

Planning & Zoning Minutes

March 17, 2011



CITY OF
REXBURG
America's Family Community

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Commissioners Attending:

Winston Dyer – Chairman
Dan Hanna Thaine Robinson
Jedd Walker Mary Ann Mounts
Richie Webb Nephi Allen
Scott Ferguson Cory Sorensen
Gil Shirley Marilyn Rasmussen

City Staff and Others:

Rex Erickson – City Council Liaison
Val Christensen – Community Development Director
Jake Rasmussen – I.T. Intern
Mario Puente – Community Development Intern
John Millar – Public Works Director
Elaine McFerrin – P&Z Coordinator

Chairman Dyer opened the meeting at 7:02 pm. He welcomed City Council Liaison Rex Erickson, City staff, Commissioners, and interested applicants and citizens.

Roll Call of Planning and Zoning Commissioners:

Cory Sorensen, Richie Webb, Scott Ferguson, Mary Ann Mounts, Jedd Walker, Winston Dyer, Thaine Robinson, Nephi Allen, Marilyn Rasmussen, Dan Hanna

Minutes:

1. Planning and Zoning meeting - March 3, 2011

Dan Hanna motioned to approve the Planning & Zoning minutes of March 3, 2011. **Cory Sorensen** seconded the motion.

Richie Webb, Mary Ann Mounts, and Nephi Allen abstained for not having been present.

None opposed. **Motion carried.**

Public Hearings:

7:05 pm – Conditional Use Permit- to allow a lowered number of parking spaces, to allow an increase in density, and to allow zero percent commercial and 100 % residential through use of the Pedestrian Emphasis Zone (PEZ), Ordinance No. 1021 – Steve and Chris Nethercott

Property locations:

52 West 2nd South: zoned High Density Residential 1 (HDR1)
60 West 2nd South: zoned High Density Residential 1 (HDR1)
165 South 1st West: zoned Medium Density Residential 1 (MDR1)
153 South 1st West: zoned Medium Density Residential 1 (MDR1)
33 West 1st South: zoned Medium Density Residential 1 (MDR1) and
High Density Residential 1 (HDR1)
29 West 1st South: zoned Medium Density Residential 1 (MDR1)
Rexburg, ID

Chairman Dyer explained the procedure that is followed for public hearing. The applicant or a representative will come forward to explain the proposal. The Commission may then ask clarifying questions about the proposal. There are several interested citizens here tonight. They will be given the opportunity to ask the applicant clarifying questions about the proposal. Public

testimony will then be heard. Staff recommendations will be given. The Commission will then enter into deliberation in order to come to a decision.

Two hearings are scheduled tonight, for the same pieces of property. The Rezone hearing should have come first, and then a Conditional Use Permit (CUP) if the Rezone is granted. However, because of strict rules of protocol and procedure, the applications must be taken in the order they were advertised. The Commission will proceed to hear the Conditional Use Permit request, followed by the rezone request. The **Chair**, at the proper time, will remind the Commissioners that in all likelihood, the decision made for the CUP should be conditioned on the outcome of the hearing for the Rezone.

Steve Nethercott, 245 Summit Drive, Smithfield UT, owner and applicant. He presented the proposal, showing a PowerPoint presentation, beginning with a block overview of the area of the subject properties. He and his wife Chris have been involved with BYU-I student housing for the last seven years. Over time, they have acquired the six subject parcels. He feels they have some good experience in terms of what the students and the University want and need, and what the City of Rexburg wants to see as well. Due to the increase in student population expected over the next several years, the Nethercotts felt it is a good time for this proposal, to develop this property to accommodate students, bringing them close to campus.

Properties which are right across from campus are very limited. The Nethercotts strongly feel that it is important to utilize this property for student housing. The University wants more of a walking campus; student housing needs to be as close to campus as possible. The Nethercotts are asking for a rezone to Mixed Use 2 (MU2) and a conditional use permit to reduce parking through the Pedestrian Emphasis Zone 1 (PEZ1), as well as to have maximized increased density and one hundred percent residential use through the MU2 zone.

Steve Nethercott said the plan is for three buildings that are each 5 stories, each more than 23,000 square feet in size, with 20 units per building.

Project A on the south side of the block was shown. The design will be for two street-facing buildings, which they felt would give aesthetic curbside appeal. Parking will be in the back. There will be 234 student beds and an apartment for the managers.

Project B was shown. It is on the north side of the block. The building will be of the same design and statistics, with a classic style that will not become dated in a couple years. The front elevation drawing was viewed. There will be large windows. They feel they are offering something positive to the City of Rexburg, in terms of removing the six older homes that are currently on the subject properties. The mature trees on the front of some of the lots would be maintained and preserved. There will be sidewalk improvements for pedestrian safety.

Their goal is to create a project that would be focused on the students' needs, and is also a positive project for the University and the City.

The parking and pedestrian accommodations plan was viewed. A lot of time and research was put into this aspect of the project. There would be 25 percent resident parking and 10 percent visitor parking.

Steve Nethercott stated they also want to provide as an amenity a shuttle that is exclusive to their residents, to be utilized for stops on campus, for shopping, etc. The idea is to encourage students to not bring cars. They will install 5 foot to 6 foot wide sidewalks for pedestrian safety.

The north side of campus location of these properties is very positive. Residents would be within walking distance to the commercial businesses in Rexburg. Walking routes are well maintained throughout the winter. There are stores, businesses, etc. and most anything students may need

within a couple blocks. This kind of property is very limited, with its proximity to campus and to commercial aspects of the City. They want to get students as close to campus as is possible. The University is encouraging a walking campus. The Nethercotts feel that the shuttle is a solution: it will help to keep cars away from campus. The development of these parcels is a great start to getting the ball rolling to revitalize this end of campus.

Thaine Robinson asked if the applicants are indicating they will maintain walkways all around the block, as one of the photos shown suggests.

Steve Nethercott clarified that they are just showing already well maintained frontages. The Nethercotts will maintain the fronts of their own properties.

Thaine Robinson said from a planning perspective, the two properties on the southwest corner are being isolated. He asked if the Nethercotts have talked to the neighbors.

Mr. Nethercott said they have talked to the owner of the property directly to the west of their planned development on 2nd South, owned by the Gulleys. They also talked to Mrs. Brunson who owns property on 1st West just north of the Nethercott development. The neighbors do not want to sell at this time. The Nethercotts have not yet spoken to the owner of the property on the Southwest corner of 1st West and 2nd South because they wanted to first talk to those who own property directly next to their project.

Cory Sorensen asked if there was an easement to continue to Sunrise Apartments next to the subject property.

Steve Nethercott said there is not. There is a two way 26-foot lane.

Marilyn Rasmussen asked how many single family homes are adjacent to the project.

Steve Nethercott pointed out two homes, one on 2nd South, and one on 1st West.

Richie Webb said the Rexburg Comprehensive Plan shows the subject area as Neighborhood Commercial/ Mixed Use. He asked the applicants' rationale behind the request to have one hundred percent residential.

Steve Nethercott said they understood that the University would like single student housing to be separate from any commercial aspect.

Chairman Dyer asked for clarification if the project is for zero per cent commercial on all six of the subject lots.

Mr. Nethercott said that was correct.

Chairman Dyer asked if the Nethercotts are aware that there are building design standards which will need to be followed.

The Nethercotts are aware of these standards.

The **Chair** said the PEZ Zone requires pedestrian amenities. He asked what is being offered as an amenity besides the shuttle.

Steve Nethercott said sidewalks would be wider.

Chairman Dyer asked if the sidewalks could be 8 feet in width, which has been the standard in the PEZ Zone, rather than 5 or 6 feet in width.

Mr. Nethercott said those details have not specifically been talked about, but he was agreeable to the 8 foot sidewalk width. As much as they can accommodate a walking campus, the better the situation will be for the students. They also will have bike parking.

Chairman Dyer asked if they will provide benches or other things that draw people to the area as opposed to simply passing through.

Mr. Nethercott said they like the idea of benches and saw them in the Hemming project when they came into town.

Chairman Dyer clarified for the Commission that this CUP request is for three reasons: to have a lower parking ratio through the PEZ Zone requirements, to have an increase in density, and to go to zero percent commercial and one hundred percent residential.

The **Chairman** opened the floor for the audience to ask clarifying questions about the proposal. Once the meeting gets into the public testimony portion, there can be no back and forth questions, so the time is now to ask questions to gain a better understanding of the proposal.

A woman asked how this development is going to affect their property value. They own property on the same block.

Mr. Nethercott thought the project would help to increase their property's value. They will be building a new development which would help to revitalize the area.

The woman asked about taxes.

The **Chair** said taxes could be affected, depending on what the buys of the neighborhood do.

Mary Ann Mounts said if the property value goes up, the taxes could go up.

The woman asked about snow removal and how it will be handled.

Steve Nethercott said they will maintain and take care of their properties and the walking routes.

The **Chair** noted that the applicants have indicated areas on the submitted site plan where they would have snow storage.

The woman asked if they widen the sidewalks, how that will be done.

Chairman Dyer said it would be done in the public right-of-way.

A man in the audience asked where they are going to pile the snow - to 6 feet high?

Chairman Dyer clarified that the City would not allow the snow issue to get out of hand. City standards are – either the developer provides sufficient room for snow storage, or the snow will need to be removed from the site.

Val Christensen said that was correct.

A man asked who the applicants represent – just themselves, or are they working for others or a corporation?

Steve Nethercott said he and his wife represent themselves. They have acquired the subject properties over the last seven years and have experience with student housing.

The man asked if anyone else was involved.

Mr. Nethercott said they do have another partner.

The man asked this partner's name and occupation.

Mr. Nethercott said Jason Kotter, who is from Boise, is an investor.

Chairman Dyer noted for the record that the applicant owns the subject property. That is sufficient.

A man asked about fencing. He said property owner Mrs. Brunson, who has property just north of the subject project on 1st West, was concerned about a fence between her property and the development.

Val Christensen said it is required by the City that parking areas that are adjacent to other residential areas be buffered with either a 6 foot privacy fence or with a proper landscape buffering strip, with bushes and shrubs, so that neighboring properties are sufficiently protected.

A man asked what the standard is for parking spaces, since this proposal is asking for a lower number of parking spaces.

Chairman Dyer said the standard in the community for proposed new developments is one parking space per student. Through the PEZ Zone, because the City is encouraging more density, there is a provision that if the developer will provide certain amenities, that development can have less parking. They would have to have a certain number of “no parking” contracts for students who do not bring a car. In the PEZ Zone, the parking could go down as far as zero parking for the residents and ten per cent for visitor parking. That has not yet occurred in any development. Steve Nethercott said they planned to have twenty-five percent parking for residents and ten percent visitor parking. Chris Nethercott said they planned to use part of their bigger parking lot for storage.

A woman in the audience asked when construction would begin for the project and if they will be doing both Project A and Project B at that time.

Steve Nethercott said they plan to begin construction this summer and plan to do both projects at the same time.

A woman asked about the electrical situation - by adding all the students in this development, how would it affect everyone on that street?

Chairman Dyer said the power company will be responsible to see that there are adequate electrical facilities as a matter of meeting electrical code.

Chairman Dyer opened the public input portion of the hearing.

In Favor:

Charlie Holmes, 600 Pioneer Road, and owns property on South 2nd West. He moved here five years ago and is now a student. He thinks it is a great incentive to offer students to not have to pay for a parking spot. He is married now, but when he was single, it would have been a great option to not have to pay the same rent as someone who has a parking spot. It would have given him the incentive to leave his car at home. He hopes other developers implement the less parking, to help give the option of cheaper rent without a parking spot.

Steve Flarrity, 52 West 2nd South. He is the manager of the two Nethercott properties on West 2nd South. He is in contact with the Nethercotts frequently and knows them to be caring people; their intentions are good. They are doing this project to help people. He feels the project helps to achieve the University goal of having students live close to the campus, and it encourages students to walk. It will help accommodate more students, who will be in close proximity to everything, helping to bring more revenue to the City and the County.

Neutral:

Chad Alldredge, 243 South 1st East. This presentation is the first he has seen of the project, but he finds it intriguing. He likes the ideas of the density right around campus and of the 5-story buildings. It may be a shock to the neighborhood, with some family residences close by, but the shock has to happen at some time. He wondered if the developer had thought about using the whole lot as parking and building the buildings above, perhaps dropping the buildings down a story.

Opposed:

Layne Dearden, 351 South 3rd East, and also owns property at 55 West 1st South. When he bought his 1st South property, he bought it to do something so he could enhance his retirement. It is located across from Napa Auto Parts, with three one-bedroom married student apartments. He had to adjust his plans because of the City rules that already existed and which he knew about when he bought the property. He was questioned one time by the City about the amount of his parking. He spent hundreds of hours and hundreds of dollars to put in fire walls, a rule which came up after he bought the property. There is a principle here that one sometimes finds too easy to overlook - when a person gets a piece of property hoping to make a profit from it, that is called land speculation. There is no guarantee; it is speculating.

When he listened to the presentation that was given tonight, Mr. Dearden thought it sounded like a favor was being done for the general public. It was mentioned that this project will help the campus with its goals. He is not sure about that. He heard in the presentation that the project will help the City, by removing older homes. Older homes of whom? He would suppose the people that live in these homes are older members of this community who have lived here for years. This is land speculation and talking about corporate profits. If there was not a profit to be made, everyone would walk away from all these pieces of property because they bought them hoping to make a profit from them. That is the American way of life, and no one can be faulted for that.

Mr. Dearden does not see how as a City, the rules constantly have to be adjusted for property where people come in as land speculators, as people looking for a corporate profit. There is no guarantee after these buildings are built, of how long these particular people will own the buildings. That is their business, and not our business.

Mr. Dearden said he has celebrated in his mind many times in the last several months, and he celebrates tonight, how he very much appreciates the opportunity individuals have, to gather together and say what they think about a topic without fear of retribution. He celebrates that we have that freedom, and that the Commission is able to speak and make the decisions they make, and that the citizens can come to a meeting such as this one to say how they feel, and have their feelings looked for and honored. He appreciates that.

Rebuttal:

The applicants declined the opportunity for rebuttal.

Written Input: None

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

Val Christensen said when the Pedestrian Emphasis Zone (PEZ) was created, these types of buildings were discussed. The City's Ready Team had discussed having a conditional use permit to allow 100 percent residential in the Mixed Use 2 (MU2) zone. These blocks were discussed during formulation of MU2, including the possibility of 100 per cent residential. It is felt that the City will continue to see more requests for the MU2 zone.

Mr. Christensen reiterated that there needs to be a CUP for 3 reasons, as stated in his staff report – for PEZ reduction in parking, for PEZ increase in density, and for zero percent commercial and one hundred percent residential. The City will require the developer to meet all design standards at the time of application for a building permit.

Mr. Christensen went through the seven proposed conditions of approval in the Community Development Department staff report.

Mary Ann Mounts asked to be given perspective of the 5-story size, as compared to surrounding structures.

Val Christensen said the Henderson project, currently under construction, is 5 stories at the jog.

Mrs. Mounts said she is keenly aware of light deprivation. She is concerned about sunlight and how it may be blocked from small structures by the tall proposed buildings.

Mr. Christensen said it is a concern. However, he recommended the Commission look at the square footage of the buildings versus the square footage of the lots.

Chairman Dyer said the Commission envisioned the 5 stories, but that size may be problematic for meeting design standards.

Val Christensen said the Design Review Committee could address this issue.

Chairman Dyer noted that because of the small footprint and the 5 story buildings, this could be problematic.

Dan Hanna was excused from the meeting.

Richie Webb said the new development should be designed to be harmonious with the existing character of the neighborhood. He wondered about the corner property which is not a part of this project and if the owners will be approached, so that they will not be in the middle of a project like this one.

Val Christensen said staff discussed the two corner properties and how it would be desirable to have them included in the project. Staff felt that the project could be done without these pieces, and the buildings could be oriented in such a way as to make them harmonious to the neighborhood.

The **Chair** said all the Commission can do is give the applicant strong urging to talk to the owners of property.

Mary Ann Mounts asked about traffic and if it is a concern.

Val Christensen did talk with City Engineer John Millar, who felt the streets would be capable to hold the traffic. The traffic would be congested at times, with student movement across the streets.

Richie Webb declared ownership interest with property directly across the street from the proposed development. He recused himself due to direct conflict of interest.

Cory Sorensen owns property near the subject area; he feels there is no conflict of interest and will leave it up to the Commission.

Chairman Dyer said **Mr. Sorensen** is declaring what is called a perceived conflict of interest. He asked if any of the Commissioners had concerns.

No concerns were expressed.

Chairman Dyer noted for the record that there is no direct benefit or interest in the outcome of this hearing for **Mr. Sorensen**, who stayed on the dais as part of the Commission.

Chairman Dyer said the Commission needs to deliberate the issue before them. He reiterated the three reasons for a CUP - allowing a lower number of parking spaces, an increase in density, and one hundred percent residential and zero percent commercial.

Jedd Walker felt developments such as the one in tonight's proposal were what the Commission envisioned. This is exactly what they were planning for. Conditions need to be addressed.

Mary Ann Mounts said she appreciated Mr. Dearden's comments during public testimony. She would like him to understand that the Ordinance does allow for this kind of development. She agrees with Mr. Dearden one hundred per cent that there should not be any adjusting for people to maximize their dollar; the Commission is not changing anything in this process. The applicant is here tonight to ask for something that is allowed in the zone with a conditional use, meaning that conditions can be put on the request that make it more compatible with the neighborhood.

Thaine Robinson said he is fine with the proposal; conditions just need to be addressed. He feels uncomfortable with the two lots on the southwest corner that are not part of the proposal, but that is out of the control of the developers.

Chairman Dyer noted he is comfortable with the parking reduction and with the increased density, because as Mr. Walker correctly stated, this is exactly what the Commission envisioned. He is a little troubled with the one hundred percent residential, but not on the south side, because that is also what was envisioned, to have such a development in proximity to campus. However, it is recognized that there is quite a commercial area on West 1st South immediately across from Project B at the north end of the proposed project. He asked the Commissions for their thoughts about a possible commercial component at this north end.

Scott Ferguson said there are few commercial businesses on the north side of the street and one or two, which have changed frequently, on the south side of the street; otherwise, it is mostly residential on both sides. To draw a kind of a barrier there seems uncomfortable. If the proposed development were on the north side of West 1st South, one hundred percent residential might be problematic, but he does not see a problem with where it is planned.

Nephi Allen agreed with **Mr. Ferguson**.

Cory Sorensen agreed that the area currently is as it was described, but the more the student population grows in this area, the more need there will be for commercial. The more the City provides for pedestrians, the more students will stay out of their cars. He sees the point, that the area does not have much commercial at this time, but the purpose of a mixed use zone is to mix residential and commercial. As the City moves forward with more developments, there needs to be this mix.

Mary Ann Mounts agreed with **Mr. Sorensen**.

Nephi Allen said this development is in the PEZ zone. He feels that fact changes the whole issue.

Cory Sorensen said an issue with single student housing is that commercial and residential cannot be mixed in the same building. His understanding is that if commercial and residential are in separate buildings, it would be allowed.

The **Chairman** said the Commission could focus on the 3 reasons the CUP is necessary, and how the neighboring properties might be impacted. Some of the neighbors have expressed their concerns tonight.

Scott Ferguson said he empathizes with the neighbors and their concerns about this proposed development. Change is inevitable. The table has been set for this kind of change. This proposal could be a win-win situation. It does create an opportunity for increased land values. He feels the neighbors would win by this change, although it may be different from what they envisioned.

Jedd Walker was concerned about proper screening for property to the north and to the west of Project A. He felt a condition of approval could address this issue.

Chairman Dyer said to help reduce neighborhood impact, appropriate buffering or screening is necessary to protect adjacent properties.

Mary Ann Mounts was concerned about the Brunson home to the north of Project A on South 1st West, and the light from the south which may be reduced. Shadow could be created because of the planned new 5 story building that will be adjacent to the home.

Chairman Dyer said it is always difficult when the Commission faces the first implementation of new possibilities in a given area. The Commission has a duty to be sensitive to the neighborhood.

Marilyn Rasmussen asked the distance between the south end of the Brunson home and the north end of the proposed project.

Val Christensen said there is ten feet from the proposed building to the property line.

Chairman Dyer said there is probably about another ten feet to the existing home.

The **Chair** stated it appears there is a consensus from the Commission on the three reasons for the CUP request.

The Commissioners discussed the seven proposed conditions of approval stated in the Community Development Department staff report, along with the possibility of amending some of these seven conditions and adding other conditions.

Jedd Walker motioned to recommend approval to City Council of a Conditional Use Permit for Steve and Chris Nethercott, to allow a lowered number of parking spaces, to allow an increase in density, and to allow zero percent commercial and one-hundred percent residential through the use of the Pedestrian Emphasis Zone (PEZ), Ordinance No. 1021 - to include the seven proposed conditions of approval stated in the Community Development Department Staff Report, adding to proposed condition **#2** - that there shall be a *buffering* plan in addition to a landscape plan; adding to proposed condition **#4** - to specify that *sidewalks will be a minimum 8 foot width and go to the corner of 2nd South and 1st West*; and adding proposed condition **#8**. A Design Review Committee meeting will be held to address pedestrian amenities and continuity with adjacent developments; and **#9**. This CUP is contingent upon the zone change for the specified properties; and **#10**. There shall be a sunset clause for the development. **Scott Ferguson** seconded the motion.

Jedd Walker amended his motion to include that there shall be a three-year sunset clause, and also to include that the applicant will have the opportunity to recover sidewalk costs from adjacent properties when they develop. **Scott Ferguson** seconded the amended motion.

(The subject properties which are part of the Conditional Use Permit are: 52 West 2nd South, 60 West 2nd South, 165 South 1st West, 153 South 1st West, 33 West 1st South, and 29 West 1st South.)

None opposed. **Motion carried.**

**Conditional Use Permit #11 00048 – Steve & Chris Nethercott
Proposed Conditions of Approval**

1. A site plan reflecting all conditions of approval and incorporating all City standards, e.g. landscaping, parking, snow storage, drainage, etc. shall be submitted and approved by the City prior to the issuance of a building permit.

2. A landscape *and buffering* plan shall be provided and approved by Staff prior to the issuance of a building permit.
3. Lighting shall be low (under 15-feet in height) and not create glare, and as a minimum shall adhere to the City's lighting ordinance.
4. To encourage alternative travel options, i.e. bicycling, bike racks and hard surface must be provided. *Sidewalks shall be a minimum 8-foot width and go to the corner of 1st West and 2nd South; the applicant will have the opportunity to recover costs from adjacent properties when they develop.* Location of bike racks needs to be shown on revised site plan. This requirement is identified in the PEZ Ordinance.
5. Sidewalk and pathway maintenance to be performed as per the PEZ Ordinance.
6. Parking Contracts to be approved by the City Attorney.
7. Requirements of the PEZ Zone Ordinance to be applied to this project.
8. A Design Review Committee meeting shall be held, to address pedestrian amenities and continuity with adjacent developments.
9. The Conditional Use Permit is contingent upon the zone change for the specified properties.
10. There shall be a sunset clause of three years for this development.

The **Chair** reiterated to the Nethercotts of their need to have sensitivity to the neighbors and the neighborhood. There are some concerns about meeting design standards and making them meet City standards and design review. The applicants are invited to give special emphasis to these items.

Gil Shirley had arrived at 8:20 pm; he joined the Commission on the dais at the conclusion of this CUP hearing.

Mary Ann Mounts and **Nephi Allen** were excused from the meeting.

The **Chair** called a five-minute break. The meeting then resumed.

7:20 pm – Rezone - High Density Residential 1 (HDR1) and Medium Density Residential 1 (MDR1) to Mixed Use 2 – Steve and Chris Nethercott

Chairman Dyer said this hearing is for a rezone request for the same properties that were just considered in the Conditional Use Permit request the Commission had before them.

The **Chair** noted that **Richie Webb** has recused himself from this proceeding.

Chris Nethercott, 245 Summit Drive, Smithfield, UT, owner and applicant. She presented the rezone proposal. The subject parcels currently are a mix of Medium Density Residential 1 and High Density Residential 1 zones. She pointed out the subject properties on the overhead screen's projected map. They are requesting that the six parcels be changed to the Mixed Use 2 Zone, which moves toward the City's Comprehensive Plan. The size of the requested rezone is about 1.6 acres.

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

Val Christensen said his staff report addresses necessary information.

The Comprehensive Plan Map land use designation for the property is Neighborhood Commercial/Mixed Use.

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 of the hearing.

Marilyn Rasmussen said since the Commission has just recommended approval of the Conditional Use Permit application and with all the ramifications and guidelines that were given to it, the Commission would likely want to keep those guidelines with the rezone.

Chairman Dyer agreed.

The correct zone needs to be under the CUP, in order to make things work.

Cory Sorensen motioned to recommend approval to City Council of a zone change from High Density Residential 1 (HDR1) and Medium Density Residential 1 (MDR1) to Mixed Use 2 for the specified six parcels, for Steve and Chris Nethercott. **Jedd Walker** seconded the motion.

Chairman Dyer said the strong point for this rezone proposal is that it is consistent with the recent update of the Comprehensive Plan Map and the desired land use in the area.

None opposed. **Motion carried.**

Richie Webb rejoined the Commission on the dais.

Unfinished/Old Business:

1. Pioneer Road Concerns – Update

Chairman Dyer said most of the concerns about Pioneer Road expressed by the Commissioners at a past P&Z meeting had to do with safety, people in the roadway with strollers, lack of sidewalks, and clean-up of the area between the roadway and fencing in what is termed as “no-man’s land”. It appears this new project may address some of those concerns.

Public Works Director John Millar said the project the City Council has approved to move forward is the completion of the reconstruction of Pioneer Road from where the work was terminated last year when the signal was done, to now do a total reconstruction to where Casper Avenue ties in – the end of the Parkside development. The width will be 50 feet to back of curb, with about a 10 foot shoulder. That shoulder will be reserved for a pedestrian path. Curb and gutter, road reconstruction, and some sidewalk will be completed. The area along Oakbrook subdivision and Henderson subdivision will not get sidewalked. As properties are developed on the west side, the City will acquire the right of way; developers of the area will be required to put in sidewalk.

Thaine Robinson asked about space between the Henderson and Oakbrook subdivisions and the street where there are weeds near the fences.

John Millar said the City will grade it out, clean it up, and will put up a weed barrier with fresh gravel.

These improvements all are to be done this summer. He pointed out specific areas on the overhead screen map. The economy has affected how much improvement can be done.

The area near Stonebrook has a striped shoulder. As soon as the weather dries, it will be painted. All dips on Pioneer Road will be repaired.

Chairman Dyer asked how the Commission can proceed in the future regarding “no man’s land” areas so they do not happen anymore.

John Millar said there was no development agreement in place at the time some of the developments near Pioneer Road were done. Development agreements now address this issue.

Cory Sorensen asked the outlook of going north to Airport Road. Is the same width, etc. being maintained?

John Millar said it is a road to nowhere at this time. DJ Barney developed land by the transfer station. He was required to widen the road and put in curb and gutter. The only pieces that do not have curb, gutter and sidewalk are the trailer court and one other parcel. The other side of the street has property owned by the City and the County.

Chairman Dyer asked if mechanisms are in place through a development agreement to make things work as other subdivisions come in. What can the P&Z Commission do to help?

John Millar said the only standard policy now is the development agreement, which can state what the developer needs to do, such as widening the road as a specified number of subdivision properties are sold.

Val Christensen said he called the City of Idaho Falls, as directed by the Commission, regarding how other areas handle “no man’s land” problems. Over time the homeowners associations that were responsible to keep up the areas, do not do so. The City of Idaho Falls takes over the maintenance of these problem areas.

Gil Shirley asked about the street north of the middle school.

John Millar said in about four weeks, a sewer line will be put in on the road. From 5th West to Yellowstone, the road will be widened into 5 lanes, with curb, gutter, and sidewalk, all to be completed this summer.

From 5th West to the Harding property is targeted for improvement next year.

Mr. Millar added that the City will now have a shoulder mower, which has the ability to reach out, so that shoulder areas and some undeveloped roads can have better maintenance.

The **Chairman** asked about property north of the canal crossing and owned by the City.

Mr. Millar said the north half of the property, about 4 acres, is owned by the airport, and the City will develop it similar to the development on Evergreen, to be turned into a soccer field this summer. The other half of the property is still privately owned.

The Commission thanked John Millar for coming to tonight’s meeting to address their concerns.

2. Parking Question – Chad Alldredge

Chad Alldredge, 243 South 1st East, representing David and Lana Chang, the owners of Kensington Apartments. A site plan was shown on the overhead screen. They would like to rotate the 6-plex ninety degrees, which had been discussed as a possibility at their Conditional Use Permit hearing in February for this property. There would then be 103 parking spaces if the building is turned, rather than the 105 parking spaces that were stated in the record.

Val Christensen said the possibility of turning the 6-plex building was brought up in an earlier meeting. However, Mr. Christensen had Chad Alldredge come back before the Commission tonight,

because the issue of less parking if the building was to be turned had not been addressed before the Commissioners.

There was a consensus of the Commission that two less parking spaces would be acceptable.

Scott Ferguson motioned to allow 103 parking spaces because of the 6-plex building rotation, rather than 105 parking spaces, for the Chang/Kensington project. **Gil Shirley** seconded the motion.

None opposed. **Motion Carried.**

3. Discussion- Other Bridge Crossings over the Teton River within Rexburg – deferred to a future meeting

New Business:

1. Final Plat – Broulim’s Plaza

Jeff Freiberg, Keller Associates, 356 West Sunnyside, Idaho Falls. He presented the Broulim’s Plaza Final Plat, which was shown on the overhead screen. The Preliminary Plat came before the Commission a few weeks ago. The applicants have addressed the Geographic Information Systems (GIS) staff review comments regarding flood plain designation, ownership, and notes on the plat. Planning staff and Public Works staff had no comments. All concerns have been addressed.

Chairman Dyer said some of the easements shown on the plat for various utilities, have instrument numbers, which indicate recordation with the County. One easement is for the City, a sewer line; it has been there many years and is prescriptive. Is it a concern?

Val Christensen said this issue is not a concern.

Chairman Dyer clarified that this plat was done so the applicant can subdivide the property and proceed with their development plans for the Broulim’s store and the businesses to its west. It is a process to prepare the ground legally for those developments. He asked if Val Christensen is satisfied with this plat’s meeting all staff concerns.

Val Christensen said he is satisfied with this plat and feels it can move forward.

Scott Ferguson motioned to recommend approval to City Council of the Final Plat for Broulim’s Plaza located on West Main. **Thaine Robinson** seconded the motion.

None opposed. **Motion carried.**

Unfinished/Old Business: - Continued-

4. 2nd East Alternative – Letter

Chairman Dyer said the Commissioners need to clarify who will receive the letter.

The letter should be oriented equally toward the three entities - Rexburg, Madison County, and Sugar City. All three entities will be given the letter.

Marilyn Rasmussen said all three entities really did agree on this alternative a long time ago, but some participants have changed their positions.

The letter will continue to be formulated. It was decided that each Rexburg P&Z Commissioner will sign the final letter.

Chairman Dyer expressed appreciation to **Commissioner Ferguson** and **Commissioner Hanna** in moving this issue forward.

Compliance:

Chairman Dyer said Compliance Officer Natalie Schneider was contacted by BYU-I students who would like to do service projects to help clean up the community. Mrs. Schneider had asked the **Chair** if the Commissioners had suggestions on areas in the City that could use a clean-up.

Suggested areas for clean-up were:

1. Entrances to the community – the priority of the Commission for clean-up
2. Porter Park and Smith Park
3. South 2nd East and North 2nd East
4. Pioneer Road

Chairman Dyer expressed concern about the DJ Barney property on Airport Road. What the Commission asked the owner to do regarding this property has not been followed through.

It was reported that the Compliance Officer checked on the property today.

The **Chair** said the Commission is glad she is pursuing this issue.

Gil Shirley thought progress on this property should be checked weekly.

Non controversial Items Added to the Agenda:

1. Parliamentary Procedure - deferred to the next P&Z meeting

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

March 31st – Joint P&Z Commission meeting – 7:00 pm – Rexburg City Hall Council Chambers

Chairman Dyer adjourned the meeting at 10:12 pm.