

# Planning & Zoning Minutes

April 7, 2011



CITY OF  
**REXBURG**  
America's Family Community

35 North 1<sup>st</sup> East  
Rexburg, ID 83440

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## Commissioners Attending:

Winston Dyer - Chairman  
Dan Hanna                      Scott Ferguson  
Marilyn Rasmussen      Cory Sorensen  
Richie Webb

## City Staff and Others:

Mayor Richard Woodland  
Rex Erickson – City Council Liaison  
Val Christensen – Community Development Director  
Jake Rasmussen – I.T. Intern  
Elaine McFerrin – P&Z Coordinator

**Chairman Dyer** opened the meeting at 7:20 pm. He welcomed fellow Commissioners, Mayor Woodland, Councilman Erickson, City staff, and interested citizens, including students and Boy Scouts.

## **Roll Call of Planning and Zoning Commissioners:**

Richie Webb, Cory Sorensen, Scott Ferguson, Winston Dyer, Dan Hanna, Marilyn Rasmussen

Jedd Walker, Mary Ann Mounts, Thaine Robinson, Gil Shirley, and Nephi Allen were excused.

## **Parliamentary Procedure:**

Commission Information – Chairman Winston Dyer  
This issue was deferred to the next P&Z meeting.

## **Public Hearings:**

7:05 pm – Rezone - 167 West Main – Community Business Center (CBC) to Central Business District (CBD) - James Stevenson

**Chairman Dyer** explained the procedure that is followed for public hearing. The applicant or a representative will come forward and explain the proposal. The Commissioners may ask staff clarifying questions on the proposal. Public testimony will be heard. He noted for the Scouts that were present that everyone has the right speak. The great thing about America is that everyone is given the opportunity to express their opinions. Staff will give their evaluation and recommendations. The Commission will then deliberate and come to a decision on the proposal.

Ryan Malm, of JRW & Associates, 1152 Bond Ave., representing James Stevenson. He presented the proposal. The subject property was shown on a map on the overhead screen. The request is to change the zone of the property located at 167 Main, from Community Business Center (CBC) to Central Business District (CBD). This property is where Me n' Stan's Restaurant had been located; it is now a vacant lot. They are requesting this change in order to more efficiently use this parcel to its full potential. It is a long lot on a prime corner. The Central Business District zoning would enable them to design a building to efficiently use that lot. That corner is one of the gateways into Rexburg's downtown area; they want also to utilize the lot for the best of Rexburg's potential. Mr. Malm said the block across the street to the north, on which Broulim's is located, recently had the zone changed from CBC to CBD. The proposed change is in coherence with Rexburg's Comprehensive Plan, which identifies the property as Downtown Commercial/Mixed Use.

**Chairman Dyer** said when the City plans and zones, it is preferred to do neighborhoods or blocks rather than one piece of property.

Ryan Malm said their rezone request is for 167 West Main. However, he is aware that the City is going to ask that the rezone request include the northern half of the subject block, so that the change would be more beneficial to the neighborhood.

**Chairman Dyer** asked Val Christensen for clarification.

Val Christensen said City staff moved forward to request and sent notice for the request to be a rezone for the entire north half of that block, to Central Business District from Community Business Center (North half of Block 40 of the original Rexburg Townsite, Madison County, Idaho). The area was clarified on the overhead screen map.

**Marilyn Rasmussen** asked if everyone in the block had been notified.

Val Christensen said the notice for public hearing was sent to property owners within 300 feet (of the outlying area of the rezone request).

**Richie Webb** wondered what the factors were causing them to request this zone change. What do they have envisioned? Does the existing zone not let them accomplish what they want to do?

Ryan Malm said they could accomplish things in the current zone, but it would be more efficient if they were able to move the building and slide it around, with different setbacks, etc. They have come up with a couple different designs for this lot. With the requested zone they would be able to more efficiently use such a prominent corner of the downtown.

**Richie Webb** asked if setbacks were the driving force of the request.

Ryan Malm said setbacks are the driving force.

**Chairman Dyer** said the zone change would help with parking plus there would be able to be a reasonable size building to capitalize on the location.

**Dan Hanna** asked what the intended development is for the property at 167 West Main.

Ryan Malm said they are planning to have a two-story structure for half of the building. Closest to the intersection would be a single story, in order to not dominate the corner. There would be a 2-story section with a pharmacy on the main floor, with storage underneath, and office rental space on the second floor.

**Dan Hanna** asked if there will be a drive-thru for customers.

Ryan Malm said a drive-thru is planned between the planned building and Pizza Hut.

The **Chairman** said one of the things the Commission has tried to emphasize is making sure the neighbors and the public understand the proposal. He asked if anyone in the audience had any clarifying questions about this proposal.

There were no questions from the audience.

The Commission looked at the Comprehensive Plan map, which is the community's vision of future growth and development in a given area. This rezone proposal is in accordance with the Comprehensive Plan.

The Commission then viewed the zoning map, which represents the actual legal rights that have been established on property.

**Chairman Dyer** noted that this proposal before them effectively helps in making the Comprehensive Plan contiguous and congruent in the downtown area.

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

**In Favor:**

Judy Hobbs, 117 W. Main, which is the location of her business, Realty Quest. She pointed out that property and an additional parcel in the subject north block owned by herself and her husband.

They felt it was important for them to come tonight to express that they feel this rezone request is a good evolution for Rexburg. It is the vision that the Commission sees. JRW & Associates has a very good reputation. As the City redevelops and they see good things happen, the Hobbs' are excited for what they feel will be a good improvement for the downtown, and for the Medicine Shoppe.

Everything that stays vibrant in the downtown helps all of the businesses that are there. These are tough economic times. They love to see the things that Hemming Village has done and the things that are happening with this requested rezone.

Mrs. Hobbs wanted to state that she is in no way connected in the transaction as a realtor; she has no specific monetary gain in this transaction, just their ownership and the continuation of their businesses. She appreciates the Commission's efforts and the opportunity to speak.

**Neutral:** None

**Opposed:** None

**Written Input:** None

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

Val Christensen said the request is compliant with the Comprehensive Plan. The City Engineer had no qualms with the request. The Ready Team felt the same way. Staff would make the recommendation to move forward with this request.

**Marilyn Rasmussen** asked about the project's in and out access near Pizza Hut. She thought a fence was in the specified location.

Val Christensen said he has not seen any plans yet for the project, so he cannot really answer anything specific about what is planned.

**Dan Hanna** said he is glad to see redevelopment.

**Cory Sorensen** said the request fits. He cannot think of any negative aspects. It is exactly what is wanted for the area.

**Richie Webb** asked what triggers a Design Review Committee meeting.

The **Chair** said size of the development, impacts to the neighborhood, traffic issues, any significant controversy or concerns of the neighbors – these issues can call for a design review meeting. If there is any design issue about the actual building, that would also trigger a design review meeting.

**Richie Webb** said the only reason he raised the question is that the location is a very prominent corner in this community, and he would like the building to look right.

Val Christensen said almost without exception the Design Review Committee meeting is usually a part of the process because there is often a compromise that needs to be looked at. This applicant could also come before this Commission for Design Review if that is wished, because of the prominence of the location.

The **Chairman** clarified that the request before them tonight is a land use proposal. Where the Commission is considering a half block at a time for a zone change, which the Commission prefers to do, it would be difficult to single out one particular property out of that. None the less, staff is very aware that the Commission is interested in that specified corner; he is sure staff will take care of this concern in terms of what is being proposed.

**Scott Ferguson** motioned to recommend approval to City Council of a zone change from Community Business Center (CBC) to Central Business District (CBD) for the property described as “the North half of Block 40” in Rexburg, Idaho. **Dan Hanna** seconded the motion. None opposed. **Motion carried.**

7:20 pm – CUP – 146,150, 156, 160, 170, and 176 South 1<sup>st</sup> West – to allow reduced parking through the use of Pedestrian Emphasis Zone (PEZ) Ordinance 1021; and for dormitory housing in the Hemming PRO Zone.

**Richie Webb** recused himself due to direct interest in this Conditional Use Permit request.

**Richie Webb**, 680 Wheatland Dr., representing Hemming Properties. The applicant is asking to postpone this Conditional Use Permit request until the April 21<sup>st</sup> P&Z meeting, as a rezone request for the same properties is scheduled for public hearing on that date. They would like this CUP request to also be heard at that meeting.

**Chairman Dyer** said this Conditional Use Permit request would be appropriate to be heard following the rezone request on April 21<sup>st</sup>. The rezone request would make this particular CUP request more appropriate and conducive if granted.

He said now that the hearing has been opened, he would ask for a motion to table the CUP request until the April 21<sup>st</sup> P&Z meeting.

**Scott Ferguson** motioned to table this request until the April 21, 2011 Planning & Zoning meeting.

**Marilyn Rasmussen** seconded the motion.

None opposed. **Motion carried.**

**Chairman Dyer** addressed the Boy Scouts attending tonight’s meeting. He explained that the P&Z meeting procedures follow Robert’s Rules of Order. It is very important that the Commission hears all sides of an issue, and that everyone is guaranteed a chance to speak without intimidation and without fear. Everyone has an opportunity to be heard.

A man in attendance with the Boy Scouts asked about the stepping down of a Commissioner on the last issue. How does that affect the needed quorum?

**Chairman Dyer** said a quorum is necessary to start the meeting. Then, if a member of the quorum has to leave the meeting or step down because of conflict of interest that is permissible.

There are eleven Rexburg P&Z Commissioners, so six members are necessary to have a quorum.

#### **Minutes:**

1. Planning and Zoning meeting - March 17, 2011

**Marilyn Rasmussen** pointed out a few typographical errors.

**Marilyn Rasmussen** motioned to approve with the changes the Planning & Zoning minutes of March 17, 2011. **Dan Hanna** seconded the motion.

None opposed. **Motion carried.**

#### **Unfinished/Old Business:**

1. Discussion- Other Bridge Crossings over the Teton River within Rexburg – Deferred

**New Business:** None

**Compliance:** None

**Non controversial Items Added to the Agenda:**

1. Taylor Barney, Madison High School student – Railroads presentation  
Taylor Barney, 755 Johnson Street. She is a senior and part of a project citizen group. They are looking at safety issues regarding the railroads. There was an accident in December. Some railroad crossings are very unsafe. At the railroad crossing on University Blvd., people stop in the wrong place or actually on the railroad tracks. It takes a moving train about one mile to come to a stop. The group is wondering if some changes can be made to improve railroad safety and other City safety issues, such as improving safety near Kennedy School.

**Chairman Dyer** stated that Rexburg has a safety committee, a group of citizens of the community who have been appointed by the Mayor and City Council to look at public safety issues. This concern would be appropriate for them to hear. This committee can make a formal recommendation to City Council in terms of any possible changes. They also have are in contact with the state transportation department.

**Dan Hanna** suggested that the pedestrian crossing near Taco Time could also be brought up for safety reasons, if the group wanted to pursue this concern. Taylor Barney said they may do so.

The P&Z Coordinator will provide Taylor Barney with safety committee contact information.

2. Report on March 31<sup>st</sup> Joint P&Z Commission meeting

**Chairman Dyer** reported on this issue. Each of the Commissions that were present gave brief reports.

**Chairman Dyer** stated an issue was brought up about Rexburg, Sugar City, and Madison County all using the same zone names. Shauna Ringel of the County researched the issue further. A committee made up of representatives from these three entities met on the issue in the past. The issue was not totally resolved. It is hoped that the committee will reconvene to bring the issue to conclusion.

The **Chair** thanked **Dan Hanna** and **Scott Ferguson** for their efforts in putting together the 2<sup>nd</sup> East Alternative letter that the Rexburg P&Z Commission signed and sent to the three entities. He thanked all the Commissioners for their input. At the Joint P&Z meeting, the other Commissions were asked to go back to their elected officials on this issue and encourage them to move forward.

Scott Johnson gave a report on the situation of natural gas, the electrical grid, and fiber optics to the Joint Commission members. The issue of water is also a concern.

The meeting had informative discussion and offers the opportunity for the Commissions to work together on concerns.

**Report on Projects:** None

**Tabled Requests:** None

**Building Permit Application Report:** None

**Heads Up:**

April 21<sup>st</sup> – Annexation & Rezone – RR1 to LDR2 –Approximately 200 South 12<sup>th</sup> West –  
L.D.S. Church

April 21<sup>st</sup> – Rezone – to change specified properties to Hemming PRO-Zone, followed by the Hemming CUP application tabled tonight.

The meeting was adjourned at 8:38 pm.