

Planning & Zoning Minutes

May 5, 2011



CITY OF
REXBURG
America's Family Community

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Commissioners Attending:

Thaine Robinson Nephi Allen
Cory Sorensen Dan Hanna
Mary Ann Mounts Jedd Walker
Marilyn Rasmussen Gil Shirley

City Staff and Others:

Val Christensen – Community Development Director
Mario Puente – Community Development Intern
Elaine McFerrin- P&Z Coordinator

Chairman Winston Dyer was excused. **Thaine Robinson** acted as Chairman for tonight's meeting. He opened the meeting at 7:03 pm, welcoming interested citizens, applicants, students and staff.

Roll Call of Planning and Zoning Commissioners:

Nephi Allen, Dan Hanna, Jedd Walker, Thaine Robinson, Gil Shirley, Marilyn Rasmussen, Cory Sorensen

Scott Ferguson, Richie Webb, and Winston Dyer were excused.

Minutes:

1. Planning and Zoning meeting - April 21, 2011

Marilyn Rasmussen motioned to approve the Planning & Zoning minutes of April 21, 2011.

Nephi Allen seconded the motion.

Gil Shirley abstained for having not been present.

None opposed. **Motion carried.**

Public Hearings:

7:05 pm – Conditional Use Permit – to allow Dormitory style housing -264 Steiner Ave.
- David Haney

Chairman Robinson explained the procedure that is followed for public hearing. The applicant or representative addresses the Commission and explains the proposal. The Commission may ask questions of the applicant and staff for clarification of the proposal. The public may also be given the opportunity to ask questions in order for them to better understand what is being presented. Public testimony will be taken; the Commission cannot interact with the public during this time. Staff evaluation will be given. The Commission will then deliberate and come to a decision on the proposal.

Mrs. David Haney, 276 Steiner. The applicant is her husband David Haney. They would like to request that this Conditional Use Permit proposal be postponed until the May 19, 2011 P&Z meeting, as her husband was not able to be present tonight.

Chairman Robinson asked if anyone in attendance had come a long distance to comment on this request.

No one in the audience stepped forward.

The **Chairman** asked if anyone present wanted to comment on the request. No one present wished to make a comment.

Dan Hanna motioned to table the Conditional Use Permit request for 264 Steiner Ave. until the May 19, 2011 Planning & Zoning meeting. **Gil Shirley** seconded the motion. None opposed. **Motion carried.**

Mary Ann Mounts arrived at 7:07 pm.

The next public hearing could not begin until at least the official published time of 7:20 pm. Another item of business was taken.

Non controversial Items Added to the Agenda:

Val Christensen said in the last City staff meeting, Geographic Information Systems (GIS) Director Craig Rindlisbacher expressed that the City needed to look at putting together a parks plan. As the City grows, this park plan would address percentages of areas set aside for parks. It was suggested that the P&Z Commission needed to have a discussion on the issue.

The focus for the plan would be to divide the City into areas, looking at potentially where to suggest new park areas as the City grows. It would not focus on the funding aspects of this issue, because there are impact fees that could go toward parks development. The Commission could identify some priority areas and additional areas by looking at population and growth.

The City zoning map was viewed on the overhead screen. Smith Park, Porter Park, and Pioneer Park locations were viewed. It was noted that currently there is not a lot of park area in the southwest part of the City.

Reflective pools and green space are a possibility for property across from the Temple on South 2nd West.

Val Christensen suggested the Commission could come up with general areas of where they would like to see parks located. Focus on specifics would come later.

It was decided that the Commission would discuss the parks plan issue more fully at a future meeting.

Public Hearings:

7:20 pm - Rezone –Community Business Center (CBC) and Medium Density Residential 1 (MDR1 to High Density Residential 2 (HDR2) – approximately 360 South 4th West –Michelle Sovine

Jared Sommer, 3614 North 3000 West, representing Michelle Sovine, presented the proposal.

The subject property lies behind the former Cottontree Inn property. He clarified that this rezone request only involves the property highlighted on the projected map photo, on South 4th West. The request is for High Density Residential 2 zoning. The development would be for married housing, similar to the Temple View and University Gateway projects just east of the Les Schwab business. There would be one and two bedroom apartments. The way the land is laid out, with the canal to the east and north, and the railroad tracks to the west, it makes sense to have the 60 units the High Density Residential 2 (HDR2) zone would allow. The apartments will be smaller units.

A Public Works staff comment was concerned about access into the property. A bridge has been put into place that met the canal company's requirements, and this also answers the Public Works concern. The bridge is identical to the bridge that was put in at the Temple View location.

Another Public Works concern was the adequacy of water for the development. They are very aware that there has to be sufficient water supply in order for fire suppression systems to be met. Michelle Sovine has drafted a recorded agreement with the Temple View parcel to get water from them. Temple View has an eight inch line, which this new development would tie into.

Jared Sommer addressed impact to the community from a zone change and the proposed development. At the Temple View development there is more than enough parking. Many of the married residents have just one car. If someone were to observe the area at nighttime, it would be noticed that there is about twice as much parking as there are cars.

The amount of traffic impact that occurs from married housing is not as great as many people suspect. With single student housing there could be up to six cars per apartment.

Mr. Sommer said, in regard to children, that in the Temple View development of forty-two apartments, there is not a single child. The apartments basically seem to fit for newly married couples.

This proposed married student housing development on South 4th West gives close access to campus and is adjacent to the PEZ zone which typically entices single student housing. The Comprehensive Plan does show moderate to high residential for the entire block.

In regard to noise, the neighbors who live right near Temple View, the Allisons, have said they do not hear noise from that housing development. It is quiet and traffic flow is low.

The proposed development would be similar.

Dan Hanna asked where the bridge for the proposed development has been installed, in relation to Bare Street.

Val Christensen said the bridge is about 100 feet to the south of Bare Street.

Dan Hanna asked if one bridge would be enough for the development, in regard to emergency services.

Val Christensen thought it should be sufficient.

Mr. Sommer said there is a permanent recorded easement for fire truck access which was granted by the adjacent hotel. It is 26 feet wide. It was not necessary, as the bridge would suffice, but the easement is a back-up.

Mary Ann Mounts asked, if the property remained medium density, would the developer not think it was worth it for married housing? She does not know of any other high density married housing.

Jared Sommer said medium density may monetarily it may be difficult. He clarified that Temple View and University Gateway are both high density married housing.

Chairman Robinson asked if the public had any questions to help them understand the proposal. Gary Abbott, 365 Bare St. He lives directly to the north of the Apple Tree development. He asked what time Mr. Sommer has been in the area to observe traffic and impact. The noise from the development near his home is not minimal.

Jared Sommer said he has driven there at all hours. There is always an impact, but less of one with married housing rather than single student housing.

Another man asked if Mr. Sommer could do the same kind of development with medium density rather than the requested higher density.

Jared Sommer said high density is the best use – it allows the 60 units to fit well. Medium density would dramatically lessen the amount of units.

Chairman Robinson asked if Val Christensen had any clarifying information about the proposal for the Commission.

Mr. Christensen did not have any additional comments. He will address the proposal more fully in his staff review.

Chairman Robinson opened the public input portion of the hearing.

In Favor: None

Neutral: None

Opposed:

Gary Abbott, 365 Bare St. He wanted to address the impact to the neighborhood this proposed development would have. He disagrees with some of the comments the applicant made. He has been in his home since prior to the existence of the Apple Tree development. To say that most married students come with one car is not accurate. Most married student residents have more than one car. Secondly, in regard to the the noise impact and traffic consideration on South 4th West, this street is not wide enough for the existing traffic, especially in the winter with the snow build-up. There are also water drainage problems. The amount of additional traffic with the new bridge will cause a real congestion point. It is already congested due to the apartments which already exist on Bare Street. Most of the apartment and home residents have two cars. The families often have young children. As BYU-I demographics continue to change and these students stay here for longer periods of time, so will the demographics of the children in the neighborhood. Traffic flow does not match what was presented in the proposal. At most, he feels medium density would be the highest the density should be. He realizes that from an economic standpoint and the return on investment it is easy to say that the best use would be high density; but from the impact on the quality of living, the best use should not be higher than medium density. He has no statistics, but he has lived in this neighborhood for eight years. The noise levels are going to go up simply because there will be more and more people. He does not feel the information presented has been accurate.

Josh Perry, 252 South 5th West. He owns property with a duplex directly across the street from the proposed development. He has spoken to his tenants, and they are not excited about the possible development. There already is a traffic problem at certain times of the day. The proposed high density development would bring a lot of added traffic. He believes this issue may be considered spot zoning. Another concern is that the development would bring more traffic so close to an elementary school. Most high density housing is for single student housing. He wonders what would keep the plan from changing to single student housing rather than what has been presented. *(Comments refer to the Barrick Rezone request which followed this rezone request.)*

Bonnie Garner, 326 West 3rd South. The area is getting lots of motorcycles and cars. She feels as Mr. Abbot expressed, that the streets are not wide enough. As snow piles up, the street becomes even narrower. We do not want high density residential next to narrow streets that have well established, quiet residential neighborhoods. More and more people are living in tighter areas, such as the location of the property in the hearing postponed earlier tonight concerning Steiner Avenue. She is not sure that Rexburg has the capacity to deal with widening streets, more garbage, and everything else that goes with high density residential.

Dave Mitchell, 529 Henderson. He agrees with those who have spoken tonight. 5th West is not set up for lots of traffic. There are nearly residential areas with lots of children. He is a parent and grandfather. His other concern is that college students come through the subdivision as a shortcut and often do not stop at the stop signs. His biggest concern is that someone may get hit by a vehicle. *(Comments refer to the Barrick Rezone request which followed this rezone request.)*

Written Input: None

Rebuttal:

Mr. Sommer addressed Mr. Abbott's concerns. The apartment complex now adjacent to him has two-bedroom apartments, which typically have more children than the design of the proposed project. Regarding the street not having sufficient capacity, the City Engineer has said that the infrastructure is adequate. Regarding neighborhood impact, there is always going to be an impact when the number of residents is increased, but he can say the impact would be minimal in comparison to high density single student housing. If the Commission and City Council would like to include a stipulation that says the proposed development would be High Density Residential 2 for only married housing, regarding a comment made during public input, Mr. Sommer would be fine with such a stipulation.

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

Marilyn Rasmussen asked for clarification on if any of the traffic from this proposed development would go on to South 5th West. She thought the traffic would go only on to South 4th West.

Val Christensen clarified that the traffic would go on to South 4th West.

The subject property of this proposal (Sovine) is on South 4th West.

The next scheduled hearing (Barrick) concerns property on South 5th West.

Val Christensen went over the staff report, stating that the proposal is compliant with the Comprehensive Plan and the Preferred Land Use map (Comprehensive Plan Map), which designates the property as Moderate-High Density Residential.

The Comprehensive Plan map was viewed on the overhead screen.

Chairman Robinson clarified the Comprehensive Plan map for the audience, saying it is the vision of what the City prefers the direction of development to go.

Val Christensen said in regard to the Public Works Department staff comments, the applicant indicated that a bridge has been put in for access to the property. Water and sewer issues will be worked out and are not part of the review at this point. South of the requested area for rezone, new apartments are being built by the Les Schwab business.

City staff has recommended that if the Commission can find that the rezone request is not adverse to the neighborhood or to the City, staff would request that the P&Z Commission move forward to recommend approval of the rezone request to City Council.

Dan Hanna asked about the width of South 4th West. The public has expressed concern about the street handling increased traffic.

Val Christensen said that because of the canal, South 4th West is not as wide as some of the other roads in the City. However, the City Engineer did not see a problem with the amount of traffic the development would generate.

Dan Hanna asked if there has been discussion about the possibility of a traffic light at the intersection of 4th West and 4th South.

Val Christensen said there has not been discussion. The circumstances do not warrant a traffic light at this time, in regard to state standards.

Mary Ann Mounts said the University encourages students to walk to campus. She asked if currently there are sidewalks along 4th West.

Val Christensen said there are no sidewalks in front of the canal. He does not know if the City Engineer would require them. The City is cognizant that sidewalks may be necessary.

The subject area is not in the PEZ zone, which would require sidewalks.

Dan Hanna said the conversation should be limited to zoning and not to the development.

The Zoning map was viewed for the Commission's consideration. The subject area does not connect to any High Density Residential zoning.

Chairman Robinson said the issue before the Commission is, should the Commission approve a zone change request for property located at approximately 360 South 4th West, from Community Business Center (CBC) and Medium Density Residential 1 (MDR1) to High Density Residential 2 (HDR2).

Mary Ann Mounts recused herself from this hearing due to a conflict of interest. She also recused herself from the next scheduled hearing (Barrick) due to a conflict of interest.

Chairman Robinson asked Phil Packer, representative of BYU-I who was in the audience, to clarify if the University has any intentions of going this far out in location with their approved single student housing, as a concern was expressed earlier in tonight's meeting of this project possibly becoming single student housing.

Phil Packer said as it stands currently, 4th West and West 4th South is the boundary for any consideration of single student housing. The desire is to encourage single student housing to be in the PEZ1 area.

Cory Sorensen wondered what could currently go on that property as it is now zoned. Could a hotel or strip mall go in that would create just as much traffic? Would that impact the neighborhood just as much as this high density proposal? A comment was made earlier of students taking shortcuts through neighborhoods to get to a certain point. It makes sense to keep married housing closer, such as in this location, rather than far away where it is not feasible to walk to school.

There was discussion of the requested zone. It was clarified that the requested High Density Residential 2 (HDR2) zone is the highest density that could be requested for this rezone.

Dan Hanna motioned to recommend to City Council approval of a zone change from Community Business Center and Medium Density Residential 1 to High Density Residential 2, for the property located at approximately 360 South 4th West. **Jedd Walker** seconded the motion.

Those in Favor:

Cory Sorensen
Gil Shirley
Thaine Robinson
Jedd Walker
Nephi Allen
Dan Hanna

Those Opposed:

Marilyn Rasmussen

Motion carried.

7:40 pm - Rezone –Light Industrial (LI) to High Density Residential 1 (HDR1) – approximately 275 and 251 South 5th West – Jerome Barrick

Mary Ann Mounts recused herself from this hearing (Barrick) at the same time she recused herself from the previous hearing (Sovine), due to conflict of interest.

Jared Sommer, 3614 North 3000 West, representing Jerome Barrick, presented the proposal.

The property is on South 5th West, west and across the railroad tracks from the rezone hearing that has just concluded.

The subject property was clarified on the overhead screen map. The beginning of the subject property for this rezone starts to the south of the entrance into the Henderson subdivision.

The development will mirror the design of the Temple View and University Gateway projects.

Nothing has been done on the property for many years. Currently there are buildings and grasses on the property. This proposed development would clean up the area.

Mr. Sommer felt traffic flow would be minimal. There would not be traffic from Pioneer Road coming here. Road width is adequate. In regard to a letter in opposition to this rezone, which addressed children's safety, he did not feel traffic flow would increase in a major way here or by the Kennedy School.

The issue again is the distance from the subject location for married housing to the campus. Walking to campus is feasible.

Mr. Sommer reiterated that the intended use would be for a married housing development with small one and two bedroom units. It is not for single student housing. The request is to change the zone to HDR1.

Gil Shirley asked what type of buildings would be constructed.

Jared Sommer said the project would consist of five buildings, each of them 3- story above ground buildings. They would be twenty-one plexes, each with 15 one bedroom and 6 two bedroom apartments. There would be about 105 units.

Jedd Walker asked the acreage of the subject property.

The size is about 3.43 acres.

Chairman Robinson asked if the public had questions to help them to understand what is being proposed.

A man in the audience asked if parking would be on site; if so, how many spaces would be provided?

Jared Sommer stated the parking requirements would be met (1.5 parking spaces for every single bedroom unit and 2 parking spaces for every two bedroom unit). There would be sufficient parking.

A man asked how much green space there would be for the project.

Jared Sommer said 20 percent green space is required.

A man asked if the developer would be allowed to go east out of the property.

Jared Sommer said because of the railroad tracks, going east would not be possible.

A man asked if traffic studies have been done of the area.

Jared Sommer said not unless the City has done a study.

Jackie Mitchell, Henderson Street, asked if there would be access out of the planned parking lot other than onto 5th West.

Jared Sommer said there would not.

Jackie Mitchell felt this issue was a huge concern. She asked the number of parking spaces.

Mr. Sommer said about 173 spaces would be required by the City.

Chairman Robinson asked if Val Christensen had any other clarifying information for the Commission.

Mr. Christensen did not have any additional clarifying information.

Chairman Robinson opened the public input portion of the hearing.

In Favor:

Shelley Hegsted, 1419 North 2nd East. She is the daughter of Jerome and Margaret Barrick, the property owners. They are in favor of having the property zoned to high density. They feel this rezone request is feasible. Her parents are wearing their feelings on their cuffs tonight because they have had this property for sixty-five years. The property used to have a land leveling business located there; lots of equipment came and went from the property. The property has sat quiet since the flood. They have looked at the proposed high density project with Sylvan Seely and Jared Sommer.

Mrs. Hegsted's parents feel the change is conducive to the property. It would be a face lift for the area and would improve it. Her parents think a lot of their neighbors. They want their neighbors to know they feel confident in this project being a nice new development.

Neutral: None

Opposed:

Cleve Young, 568 Cook Street. He respectfully disagrees with Mr. Sommer about the traffic impact. The way the City has grown over the years, he feels the students are not going to just turn and go up 2nd South. Heading north on 5th West is the main thoroughfare to K-Mart, Walmart, to everything on the north side of town. There is also the race track known as Johnson Street which is used to get from Pioneer Road to the northeast side of town. Rexburg has the moniker of *America's Family Community*. The City has spent a lot of money on a new swimming facility. Many children in the Henderson and Starlite subdivisions will be riding their bicycles over to the swimming pool. BYU-Idaho is a year-round school. What about families walking to the splash park? It is a wintertime and summertime problem.

With that many more cars on that street, it is not a matter of if something happens; it is when. This proposal is an absolute disaster from a safety perspective.

Jackie Mitchell 529 Henderson. If this property is rezoned to high density, she is concerned that single student housing could soon come as well, because there is other property for sale on 5th West. This property does not need to be rezoned to high density for married housing. Another concern is that many children walk to school. She is a school teacher at the Middle School and sees children every single day who have to cross Yellowstone by Les Schwab. The situation is very hard now and would be additionally so if the impact from this development and the development on 4th West are added. It would be terrible for those kids. There is a huge amount of traffic on 5th West, especially in the morning. It is used more and more as a cut-through. The road is in terrible shape. Also, can they withstand the impact on water and sewer? Some of the subdivisions are new. These issues need to be investigated before approval of this rezone request. She is urging the Commission to look at these issues.

Traci Rane, 281 Mark. They were some of the very first people in the Henderson subdivision. The fact that there were no apartments nearby was a big plus. They are not sure if the proposed development will affect property values. They would be looking somewhere else if they were looking to buy a house now. Henderson subdivision has developed to about 50 homes, before Park Street and Johnson Street went through it. Traffic increased just with those 50 homes. Mrs. Rane feels the addition of over 100 apartments will have a definite impact, with significant traffic increase. She does not see this proposal helping the University goal of a walking campus. The high density zone needs to be within the couple blocks around campus. As the older home properties become available in that area that is where high density housing needs to go.

Glenn Buhrmester, 650 Cook Ave. Traffic through Cook Ave. is bad, with students coming through the subdivision from Pioneer Road. His concern is that students will mostly go north and not south. He does not think the existing street is adequate to handle an increase in traffic. In the mornings and afternoons, there are from 50 to 70 young children going up and down the west side of the street. Lots of cars go in and out during the day. There would be a tremendous amount of northbound traffic. Many cars would turn right toward the splash park. He does not believe the street is adequate to handle a lot of traffic, with a lot of children. It is a very dangerous area right now. The proposed development would add cars that would be a significant addition to an already existing problem.

Greg Taylor, 277 Pollard. He seconds everything that has been said by others tonight. As a recent new father, he sees impact not just immediately but he is also looking at what is going to happen in the next 5-7 years, when his child starts walking to school. Additionally, as a former single student who attended the college, he lived fairly close to this area and disagrees sharply with Mr. Sommer saying students would walk from the proposed development. Only under rare circumstances would people walk to campus, probably less than one percent in his opinion.

Dan Nedrow, 2525 North 5000 East, Sugar City. He is Glennis Nedrow's son and is speaking for her. This really impacts his mom, as she lives across the street from the proposed development. Being apartment owners themselves, both single and married, they know the pros and cons of both these items. They know it can be said the development would be for married students, but that could change easily. An important issue to be considered is the traffic. They feel the Barricks deserve to be able to develop their property, but his mother lives on two acres that cannot be developed because of decisions that were made by the City. We do not all get what we want. Mr. Nedrow said that from 7:30 am to 9:00 am and from 4:30 pm to 6:00 pm, his mother cannot get out of her driveway. She has to back up, go around her circular driveway, and hope she can get out.

Their strong feeling is that before this issue can be considered, the City needs to put a plan in place to control the traffic flow and improve the road for safety, and the City should guarantee the road being maintained, fixed, and include the addition of stoplights and crosswalks for the safety of everyone.

Bonnie Garner 326 West 3rd South. She wondered about the issue of snow removal within the apartment complex itself. Not many students come with snow removal equipment. She has seen apartment complexes become a tangled, rutted mess.

Becky Godfrey 296 Mark Dr. Her biggest concern is the increased traffic and safety. She has two children who currently attend Kennedy School; they love to walk there and to ride their bikes in the area. She is also concerned about road size and traffic flow. Anyone who has been on that road knows it is not meant to be a major thoroughfare. Lighting on 5th West is also low, as it is in much of Rexburg. She is concerned about the domino effect. There are numerous for-sale signs on the street. She sees the problem becoming worse and worse as more and more apartments go up, if this plan goes through. If she could buy some properties, she would make the area a nice green, safer spot.

They have talked about high density housing, and they have talked about the developer's dollar, but Mrs. Godfrey would hope the Commission would think about the safety of people who live there. She is also concerned about the safety on Johnson Street and Cook Street. She thanked the Commission and hopes they will consider all of these concerns.

Dacia Alba 272 Pollard. Rexburg is one of the top family communities. She would hope the Commission would consider that there are a lot of families in the Henderson subdivision. She does not really consider young married students to be long term family residents of Rexburg. She would hope the Commission would consider those who plan to be here forever. She has children who walk to Kennedy School; she would like to be able to let them walk by themselves. It would scare her to know that there may be 100-plus more cars on that street. Mrs. Alba hopes it would be the Commission's number one priority to know that there is an elementary school on this street. Right now the property is zoned for Light Industrial, which to her does not tend to have a lot of traffic. She would hope that the Commission's priority would not be maximizing a developer's dollar, but that the Commission would consider all those who have invested their money into property in the Henderson area; they also do not want their home values to go down. So, her number one concern is child safety. Her second concern is property values.

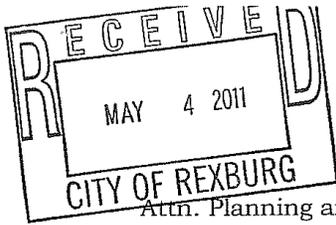
Tom Rane 281 Mark. He would urge the Commission to not make such a dramatic transition, from Light Industrial to High Density. There are other options that could utilize that property. Frankly, he likes the empty lot. Why should there be such a dramatic change given the impact? It does not fit in this particular area.

Dave Mitchell 529 Henderson. He said he got ahead of himself when he spoke during the previous rezoning hearing's input; he apologizes. He seconds everything everyone has said. There is a place for college housing. There is a place for residents. He does not think they need to be thrown together. There would be problems. He understands that Rexburg is growing. What makes Rexburg grow is the college, but also money. We need to make sure that money is not making our decisions for us. We need to care about our families and our children first. This area is a school area. There would not even be this conversation if they were talking about Main Street. They are not talking about Main Street. They are talking about a residential area. Children and families walk on this street. They do not need all these cars and traffic. Until you live there you do not know what it is like. They have lived there 4 years. He does not feel college students will walk to campus. They are going to drive.

Josh Perry 252 South 5th West. He stated that his remarks for the previous rezoning hearing should have gone here for this hearing regarding the properties on South 5th West. He agrees with everything that those who spoke before him have said. He wanted to add that he has concerns about safety and increased traffic. Rexburg is a tight knit community, America's Family Community. A lot of that is having families that are going to stay here, who build relationships with others. Apartment residents often come and go. It is nice to have a place for families, such as in the Henderson subdivision.

Blake Loveland 301 Pollard Ave. He is concerned about a zoning creep. When they look at zoning, they look at what is nearby that is the same zone. This property could start a huge sprawl of high density residential, making it easier for the next property to request it. To compare this property to the development near Les Schwab is not fair. That development is on a major arterial, where this request is not. He thought Medium Density Residential 2 might be more appropriate for this area. He feels that High Density Residential 1 is too much for this area. He asked the Commission to please consider these concerns.

Written Input: read aloud by Commissioner Walker
Letter from Richard and Deon Stoddard, opposed to the proposal



May 3, 2011
Rexburg, ID

Attn. Planning and Zoning and City Council,

These comments are in regards to zone change for (11 00119) to High Density Residential One (1).

Being residents for some time near the proposed area that will be affected by this consideration, we feel compelled to express some of our impressions pertaining to the impact this decision would impose upon an innocent and unsuspecting neighborhood, should you approve such a shortsighted plan. We all bought our homes in a Low Density Residential neighborhood, assuming we were safe and that our chosen representatives in city government would strive to keep us that way.

Traffic on 5th West has already steadily increased as a natural consequence of growth, as you are no doubt aware. Along with the heavy flow of truck and auto traffic that feeds through in both directions *past Kennedy School*, it is the major access road for several subdivisions: Starlight, Parkview, Evergreen, Oakbrook and Henderson, as well as traffic from Pioneer Rd. cutting through Henderson to access the North end of the university via 2nd south.

This already adds up to a great amount of traffic trying to converge onto 5th West, at times making it very difficult to navigate into the flow. Much of this movement is finally funneled from 5th west onto 2nd south and streams past the South side of Porter Park where children's safety has currently become a very major concern, in spite of speed bumps. There are recently several new apartment complexes coming on line just west of the park that already add to this serious hazard.

If a sincere study were made to determine the worst street in Rexburg on which to build more new apartment houses, 5th west must surely be near the top of the list, considering the risky and perilous impact it would have on students, traffic, children and other citizens.

It is our faith and hope that each individual entrusted to use wisdom and good judgment, serving in behalf of their fellow citizens, will do so, in considering this ill-conceived proposal for a zone change. It is not an easy thing to rule against the wishes of the wealthy or influential, but blessed is the conscience of the discerning person whose vision and courage provides for a better, safe community into the future of Rexburg.

Richard and Deon Stoddard
291 Pollard Ave.
Rexburg, ID 83440.

Rebuttal:

Jared Sommer said the real discussion is that the Comprehensive Plan shows this property as Moderate-High Density Residential. He can appreciate everyone's comments, but this entire block has been given this land use designation by the City – this is the location of the requested rezone. The question before them is, what is the appropriate density for this parcel? Everyone has the right to express their feelings. There were a lot of comments made about the street, the water and sewer, and traffic. The comment from the City Engineer is that the infrastructure is adequate. As far as snow storage, there is a requirement to have adequate snow storage space on the site. Tenants are not responsible for their own snow removal; the property owner is responsible for any removal of snow. As far as traffic and impact, the City rather than he is best to address this issue. Again, the City has designated the property for higher density. He said the Commission could add a permanent stipulation saying the development could only be for married housing and could not change to single student housing.

Chairman Robinson closed the public input portion of the hearing and asked for the staff evaluation and recommendations, including addressing current zoning and the Comprehensive Plan.

Val Christensen said the current zoning of the subject property is Light Industrial, which allows many kinds of businesses including construction businesses, plumbing businesses, and warehouses. The property's zoning is grandfathered and would stay with this zoning unless it gets changed - then the developer would have to do what the Comprehensive Plan indicates for the property, Moderate-High Density Residential. The developer could ask for Medium Density Residential 1 or 2, or High Density Residential 1 or 2 zoning. The Comprehensive Plan was put together by hired consultants and was approved by the P&Z Commission at that time and the City Council at that time.

Mr. Christensen went over his staff report. The request is in conformance with the City's Comprehensive Plan. As far as the capacity of the streets, the City Engineer feels the infrastructure to be adequate. There has been some discussion to address the intersection of 5th West and South Yellowstone in the future, which may include realignment, but a traffic signal is not warranted at this time. Staff recommends that if the P&Z Commission determines that all the criteria are met and that the request does not create an adverse impact to the neighborhood, to process the rezone request.

Marilyn Rasmussen asked if the City has done a traffic study of the subject street.

Val Christensen said there have been some traffic counts done, but he did not think there had been a traffic study done by an outside engineering firm.

Marilyn Rasmussen asked if they have had any input from the school district regarding impact of this proposal.

Val Christensen said there was no input received from the school district.

Mrs. Rasmussen asked if there were any plans in the future to upgrade South 5th West.

Mr. Christensen said he could not really speak for the Public Works director. There are other streets in similar condition that are scheduled for upgrading; he does not know the priority in which the streets will be upgraded. They would be upgraded as the City can afford to do them. He deferred this issue to the City Engineer.

Cory Sorensen asked about the property on the south of the subject property.

Val Christensen said it is an abandoned City right of way because of the railroad tracks; the abandoned right of way is actually given to the property owners to the south and to the north.

Val Christensen clarified that his Community Development staff report includes his review as the P&Z Administrator, along with a compilation of review comments from the City Engineer, the Public Works Director, and the Fire Chief.

Dan Hanna asked when this area was first designated as moderate to high density.

Val Christensen thought the date was about 2005.

Dan Hanna said that the City's Comprehensive Plan wants the subject area to go toward more residential rather than light industrial.

Val Christensen said the City wants to stay away from sprawl. The City would rather see higher density closer to the University campus. It is this Commission's decision on whether High Density Residential 1 would be the proper zoning for this property. It could also be MDR1, MDR2, or HDR2, which is allowed under the Comprehensive Plan designation of Moderate-High Density Residential.

Storm drainage would need to be done on site. French drains are allowed.

Marilyn Rasmussen wondered if it was possible to see a traffic study of South 5th West before the Commission makes a decision for this rezone request.

Jedd Walker said in looking at the possible Light Industrial uses, he would be more concerned with the big equipment that would drive on the road if someone were to develop the property as light industrial, which could be done by right at this site.

Dan Hanna said 5th West by nature has become an arterial similar to Pioneer Road and similar to 2nd East. He feels that additional traffic is not the issue as much as it is traffic safety features.

Increased traffic will accelerate appropriate precautions being taken.

Chairman Robinson said most of the comments made tonight by the public dealt with traffic.

Cory Sorensen wondered if it may be better for the Commission to consider Medium Density Residential as a buffer for the single family homes, rather than high density residential. Developing the area would help to speed the process of creating a better road. Would Medium Density be something to consider?

Jedd Walker agreed. In the long term, he does not think Light Industrial is the appropriate zone for the property.

The **Chair** said some of the allowed Light Industrial uses so close to residential areas scare him.

Nephi Allen said the City does not have much Light Industrial in town. Most of the City's Light Industrial businesses do not scare him. In the subject area there is Merrill's and there is a contractor business. These are not going to go away any time soon. There are also the railroad tracks cutting through. He does not really feel comfortable with high density in the proposed location.

Densities were discussed.

MDR1 allows up to 16 units per acre.

MDR2 allows up to 20 units per acre.

HDR1 allows up to 30 units per acre.

HDR2 allows up to 42 units per acre.

Medium Density Residential 2 would still allow multi-family housing, but with less density than the requested High Density Residential 1.

Cory Sorensen said with the presence in the room tonight of concerned homeowners and citizens, he feels a compromise in this situation would be something the Commission should consider. A lot of people have come here for this hearing. He feels this makes sense for student housing. It is a good location; it is on ground that has been sitting for a long time. Can't we compromise and make everybody a little bit happier?

Chairman Robinson said that is a good point.

The **Chair** said there were a few comments made tonight about Rexburg being a family community. The University is part of who we are. The University is made up of families, too. He would rather have residential area next to him than light industrial.

Cory Sorensen asked about building height limit differences.

Val Christensen said the maximum height is 30 feet in MDR and 55 feet in HDR.

Cory Sorensen said by far the number one concern expressed tonight by those in attendance is safety for children and other pedestrians, second was traffic, and third was the issue of people not walking to the college campus. His number one concern is the safety of that street. It currently is not safe. Developing the subject area would lead to improvement of safety for the street, whether the zoning change was to medium density or high density. Leaving it as it is now does not improve the safety of the street.

Dan Hanna motioned to recommend approval to City Council of a zone change from Light Industrial (LI) to High Density Residential 1 (HDR1) for the property located at approximately 275 and 251 South 5th West. The **motion died** for lack of a second.

Nephi Allen motioned to deny the rezone request. The **motion died** for lack of a second.

Cory Sorensen motioned to recommend approval to City Council for a zone change from Light Industrial (LI) to Medium Density Residential 2 (MDR2) rather than to the requested High Density Residential 1 (HDR1), as a compromise for the neighborhood, for the property located at approximately 275 and 251 South 5th West. **Marilyn Rasmussen** seconded the motion.

The Commissioners discussed the rezone request. The applicant's request would still be for High Density Residential 1 (HDR), but it would be with the P&Z Commission's motion which recommends Medium Density Residential 2 (MDR2), for the City Council to consider.

Those in favor:

Jedd Walker
Thaine Robinson
Marilyn Rasmussen
Cory Sorensen

Those Opposed:

Nephi Allen
Gil Shirley
Dan Hanna

Motion carried.

Unfinished/Old Business:

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

New Business: None

Compliance: None

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

May 19th – Conditional Use Permit request regarding 264 Steiner Ave., tabled earlier in tonight's meeting to be presented on this meeting date

Chairman Robinson adjourned the meeting at 9:40 pm.