

Planning & Zoning Minutes

November 18, 2010

35 North 1st East
Rexburg, ID 83440

www.rexburg.org

Phone: 208.359.3020
Fax: 208.359.3022



CITY OF
REXBURG
America's Family Community

Commissioners Attending:

Winston Dyer – Chairman
Thaine Robinson Richie Webb
Ted Hill Mary Ann Mounts
Dan Hanna Jedd Walker
Cory Sorensen Nephi Allen

City Staff and Others:

Val Christensen – Community Development Director
Stephen Zollinger – City Attorney
Natalie Schneider – Compliance Officer
Scott Johnson – Economic Development Director
Jake Rasmussen – I.T. Intern
Kelvin Giles – I.T. Assistant
Elaine McFerrin – P&Z Coordinator

Chairman Dyer opened the meeting at 7:01 pm.

Roll Call of Planning and Zoning Commissioners:

Jedd Walker, Nephi Allen, Mary Ann Mounts, Winston Dyer, Thaine Robinson, Dan Hanna, Ted Hill

Gil Shirley and **Scott Ferguson** were excused.

Minutes:

1. Planning and Zoning meeting - November 4, 2010

Corrections:

Page 7 – Clarify under Chairman Dyer’s statement- “... *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.”

Page 13 – Clarify under Heads Up: “... 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.*”

Dan Hanna motioned to approve the Planning & Zoning minutes of November 4, 2010, as amended. **Nephi Allen** seconded the motion.

Cory Sorensen arrived at 7:03 pm.

Cory Sorensen abstained for not having been present.

None opposed. **Motion carried.**

Richie Webb arrived at 7:04 pm.

Public Hearings:

7:05 pm - Rezone — Medium Density Residential 1 (MDR1) to
High Density Residential 1 (HDR1) – West 6th South – Rodney Scott

Chairman Dyer explained the procedure that is followed for public hearings. The applicant or representative presents the proposal. The Commissioners will then ask clarifying questions. If any

citizens that are present have clarification questions about the proposal, they will be given the opportunity to ask those questions. This opportunity for the public to ask clarifying questions about a proposal is a new addition to the Commission's public hearing process, to make sure everyone understands what is being proposed. The Commission may then ask staff for any clarifying information about the proposal. Public testimony will then be taken. If testifying, citizens may come forward, giving their name, address, and affiliation with the proposal (neighbor, applicant, etc.). Staff evaluation and recommendation will then be given, followed by the Commission's deliberation in order to make a decision.

Judy Hobbs, Realty Quest, 117 W. Main, representing the property owners - the Scotts (415 West 6th South) and the Clays (437 West 6th South). They have employed her to work for them in the sale of their property. In order to bring them the highest dollar they think the market may bring at this time, they thought the rezone request from MDR1 to HDR1 would be best and is consistent with use around the subject properties. A vicinity map of the subject property was shown on the overhead screen. Wagon Wheel Apartments are to the south; even though their zoning designation is Medium Density Residential, their use is High Density Residential. The new, attractive Kartchner student housing projects are to the east – Northgate and Southgate. Vallinda Lane and Vallinda Townhomes are to the west. Lincoln Park is across the street. The applicants feel that the subject property is a great infill spot in the City, so that there is not sprawl. Being close to the University is important. However, the University's approved housing line stops at the east side of 4th West. They have spoken with the University, in the hopes of extending the approved dormitory housing boundary to the west to include the subject property, but it is not possible at this time.

Chairman Dyer asked for clarification.

Judy Hobbs said she is referring to the area where BYU-I has indicated they will allow approved new dormitory units. She has spoken with John Fister, from the University, about this issue.

The Commission was unaware of this boundary.

Phil Packer, BYU-I representative, clarified that it is strictly a University approach to the issue. He cannot say if they would ever extend this. Housing has marked out some boundaries where they would really like to see development, on the west side of campus. He will get the map to the **Chairman**, per the Chair's request.

Judy Hobbs said they feel there is a large demand for housing for off-track University students and the beauty college's students. At this time they do not have a buyer for the property. They feel making the zoning change is important to them in being able to find a buyer, because dormitory housing is the heartbeat of the housing projects in town right now.

Thaine Robertson said, for clarification, that it was his understanding that off-track single students are required to stay in approved housing if they stay in Rexburg during that time.

Phil Packer said that as long as they are enrolled students, that was correct.

Judy Hobbs said they are finding that there is not enough room. There is a real crunch of available apartments. She reiterated there are also the beauty college students. There are a number of students who come to town and will begin by taking evening classes. They are not in the full track system yet, but they need a place to live. Mrs. Hobbs said they feel that there is a demand for these parcels in this location so close to the University.

The Southgate development was pointed out on the overhead screen, for clarification.

Val Christensen clarified that City staff moved forward to add the Wagon Wheel property (460 West 7th South) directly south of 415 and 437 West 6th South, to the rezone request. The zoning request is for the east ½ of the block bordered by West 6th South, South 4th West, and West 7th South.

Chairman Dyer pointed out the zoning designations in each direction around the subject properties, on the projected zoning map. He clarified that there was indication in the submitted application that 415 and 437 West 6th South were the only 2 properties left in the area that have not been sold for apartment building in and around the high impact zone for the college. The 2 subject properties are private homes. The Chair thanked the property owners - Carol and Rodney Scott, and Lois and Budge Clay - for their presence here tonight.

Chairman Dyer clarified with Val Christensen that construction of the bridge to be built to the east of the subject properties will be starting.

Val Christensen said that was correct.

Chairman Dyer said the bridge would be opened in the spring. The street has been recently paved and widened, and curbed and guttered. Northgate and Southgate Apartments are also to the east. This opens the corridor to the University.

Judy Hobbs said the Scotts and the Clays recently received their bills regarding an LID (Local Improvement District) that will bring more improvements to the area. It was something they felt not only improves the property for everyone else but gives them the opportunity to move forward with an added advantage to their properties.

Chairman Dyer clarified this was the emphasis that brought this rezone request forward at this time, whereas in the past it may not have been considered. Now, with the improvements that are being made, the opportunities are increased.

Judy Hobbs said that was correct. The road is improved, and the bridge is being built. Traffic has increased tremendously.

Cory Sorensen asked if private homes are on the west side of the block.

Three private homes west of the Wagon Wheel Apartments were pointed out. Everything else is rentals.

Cory Sorensen asked for clarification on Wagon Wheel Apartments (page 2 of the submitted rezone application states it is in MDR1, and that it is a non-conforming use as HDR).

It was clarified that the Wagon Wheel Apartments are considered a presently existing non-conforming use. If they applied to be built today, they would need to be zoned HDR.

Chairman Dyer asked if anyone in the audience had any questions they wanted to ask that would help them to understand the proposal. Comments or opinions should be expressed during the public input portion of the hearing.

There were no questions from the audience.

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

Val Christensen reiterated that staff decided to extend the rezone request to include the property to the south. It a rezone request for the east half of the block.

Chairman Dyer said staff enlarging the requested area is consistent with what the Commission has instructed to try to do - portions of blocks or whole neighborhoods rather than single parcels,

because that represents good planning. He asked Mr. Christensen to help the Commission understand the impacts of this proposal in terms of density.

Val Christensen said if Wagon Wheel Apartments decided to use their vacant ground, there could be two and a quarter acres at 30 units (HDR1) per acre, which would be 67.5 units; two and a quarter acres at 16 units (MDR1) per acre would be 36 units, for a difference of 31 units. It is a substantial difference, almost double the amount of units that could be done.

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

In Favor: None

Neutral: None

Opposed: None

Written Input:

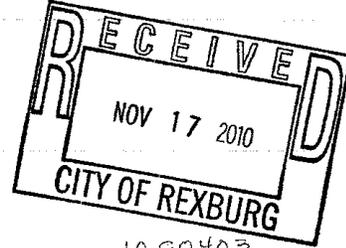
Letter (electronic) from Blake Chamberlain, opposed to the proposal, read aloud by **Chairman Dyer**.

It was clarified that City staff has confirmed that, although no location is specified in Blake Chamberlain's letter, Mr. Chamberlain is referring to the *Notice of Public Hearing* he would have received for the Rodney Scott Rezone, because he is an owner of property on Vallinda Lane, which is property within 300 feet of the subject property. Mr. Chamberlain was on the mailing list for notification for this rezone.

Elaine McFerrin

From: Blair Kay
Sent: Wednesday, November 17, 2010 8:41 AM
To: Elaine McFerrin
Subject: FW: Written Comments to Ordinance No. 1026

From: Blake Chamberlain [mailto:blakechamberlain@att.net]
Sent: Tuesday, November 16, 2010 4:57 PM
To: Blair Kay
Subject: Written Comments to Ordinance No. 1026



1000403
Rodney Scott Rezone

Thank you for your correspondence notifying me of the proposed change in 1026.

As the owner of 4 townhouses in the medium density block in question I object to any change in the residential zoning.

When I bought my property our block was zoned medium density. The proposed change is not necessary and unfairly risks the living standard of my tenants and my investment.

1. The proposed change will decrease the safety and living standards of my tenants through increased traffic and crowding.
2. The proposed change risks a decrease in my property value from the increase population density in my block.
3. The original zoning includes high density blocks which are presently undeveloped so it is either too early to establish or there is no overriding need to rezone any part of my block.

Again I as a property owner I strenuously object to changing the zoning designation from medium to high density.

Please respond acknowledging receipt of my objection. Thank you for your consideration.

LTC Blake Chamberlain MD, USAFR

Rebuttal:

Carol Scott, 415 West 6th South, rezone applicant and owner of subject property. She stated the writer of the letter (Blake Chamberlain) opposing the rezone request probably has not been here for quite a while, because there is not any property around them that has not been developed, unless he is considering one small portion behind Stone's Motors. Everything else has been built out around them. The writer is not realizing it is now a through street that is going to change the major part of the traffic. Without the writer coming and actually viewing the property as of lately, he does not understand what is going on at this time in the subject area.

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

Val Christensen reiterated that the applicants requested to rezone only the parcels that they owned. The City went forward to add property to the south, making the rezone request for the east half of the subject block. The proposal is to change 4 and a half acres from MDR1 to HDR 1. Staff analysis shows high density residential to the east and west, with medium density to the north and south. Staff felt the rezone request was a good fit. Potentially this whole block could become high density residential. The City Engineer did not express any negative comments and felt that the infrastructure was adequate. Staff would recommend that the proposal be accepted.

Chairman Dyer asked that the Comprehensive Plan Map to be shown on the overhead screen. The subject area was pointed out by Val Christensen and is designated Moderate to High Density Residential. The request is consistent with the City's Comprehensive Plan.

Chairman Dyer said the question before the Commission is, shall the east half of this subject block be rezoned from MDR1 to HDR1, or not? Their decision would be a recommendation to the City Council.

Thaine Robinson said of all the places in town that they struggle with going to high density and around neighborhoods, this area seems the most logical spot for high density to be, between there and the University. He feels it is a good proposal.

Dan Hanna agreed, as did **Ted Hill**.

Cory Sorensen said as the Wagon Wheel Apartments is already functioning as high density, this proposal totally makes sense.

Per **Mary Ann Mounts'** request, the Blake Chamberlain properties, on Vallinda Lane west of the subject rezone area, were pointed out on the map for clarification.

Chairman Dyer said the Commission has looked at the changes in transportation, the addition of a bridge, and the accesses in the area that play into this rezone request.

Dan Hanna said the rezone request was both practical and timely.

Dan Hanna motioned to recommend approval to City Council for a rezone from Medium Density Residential 1 to High Density Residential 1 for the east ½ of the block bordered by West 6th South, South 4th West, and West 7th South, which includes 415 and 437 West 6th South, and 460 West 7th South. **Jedd Walker** seconded the motion.

None opposed. **Motion carried.**

This rezone request will now move on to City Council for further consideration, most likely for their December 1st meeting; the request will not have to be a public hearing, as that was done tonight.

Dan Hanna commented that the application process to move the rezone on to City Council seems faster than what has occurred in the past. Has there been a change?

The **Chair** said in the past, the City Council also had to have a public hearing for a rezone.

Stephen Zollinger said the local ordinance had required a second hearing, but this has changed.

Chairman Dyer said if a second hearing is necessary, it still can be done. They need to take the time when it is seen as necessary – for issues with a high impact or issues deemed controversial for the community or a neighborhood.

Dan Hanna said this is a welcome change to the process.

Chairman Dyer said they need to take sufficient time to make better and more solid decisions. At last night's City Council meeting, the City Council had the Draft minutes for the P&Z Commission's previous meeting, showing the discussion of that meeting, including the clarifying questions asked by the public before public testimony was taken. It helped to show that both sides of the issue had been thoroughly explored, and it helped move the issue on more quickly.

Phil Packer clarified for the Commission that the map that was referred to by the rezone applicant representative was an internal map that University Housing was using. The PEZ boundary is being observed in the subject area. He reiterated that he will get the University's map to the P&Z Chairman, who will share it with the Commissioners.

Unfinished/Old Business: None

New Business: None

Compliance:

Natalie Schneider said 2 compliance issues have been resolved. The curb along the side of JB's Restaurant has been painted so that it will be more visible. The railroad tie that was in the right-of-way near Chapple Paints has been removed.

Non controversial Items Added to the Agenda:

Scott Johnson and Val Christensen presented the issue of possibly having Mixed Use (MU) Zones in the Pedestrian Emphasis Zone (PEZ), for consideration in the blocks north of the roundabout between 1st and 2nd West.

There was general discussion of Mixed Use in the PEZ zone .and discussion regarding possible restrictions or limitations.

There was consensus from the P&Z Commission that Mixed Use would be very appropriate in those areas.

Val Christensen addressed a second non-controversial issue - the short plat process. He stated that the City's Ready team has proposed a Short Plat process, as part of the re-writing of the City's Subdivision Ordinance, which Mr. Christensen is currently working on. A short plat process addresses that when an applicant comes in with a fairly unsubstantial change, the platting process could be simplified. Rather than having to go before the P&Z Commission and City Council, a short plat process would allow staff to evaluate and approve the plat. In the short plat process, four or fewer lots that would not require substantial infrastructure improvements would only need to go through administrative approval. Five or more lots would go through the traditional

plat process of staff review and going before the P&Z Commission and the City Council for approval.

Chairman Dyer clarified that both a preliminary plat and a final plat are necessary in the regular plat procedure. In the short plat process, in recognition of its simplicity and minimal impacts associated with it, only one plat is necessary.

The Subdivision Ordinance, upon its approval, will be incorporated into the Development Code 1026.

Report on Projects: None

Tabled Requests: None.

Building Permit Application Report: None

Heads Up:

1. December 2 P&Z agenda – Zoning Ordinance Amendment – West 4th South – requesting PEZ 1 rather than the current PEZ2 designation

For clarification, staff and the Commission briefly discussed this request.

2. December 16 P&Z meeting – there are no agenda items

Mary Ann Mounts motioned to cancel the December 16, 2010 P&Z meeting. **Richie Webb** seconded the motion.

None opposed. **Motion carried.**

Chairman Dyer adjourned the meeting at 8:55 pm.