

Planning & Zoning Minutes

February 18, 2016



CITY OF
REXBURG
America's Family Community

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Commissioners Attending:

Jedd Walker - Chairman
Rory Kunz Gil Shirley
Mark Rudd Melanie Davenport
Steve Oakey Richard Smith
Greg Black John Bowen

City Staff and Others:

Mayor Jerry Merrill
Brad Wolfe- City Council Liaison
Stephen Zollinger – City Attorney
Natalie Powell- Community Development Compliance Officer
Porter Wilkins – Community Development Permit Technician
Colton Murdock – Community Development Intern
Elaine McFerrin – P&Z Coordinator

Chairman Jedd Walker opened the meeting at 7:00 pm. He welcomed everyone. Community Development Director Val Christensen was excused.

Presentation:

1. Recognition of Service for P&Z Commission Chairman Thaine Robinson

Mayor Jerry Merrill presented a special plaque from the City to Thaine Robinson in appreciation for his many years of dedicated service, almost eleven years, to the City of Rexburg as a P&Z Commissioner and as P&Z Chairman. He served from March 2005 to January 2016. Planning & Zoning can be very challenging. The Mayor thanked Thaine Robinson for his hard work.

Thaine Robinson thanked everyone and said he enjoyed serving. It was a good education, and he enjoyed serving the community and working with his fellow commissioners. When he began, he did not know anything about planning and zoning. He did a lot of research, and he is still learning. His words of wisdom to the Commissioners are: when having to make a decision, make a decision that is good for the City 15 years from now.

Welcome:

1. Newly Appointed P&Z Commissioner Greg Blacker

Chairman Walker and **Mayor Merrill** welcomed Greg Blacker to the P&Z Commission; he is replacing Thaine Robinson. The Chair asked that he tell the Commission a little about himself.

Greg Blacker stated he has lived in Rexburg for 32 years. He started his business, Affordable Pest Control, in 1989. He has served on the City's Parks and Recreation Committee and also the Traffic and Safety Committee. He is a concerned citizen.

Public Comment:

Chris Carr, 450 West 4th South, wished to address the Commission. He addressed the City Council last night with this same concern. He read the following statement regarding the BYU-Idaho single-student overnight parking problem. He encouraged the City of Rexburg, BYU-Idaho and apartment owners to work together to come up with a solution.

Overnight Parking in Rexburg

My name is Christopher Carr and I reside at 450 W 4th S. in Rexburg. Thank you for giving me a couple of moments to read this brief statement. I recognize this is a non-action item, my only purpose in being here is to raise awareness and start the dialog in solving a growing issue here in Rexburg.

I own and manage over 1,300 single student beds serving BYU-Idaho. That represents about 9% of all single student housing. When I purchased my first complex here, in 2008, BYUI had a lot less students. They were in urgent need of more beds and they approached me about building new beds. At the time, I was told they needed thousands of new beds. I told them I couldn't provide thousands of beds, but I could provide another 250ish beds. They accepted my help as a partial solution to their problem and they found other ways of solving the rest of their problem of having a deficiency of beds. Ultimately, the problem was solved as they convinced others to build and they pitched in themselves and built hundreds of new beds.

Since that time, there has been an enrollment increase at the school, bringing thousands more students to Rexburg. Primarily, they need an education and that is why they come. Additionally, they need food, healthcare, housing, entertainment, and other things. The School & Community have come together to fulfill the increased needs of a student body that is growing every year.

Today, BYU-Idaho draws about 15,000 single students to Rexburg every semester. It is estimated those students bring about 10,000 cars. The issue I am addressing tonight is the 10,000 cars. During the day, those cars are parked at school, at restaurants, on city streets, at fast food establishments, at businesses, at their places of employment, at retail outlets in Rexburg, and at their apartments. While all these businesses appreciate the student's presence and spending power during the day, they and their vehicles are kicked out at night. Approved housing has taken on the burden of providing for the overnight storage of vehicles for these cars. This has to change.

Just as each complex provides a partial solution to the need for 15,000 beds, it also only provides a partial solution to the need for 10,000 overnight parking

stalls. BYU-Idaho has an entire department dedicated to housing management, balancing supply & demand and is responsible for finding, or building, additional housing for students should the current supply prove insufficient. Why are they not responsible for finding additional overnight parking stalls should the complexes they approved for development not provide enough? They know the math. They have the power. By increasing enrollment, approving appropriate new beds to house that enrollment, but not requiring the appropriate amount of overnight parking stalls, they are taking on the burden themselves of fulfilling the need for overnight parking for the students they bring to town. They have largely ignored this burden and refused to sell any random student an overnight parking permit to park in one of their thousands of parking stalls that sit empty overnight.

We are all in this together. Rexburg City, BYU-Idaho, and Approved Housing Complexes. In meetings I've attended with both the city and the school, I've found both entities pointing to Approved Housing as the only one responsible for creating this problem, and consequently, the only one responsible for solving it. This way of thinking must end.

I believe we can solve the overnight parking problem in Rexburg. We need all three parties involved in the process and we all need to share in the burden. Not one single new bed serving single students should be built in Rexburg until we have a compressive plan to tackle the overnight parking problem.

Thank you,

Chris Carr

chris@edgecreek.com

Roll Call of Planning and Zoning Commissioners:

Attending: Steve Oakey, Greg Blacker, John Bowen, Richard Smith, Mark Rudd, Jedd Walker, Rory Kunz, Gil Shirley, and Melanie Davenport

Heidi Christensen and Bruce Sutherland were excused.

Minutes:

1. Planning and Zoning meeting – January 21, 20116

Steve Oakey motioned to approve the Planning & Zoning minutes of January 21, 2016. **Rory Kunz** seconded the motion.

Richard Smith and Greg Blacker abstained for having not been present.
None opposed. **Motion carried.**

Public Hearings:

1. 7:05 pm - Comprehensive Plan Map Amendment - Low-Moderate Density Residential to Neighborhood Commercial/Mixed Use – 419, 447, and 451 West 1st North

Chairman Walker explained the procedure that is followed for public hearing.

David Thueson, 360 West 3500 North, the applicant. He owns Homestead Assisted Living at 407 West 1st North. He is requesting to change the Comprehensive Plan map land use designation from Low-Moderate Density Residential to Neighborhood Commercial/Mixed Use.

The subject property was shown on the overhead screen. The plan is to add to the Homestead Assisted Living development. The Homestead is a facility that takes care of the elderly. Madison Carriage Cove, across the street to the north, is a short stay rehabilitation facility (skilled nursing). They are aware that they have a parking problem. They had not expected so many visitors for the short stay rehab patients. They are under contract to purchase a piece of land nearby so the parking problem will be solved. There will be plenty of parking for visitors and employees. They currently have assisted living, short-stay rehab, and will soon have hospice agency care. Tonight they are asking for this Comprehensive Plan land use designation change, with the purpose of increasing the Homestead facility. This is the last piece of the puzzle and will be for 'Independent Living', working in conjunction with the Homestead. The new structures would be single story and 2- bedroom.

Greg Blacker asked about the parking area they are purchasing.

David Thueson indicated he wants to start on the parking area, which is about a half-acre in size, when the frost is off the ground. They are pursuing the land purchase. The only major complaint they have received is that there is not enough parking. They believe it is important to get this going and solved.

Steve Oakey said as a business owner, David Thueson has seen the demands of his customers and is acting on solving the need for more parking on his own without being asked to do so.

David Thueson said it is about customer service.

Community Development Compliance Officer Natalie Powell said staff did not have any additional clarifying information.

Chairman Walker opened the public input portion of the hearing.

In Favor: None

Neutral: None

Opposed: None

Written Input: None

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

Natalie Powell gave the Community Development staff report. She clarified that the requested Comprehensive Plan Map amendment is to change the subject property from Low-Moderate Density Residential to Neighborhood Commercial/ Mixed Use. Staff feels the request is compatible with the surrounding uses. The City's Development Code is the zoning ordinance and is very important. If the Commissioners can dive into reading the document, including the Definitions section of the code, this could clarify a lot of information for them. Chapter 5 in the Rexburg Development Code Ordinance No. 1115 addresses parking regulations. The existing development was originally built to what was expected. Now the owner is increasing his parking to meet current needs.

Steve Oakey said tonight the request is only for a Comprehensive Plan Map Amendment. Mr Thueson would also eventually have to have a rezone change to develop as he has planned.

The Comprehensive Plan map and the Zoning map were clarified.

The Comprehensive Plan map 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 is a general map, showing the vision of Rexburg's future for land uses.

The Zoning map 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 could be an application to change the zone.

At the Chairman's request, **Natalie Powell** clarified from the City's Comprehensive Plan document what zones are allowed under the Low-Moderate Density Residential Comprehensive Plan land use designation and what zones are allowed under the Neighborhood Commercial/Mixed Use Comprehensive Plan land use designation.



Summary Table of Appropriate Land Uses for each Comprehensive Plan Map Designation: (Amended 05 May, 2010 by Resolution 2010-07) (Amended 18 Aug. 2010 by Resolution 2010-12) (Amended 13 May, 2010 Ordinance 1045) (Amended 03 Nov. 2010 by Ordinance 1055) (Amended 03 Aug. 2011 by Ordinance 1073)		
Comprehensive Plan Designation	Allowable Zoning District	
Commercial	TOZ RBC GBD CBC	Technology and Office Zone Regional Business Center General Business Center Community Business Center
Light Industrial	LI TOZ	Light Industrial Technology and Office Zone
Commercial	RBC GBD CBC	Regional Business Center General Business Center Community Business Center
Downtown Commercial Mixed Use	CBD MU2	Central Business District Mixed Use Two (2)
Neighborhood Commercial Mixed Use	NBD MU1 MU2 PO OS	Neighborhood commercial Mixed Use One (1) Mixed Use Two (2) Professional Office Open Space
Public Facilities	PF	Public Facilities Point of reference & may be included in any zone
Moderate to High Density Residential	MDR1 MDR2 HDR1 HDR2	Medium Density Residential 1 Medium Density Residential 2 High Density Residential 1 High Density Residential 2
Low to Moderate Density Residential	LDR2 LDR3 MDR1 MDR2	Low Density Residential 2 Low Density Residential 3 Medium Density Residential 1 Medium Density Residential 2
Single Family Residential	RR1 RR2 LDR1 LDR2 LDR3	Rural Residential 1 Rural Residential 2 Low Density Residential 1 Low Density Residential 2 Low Density Residential 3
Agriculture / Rural	TAG1 TAG2 OS	Transitional Agriculture 1 Transitional Agriculture 2 Open Space
Open Space	OS	Open Space
University	UD	University District

Greg Blacker stated if this Comprehensive Plan change were approved, what could keep someone from building more units? Natalie Powell said at the time when a zone change request is before the Commission, the zone change could be conditioned to specify such an issue.

Chairman Walker clarified that the question before the Commission is: Is this request the preferred land use approach to development for this area of the City. Plans were provided for the Commission but they are irrelevant at this time.

Richard Smith stated that years ago, this body agreed not to look at proposed plans at this stage of the process. It is a land use change only.

Chairman Walker asked if any of the Commissioners needed to declare a direct or perceived conflict of interest.

Greg Blacker declared a perceived conflict of interest. He lives nearby on North 5th West and travels through the subject area all the time. He did have a concern with parking regarding cars being parked on both sides of the street. When there is snow, the road becomes very narrow. He is very happy that the applicant is purchasing property for parking. This answers his concerns. None of the Commissioners had an objection to Mr. Blacker remaining on the dais.

Gil Shirley felt this request fits the neighborhood. He is in favor of the change.

Richard Smith agreed. Mr. Thueson is a good steward of his business and the community.

John Bowen also agreed. Mr. Thueson's facilities are beautiful.

Steve Oakey motioned to recommend approval to the City Council of a Comprehensive Plan Map Amendment land use designation change for the property at 419, 447, and 451 West 1st North, from Low-Moderate Density Residential to Neighborhood Commercial/Mixed Use.

Gil Shirley seconded the motion.

None opposed. **Motion carried.**

Unfinished/Old Business: None

New Business:

1. Discuss modifications to Summerfield PUD (Planned Unit Development) – Postponed until March 3, 2016 P&Z meeting

2. Review the Impact Area on the south of Rexburg – Discussion requested by Richard Smith

Richard Smith stated that a public hearing on the impact area was held in April 2015 before the Commission, who recommended approval to City Council of the proposed map.

The issue then went to City Council for their recommendation to Madison County, which was for the impact area to expand as shown on the proposed map.

Stephen Zollinger clarified that no action has been taken by the County. The City has done what they could do at the time and forwarded the request to the County. The County determined that this constituted a request to interact with Sugar City and formed a 9-person committee (3 people from Rexburg P&Z Commission, 3 people from Sugar City P&Z Commission, 3 people representing

Madison County). The City has not asked the County to reassess at their level whether things could move forward without Sugar City's involvement.

Chairman Walker said the County did try to hold one meeting, but the time was changed and not communicated to most of the participants.

Richard Smith stated that the south and west now has no impact area at all. There continues to be development near the land that he owns. The area will be full of non-conforming uses unless the City expands their impact area here.

Chairman Walker said the County's concern was with the disputed piece of land (Harris property on the north) that Sugar City has said is in their impact area.

Stephen Zollinger reminded the Commission of the previous discussion that took place at the April 16, 2015 P&Z Commission meeting regarding the Harris property.

Stephen Zollinger stated that the next step would be to direct City staff to initiate this issue again with Madison County and attempt to clarify with them why the City does not believe the 9- person committee would be required. The City simply wants the County to act upon the request. He clarified that to reduce what the City is asking for does not require a new hearing. Increasing the request would require another hearing.

The City needs to begin the process of managing the City's western and southern boundaries.

Chairman Walker clarified that the P&Z Commission could direct staff to pursue this impact request issue.

Tonight this issue is a discussion item. Staff is looking for direction.

There was consensus of the Commission to direct City staff to bring the proposed impact area map to Madison County to urge that the issue move forward. If this appears to be a problem, modify the request reducing the proposed impact area map on the north.

Compliance: None

Non-controversial Items Added to the Agenda: None

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

March 3, 2016

1. Summerfield PUD – Discussion of modifications
2. P&Z Commission Training

Chairman Walker adjourned the meeting at 8:15 pm.