat Hinton, 55 South 2nd East. She is not opposed to what the doctors want to do. She is opposed to the requested zone, Mixed Use 2 (MU2). She does not feel good about it. She has gotten a lot of clarification on things she was objecting to, but as Dr. Archibald stated, what happens if things fall through and there is a new owner? She realizes everything changes. From past experience with the P&Z Commission and City Council, and observing things that have taken place, a change in ownership does happen from time to time. Once the property has been zoned, what is to prevent someone from coming in who says, "It states in the Development Code that I can do this." Where is the justification to turn that down? Mrs. Hinton reiterated that she is not against what the doctors want to do. She thinks there is a need for it as the community and college grow. However, she does not feel that MU2 is the correct zone. For those like herself who are still living there and will be living there in the future, she does not feel that protection is there.

Marcia Bair, 44 South 2nd East #3. About five years ago, she lived next to Dr. Strobel's office (located on Professional Plaza). Her concerns are not about the proposed project; she thinks the project is great. One of the concerns she has as a citizen, is that she feels the City is using their people to write zoning that might not be what is in the best interest of the community. She supports Pat Hinton in her concern about changing the code. She likes the doctors. What she has observed is that doctors' offices are basically open Monday through Friday and were not open on Saturday and Sunday. She had then, as now, concerns about snow removal and ice repairs, because people will still need to travel along the area. That is her major concern; the City needs to step up some of the concern that they have for traffic here. She feels the traffic at the corner of Main and 2nd East is a travesty and that the traffic light at that corner is currently not correct in how it functions. Again, her concern is not with the project; it is a good idea. She has concerns with planning and zoning. She does not see taking her tax dollars to benefit a business as always in the best interest of everybody.

That was one of the issues she had when she lived on 1st South near Dr Strobel's office. Buildings there did not have enough parking. People parked in front of her driveway all of the time. That is the contention that is felt if the City allows things like this to occur. She would hope for a continued nice relationship.

Written Input: None

Rebuttal:

Johnny Watson declined a rebuttal, stating they feel their application has been understood.

Chairman Dyer closed the public input portion of the hearing and asked for the staff evaluation.

Val Christensen said it has been explained in great detail what the City staff's thought process was regarding MU2 for the west side of the block. MU1 could also be considered. Either is possible under the Comprehensive Plan land use designation of Neighborhood Commercial/Mixed Use. The City Engineer does not look a proposal in great detail at this level – it is a land use decision and will be closely examined in the future when the project moves forward.

At the City's Ready Team meeting, which included City staff and the Mayor, the decision was made to have this rezone request include the west side of the block plus 232 East Main, as legally described, rather than rezoning piece by piece.

Chairman Dyer said that decision was also consistent with the direction the P&Z Commission has given.

Ted Hill asked the difference between MU1 and MU2.

Val Christensen said MU1 (more residential style) has a lesser density requirement of up to 16 units. MU2 has a higher component for density, up to 30 units per acre. MU2 was to be a buffer with the University, with higher density but more of a commercial component, as it would be next to other commercial zones. MU2 could have zero setbacks. MU1 has more residential setbacks. MU2 also would allow a conditional use permit to possibly go to zero setbacks. He reiterated that tonight's decision is one of land use. He clarified the front yard setback requirement as stated in the Mixed Use Zones section of Development Code 1026 – "... The maximum front yard setback shall be ten (10) feet."

Chairman Dyer said the question before the Commission is shall this property as described be changed in zoning from its current designations of Low Density Residential 2 (LDR2) and Low Density Residential 1/Professional Overlay to the Mixed Use 2 (MU2) zone?

Chairman Dyer asked the Commissioners if they feel the Commission has thoroughly considered all sides of the issue, giving everyone the opportunity to be heard.

Mary Ann Mounts said she felt they have explored the issue thoroughly. Allowing the public to ask questions to make sure they understand the proposal is a new addition to their hearing procedure. She applauds it as a very positive addition. It has allowed the Commission to see both sides more clearly than ever.

Thaine Robinson agreed.

Mary Ann Mounts said as a descendant of the Porter people, and having spent many hours on that corner, not only at the Arnold home but across the street, she can say that when the Porter house, her grandparents home, was torn down, she was so distraught. **Mrs. Mounts'** great-grandfather, who built that house, would have said it is good, because it is good for Rexburg, and it is progress, and it is life. She has never forgotten that, because she detests change way more than the average person; she struggles with it. She can honestly tell the neighbors here tonight that she feels for them, but in this chair where she sits as a P&Z Commissioner, she also knows that change is a reality. She

has seen cell towers go up out her front window in her old neighborhood without anyone saying anything about it beforehand. She feels it is wonderful that these developers are willing to discuss before doing. Everyone is not provided that. She has talked to some people in this neighborhood who feel good about this proposal. **Mrs. Mounts** remembers when this same neighborhood came to express their concerns about a house in the neighborhood (that is now a hospice). She would like to think that property has not brought the problems some thought it would. It has been a pretty good neighbor. She thinks that doctors' offices tend to be good neighbors, although she has not lived by one. While she can see that there may be problems and a big change for Mrs. Hinton, **Mrs. Mounts** thinks this proposal is a very good use for this property, and other people from that block that are not here tonight share that opinion. The Commission has to take in everyone's views. Something so much worse could be done here. To her, the building that sits where her grandparents' house was is ugly. She sees this proposed project as very attractive. The neighbors have a valid concern of what if this project does not happen. The Commission could include a recommendation that if the project does not move forward or the property is sold before it is built, the zone reverts back to the original. This is a land use decision. The City's Comprehensive Plan supports this change; there are only a couple zone choices under the designated land use. She likes the project. They would not be changing the zone for a business. She is grateful they have someone coming forward with a development of this caliber. Traffic, along with egress and parking, is a separate issue. **Thaine Robinson** said he struggles with the Mixed Use regarding the residential component. They are either going to have to come in for a conditional use permit to have zero residential, or they would have to buy some residential units around the border to be residential. He is not sure Mixed Use is the right zone. He has no problem with the development at all, but he cannot see where residential would happen in the future.

Jedd Walker said a conditional use permit would be needed to go to zero percent residential, which would bring the developers back before the P&Z Commission, and the Commission could state conditions. He is comfortable with that.

Ted Hill said he is comfortable with the proposal. They have had lots of dialog between the interested citizens, the immediate neighbors, and the developers. He appreciates Mr. Oakey's comments - he feels it is important to let the developers do the developing. Regarding the recommendations from the East Main Neighborhood Association, there is only one he felt he could support - no telecommunications towers. Everything else is covered in the City's ordinance.

Chairman Dyer said telecommunication towers have their own set of rules, which would probably preclude them from being in this location.

Gil Shirley said the Porter building to the north of this proposed project was built by Shirley Construction many years ago. He likes these developers' ideas and their willingness to work with everyone. He is in agreement with what they are trying to do.

Chairman Dyer noted for the record and wanted to express appreciation to the partnered applicants/owners and their design professionals for involving the neighborhood and the public in trying to build compromise and solicit input for what is being planned, and for them to continue to be aware and to have sensitivity. He noted that the East Main Neighborhood Association, which must be valued because it represents a majority of residents in the area, has expressed concerns. He asked the developers to give serious consideration on anything that might be accommodated or addressed. They are not mandatory or requisite, because as **Mr. Hill** stated earlier, there are zoning regulations that address these issues. The Commission has struggled for years with the right kind of development here, knowing it is a prime area for the type of development that is being proposed, and also knowing that the neighborhood is concerned about the manner of development and getting an appropriate degree of protection. Their interactions over the years and the different presented proposals have helped to develop that, along with a spirit of interaction and trust. He personally

feels he could support this proposal and would recommend that the partnership continue their efforts with the public, their neighbors.

Dan Hanna motioned to recommend approval to City Council for a rezone from Low Density Residential 2 and Low Density Residential 1/Professional Overlay to Mixed Use 2 for the west side of the block bordered by South 2nd East, East Main, and East 1st South; and 232 East Main (see file #10 00381 for specific legal description). **Mary Ann Mounts** seconded the motion.

Jedd Walker thought the motion needed to include the condition of reverting back to the original zone if the project fails. Another rezone request could then come before them.

Mary Ann Mounts said the problem she sees is that if unforeseen things happen, they would want the property to be able to revert back to the original zone. She stated she is not opposed to this proposed development.

Dan Hanna said he is comfortable with the motion as he stated it.

Mary Ann Mounts withdrew her second to the motion.

Nephi Allen seconded the motion.

Chairman Dyer asked if other Commissioners thought the motion should include reverting back to the original zone.

Ted Hill said he is comfortable with the stated motion. They have had a great deal of discussion about the use of the land. He is comfortable with the proposal as a land use.

A development proposal would come forward later to be discussed and reviewed.

Gil Shirley agreed with **Mr. Hill**.

Those in Favor

Nephi Allen
Jedd Walker
Gil Shirley
Winston Dyer
Thaine Robinson
Ted Hill
Dan Hanna

Those Opposed.

Mary Ann Mounts

Motion carried.

Chairman Dyer thanked everyone for their input and for their interest in the City of Rexburg.

Johnny Watson thanked the Commission for their work and for their new procedure of allowing the citizens to ask clarifying questions before public testimony is given.

Unfinished/Old Business: None

New Business: None

Compliance:

Natalie Schneider has been working with Kristen of Teton HOA Management. She manages several different properties throughout Rexburg. They have been dealing with zoning issues and are trying

to make the tenants aware of zoning and what the City's definition of family states. This issue is being addressed on a continuing basis.

The alleyways throughout the City are a big concern at this time, in regard to trying to get trees trimmed before it begins to snow, so that the areas are accessible for garbage trucks and snow plows. She has been working with several homeowners on this issue.

The issue of parking on 7th South in front of the nursing home, especially in regard to construction workers and where they park their vehicles has been dealt with and has thinned out considerably. Workers are still allowed to park on 2nd West.

Old Craigo's sign – the property owner, Susan Houtz, would like to do a change of face with the sign and has submitted a sign application.

Main Street Jewelers- Natalie Schneider walked over a sign permit to this business and discussed the issue of temporary signs and timelines with them. She is awaiting their sign application.

JB's sidewalk, regarding a curb hazard – **Ted Hill** tonight suggested a temporary solution - that the curb be painted red so that it is noticed, until the curb can be removed. The property owner will be contacted.

Graffiti problems continue to be addressed.

Additional compliance concern:

Mary Ann Mounts said the sidewalk (about 20 feet if it) is not finished near the railroad tracks by Squires Brick on South 5th West. There is a drop-off that makes accessibility difficult.

Natalie Schneider said she had discussed the area with the Engineering department several months ago and will follow-up with them on this issue.

Mrs. Mounts said on the opposite side of that street there is a railroad tie (near Chapple Paint) in the right of way, across the sidewalk, which blocks accessibility.

Natalie Schneider will look into this issue.

Chairman Dyer said temporary banners are starting to diminish.

Natalie Schneider said she continually keeps a lookout for these temporary banners. If the Commissioners notice any, please let her know.

The Commission thanked Natalie Schneider for her efforts.

Non controversial Items Added to the Agenda:

Val Christensen wanted to reiterate a comment that Pat Hinton stated tonight. She had said it is almost impossible to back out onto 2nd East. Mr. Christensen said that is a big concern of his whenever they have discussions about potentially changing uses on 2nd East. As projects come forward that have limited access, especially accesses coming from other directions like Professional Plaza Road and 1st South, those are what they want to see rather than accesses on 2nd East. He said in the future they may need to look more closely at 2nd East regarding this issue.

Report on Projects: None

Tabled Requests: None.

Building Permit Application Report: None

Heads Up:

November 18 – Rezone MDR1 to HDR 1- on West 6th South

Val Christensen pointed out the subject area for the Commission on the projected map.

The Commission discussed cancelling the December 16th P&Z meeting and decided that as long as there were no citizen requests, they would cancel that meeting.

Chairman Dyer adjourned the meeting at 9:50 pm.