

Planning & Zoning Minutes

June 16, 2011



CITY OF
REXBURG
America's Family Community

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Commissioners Attending:

Winston Dyer - Chairman
Thaine Robinson
Richie Webb
Jedd Walker
Cory Sorensen
Dan Hanna
Nephi Allen
Scott Ferguson
Marilyn Rasmussen

City Staff and Others:

Mayor Richard Woodland
Rex Erickson – City Council Liaison
Val Christensen – Community Development Director
Stephen Zollinger- City Attorney
Scott Johnson - Economic Development Director
Jake Rasmussen – I.T. Technician
Police Officer Ray Hermosillo
Elaine McFerrin – P&Z Coordinator

Chairman Dyer opened the meeting at 7:02 pm. He recognized Councilman Erickson, Mayor Woodland, City staff, applicants, and interested citizens. This meeting demonstrates the great American process, where everyone has an opportunity to have their say.

Roll Call of Planning and Zoning Commissioners:

Nephi Allen, Cory Sorensen, Scott Ferguson, Dan Hanna, Winston Dyer, Thaine Robinson, Marilyn Rasmussen

Gil Shirley and Mary Ann Mounts were excused.
Jedd Walker arrived at 7:03 pm.

Minutes:

1. Planning and Zoning meeting - May 19, 2011

Scott Ferguson motioned to approve the Planning & Zoning minutes of May 19, 2011. **Thaine Robinson** seconded the motion.

Nephi Allen, Dan Hanna, and Marilyn Rasmussen abstained for not having been present.
None opposed. **Motion carried.**

Chairman Dyer explained that the Commissioners operate as a Commission under two enabling documents. First, there is a state law which states that each community will have a Planning and Zoning Commission. They are chartered and charged with looking at future growth in the community. They look at specific proposals, shepherd the Comprehensive Plan, and guide the development of the Development Code and other ordinances with regard to planning and zoning. Each Commissioner is appointed by the Rexburg City Council or County Commissioners if they reside in the City's impact area. Secondly, the Commission operates under Robert's Rules of Order; all discussion is directed through the Chairman so that there is an orderly process. There is the guarantee and the opportunity for everyone to have their fair say.

There are two main documents the Commission operates by in their planning and zoning efforts. The Chair thought describing each of them would help explain why there are two different hearings on what appears to be the same matter.

First, the Comprehensive Plan map was viewed. It is the preferred land use map of the City, the dream map, or the wish list of what may occur with Rexburg's development in different areas of the City. It has been put together with the work of the P&Z Commission and the approval of the City Council. It is a general map, showing the vision of Rexburg's future for land uses.

The zoning map was viewed. It is more detailed and specific. It is the law. A proposal would have to be consistent with what is allowed in a zone, or there can be a petition to change the zone.

Chairman Dyer clarified that the first public hearing tonight requests a change to the City's Comprehensive Plan map, followed by a hearing requesting to modify the zoning map.

Richie Webb arrived at 7:10 pm.

Public Hearings:

Chairman Dyer explained the process that is followed for public hearings. The applicant or a representative will come forward to present the proposal to the Commission. The Commissioners will be given the opportunity to ask clarifying questions. Because of the many interested citizens here tonight, the Chair will allow the public the opportunity to ask clarifying questions in order to better understand the proposal, so that when public hearing testimony begins the public can focus on what they wish to say, rather than asking questions, which cannot be answered during public testimony. Everyone is guaranteed their fair say without any intimidation of any kind. There will not be any catcalling, or applauding, or cheering. Those are all forms of intimidation and mob mentality. Everyone will be civil. If one wishes to speak to give public testimony, please state your name and address for the record, and your affiliation, such as neighbor, interested citizen, etc. If someone has already made comments that you agree with, please be kind enough to say you agree without restating the issue.

After public input is closed, staff evaluation and recommendations will be given.

The Commission will then deliberate the matter, and thoroughly explore the pros and cons and all sides of the issue, in order to reach a rational and reasoned decision on the matter.

The P&Z Commission is a recommending body, an advisory body to the City Council. The City Council will make the final decision. All recommendations of the P&Z Commission are appealable to the City Council.

Joseph West, in the audience, said since the issues of the first two hearings (Rexburg Hill Properties, LLC) are similar, public comments may be similar for both of them. Would people need to make public comment for both of the hearings?

Chairman Dyer said the Commission will give full hearing to both issues.

Because of the similarity, any public testimony given in the first Public Hearing for the Rexburg Hill Properties, LLC Comprehensive Plan Amendment request, will also be considered to be relative to their second Public Hearing requesting a zone change.

Chairman Dyer stated that several people have submitted written input letters. The Commission can take the person's letter or oral testimony, but not both from the same person, as this is seen as allowing someone double input, or an unfair advantage.

Jedd Walker said that when the Commission allows the audience to ask questions before the public input portion of the hearing, it is not testimony, but just clarifying questions to help everyone to better understand what is being proposed.

Chairman Dyer reiterated that these questions would need to be to help in understanding the proposal. Please do not editorialize or give an opinion at this time. Such comment would need to be given during public input testimony and not during this question period.

7:05 pm – Comprehensive Plan Map Amendment – Rexburg Hill Properties, LLC – 110.4 acres directly adjacent to the South East Corner of the street intersection of 7th South and South 2nd East.

Michael Batt and Ron Black were the representatives for Rexburg Hill Properties, LLC, the applicant.

Michael Batt, 3313 Woodside Drive, Idaho Falls, representing applicant and property owner Rexburg Hill Properties, LLC and its principal, Frank Vandersloot. The subject property was purchased several years ago prior to the time the LDS Temple was in place. They have been approached multiple times over the years about development of the property. Of all the properties that Mr. Vandersloot owns, this is the one property he has particular interest and passion about and is concerned about what happens with it. They have gone to extraordinary lengths to try and understand the various different parties who have opinions on the property, whether it is the City, the schools, the LDS Church or the community. They have tried their best to meet with the different groups and hear their concerns. They have reviewed the Comprehensive Plan trying to understand why it was drafted the way it was drafted and its key underlying principles. They have tried to balance all the needs of the various interested parties as well as come within the guidelines of the Comprehensive Plan. They have tried to be very sensitive, respectful and preserve the dignity and the atmosphere surrounding the Temple. They have met with the community and understand there are varying opinions. It is their hope that everyone will see they have done their best to make sure the plan would work for the City, the Church, and the community, and it would be an economically viable project as well.

A PowerPoint presentation for the proposal was shown. The property size is 110.4 acres. Currently the land is being farmed. Mr. Batt explained the overall intent for the land as he went over its different sections. He hopes they can now put together a plan that will be meaningful, so that sometime in the future, whoever owns the property in the future will have to work within the guidelines of the land rules they are proposing.

The vision for the piece right across from the Temple would be for a private park, privately owned and maintained, for people to come and go. Photos were shown of how they envision the park to be. There would be lawns, landscaping, rocks, bridges, and waterfalls. It could even be called Proposal Park in conjunction with some of their other visions. It would be a place for people to come, relax, stroll, and enjoy the atmosphere.

East of the park would be commercial – their vision is for a wedding reception and conference center. It would be of high quality, as Mr. Vandersloot's developments have been.

The third piece of this plan would be a buffer of single family homes around the park and the center; there would possibly be some complementary type of commercial, such as a flower shop or wedding shop, etc. They would anticipate and expect restrictions on the zoning for this type of commercial.

There would be a buffer on 2nd East of about 80 feet in width.

There would be multifamily housing on the south. The depression, or basin, in the land would facilitate this type of use and would provide for a very mixed community. They feel this is fitting place because of the topography of the area.

The smaller section north of the multifamily housing and south of the single family homes would be patio homes, requiring little maintenance, for seniors or retirees.

The next piece would again be high density for snow birds or other retired people who want convenience of closeness. In the City's Comprehensive Plan Map a Neighborhood Node is shown on the east of the subject property – there could be a business such a Jamba Juice or neighborhood grocery.

The final piece to the east of the high density on Sunrise Drive would be a lot that would dedicated for an LDS Chapel.

Their goal is to develop a project that fits, with a lot of different uses that meet the needs of a lot of different people and still preserves the dignity and the atmosphere of the LDS Temple.

As they met with the City and the citizens, one of the concerns was about multifamily housing. Ron Black will address this issue and explain why they feel this particular plan is conducive to the best possible use for this piece of property.

Ron Black, 1388 Clarence Dr., Idaho Falls, representing the applicant. He explained why the plan is laid out as they have shown. As they met with the residents, they found there were feelings about having a large three story building at the top of the hill where everyone could see it.

An animated map was shown. They have changed the plan. They have moved the location of the apartment clubhouse from the back of the property up to the front and top of the hill. They have tried to make it so neighbors' views and the view when traveling down the street, will not see large apartments. The clubhouse would be one-story, with the view of apartments behind it. The view from anywhere along the street would not be any worse than having single family homes in the area.

There would be 15 multi-family buildings. There would also be a small park with a setback of 200 feet, near the clubhouse. The park and developments will be beautiful. There would be trails near the basin area. They would hope the City would plant grass and perhaps have a soccer field.

The 80 foot wide buffer would help to make 2nd East very beautiful. Views on top of the hill would not be blocked.

A rendering of the multifamily buildings was shown. They are not trying to build something that looks like some of the other apartments in town. They want this development to be the nicest place in town, top of the market, for people to be proud to live in and live by. It would be beautiful in the summer and the winter, with lots of landscaping and green space. They are currently planning a project near a ski resort in Utah which will have condominium buildings with this same design.

Mr. Black showed a slide of some existing apartments allowed under the current Comprehensive Plan allows in the Medium Density Residential 1 zone. They do not want to do row upon row of buildings. They believe something that is classy and that looks good will make much more sense. They would be willing and there intent is to have 20 units per acre, in order to maintain greenspace, even though high density allows for much more. They want to maintain something that is attractive and is also a useful place for people.

They have been asked why single family homes are not planned at this location. There are a total of 261 single family lots that are not selling in this area. It was figured that about 228 residences are needed every year at the rate of growth projected for Rexburg. How many of those would be for high-end homes? Not very many. The median income in Rexburg is less than 40 thousand dollars a year.

They would hurt the existing subdivisions if they put in single family homes. Founders Square, just to the south of their proposal, would likely have more sales if their presented plan is done. An additional number of single family lots exist throughout Rexburg.

It does not make any economic sense to put all the subject property into single family homes.

Another concern that was expressed is the road. Their maps show the road coming into 2nd East at Crest View. They are willing to put the road in to 2nd East wherever the City would like it to be. Mr. Black

is assuming there will need to be a traffic study by professionals to determine the safest place.

They understand they are asking for a Comprehensive Plan Map change. If the Comprehensive Plan was different and allowed for more than a 4-plex, they could live with the current Comprehensive Plan designations. They feel if they were to go to larger buildings, it provides more green space with less strain on the City's infrastructure. It would reduce building costs but would allow the developer to add more amenities to make the buildings even nicer. Mr. Black reiterated they would be willing to limit the development size to 20 units per acre.

Thaine Robinson asked for clarification on the private park that was shown directly across from the Temple, and what "private" actually means. Would it be only for some, not allowing others?

Ron Black said they are referring to who owns the park. It would be privately owned and privately maintained, and open to everyone. They would build it and pay for it, so that they would be able to make it as it is envisioned.

Scott Ferguson asked about the proposed Neighborhood Business District zones on 7th South near the planned park and the piece to the east of the multi-family. How many and what types of businesses do they envision?

Ron Black said the size of the area on 7th South is about 3 acres on the east side of the planned street and 2 acres on the opposite side. The businesses here would support weddings, possibly a small strip center of 5 or 10 shops with a flower shop, dress shop, etc. The property near the multi-family housing could possibly have a convenience store, dry cleaners, juice store, etc.

Mr. Ferguson asked for clarification on the term "patio homes".

Mr. Black said the term applies to homes with very little maintenance. There would be about 44 patio homes.

Thaine Robinson asked how much of the 110 acres is intended for High Density Residential 1 zoning.

Ron Black said there would be about 60 acres.

Thaine Robinson clarified that this housing would not be dormitory style.

Ron Black said that was correct. There would not be any single student housing. There would be married housing.

They do not want to build a multiple story building. They want something that looks nice and fits down in the basin area.

Dan Hanna asked if it was the developer's intent to have twenty (20) units per acre.

Ron Black said 20 units per acre is their intent, with a total of 360 units.

Richie Webb asked if an effort was made to understand traffic flow patterns.

Ron Black said they have looked at traffic patterns. The development could be entered from Sunrise Drive. There are 2 different routes in addition to 7th South. They feel that married student housing will have a limited number of vehicles.

Dan Hanna asked if the developer owns the property near South 4th East to the east of the subject property.

Ron Black said the property is owned by someone else.

Chairman Dyer asked if they have talked to the property owner.

Mr. Black said they have not.

Scott Ferguson asked the size of the single family home lots.

Ron Black said the sizes are between a third and a half acre.

Richie Webb asked about phasing and which area would be developed first.

Mr. Black said multifamily to the south would be Phase 1. They would begin construction as soon as they are given permission to do so. They would also start the park as soon as they could depending on weather.

Chairman Dyer said the question before the Commission is a proposed change in the Comprehensive Plan Map; it is not a zoning question at this time.

The tracts shown on the subject property were clarified by the applicant. This is the proposal in terms of the Comprehensive Plan:

Tract #1 No change from the current Low- Moderate Density Residential

Tract #2 Change from Low-Moderate Density Residential to Moderate-High Density Residential

Tract #3 Change from Low-Moderate Density Residential to Neighborhood Commercial/Mixed Use

Tract #4 No change from the current Low-Moderate Density Residential

Tract #5 Change from Low-Moderate Density Residential to Neighborhood Commercial/Mixed Use



The **Chair** said the Commission needs to consider, in terms of the Comprehensive Plan, if these are appropriate visions for land uses in this 110 acre parcel. He asked how the shown tracts came to be. Were they all individually held parcels under one owner?

Ron Black said the entire property was just one property. The tracts were the applicant's invention to show what they would like to see here.

The **Chair** asked if the applicant envisions eventually subdividing this 110 acre piece as indicated; the actual tract descriptions given do not yet exist.

Mr. Black said that is what is envisioned. They wanted to define the different areas and what they entailed regarding changing the Comprehensive Plan for the different land uses.

Val Christensen said the purpose of the tracks is 1) breaking out separate areas regarding defining the Comprehensive Plan requested map changes; and 2) the areas would be further defined during the zoning hearing.

Chairman Dyer clarified that this proposal in this hearing is a land use issue. What will this land be used for? It has nothing to do with the amount of buildings, etc. Is it appropriate to change the designated land uses?

Eventually at some point in time, there would be a development proposal. It is helpful to see where the applicant is going with this issue. The presentation was very professionally done and laid out, but the Chair did want to reiterate this is not a development proposal. Once the land uses are approved, the next step would be zoning. When zoning is approved there could be anything that is allowed in that zone.

The **Chairman** said this proposal is all under one ownership at this time, but the applicant alluded to the intention of subdividing where other individuals would eventually be able to purchase pieces of the land.

Ron Black said their intention is to set the rules and restrictions for future land use and to set the zone. They may develop some of the land themselves. The high density tract on the south for multi-family housing would be sold to Troy Kartchner and his development company.

Chairman Dyer said this information is not germane to the discussion, but it helps everyone to understand land uses and where land uses could go. Once the property is zoned, and possibly sold as a separate parcel, the zone has certain rights - development may or may not be any of the things that were talked about tonight.

The **Chair** said the applicant spoke of the higher density being down in the basin. There is no outlet for storm water. It is pumped out and down 7th South. The idea was the higher density development would be down in this basin where it could be hidden. There are hillsides here. If the Commission in the future were to suggest that development needed to be restricted in height because of this higher ground, would that be agreeable?

Ron Black said they would comply with whatever would work.

Chairman Dyer said what has been described tonight would fit very nicely under the City's planning tool of a Planned Unit Development (PUD), which could have different uses in different areas. It gives the opportunity to cluster, create open space and have different uses, to get a better mix and match, and be able to demonstrate to the community why such a development is in the community's best interest. It offers more flexibility, as was planned for Founders Square which has smaller lots bringing houses closer to the street, clustering, more open space and paths. There was

negotiation, a trade-off – in return for things helpful to the developers; there were things that were helpful to the community - three parks and a connecting pathway.

The bottom line is, did the applicant consider a PUD?

Ron Black said they have considered a PUD. He feels Rexburg's Comprehensive Plan says it best – a development that serves all the needs of a community, all ages, all income groups. They think they have designed something along those lines and believe it would fit as a Planned Unit Development.

Chairman Dyer asked Mr. Black to review why, as far as the land uses proposed, their proposal is in the community's interest.

Ron Black said they have designed what would be a wonderful place. The park planned for the corner of 7th South and 2nd East will be of great benefit to everyone in the community. It would be a beautiful landmark for Rexburg, a place of great dignity, peace, and something that should be preserved. In Rexburg, marriages often happen, because of the University. His daughter and son-in-law got engaged on this campus. A reception center would be of benefit to the community to provide a wonderful place for wedding receptions, family gatherings, other community events, etc. When the applicants met with Church representatives about their proposed plan, they were encouraged by the Church to have such a center. It would be a wonderful showplace with beautiful grounds.

They believe the community would benefit from nice custom homes planned for the single family lots. It may take a little bit of time for the market to be ready. They feel this will be one of the nicest single family residential neighborhoods in the City.

They want to serve people in the community of all economic levels. Apartments to the south would be in walking distance to the University and the Temple. They are trying to cover the spectrum for all age groups. From looking at the Comprehensive Plan and at the design for the University, he thought the other half of the hill would someday become part of the University. So the apartments would be very close and would serve the lower income level of the students. Seniors, Sunbirds, or others who are here for a few months each year can also be served by the multi-family housing. There would also be low maintenance patio homes.

They are trying to cover the spectrum of all age groups and all economic groups, so they can all have a place to live they can be proud of. The parks, the walkways, and all the other amenities are something that everyone can enjoy.

Chairman Dyer asked the public if they had any questions to help clarify their understanding of this land use proposal. Public testimony expressing any thoughts and feelings will be taken later on in the meeting.

James Helfrich - He lives close to the location of this proposal. He loves the City's Comprehensive Plan and how it was put together by people who have the community's best interest at heart. Why does there need to be such a large change to the Comprehensive Plan? Is it inadequate?

Ron Black said they do not believe the Comprehensive Plan is inadequate. They believe the Comprehensive Plan should be available for adjustment. They do not believe it is that big of a change. If one looks at the high density areas in the Comprehensive Plan, most married housing is on the west side of the City, further away from the University and not within walking distance. They wanted to provide an area for married students here on the east side of town.

Bill Riggins - An 80 foot buffer was mentioned. If 2nd East had to be widened, would the buffer remain 80 feet?

Chairman Dyer said the applicant is proposing giving 80 feet from the existing right-of-way line for landscaping, green space, etc. All property owners would be contacted and there would be discussions if there needed to be any change.

Michael Madsen - If the applicant is successful with the Comprehensive Plan change and the zone change, the applicants mentioned the intent they have for what would happen in the area. However, once zoning is changed, is there any guarantee the property would develop in the way presented?

Chairman Dyer said there is no guarantee. The guarantee is provided in the zoning ordinances. There are certain permitted uses in a zone and certain conditional uses that can be applied for in addition to those given by right for that land use. Occasionally, the Commission has considered granting a rezone with conditions that the applicants do exactly what has been presented in a certain time frame or the zoning would revert back to the original zoning, such as occurred for a project on 4th North near Cal Stores. That is also why a Planned Unit Development (PUD) was mentioned, because it is a very useful planning tool that would allow more exactness with a development.

Scott Kidd – So far discussion has centered on this land as being medium density residential. He is confused about the actual zone.

Val Christensen clarified that the subject property is zoned Low Density Residential 1(LDR1).The Comprehensive Plan Map land use designation is Low-Moderate Density Residential. An LDR1 lot size is a minimum of 12,000 square foot lots; a duplex is not allowed. Low Density Residential 2 (LDR2) minimum lot size is 8,000 square foot lot plus 2,000 additional square feet for a twin home or duplex (with a Conditional Use Permit).

Chairman Dyer said the way that the Comprehensive Plan land use designations currently are for this subject property, the applicant could not bring forward a proposal for any commercial for the property. It is a progression and a sequence.

Scott Kidd said the issue is confusing. Would there be a way to postpone the decision? The presentation was cloudy and mixed everything together. They may end up with two conflicting decisions.

The **Chair** understands the confusion. The Commission must necessarily look at the Comprehensive Plan first before they can consider anything in zoning. Without any change in the Comprehensive Plan, some of the zoning proposals that come in the next hearing right after this one would be moot.

Stephen Zollinger clarified that under the current Comprehensive Plan land use designation of Low-Moderate Density Residential, the Medium Density Residential 1 zone (MDR1) would be available to the applicant as a zone option. They would be allowed to seek a zone change with no change to the Comprehensive Plan.

Serena Kugath - The applicants said they would provide accessible, affordable homes. At the neighborhood meeting held at the Marriott, she asked what the rental prices for the apartments would be and was told \$800.00 to \$1200.00 a unit. Do they think that amount is affordable to married students?

Ron Black said they would charge market rents.

Sheri Howard- She asked the size of the park that is planned to be across from the Temple.

Ron Black said the size would be approximately 4 acres.

Duane Jorgensen- He lives in Rexburg; he has also lived in Teton Valley. His current project is the Huntsman Springs development. The economy has tanked; it only took three years to do so. How does this play in to the Commission's decision making?

Chairman Dyer said it does not play in the decision making with regard to land use decisions. They are looking at what the land can be used for, how it should be planned, and what would be best for the community. Later, at the time of a development proposal, the issue may be addressed in a development agreement process between the developer and the City. When someone proposes a development, they actually take out a bond and enter into a commitment with the community that they will finish a project. If they do not finish the project, the City has the bond and can finish the streets, parks, infrastructure, etc.(not the buildings).

Todd Hammond. - Would the proposed development be possible under the current Comprehensive Plan with a conditional use permit or would it require a zone change?

Stephen Zollinger they could build up to 16 units per acre with just a zone change.

Val Christensen said the planned 24-plexes would not be allowed under the current Comprehensive Plan.

Chairman Dyer asked if staff had additional clarifying information about the proposal.

Val Christensen said they have been thorough. He stressed to remember this hearing is a land use issue and not a development issue.

Jedd Walker wondered where tract #5, in the northeast corner of the subject property, lands within the Neighborhood Node circle that is shown on the Comprehensive Plan map.

The map was examined. It was clarified that the land section in the node is in the Moderate-High Density Residential land use designation, but the applicant would like it to be Neighborhood Commercial/ Mixed Use land use designation.

Russ Benedict - He asked about an area of requested high density. Is it going down the back side of a hill?

The map was examined. When one goes down 7th South, the street hits bottom and begins to climb back up.

Chairman Dyer said that before getting into the public input portion of the hearing, he wished to ask Joseph West about the neighborhood petitions he had submitted to the Commission and the methodology of the petition signing process. How was it done?

Joseph West said there was a neighborhood committee meeting. At the meeting, people volunteered to go door to door with the petitions in the different neighborhoods to collect signatures.

Chairman Dyer said this information helps the Commission to put things in perspective. Going door to door is one effort; people making their own effort to go to a location to sign a petition is another story.

Chairman Dyer opened the public input portion of the hearing.

In Favor:

Letter from Michael Ross (included under **Written Input** below)

Neutral:

Judy Hobbs, owner/broker of Realty Quest, 117 West Main. As she has listened to the proposal tonight and thought about the issue for a number of days before this hearing, it has occurred to her

that everyone has been impacted by a very down economy. These are really difficult decisions for the Commission and the City Council to make about what is good for the overall City and community – not just one developer, not just one neighborhood, but what is good for everyone. We all want growth; we all want the economic benefit that comes with it. It is understood that there may be as many as 1,000 new students coming to BYU-Idaho every year. Those students need to go somewhere, which is part of the decision. There has been a lot of criticism about some developments such as Hyde Park, which at one time she was an owner in, looking like a bunch of boxes, a bunch of ugly 4-plexes. She knows the Commission had real heartburn with that. If we are going to attract desirable developments to town, they have to be in desirable locations. They cannot be across the tracks or buried someplace where nobody else wants to go. Medium density does bring rows and rows of 4-plexes, even if they have a little extra green space. The tough decision is, if we have the potential of a good development, it is going to have to be placed in a good location, balancing what is good for the City as a whole and good for the neighborhoods, and will attract strong developers.

Opposed:

Aaron Robertson, 83 N. Cambridge Drive, Rigby. He loves the presented development but his biggest concern is the manner in which it is being done. He is the owner of the Sky Meadows development, so this proposed project, regardless of what goes in, will have an impact on a significant investment. He is not a proponent of trying to get another developer to do more single family housing. At the same time, looking at land uses and understanding what is allowed, he cannot agree with the land uses being proposed. When they made the investment in the Sky Meadows development, they were looking at the surrounding ground being the low density residential land use designation. Jumping from the Low Density Residential 1 zone up to high density is too big of a jump. It jeopardizes his project and the projects of other developers in the area, as well as the homeowners who live in the area.

Mr. Robertson's position could easily be switched if the applicant would consider taking a more negotiable approach via a Planned Unit Development (PUD) or by working within the current Comprehensive Plan allowances and going with changes within the code. If they want to do some Medium Density Residential types and be allowed to have larger buildings, he is in favor of that, but the current code needs to be changed – a different process. Doing a blanket zone change is an inappropriate approach. There is a node for commercial on the Comprehensive Plan. It is inappropriate to expand the commercial node. There is a large quantity of high density in the proposal. There will be more traffic if the land is zoned for high density.

The applicants spoke about the financial feasibility of the project and it not being financially viable if they cannot get the requested density. He currently owns a project that is not financially viable. He is strongly against the idea of creating land uses that are inconsistent with the Comprehensive Plan and with the current zoning in an attempt to create a PUD. If that is what the applicants are trying to do, they should follow the proper steps to do a PUD. Creating property rights for the subject property to be high density and medium density is inappropriate and inconsistent with the values of the community, and inconsistent with the precedent set by the City of Rexburg. Not a stone's throw from that subject spot, Mr. Robertson tried to put in twin homes. He was denied, because of community opposition.

There is lot of other ground for high density that would meet the University's needs and have lower traffic impact. There is no reason to force it in this location. It is improper to sacrifice the value of the current properties here. High density does not belong on the hill, period.

Joseph West, 125 Crestview. He is speaking for himself and to also summarize some neighborhood concerns. He got the neighborhood petitions together. Those people they missed when going door to door did come to their home to sign the petition.

In the Cresthaven subdivision, 88 per cent of the people are against this proposal.

First, they are afraid that changing the density will have a negative impact on the character of the neighborhood and will probably have a negative impact on their property values. Second, they feel Rexburg's Comprehensive Plan, which was just recently completed with a great deal of effort and time and funds, should not be changed needlessly. Property owners, both current and future, should be able to make long term decisions based on this Comprehensive Plan and its stability. Third, the City currently has enough property that is zoned for higher density. Once the zone is changed, intentions can change, too. This point really concerns the neighborhoods a great deal.

Finally, they are concerned because the LDS Temple is a unique asset for this community; they feel that it should be kept unique and treated that way.

James Helfrich, 626 Autumn Court. A big part of tonight's proposal was that the Comprehensive Plan does not fulfill the needs of the community. It does not provide enough high density housing for students and young married couples. He disagrees. He comes from a community that had a strong comprehensive plan. Tonight, he feels the requested changes to the Comprehensive Plan are significant; a 23 per cent increase in high density residential is gigantic – that is what this proposal entails. Beautiful pictures were shown of a park and low density homes, but the plan is to increase high density housing. The change would not benefit those who currently live near this location because they will be isolated from everyone else. High density would challenge the integrity of the neighborhood. He believes high density should be put near high density.

The Comprehensive Plan has basically the entire Rexburg hill as low density. It is a great place to raise a family. He loves this community and its Comprehensive Plan, which was put together so recently. He is concerned about the Comprehensive Plan being changed so fundamentally without obvious benefit to the community.

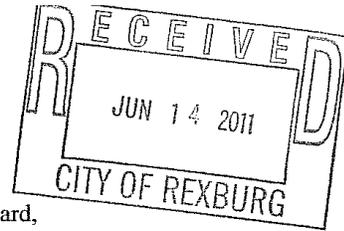
Jay McMaster, 625 Harvest Drive. He volunteered during one of the neighborhood meetings to just give a little background of how he came to live where he lives now and why, and how this proposal change would impact them. He moved here five years ago, first living in a home right near Porter Park. There are wonderful people in that area; it is not high density, but it is definitely busy, of medium density. They rented a home with the basement rented out and with a 4-plex next to them. There were also apartments close by. There was a fair share of noise and traffic.

After looking at various areas of Rexburg, Mr. McMaster and his family decided to live in the Harvest Heights subdivision because it had the home, the lots, and the area usage they wanted. At that time, they asked about possible additional developments. They were told the area would remain low density. He loves the fields around him but realizes that Rexburg will not always be that way. Their home is a substantial investment. Now this area adjacent to them is asking to be something entirely different. This proposal will have an impact. He understands there are studies that say it would decrease the value of their home. This concerns him, but the monetary value of his home is not the biggest deal. The intangibles - the integrity of their neighborhoods, the safety, the traffic, the noise, the business - he likes having good access to businesses, but does not want it right next to his home. If the Comprehensive Plan and the zones change, all he has invested into his home and the homes many others have invested in will go down. Because of these issues, he wanted to express his disapproval of the proposed changes and wants the area to remain low density, to keep the tangible and intangible values of their neighborhoods.

Sheri Howard 642 Harvest. She had submitted a written input letter, but chose to read that letter as her public testimony tonight. She added that she feels the 4 acres designated for the park across from the Temple is too small.

June 11, 2011

Dear Chairman Winston Dyer and Rexburg Planning and Zoning Board,



For many years the Rexburg City Officials and business owners have spent many hours and thousands of dollars to revitalize the downtown Rexburg business area. There have been several discussions and planning meetings dedicated to this very issue, and the consensus of these meetings have been to build and preserve the revenue and businesses in downtown Rexburg. Empty office and retail spaces do not help or enhance this goal. As of May 28th, 2011 there are 12+ commercial and office spaces available on Main St. from 2nd E. to 2nd W. There are 38+ more available spaces in the downtown area, and approximately 75+ spaces and building acres available in and around the city limits. In two months, the old Jr. High School on Main Street will also be vacant. A detailed list of empty and available properties for sale or rent is included in this letter. This of course is not a comprehensive list.

The concern of many residents, including but not limited to those signatures on the Neighborhood Petition, is that we do not want our Main Street and downtown area to become a waste place with more vacant shops. We feel additional zoning for retail space at this time would hinder the goals of revitalizing the downtown area. We hope you will consider the many vacant commercial and office spaces on Main Street and around the city; the time and money that has been exhausted to accomplish a positive, productive business district before changes are made to the existing Comprehensive Zoning Plan.

Thank you,
Sheri Howard
642 Harvest Dr.
Rexburg, ID 83440

AVAILABLE (EMPTY) COMMERCIAL-OFFICE SPACE:
REXBURG CITY LIMITS
As of May 28, 2011

12+ on Main St. -- From 2nd E. to 2nd W.
38 additional in the Downtown area
75 more within the city limits
TOTAL 125; plus available commercially zoned ground

- 2 retail spaces on N. Main near Mystique Hair 52&56 E. Main
 - Large building, 20 E. Main (College Alumni building)
 - Thai restaurant building, 10 E. Main, (next to Romance theater)
 - Former Country Keepsakes building, 12 E. Main
 - 1 retail spaces west of Bingham and Sons, 17 W. Main
 - Brent Eames Law office, 15 E. Main
 - Former Blocks building, 7th E. Main/8 N. Center
 - Former Rexburg Sports shop and connecting building, 160 W. Main, (next to J. B.'s restaurant)
 - 1 space in Zion Bank plaza, (next to Ying Yang Chinese Kitchen) 149. W. Main
 - Soon to be Old Junior High Building and land, Main St.
- TOTAL MAIN STREET SPACES 2nd E.to 2nd W. =12+

- Downstairs space, old Hawaiian Tan, 20 Carlson Ave.
 - Office-Building directly North of Post office 116 N. Center Ave.
 - 6+Possible spaces in Hemming Village
 - Former Artco building, 2nd E.
 - 1 office space 2nd E. (north of Liberty Tax Service 48th N. 2nd E.)
 - 3 spaces in RF Plaza (south of Artic Circle) 220 E. 2nd W.
 - Frank Bell's new insurance office, (former Electrical Wholesale building) 237 N. 2nd. E.
 - 1 space in CD Office Plaza 125 E. 2nd S. (next to Clair and Dee's Tire)
 - Bell and Black office space, 125 E. 1st. N.
 - Retail space behind Ferguson Music, 72 N. 1st. E.
 - Possible office space and building lots E. 4th N, Walker St. – American Cir.
 - Office space available Education and Business building, 38 E. 4th N.
- TOTAL SPACES DOWNTOWN AREA =17+

- Soon to be current Medicine Shoppe building, 50 S. 2nd W.
 - Former pawn shop East of BMC, 24th S. 2nd W.
 - Former Counseling office, East of BMC 26th 2nd W.
 - Space in Home Care Pulse office, 305 W. Main
- TOTAL SPACES ON 2ND W. and W. Main =4+

- Former Roller skating building, 4th S.
- Possible former Hogi Yogi building, Viking Dr
- Possible building space 4th W. (former C-Rex motel)
- Corner commercial lot behind Steiner Elevators, 2nd W. & 1st N.
- 6+spaces 229 S.5th W. (Near Real Deals)
- Squires Brick real-estate
TOTAL SPACES South West City Limits =10+

- Possible building lots south of Rexburg near World Gym
- 3 spaces 669 Pioneer Road, near World Gym
- Former Hard Hat restaurant on Yellowstone Hwy.
- 9 office spaces on Yellowstone Hwy. (Steven's Construction office area)
- 13 possible building lots on Yellowstone Hwy. (Steven's Construction office area)
TOTAL West of Rexburg in City Limits =27+

- 4+ possible building lots West of Rexburg near Beehive Credit Union, Summers Dr.
Summit Dr.
- 10-15 possible building lots on Airport Rd.
TOTAL Near 12th W. =19+

- Sonic restaurant building, 2nd E.
- 4 spaces in Kmart plaza, 2nd E.
- Empty lot south of Dairy Queen, 2nd E.
- Quizno's restaurant space, 2nd E.
- 1 office space in Rawlings Spine and Sport building, 217 N. 2nd E.
- Building directly south of Wendy's restaurant, 565 N. 2nd E. (next to Teton Bowling)
- Deseret Book building, 2nd E.
- 1 building space next to Westmark Bank, 258 Lorene St. off 2nd E.
- 1 space east of Sears, (Lerwill office complex) E. 7th N.
- Building 756 N. 2nd E. (former antique mall)
- 7 acres North of Rexburg zoned commercial (former livestock auction)
TOTAL SPACES AND LOTS on 2nd E. =14+ and 7 acres

- 10-14+ building lots Dividend Dr. North of Rexburg
- 2 office spaces Dividend Dr.
TOTAL SPACES North Rexburg, Dividend Dr. =16+

- Multiple Commercial building space from Applebee's restaurant east along
University Dr. to S. 5th W.
- 2 spaces in building just North of Rexburg Motor Sports, 12th W.
- 4+ office spaces 12th W. directly south of John Deer
TOTAL SPACES South Rexburg past 7th S. =6+ and commercial acres
Along University Dr.

Judy Hobbs, owner of Realty Quest, 117 West Main. She represents 2 clients she sold properties to that are on either side of the proposed development - Scott Peterson; and Bill Collins and Stuart Sugarman of Founders Square. She read their statements for the record. (An earlier written input letter received from Founders Square was withdrawn).

June 14, 2011

Chairman Dyer and members of the Board:

My name is Scott Peterson. I am one of the owners of the adjacent 60+ acres directly North and East of the property in question here today. I am writing in behalf of the all of the owners of my property and am doing so as their agent with power of attorney.

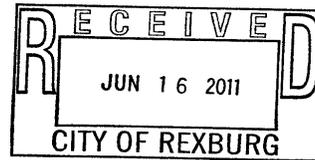
Because of the distance involved, as well as a conflicting schedule, I am not able to attend the hearing but have asked Judy Hobbs to read our concerns into the record.

In the interest of time my comments are brief.

We OPPOSE the overall application. However, we are not opposed to progress and development. But we feel that progress should adhere more closely to the city's plan in which considerable time, expertise and taxpayer resources have been expended. Minor changes are understandable. Throwing out the existing plan to accommodate one developers idea, that requires radical change, is not. If this plan is approved it will set a precedence and slippery slope that will be hard to reverse in the future. Because of the close proximity of our property with that of the applicant (shared property lines) my owners will be watching closely the decision of this board today.

If this action is approved we would ask that you look at the "Autumn Drive" alignment. It is proposed to extend through our property which would render a long strip of land between our east boundary and the proposed road extension virtually worthless, being too narrow for development.

Thank you for your time.



Chairman Dyer and Commission members,

Thank you for the processes you administer which allow the public an opportunity to give input to the truly weighty decisions you are required to make.

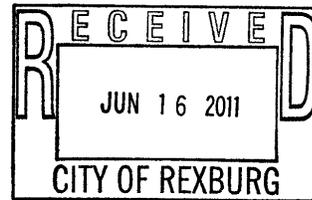
The developers of Founders Square oppose the requests to amend the city's comprehensive plan and zoning map submitted by Rexburg Hill Properties. In so doing we wish to make two comments.

1. The city's new comprehensive plan is only months old and already there is a request for dramatic changes. We realize comprehensive plans are tweaked and adjusted over time because the planners and citizens who prepare them can not predict the future or be all knowing. However, these proposed changes are not a tweak or an adjustment, and they certainly are not changes occurring over time. You are being asked to radically change the city's plan that you spent years and hundreds of thousand of dollars preparing.

If you don't stand by the plan this time and deny this request, it will be much harder to stand by it the next time someone wants a radical change. Allowing such a change only months after the comprehensive plan was adopted will invite more changes in the future, and it will be increasingly difficult to say no. What will this say about the significance of the plan?

2. Secondly, we ask you to respect the investments that already have been made in the city. Founders Square was the first subdivision under the city's new PUD ordinance and implements your good work crafting an innovative ordinance. We created a subdivision that the community will be proud of. The infrastructure is installed, the sidewalks paved; we even built a park, planted the trees and installed the park benches. Now we are painfully enduring this terrible recession until we are able to build homes that will be filled with families who would be impacted greatly if the proposed changes are adopted. We believe these proposed changes would negatively effect the quiet enjoyment of the area; the very reason we choose the quaint hollow we now call Founders Square. The large scale buildings proposed – directly across the street from Founders Square - will have a tremendously negative impact in Founders Square and will take much from the young families that will call Founders Square 'home". We ask you to recognize the investments already made in the city and not make radical and unforeseen changes in the city's plan and zoning map.

Respectfully submitted
Stuart Sugarman
Bill Collins



Eric Sundberg, 930 South 2nd East. He said the Madison County Transportation Plan identified that traffic volumes are a good indication of existing conditions and can be used for judging future conditions on roadways. In 2003, the stretch from 7th South and down 2nd East had an existing average for daily traffic of between 2500 to 25,000 vehicles. In comparison, Main Street had about 10,000 to 17,000 vehicles a day. The stretch of 2nd East going north from Main Street was significantly higher. The plan identified that these locations, because of the higher volumes of traffic, also becomes susceptible to higher amounts of car accidents. Access points along those routes tend to increase the potential for accidents. Main Street and North 2nd East are the highest in the County for crash rates— approximately 1 ½ times the average of the rest of the County. The County's Transportation Plan recommended the cities and the County use this information in making sure the existing land use data supported the types of traffic that would go along with developments. In 2000, Ricks College became BYU-Idaho. The student populations began to increase. A survey was done at that time of the students living in the area surrounding the University; it showed that students made approximately 4.87 trips per day. Seventy-six percent of those trips were similar to trips made by non-students.

Those who live in the neighborhood of this proposal understand that the area will grow. From the 360 apartments that are planned for the first phase of the proposal, with most residents having 2 cars, there would be about a 300 vehicles per day increase in the area between Sunset and 7th South. This figure would double in the second phase of development. 2nd East would then have a traffic volume similar to that of downtown Rexburg. Those who live in the area find that unacceptable from a safety standpoint and from a property value standpoint.

The existing Comprehensive Plan allows moderate and low density. As someone who lives directly across from where the proposed construction would occur, Mr.Sundberg does not feel it is advantageous for him to remain living on 2nd East if the proposal is approved. His family would try to move before the development began in order to protect their property values.

He would encourage the Commission to keep the zoning as it is today – low density residential.

Kelly McCandless, 223 Jill Drive. He represents about 83 people who have signed a neighborhood petition he is submitting tonight. He is president of the homeowners' association in the Henderson subdivision. About ninety per cent of the signatures on the petition are from the Henderson subdivision. He stands in agreement with many of those in opposition to this proposal.

He feels the requested Comprehensive Plan change is inappropriate at this time. He is saying "at this time" because he is in favor of growth and expanding residential and commercial areas. However, he believes that this time, given the allowance the Comprehensive Plan makes for this proposed development to occur in Rexburg, it should be concentrated in those areas. As a builder, he feels it makes total sense and that an open development like this one be done in those areas.

Mr. McCandless believes in the wisdom of the Comprehensive Plan. He and those he spoke with in his neighborhood feel strongly that the proposed idea of having commercial space so close to the LDS Temple is inappropriate. It has been mentioned tonight that great ideas do not always pan out. With a Comprehensive Plan change and then a zone change, there is no guarantee of what will be developed.

He reiterated that, with a great amount of wisdom, this Commission and the City Council endeavored and embarked to create the Comprehensive Plan, at great expense. To change it this quickly is not appropriate.

Ted Whyte 369 Eagle Court, also representing homeowners in the Eaglewood subdivision. He appreciates all the work and time of the Commission. He sat on the P&Z Commission for eight years and understands the diligence the Commission goes through to make wise and accurate

decisions. He thanked the applicant for the presentation tonight; there was a lot of foresight in its preparation. There has been strong opposition expressed from neighboring subdivisions; there is not an eagerness or willingness to allow for multi-family dwellings in this location. The area has been designated as single family residential on the Comprehensive Plan for many years. He sat on this board which made distinct decisions ten or fifteen years ago to cut off multi-family housing at 2nd East and 7th South. They approved the Ridge several years ago as probably the last high density use on the hill.

It is not just a whim that the area has been planned for single family development. The existing subdivisions on the hill were all created with the understanding that the adjoining properties would be for single family development in the future. Mr. Whyte reiterated some of the prior testimony that the personality and quietness and nice environment of the neighborhoods are just some of the benefits for a family living in this area. Prior to the announcement of the building of the Temple, Mr. Vandersloot and other landowners were aware of the assumption of single family development for the area. After acquiring land, there are the entitlements, which are being looked at tonight. Residential land is about \$20,000. to \$30,000. per acre; high density land is about \$200, 000. per acre. The windfall is in the acquiring of the zoning. With zoning, someone could develop the land as it is proposed or it could be entirely different because it could be on the market tomorrow for someone else's vision.

Tonight's presentation was beautiful. However, Mr. Whyte believes the land needs to remain single family residential based on the prior developments of other single family residential neighborhoods and consistency with the Comprehensive Plan. The Comprehensive Plan has been an evolution, a master plan of the future growth for Rexburg. The vision of the area has not changed in the twenty years he has been selling real estate. He would hate to see it being changed on a whim that would allow a very large area of high density and a commercial area across from the Temple.

Bruce Cook, 1249 Red Cedar Rd. He is principal of Lincoln School on East 2nd South, one of the schools that serves this area. He agrees with those who have expressed opposition to this proposal. The developers mentioned they had communication with the school district and possibly approval of this plan. He has never heard that from the school district, so he was curious who they visited with or what kind of meeting was held. He did not see in their plan any thought for a school.

Lincoln is currently at capacity, with about 27 students per classroom.

With young families, come kindergarteners, 1st graders, 2nd graders. If this development is allowed, where will those children go? Does it mean another bond to build another school on this end of town? Currently, Adams School has room to expand and is building two more classrooms; Hibbard School is also expanding and adding classrooms – with no more bonds.

For these reasons, he opposes the proposal.

Randall Schwendiman, 940 Greenhaven. He lives across the street from this proposed development. He was a member of the Rexburg City Council when they updated this Comprehensive Plan. He believes that the Comprehensive Plan has integrity, and he hopes that will be maintained. He is totally opposed to this high density development; he does not think it belongs there. He is not sure they could fill it with students, based on its being a high-end development. He does not believe commercial centers would survive out of these neighborhoods. If this development is allowed to proceed, it will impact the neighborhoods. Mr. Schwendiman lives where he lives because he likes the neighborhood and did not want to be close to high density development. They have a good project but he does not feel it belongs where it is being proposed. There are ample areas closer to the University. If this proposal moves forward, there would be two winners – the owner of the

property and the developer. The rest of the residents in the area would be long-term losers. He hopes the proposal is not approved.

Serena Kugath, 198 Crestview Drive. She is withdrawing the written input letter she submitted and chooses to give public testimony tonight. She lives directly across the street from the proposed development. She helped gather signatures for the neighborhood petitions; many neighbors contacted her to make sure they would be included, even someone who is currently in Australia. She understands what this body wants – good analytical thought and data on why this proposal would not be feasible, but they do not live in a vacuum devoid of emotional pathways and spirit.

As Mrs. Kugath has observed at the many neighborhood meetings discussing this issue, she saw amazing educated men and women, influential leaders of this community, taking considerable time and effort to address these concerns. They, as she, were passionate not only about this proposal, but because this was their home – their homes, their yards, their peace. Their future nest eggs, their sky, their atmosphere – were at stake. It was personal, and the personal element cannot be removed from this issue. The Third Reich dehumanized those they slaughtered in concentration camps by not referring to them with human pronouns. They cannot distance themselves from the people that this issue actually affects.

Mrs. Kugath's mother taught her the power of a good word picture, and she has three pictures tonight. She has spent every day of the last 20 years of her life being a mother to nine children.

The first word picture is about teen-age dating. Her first three daughters are all lovely girls and are all of dating age. One of her responsibilities as a mother is to help them set moral standards regarding their behavior before they are in a situation where attractive dates can cloud the issue and distract them from what had once seemed so obviously the right choice. The girls would of course be our beautiful sacred land, the jewel of our community, our hilltop seen from everywhere. She sees the Comprehensive Plan as the standards we set when we were clear-headed and this development proposal and the money it could bring in to the City's budget as the tempting suitor.

After the girls, they had six boys in a row. With the boys and a husband who is a recreation professor, they have done their share of throwing rocks in the pond. When you throw a rock, the ripples continue out in every direction until they reach the shores on every side. Granting this zone change and going from the lowest density housing possible to the very highest available, throws a giant rock in their neighborhood pond. It leaves them dealing with a lifetime of ripples. She believes it will affect many who do not even realize it, as these ripples move outward. One example is the hilltop intersection, which she lives at the corner of, at Crest View and South 2nd East; it is very dangerous. They have personally helped three accident victims. In the winter they keep a shovel, a bucket of salt, and a screen to put under people's wheels to help those who get stuck on the hill almost every week. Most of the time they have to back way down the hill and get a running start. Can they imagine what would happen if this became a busy and slow 4-way stop? It would then dictate the kind of vehicle their neighborhood would have to purchase, the kind of tires, the length of their commutes, the time they leave, and ultimately the time they wake up. Just another ripple in the pond, and there are so many more. The person who throws the rock has not control over the ripples after they let go.

Grocery shopping on an empty stomach – everyone has done it, purchasing foods we crave and more than we might normally buy. In these economic times we might look at the money these projects could bring in as a stimulus to the local economy, but we have a Comprehensive Plan. This

Comprehensive Plan was to take the City to an 81,000 projected population. There is plenty of room set aside for high density housing as it is needed. The developers should choose to follow the City plan; they would be able to build, and both they and we would economically prosper. The money will be injected into the economy. We do not need to make hasty decisions that could leave us sick to our stomach, over-budget, and overweight.

Scott Kidd, 975 Hill View Drive. It seems that most of the comments made will apply to both the Comprehensive Plan proposal and to the Rezone proposal. He wanted to clarify that those who oppose the proposal are not against growth. They simply want the existing use and zoning to remain in place – low density residential. At the proposed density of 18 units per acre, the developer could build approximately 1,036 units. Imagine the impact of several thousand people being dropped in the middle of that little valley between all the neighbors who oppose this plan. It would significantly impact their lives and their neighborhoods.

If this proposal is approved, the property could then be sold to someone else. They would lose control of what happens to the property. He appreciates Mr. Vandersloot's intent for the property. The presentation was beautifully done. However, when the trigger is pulled, control is lost. The neighbors would lose protections that are now in place with the current zoning.

Mr. Kidd appreciates the developer's desire to create a private pocket park across from the Temple, but the fact is temples are consistent with low density residential. The 4-acre park does not offset the 57 acres of high density residential.

As a father, he is concerned about his children and the intersection of Crest View Drive and South 2nd East that is used on their way to school. It is a very dangerous intersection.

These issues will impact all the families in that area. He urges the Commission to please vote no on this proposal. Mr. Vandersloot understood what the constraints were when he bought the property.

Wendy Williams, 331 Eagle Summit, in the Eaglewood subdivision. No one recruited her; no one came to her door. She wanted to address specifically Tract #3 on the parcel, which the applicant wants to change to Neighborhood Business District. The Eaglewood subdivision is very close to that area. She is very concerned that, while words about preserving the dignity of the Temple sound very good, she questions putting a commercial zone in the area and saying that it preserves the dignity and atmosphere around the Temple. The park would be lovely, as the previous person stated. However, she feels the park is not necessary; frankly it is probably an enticement to get people to the reception center. Adequate commercial zones are available for a reception center, a wedding store, etc. - Mr. Vandersloot could pursue this issue without this kind of change that is basically putting something that looks like lipstick on a pig here. She is completely opposed to the proposal.

Written Input:

1. Letter from Stephen McGary, opposed to the proposal - read by Chairman Dyer
2. Letter from Cody Howard, opposed to the proposal- read by Commissioner Robinson
3. Letter from Lee and Carol Workman, opposed to the proposal – read by Commissioner Hanna
4. Letter from Kim Woodruff, opposed to the proposal – read by Commissioner Rasmussen
5. Letter from Ben Woodruff, opposed to the proposal – read by Commissioner Walker
6. Letter from Michael Ross, in favor of the proposal – read by Chairman Dyer

It was noted that, as there cannot be double testimony for a public hearing:

A written input letter from Serena Kugath was withdrawn, as she gave public input testimony tonight.

A written input letter from Sheri Howard was withdrawn; she read the letter as her public input testimony tonight.

A written input letter from Founders Square owners was withdrawn; their written statement was read for them as public input testimony tonight by their representative Judy Hobbs.

The **Chair** noted that a number of neighborhood petitions were received before this meeting; all of them were opposed to the proposals.

Neighborhood Petitions from Cresthaven, Harvest Heights, Eaglewood, and Valley View neighborhoods, had this opening statement, read by the **Chairman**:

“Because the proposed development on the east side of Second East from 7th South southward would pose a threat to the safety, integrity and well-being of existing adjacent neighborhoods, we request that the Rexburg Planning and Zoning Commission and the City Council deny any attempts to change the zoning designation of this property from its existing Low Density Residential classification.”

A Neighborhood Petition for the Henderson subdivision, opposed to the proposal and submitted by Kelly McCandless tonight, had a different opening statement. **Chairman Dyer** summarized the opening statement:

They are opposed to the development on the grounds that it would drastically alter the neighborhood by the Temple. It would place commercial businesses unacceptably close to the Temple. It would interfere with the aesthetic focal points of Rexburg and would create 57 acres of High Density. The changes are inconsistent with Comprehensive Plan.

The **Chairman** noted the receipt of 322 total collected signatures on the petitions.

June 11, 2011

Chairman Dyer and members of the Rexburg Planning and Zoning Board:

I regret that I cannot be at the meeting on June 16, 2011 and ask that you accept my position on the proposals submitted by Rexburg Hill Properties, LLC.

I oppose the two (2) proposals as submitted by the principles and representatives of Rexburg Hill Properties, LLC. The proposed amendment to the City Comprehensive Plan Map (CPM) and subsequent zone changes will alter the City's overall macro plan for development and growth as presented in the Comprehensive Plan (approved by the City Council August 18, 2010) and the City's Development Code Ordinance No. 1026 (amended October 6, 2010). City staff, professional consultants and the general public worked together expending countless hours and significant dollars in developing that comprehensive plan. The work of those individuals resulted in a **balanced approach as to the amount and location** of the total City area that would be developed in LDR, MDR, HDR, and NBD. The proposed amendment to the City Comprehensive Plan Map and the proposed zone changes in the City's Development Code Ordinance No. 1026 would deteriorate the integrity and value of those two most important documents.

The proposed zone change by Rexburg Hill Properties, LLC, would alter both the amount and location of the residential and business property zones as set forth by the City Comprehensive Plan and Ordinance No. 1026. The proposed changes to the CPM and Ordinance No. 1026 ***will impact the overall partitioning of specific land use zones in the City.*** The following analysis illustrates those impacts and changes:

| | Current Acres* | Proposed Acres | New Acreage | % Change |
|-------|----------------|----------------|-------------|----------|
| LDR 1 | 937.88 | -84.4 | 853.48 | -9% |
| LDR 2 | 1191.34 | 18.36 | 1209.70 | 2% |
| HDR 1 | 264.76 | 57.62 | 322.38 | 22% |
| NBD | 4.42 | 8.42 | 12.84 | 191% |

Source: City GIS Staff

The proposed changes to the CPM and Land Use Zones will reduce the available LDR1 in the city by 9% and increase the HDR1 by 22%. That is a significant increase in the amount of land for building HDR1. A 191% increase in the NBD acreage is also significant.

If the amendment and zone changes are approved the subject area will become the City's newest area of dense HDR development. Approximately eighteen percent (18%) of the total acreage in the City zoned HDR would be located on the Rexburg Hill property (57.6 acres of a total of 322.38 acres zoned HDR).

Is that the type of development that the City planners and administrators want to happen on the subject property? The Comprehensive Plan Map certainly does not support such development.

If the proposed amendment to the Comprehensive Plan Map is approved what is there to say that similar future proposed amendments would be submitted with further reductions in LDR acreage and increased acreage of HDR? The current Comprehensive Plan Map was not constructed on a whim or without any regard for an orderly development plan. As Chairman Dyer stated in the August 18, 2010 City Council meeting in which the Comprehensive Plan Map was presented to and approved by the City Council:

"It [the Comprehensive Plan Map] represents the best thinking and ideas of the Planning & Zoning Commission, and eventually of the City Council after acceptance. It represents what the development will and should look like. It is used as a tool for planning the direction the property should go..." (Minutes of City Council meeting August 18, 2010)

On that same occasion Val Christensen, Community Development Director stated that *"...the changes proposed by the Planning and Zoning Commission [in the Comprehensive Plan Map] are designed to mitigate some past mistakes incorporated into the map and make some changes to facilitate growth."*

Indeed, the Comprehensive Plan Map and City Ordinance No. 1026 are documents that were developed by wisdom, foresight and common sense for the betterment of the our community. Those documents set forth a balanced effort in the development and growth for the City. Thus far, the City has, for the most part adhered to that plan.

Some may ask where can development of HDR occur in the City and stay within the designated and appropriate zones? One doesn't have to look too far to find the answer. Most will agree that much of the growth in the City is due to the expansion and continued growth of BYU-Idaho. The City has learned from that growth and has developed appropriate MDR, HDR and the new PEZ zones to accommodate that growth. On this date there are parcels open and vacant and located in MDR or HDR zones. These parcels certainly should be developed before we consider going outside of the established Comprehensive Plan Map zones, creating more excess MDR and HDR zones. The following is only a sample of empty undeveloped lots zoned HDR or MDR:

- A large acreage lot (approximately 5-10 acres) immediately east and adjacent to the Armory on 7th South.
- A lot of about 3-5 acres across the street from the Armory and adjacent to the Harding property. It is zoned MDR-HDR according to the zoning map.
- Approximately 1 acre near the Vallinda Street intersection. Property currently up for sale.
- At about 360 W. 5th S. (approximately 2+ acres) across from South Brenchley Apts.
- On S 3rd West south of Teton House Assisted Living (perhaps 3+ acres)
- On S. 4th West east of Shumway Private School (3-5 acres)
- On S. 4th West and Bare Street – parcel just rezoned from MDR to HDR.
- On S. 5th West north and adjacent to Cimarron Court (5-8 acres)

- Trejo Street sign on east end that reads “12.7 Acres Zoned Community Business Center or Married Housing Complex” contact Reed Moss or Robert Miekle.
- The Rock Creek Development Phase 2 on Mariah Street has additional acreage for HDR development.

In conclusion, I restate my opposition to the proposed amendment to the Comprehensive Plan Map and City Ordinance No. 1026. I am not opposed to growth and development that will bring progress and a better society and community. But that growth should be in an orderly manner, one that includes balanced development based upon logic, foresight and wisdom.

The proposed amendment and the proposed zone changes are not warranted. To accept the proposals would put at risk the integrity of the City Comprehensive Plan and City Code Ordinance No. 1026. In addition, to accept the proposals would potentially set a precedent for future amendments and zone changes to MDR and HDR, leading to more complex development issues. To accept the proposals would not be in the best interest of the City, our community and its residents.

Respectfully yours,
Stephen McGary
915 Hillview Drive
Rexburg, Idaho 83440
208-356-5758
208-313-0654



June 7, 2011

Rexburg Planning and Zoning

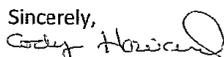
RE: Rexburg Hill Properties LLC Proposal for Zone Change

My name is Cody Howard. I reside at 642 Harvest Drive, Rexburg, ID 83440.

I hereby express my opposition to both Proposal #1 and Proposal #2 as presented by Rexburg Hill Properties, LLC as it relates to the amendment of the Comprehensive Plan Map for the City of Rexburg and the zone change from LDR1 on Tracts 2, 3, 4, & 5 requested by Rexburg Hill Properties, LLC.

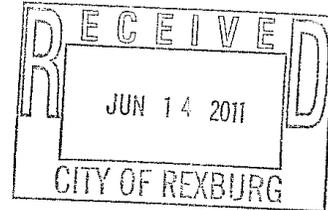
A tremendous amount of time, effort, thought, and money were extended in creating the Comprehensive Plan Map for the City of Rexburg. This was all done for the benefit of all residents of the City of Rexburg. In the Comprehensive Plan consideration was made for organized future growth in all zone designations which will enhance the city while efficiently providing the necessary services. Consideration was also given for commercial and business districts.

I am a business owner in Rexburg and I am in favor of progress and growth in both commercial and residential, but also realize that it should be in the proper designated areas. I do not feel that it is in the best interest of the city, or the property owners which boarder the area of proposed changes, to allow this zone change as requested by Rexburg Hill Properties, LLC.

Sincerely,

Cody Howard

12 June 2011

Planning & Zoning Committee
Rexburg City, Idaho



Dear Committee Members,

As I began to compose this letter, my wife brought the Standard Journal, June 9, 2011, and drew my attention to the article by Kelly McCandless. He expressed our thoughts much better than I can concerning the proposed changes to the Comprehensive Plan adopted August 6, 2008, for the farm land across from the temple and southward (110 acres). Such an adoption would destroy the purpose and meaning of the current Comprehensive Plan.

The only purpose I can see for the proposal is to increase substantially the value of the land for those who presently own it. The change of the 53 acres from LDR to HDR and other changes would only provide a wind fall of profits immediately upon any change.

In the long run, this zoning change would only become an additional burden to the people of Rexburg. The proposed park of 3-4 acres across the street from the temple is only a smoke screen and would be of little value to the residents of the city. The proposed change for a section to become commercial would only draw business from the struggling downtown area.

Please add our names to the article mentioned above in opposition to the proposed change.

Thank you,

Lee Workman
Lee Workman

Carol Workman

Carol Workman

To The Rexburg Planning and Zoning Committee:

I am opposed to the proposed zoning change for the land across the street from the temple and the Crest Haven neighborhood.

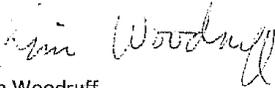
The comprehensive plan for growth was designed to provide for the desires and the best interest of the people of Rexburg. Our area of town was designated LDR 1 because we as a people felt that designation was in the best interest of our community. We want neighborhoods free of the burdens of high-density housing. The investors and developers made the proposal for their land knowing our current plan and zoning, but they want to change our plan to suit their personal interest. They want to make money, and they don't live here, so they won't have to live with the consequences of their choices. They admitted when they presented their plan to us that they wouldn't want to live next to their proposed development, either. But they are willing to sacrifice the good of the many for the benefit of the few.

We know that the university is growing, and that we need more housing for the students. Our comprehensive plan provides for this with more than sufficient room to support the growth in areas already designated for high density housing. We know that the city would make money if they allow the developers to proceed with their proposal, and we know that the money would benefit the whole city. But if the housing is truly needed, investors will come and build the needed housing in the areas we, the people of Rexburg, have planned for it to be built, we will have all the benefits of sticking to our comprehensive plan, and the city will still make that money. The housing is needed, the money will come, but we want it to come on our terms.

We ask you to advocate for us, the citizens of Rexburg. We ask you to uphold the comprehensive plan, which was designed with the citizens' and the city's best interest in mind, and which already provides adequate space to build the housing we need. We ask that you deny the request to change the zoning of the land across the street from the temple and Crest Haven neighborhood.

Thank you for your time.

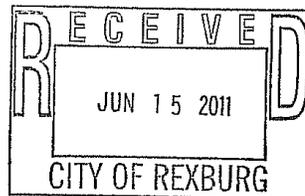
Sincerely,



Kim Woodruff

920 Vista Avenue

Rexburg, ID 83440



To the Rexburg Planning and Zoning Committee

I am opposed to the proposal to change the zoning away from LDR1 on the land east of the Rexburg temple. Let's keep the land zoned for single family homes, and let Rexburg grow the way we've planned.

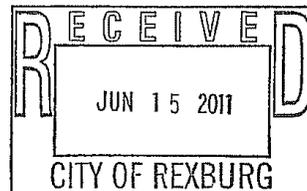
- Rexburg's current comprehensive plan already includes enough land that is already zoned for high density housing to accommodate the growth of student population.
- Many people have moved to this portion of Rexburg precisely because they want to be near lots of single family homes.
- Rezoning the land to HDR housing benefits only the investor, at a huge cost to all the neighboring communities. The city will still get impact fees as homes are built in other places. This proposal benefits one group, while it destroys the plans of many.

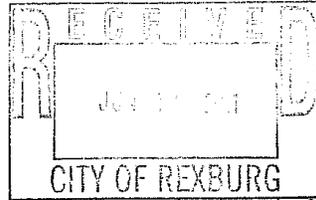
I'll be frank, and say what I see. Frank Vandersloot and his developers want to make a huge profit on this proposal. If we change the zoning, their property value goes way up. They are tempting the city with immediate big money, because they know they will gain even more. If they succeed, they get a gold mine of HDR land, but that will cost everyone in this area (many others will fill you in on the countless issues that come with HDR housing, which you all already know). The developers have no desire to live near their new development (which they themselves made clear at the original presentation to us). It's just wrong. It's corporate America trying to buy the government.

Is the city really willing to let someone with lots of money come in and dictate how things should be done? I hope not. We've made plans for this land, and many families have moved here because of these plans. Let's keep the land zoned for single family homes, and let Rexburg grow the way we've planned. Please don't rezone this land.

Sincerely,

Ben Woodruff





June 16, 2011

Dear Planning and Zoning Commission,

Through reading articles in the paper as well as discussing with representatives from the City of Rexburg, I have been made aware of the Rexburg Hill Properties development. It has been brought to my attention that this issue will be before you this evening. I have family obligations that will hinder me from being present but submit this letter as representation of my voice. I have been a citizen of the Rexburg Community for 6 years and my comments and thoughts are coming from the perspective of a married student and citizen of Rexburg. I am in support of this development.

I currently live in the Meadows Town Homes on the west side of I20. My wife and I are the parents of two wonderful children. We have selected this location to live because we needed an area that was child friendly for space and amenities and housing that wasn't small and grossly outdated. (i.e. No dishwasher or washer and dryer) The property is great; however, the location is not. Currently my wife and I as do many married students have only one car. This creates a problem when bad weather occurs (or during winter months).

We are excited to hear that married housing will be built much closer to campus. This allows many students such as me to bike or even walk to campus leaving our spouses with a vehicle to care for our children. I currently have dealt with this situation on a near daily basis during the winter months where in order for my wife to run errands or even take our children to the library, we must first load our children up in the car and drive me to campus at 7:30 am then repeating this process at the end of the day to get home again. Closer housing will allow the opportunity for those in this same situation to not stress over the need for a second car, as well no longer have to incontinence the entire family routine to make it to school each day.

Simply put, for the new families of Rexburg this development will alleviate many hardships and inconveniences and allow us to focus on what really matters most, gaining a strong education and building an eternal family. Too often the more established citizens are given the louder voice and I hope that in a respectful manner I may request that my comments are taken in strong consideration. I have been here as Rexburg has grown in many ways including both physically and idealistically. I understand that as the school and community grow that we are all asked to check and double check our paradigms, but I can with confidence assume that in the end we all understand what is truly important.

Best Regards,

Michael W. Ross
567 Countryside Ave
Rexburg, ID. 83440

mike.wilson.ross@gmail.com
C. 208.403.5308

Rebuttal:

Ron Black – Many people voiced concern about their property values and the destroying of the neighborhood because of the proposed high density development being across the street from their homes.

He quoted from Rexburg's Comprehensive Plan, page 133 – "...A recent study completed by the Urban Land Institute concluded the following with regards to higher-density development: the compact nature of higher-density development requires less extensive infrastructure to support it; no discernable difference exists in the appreciation rate of properties located near higher-density development and those that are not. Some research even shows that higher-density development can increase property values...".

Mr. Black stated they are not making a claim one way or another, but the Comprehensive Plan says that higher density okay. The question is the location. One of the people from the Harvest Heights area who spoke tonight said the property near him was designated to stay low density, yet the Comprehensive Plan shows commercial right across the street on 7th South.

Regarding the mentioning of putting the reception center downtown - it would be appropriate to look out the window of the reception center and see the Temple. This is the place for it and not in the old junior high downtown.

Another concern was the alignment of the road with 2nd East. They have no problem with moving the alignment of the road to where ever they would like it to go.

The lack of sales in Founders Square is not all due to recession. There is a development like it in Idaho Falls. It is not working. Troy Kartchner is here tonight; he is building the Summerfield subdivision on the west side of town – they have built many new homes in the midst of the recession. The problem is not the recession; the problem is the product. You have to have the right product in the right place. They believe in a mix that will bring success to the area.

Many of the married students going to the University do not have elementary school-age children. If there were jobs to keep the married students here after they graduate, it would be a bigger issue.

They do not see their proposal having a huge impact on the elementary schools. As the town grows, that may change, and the growth will support bonds.

Many people made comment that having commercial and high density around the Temple is totally improper. They respect that opinion, but high density and commercial do exist around many temples. The Church is building their own apartments around some of them. In Idaho Falls, the Church's bookstore is right across the street from the Temple.

Michael Batt – He said clearly they are outnumbered. They are in the fortunate situation where they do not necessarily have to do the developing today. They have been approached by many people about developing this project. A lot of it does fall within the current Comprehensive Plan. He felt it should be noted that Mr. Vandersloot is sensitive to what is developed here. They understand and respect the concern about the long term and what could happen, given certain zoning changes. As they come forward with this application to change the Comprehensive Plan, they do it purely because they found a group they think provides a product that is in demand and will be in demand and is compliant with the vision they have for the property. If their application is denied, time will go on, and time will change the options. In the future, they may not be the owners at that time and the options will be different. What they are hoping and proposing and planning is: they are a group which has specific concerns and interest in the current development; they hope the citizens appreciate that and realize that the fuss they, the applicants, are making will shape the future of what will happen to this property and will make it so that ten years down the road when there is more demand and different demand, the citizens control their own destiny, and control what goes there

now. They feel the projects and the concepts they are proposing are in line with the best interests of the community.

Break was called.

The meeting resumed.

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

Val Christensen clarified who is on City staff for those in attendance tonight. The term “staff” denotes the City’s Ready Team, which is comprised of himself as the Community Development Director, Public Works Director John Millar, Mayor Richard Woodland, City Attorney Stephen Zollinger, Economic Development Director Scott Johnson, City Clerk Blair Kay, and Geographic Information Systems Director Craig Rindlisbacher.

On this request to change the Comprehensive Plan Map, staff was split. Therefore, staff cannot recommend this request to move forward with this Comprehensive Plan Map change.

After the directive from the University about increase in student numbers, and when they began to see increased growth, staff and the P&Z Commission and City Council went through and modified the Comprehensive Plan with some different planning designations. This area had been designated Low Density Residential and was changed to Low-Moderate Density Residential at that time.

Staff feels the Low-Moderate Density Residential designation is adequate. However, should the P&Z Commission see the issue differently; staff has given two recommendations as stated in the Community Development Staff report:

- 1) *Tract #2 identified as Moderate to High Density Residential should be left at Low to Moderate Density Residential.*
- 2) *Tract #3 identified as Neighborhood Commercial/Mixed Use in past conversations with the applicant was identified to be created for a Wedding Reception/Convention Center. The change of the Comprehensive Plan Map and the subsequent zone change to Neighborhood Business District should be conditioned on Wedding Reception/Convention Center and the businesses associated with it only. Also, Staff recommends that the facilities to be set back and buffered from the single family homes to the north. Approval should be conditioned upon the completion of an appropriate master plan.*

Chairman Dyer asked for declarations of conflict of interest from the Commissioners.

Scott Ferguson declared a perceived conflict of interest, in that he and his wife own property on South 2nd East directly across the street from the proposed development. He does not have any monetary or other interest in the proposal.

Stephen Zollinger said this application is a general application and not a parcel specific application; it is up to the Commissioner whether he recuses himself or not.

Mr. Ferguson did not recuse himself; he remained on the dais as part of the Commission.

Chairman Dyer declared a perceived conflict of interest, in that he was the engineer of record for Founders Square and also for the development to its south. Those were finished some time ago. The contracts were done and closed out. He no longer has any interest in those developments or the outcome of this proposal. He decided to remain on the dais as part of the Commission.

Chairman Dyer said the Commission's duty is to make sure they have explored both sides of the issue and discussed it thoroughly. He believes that from the input they have had - the presentation, the public input, the questions and answers, the staff input, that they have looked thoroughly at both sides of the issue. He asked for the Commissioners thoughts on what the salient points of this issue are, in order to deliberate and reach a consensus.

Marilyn Rasmussen is concerned with the location of the park and the reception center. She does not feel it is the right location. She is also concerned about the location of the commercial areas. She has lived in communities where they put commercial next to other things. She believes with high density and the price range they are going to have to have, that it will impact the schools. She thought the schools in Madison County are almost at their total bonding limit. She also feels the aura of that particular area near the Temple is one of the most important and pristine area in the valley. There needs to be a little more vision of what is going to go in and where it is going to go. She knows the City needs mixed use, but hates to see very well established neighborhoods impacted with higher density right in the middle.

Thaine Robinson agrees with most of the comments that were opposed to this proposal. There are a number of mixed areas in town, but he does not think that every development that they see has to have a high density component to it. They need to protect the hill a little bit. It may be the last full area where there is low density as a whole in the City. He might be in favor of what City staff recommended.

Richie Webb said when they put the Comprehensive Plan together and the commercial nodes were recommended, the discussion at that time included whether they needed commercial spread throughout the City – the thought process was that at some point quite possibly yes, as the City grows and expands. Those areas were designated for possible future growth; he does not think we are there yet. He feels that commercial is not necessary in this area; it is not fitting with the Temple there. Like Mrs. Rasmussen, he has lived in areas and has seen planned communities that have commercial in them. One does not even know commercial is there until one goes into the community; they are smaller and unobtrusive from the outside looking in. The plan presented tonight is not a good, strong planned community. A reception center is a good idea and is needed here in this community, but its proposed location, sitting out front, does not make sense, nor does a strip - type environment. It goes against the integrity of the area. Aspects of the plan may make sense under a PUD, but the proposed 57 acres of high density is a large amount and is inappropriate.

Mr. Webb recognizes this proposal is a land use question, but the options that would be available under the requested change concern him far more than what was presented. Because the applicants have the ability to get the entitlement and sell it, the Commission could be facing some issues that would be very inappropriate for that parcel.

Jedd Walker acknowledged the need for multi-family housing because of community growth. However, there are other areas in the City where multi-family housing can and should occur first. He would like to see other areas of the City develop and densify a little more prior to going to a green field and developing it.

Chairman Dyer noted that the City's Comprehensive Plan is a living, breathing dynamic document. It is his 11th year sitting on the Commission. Every time the Commission has looked at the Comprehensive Plan and the subject area, they have designated the area to remain single family

low density. The area has been a topic of certain and purposeful discussion each time. Therefore, they have set expectations. He believes the Comprehensive Plan is sustainable and supportable, and it has been for many years, not that it could not ever change. This particular proposal, as was alluded to by many concerned citizens, is a lot of change all at once, in a fairly large area. He agrees with what was said by Mr. Walker, in that presently high density could be put elsewhere. The P& Z Commission, the City Council, and City staff are having discussions on where more multi-family housing could be in the community, so it is already something that is on their minds. They do need to keep pace with the proposed increase in development of the University.

Lastly, **Chairman Dyer** feels the better tool here would be a Planned Unit Development (PUD), where a proposal could come in quite specific but would be negotiable, rather than having to take an all or nothing approach.

He feels he cannot support this particular application to change the Comprehensive Plan.

Scott Ferguson agreed with the PUD approach. He supported the Chair's comments.

Scott Ferguson motioned to recommend to City Council denial of the Rexburg Hill Properties, LLC, Comprehensive Plan Map Amendment request. **Nephi Allen** seconded the motion. None opposed. **Motion carried.**

7:30 pm – Rezone - Rexburg Hill Properties, LLC

Ron Black, representing the applicant and owner Rexburg Hill Properties, LLC, requested that the Rexburg Hill Properties, LLC Rezone request be tabled until their Comprehensive Plan proposal which just went through Public Hearing, has gone before City Council (July 6, 2011 meeting).

Chairman Dyer noted that all testimony given on the previous hearing tonight for a Comprehensive Plan Map Amendment would be accepted for consideration in this rezone hearing.

Thaine Robinson motioned to table the Rexburg Hill Properties, LLC rezone request until the July 7, 2011 P&Z meeting. **Dan Hanna** seconded the motion.

None opposed. **Motion carried.**

7:45 pm – Development Code Ordinance No. 1026 Amendments:

A.Conditional Use Permit (CUP) Language for Medium Density Residential 2 (MDR2):

1. Change From: “five (5) and up to ten (10) dwelling units per building”

To: “buildings with more than four (4) dwelling units”

B.Land Use Designations: Add “MDR2” to the current “Low to Moderate Density Residential” – current code approved by “Resolution 2010 – 12” for LDR2, LDR3, and MDR1.

The change would allow an additional four units per acre in Low to Moderate Density Residential land use applications.

Note: Current code approved by “Resolution 2010 – 12” on the 18th of August, 2010 allows MDR1, MDR2, HDR1 and HDR2 in “Moderate to High Density Residential” Land Use Designations.

Thaine Robinson acted as chairman for this hearing.

The Commission looked at item **#A**:

Val Christensen presented this first proposed amendment to the Development Code 1026.

It would allow larger buildings in Medium Density Residential 2 through a Conditional Use Permit.

The Development Code language to change:

From: “five (5) and up to ten (10) dwelling units per building”

To: “buildings with more than four (4) dwelling units”

Mr. Christensen said as has been brought up in recent development requests on South 5th West and South 4th West, where the City would like to keep some developments to medium density, some developers do not want to do 4-plexes. If there is going to be some clustering in medium density, it would be nice for the developer to have the option to do bigger buildings. The buildings would not be bigger in height but only in units.

They would be less barracks-looking than a bunch of 4-plexes.

Councilman Erickson had asked Mr. Christensen to move this issue forward. Mr. Christensen feels this is a really good, thought-out request.

Mr. Christensen said MDR1 should also have been included in this change.

Stephen Zollinger advised that the Commission could move forward with the building size change for MDR2 and include MDR1 through hearing at a later date if tonight’s request is approved by City Council.

Marilyn Rasmussen asked if this building size change is approved, would it affect what the developer would be able to have on the South 4th West and South 5th West developments that were before the Commission several meetings ago?

Stephen Zollinger clarified it would not allow any higher density. What it would allow is instead of having four 4-plexes in a row, the developer could go to a 16-plex or a 24 plex.

A Conditional Use Permit would be necessary. He reiterated there would be no increase in density.

Val Christensen said the necessity of a Conditional Use Permit application would allow the Commission one more time to see the development.

Scott Ferguson thought this was a cosmetic issue.

Stephen Zollinger said the reason this topic came up before the Ready Team is that every time they speak of MDR development the bad examples are reintroduced. The barracks approach is driven by the inability of the developer to do anything but 4-plexes. This change would be a way to resolve that problem.

Scott Ferguson felt this was a win-win change. It is good for the developer and for the City.

Cory Sorensen said if they all agree the 4-plex approach is not good, why do they need to see every one in a public hearing? Why not only look at the buildings if they are over 12 or 16 units?

Dan Hanna said the proposed change would allow a huge gain in green space. Financing also drives the issue; 4-plexes do have an attractive market.

Chairman Robinson stated for clarification the change that is being considered - a language change for MDR2 under conditional use permits –

From: “five (5) and up to ten (10) dwelling units per building”

To: “buildings with more than four (4) dwelling units”

He opened the public input portion of the hearing.

In Favor:

Troy Kartchner, 601 West 1700 South, Logan, UT. He feels this change would be positive. They have done a few projects in Rexburg, including homes and multi-family housing. With this change, a developer would not have to go to high density, which is currently the only choice. There would be more options. City beautification is important; that is one reason he pushed for park impact fees. He is supportive of a larger building in medium density. There are places available to build higher density that he does not want to build on, because of what has already been allowed to be built in those areas. He does not want a product he is going to build which he feels is very nice, that is a higher level product that should be in a more quality area, in such a location. There are a few things that need to be addressed, not only this building size change which allows for a better product. If there is not better design criteria, the product will not get any better either. There are 12-plexes and 24-plexes already in the City with horrendous design. He is very supportive of this proposed change allowing bigger buildings in MDR2. In addition, design criteria are important and need to be better, and better enforced, in order to have a quality product, to enhance the City.

Ron Black 1388 Clarence Drive, Idaho Falls. As they looked at their project and working with Kartchner Homes to develop, they noted they trust each other but what would they do in their next phases. It is a concern. They do not want something ugly. As Mr. Kartchner said, the only way to get the bigger buildings was with a high density request; they had no choice. If it was a medium density request, it fits the plan, and they would be in here on a whole different set of concepts. As the owners of 110 acres on the hill, they strongly believe that the quality buildings and the quality of things that can happen here in Rexburg would be greatly enhanced with the increase in building size for MDR2.

Neutral: None

Opposed: None

Written Input: None

Stephen Zollinger clarified there would be an overlap in the Low-Moderate Density Residential and Moderate-High Density Residential land use designations by adding the Medium Density Residential 2 zone in the Low-Moderate Density Residential designation (**Item B. under this hearing**).

The intent of tonight's public hearing is to target the issues that are already being demanded.

Chairman Robinson closed the public input portion, as there was no further testimony.

Winston Dyer said if they move MDR2 into the Low-Moderate Density Residential land use designation, are they peeling off layers of protection if the language is changed? Is that opening up areas they were trying to protect and preserve for very modest development? Someone may then say it is their right.

Stephen Zollinger said when talking about a zone change, there is no such thing as an inherent right. There is the right to ask for it.

The problem in the recent past was having the same names on the Comprehensive Plan Map as on the Zoning map. This issue was corrected, and when they went back to the original names, they left MDR2 out of Low-Moderate.

Val Christensen said there are a lot of good places in the City which need to be looked at on their own merits. They want overlap and flexibility.

These requested changes to the Development Code did not come about because of the issues addressed earlier tonight.

Cory Sorensen said he never liked the 4-plex issue. There are so many areas they can see where that has been horrible. If there are 16 units per acre, he much prefers a 16- unit building with a big open, beautiful, landscaped area. They are not giving developers any more density; they are just making it more appealing.

Jedd Walker concurred with what **Mr. Sorensen** stated.

Winston Dyer was in favor of adopting this change both for the improvement it will make for the community side and the development side, but he is concerned. The concept is all right, but how will they manage it? Developers want to maximize their profit on a project. They want to get the maximum density allowed. Each zoning request will have to be looked at on its merits.

Scott Ferguson said the current system forces those issues to come before them already. The safeguard is there.

Stephen Zollinger said this body has never shown any hesitance over the last 24 months to say no to an MDR2 request and grant the applicant an MDR1 request. They are trying to correct what got undone when the Comprehensive Plan designations were renamed. They are trying to get back to an overlap system by offering MDR2 in the Low-Moderate Density Residential designation.

Richie Webb said for a developer to be able to come in and have at least a broader category when coming before this body to make their case, is helpful. It makes the process a little more user friendly.

Jedd Walker motioned to recommend to City Council to approve the Development Code changes as stated:

A. Conditional Use Permit (CUP) Language for Medium Density Residential 2 (MDR2): Change From: “five (5) and up to ten (10) dwelling units per building” To: “buildings with more than four (4) dwelling units” and

B. Land Use Designations: Add “MDR2” to the current “Low - Moderate Density Residential”.
Scott Ferguson seconded the motion.

Cory Sorensen said the Commission should not need to look at everything over a 4 plex as a conditional use.

Dan Hanna thought the reason for the Conditional Use Permit is to take into consideration how the neighbors are affected, to look at the location, etc. It may be very appropriate for the Commission to look at the requests.

Those in Favor:

Jedd Walker
Marilyn Rasmussen
Thaine Robinson
Winston Dyer
Dan Hanna
Scott Ferguson
Nephi Allen

Those Opposed:

Cory Sorensen
Richie Webb

Motion carried.

The Commission recommended that if these specified Development Code changes are approved by City Council, staff should pursue having a public hearing in the future to amend the Development Code to include Medium Density Residential 1 in the change under Conditional Use Permits for from “five(5) and up to ten (10) dwelling units per building” to “buildings with more than four (4) dwelling units.”

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: None

Report on Projects: None

Tabled Requests: None

The meeting was adjourned at 11:30 pm.