

Planning & Zoning Minutes

March 17, 2016

35 North 1st East
Rexburg, ID 83440

www.rexburg.org

Phone: 208.359.3020
Fax: 208.359.3022



CITY OF
REXBURG
America's Family Community

Commissioners Attending:

Jedd Walker – Chairman
Rory Kunz Mark Rudd
Melanie Davenport John Bowen
Steve Oakey Heidi Christensen
Greg Blacker

City Staff and Others:

Brad Wolfe- City Council Liaison
Val Christensen- Community Development Director
Stephen Zollinger - City Attorney
Scott Johnson – Economic Development Director
Elaine McFerrin – P&Z Coordinator
Colton Murdock – Community Development Intern
Steven Park – Community Development Intern

Chairman Jedd Walker opened the meeting at 7:02 pm. He welcomed everyone.

Roll Call of Planning and Zoning Commissioners:

Attending: Steve Oakey, Greg Blacker, John Bowen, Rory Kunz, Jedd Walker, Mark Rudd, Heidi Christensen, and Melanie Davenport.

Gil Shirley, Richard Smith, and Bruce Sutherland were excused.

Minutes:

1. Planning and Zoning meeting – March 3, 2016

Mark Rudd motioned to approve the Planning & Zoning minutes of March 3, 2016. **Heidi Christensen** seconded the motion.

Greg Blacker, Rory Kunz, and Steve Oakey abstained for having not been present. None opposed. **Motion carried.**

Public Hearings:

1. 7:05 pm – Conditional Use Permit – 129 South 2nd East, and 204 & 216 East 1st South - to allow 100 % residential and zero percent commercial in a Mixed Use 2 zone

Chairman Walker explained the procedure that is followed for a public hearing. The applicant will come forward with a presentation. The public may be given the opportunity to ask clarifying questions in order for them to better understand the proposal. This would not be the time to express opinions, which can be done during the testimony time. Staff will then clarify the proposal. Then the public hearing will open and those in favor, neutral, and opposed to the request may give testimony, stating their name and address for the record. Public testimony is limited to 5 minutes per person. If there is opposition to the proposal, the applicant has the right of rebuttal. Public input will then be closed. There cannot be back and forth dialogue between the Commission and the public at this time. The staff report will be given, followed by discussion and deliberation. The P&Z Commission is a recommending body and will make a recommendation to the City Council who will make the final decision on the matter.

Karl Mattson, PO Box 220, Ashton. He represents Westland Holdings. They are requesting a CUP for the three specified properties. They own two of the properties, and they are under contract to purchase 204 East 1st South. On November 5, 2014, the Rexburg City Council gave approval of a

rezone from Low Density Residential 3 (LDR3) to Mixed Use 2 (MU2) for the property. At that time, they were looking into the possibility of constructing a mix of commercial office space and residential housing for their development. After much consideration, they found that the development of a commercial project was not economically feasible. There is a high amount of unoccupied commercial space available in Rexburg, nearly 20 areas. A trip down North 2nd East illustrates the problem. The old Ace Hardware, the old Walmart, half the K-mart building, and the old Cal Ranch are a few. The requested CUP would allow for the removal of the commercial component of 10 percent on the subject property. They respectfully ask for a Conditional Use Permit for 129 South 2nd East, and 204 and 216 East 1st, to eliminate this 10 percent commercial component in order to have 100 percent residential.

Chairman Walker asked if the Commissioners had any clarifying questions for the applicant. **Steve Oakey** asked about the accuracy of the submitted site plan. Mr. Mattson said the site plan is a work in progress. The ingress/egress is what they are looking at but it all is subject to change, depending on what occurs with this CUP request. Mr. Oakey expressed that not much weight should be placed on the site plan.

Chairman Walker clarified that the question before the Commission is, should the 10 percent commercial requirement be eliminated (reduced to zero) for the specified property? The Commission may place conditions on the CUP in the interest of the community and the property owner.

Heidi Christensen said this area is a Lincoln Elementary busing area, which has not been addressed on the CUP application regarding impact on schools. Mr. Mattson felt that was an oversight.

The subject property was clarified on the overhead screen. One of the properties that was part of the 2014 rezone, 230 East 1st South, is not part of this CUP request.

Karl Mattson said there would be a residential buffer on the south and along Harvard as part of the conditions that were placed on the rezone. He clarified that the residential buffer would likely be twin homes.

Chairman Walker opened the floor to the public to ask clarifying questions about the proposal:

Will there be a parking lot as a buffer? There will not. They are looking at having twin homes.

Has the impact of traffic on 2nd East been looked at? They are currently looking at the issue. The Chair clarified that the City Engineer evaluates the traffic issues.

How deep are the residential lots? The lots are 65 feet deep and will not be smaller than the standards required by the City.

With 300+ residents, has the applicant considered the traffic not only on 2nd East but also on Harvard? They do not have any numbers yet. They do not feel that Harvard would be greatly affected. Regarding parking, the Development Code currently requires 1 to 1.

Karl Mattson said his request is about eliminating the commercial component. They are not dodging the issues; there will be an opportunity later for the public to raise some of these issues. It was clarified that the subject property is not in the PEZ (Pedestrian Emphasis Zone) overlay.

Community Development Director Val Christensen reiterated that this CUP proposal is only to determine if the commercial should be reduced. It is not a new process. Some developments have been held to at least some commercial of a certain percentage and some have been granted the zero percent.

Has a commercial use that would serve the tenants of the building been considered? The applicant has done so but has not seen feasible commercial. There would not be a large enough population.

Was this property purchased with the intention of providing student housing?
Not initially. It was to be a mix of commercial and residential.

A lot of the student housing is vacant. Why build more?
The need fluctuates, and the applicant has confirmed that there is a need for more housing at this time.

Chairman Walker reviewed the Findings of Fact from the 2014 Westland Rezone and the conditions that were placed on that rezone that was granted. Four conditions were stated by the P&Z Commission. The City Council adopted those 4 conditions and added 3 more conditions:

1. There shall be a sunset clause of 24 months for the applicant to obtain a building permit, or the zoning reverts back to Low Density Residential 3.
2. Building height shall not exceed 30 feet.
3. There shall be limited access on Harvard Avenue.
4. There shall be adequate buffering of the neighbors on the south property line.
5. There shall be a 1 to 1 set back
6. The residential part of the development on Harvard Avenue shall be non-dormitory.
7. The access on Harvard Avenue shall be residential access only.

The Chair clarified that the zone change to MU2 did occur in compliance with the underlying land use map. At this point, that zone has development by right, meaning if Mr. Mattson decided to develop the property and include a 10 percent commercial, they would not be here tonight with this issue.

The question before the Commission is, should this property be allowed to reduce the commercial component of this development to zero?

Chairman Walker opened the public input portion of the hearing, first explaining that this is an opportunity for a person to speak on this issue. This is the point where there is no back and forth between the applicant, the Commission, and the public. If someone has submitted a written input letter, the Commission could read the written input into the record, or the person may withdraw the written input and speak; a person cannot do both as that would be seen as having two voices.

In Favor:

Judy Hobbs, owner of Realty Quest, 117 West Main. She represented the developer when they purchased this property. She has had an interest in the past; she takes no part in the development of it now.

When one considers commercial development through town, whether pocket commercial developments are a healthy way for commercial to be done is questionable. There is a significant amount of commercial space that is currently available in Rexburg.

If Windsor Manor is not suitable for a commercial component, as close as it is to the University, then the subject property is probably even less desirable for commercial.

Neutral: None

Opposed:

Ralph Kern, 148 Harvard Ave. He is withdrawing the written input letter that he submitted and chooses to give public testimony tonight.

He has some significant concerns. There are fundamental issues of community trust. The Comprehensive Plan is really a social contract for people who live and work in the community. It guides those like himself who choose to build in a certain place because it is protected by the law of property. The zoning was changed but it was not just a discussion about changing to commercial. At the time of the rezone of this property, Erik Mattson, who Mr. Kern met with, was very specific about what he wanted to do; it was ingenuous from the beginning. Mr. Mattson rejected any other property for building the project and said this would be an upscale project which needed to be close to campus - because it was not just about having an office; it would be creating a business incubator that would involve BYU-Idaho students and faculty. It was very specific.

If the Commission decides to approve the Conditional Use Permit, 4 things need to be considered. First there is the parking. If approved for 80% parking, 71 cars would have to park someplace else. That percentage does not work. He suggests parking at 100 %.

The proposed parking garage is new to what the developer originally planned to do. There is a huge difference between buffering a parking garage and buffering a building. The P&Z Commission could put conditions on to specify that the parking structure needs to be windowed and enclosed and restricted. If the neighborhood is to be protected, this would reduce the amount of problems. Traffic on Harvard Avenue was a big discussion at the original meeting. People were sensitive that Harvard is a residential street. This proposal shows an exit and ingress on 1st South.

People will turn right and go up Harvard. It is a very narrow street that allows parking on both sides. There are limited sidewalks, so kids have to walk in the street. Someone is going to get hurt. It is a serious problem that has to be addressed.

The fourth issue which has been skirted is the residential buffer of Harvard Avenue. It is not specified as to what is going to be there. The possibilities create problems that the Comprehensive Plan avoided. The plan before the Commission shows the parking garage right up against the residential.

Mr. Kern believes this issue was a mistake from the beginning. It puts a burden on the city and community that is unreasonable. He requests that the CUP be denied. The applicant can rethink about what can be on the subject property.

Rob Wood, 258 Harvard Avenue. He is not 100 per cent against the proposal, but it is their way of doing it. There is a real lack of detail that is entirely inappropriate. They are putting their foot in the door. There are no specific plans for the Commission to make an informed decision. The location would be a good place for partial commercial because it would decrease the number of residents there. This will increase Harvard Avenue traffic. Mr. Kern is correct; students will go up Harvard rather than going up 2nd East.

Carly Paul, 159 South 3rd East. The argument regarding empty commercial buildings in town is confusing because the buildings were empty before except for the old Walmart.

She can see increased traffic pushing to South 3rd East. She is concerned that the applicant has not thought of the area being a Lincoln Elementary bus area.

Shelley Hegsted, 1419 North 2nd East. She is here on behalf of her mother Margaret Barrick, who lives at 135 South 2nd East, just to the south of the subject land. The project originally was going to have some commercial. The applicant is not informing the community of what is going to be done.

Some commercial did make sense but it matters how much residential is going to be there. She is against that many new residents in this location.

Jim Sheetz, 249 Harvard Ave. He is just moving in but had lived further up Harvard Ave for a year. He is opposed because the plan is so vague. The more high density that is put in a neighborhood, the more that home values drop. The neighborhood is lost.

Keith Wilding, 230 Harvard Ave. He has lived here about 11 years. His main opposition to this proposal is the increased number of students there would be and the required parking. Cars go down Harvard at a very fast speed. Some go right on through the stop sign. The 200 block is narrower than the 100 block and the 300 block. Parking is allowed only on 1 side in the 200 block. He came here to a meeting a couple years ago with an idea to have parking on both sides of the 200 block so people would naturally slow down. He asked if a petition was needed and was basically told petitions do not hold water. He feels petitions are a legal way for the residents to voice their opinions and should be considered. The neighborhood has asked for extra police patrol because of the street, but he has not seen it. Speed limits are ignored. Students are going from the lower end of Harvard to 3rd South to get to school. It is a main concern in that Harvard should be residential. The residents on Harvard have to buy permits to park their cars in front of their own homes. Why should a parking garage only provide 80% parking? He attends church near Windsor Manor. There is an overflow of tenant parking on the street.

He is opposed to this development unless there is a viable way to control the traffic.

Robert Jimison, 255 Harvard Ave. His main concern is traffic. This underscores the traffic on 2nd East. This development will cause a real impact on Harvard Ave. There has to be some kind of specific solution. Many children cross the street. The traffic alone will change the nature of the neighborhood.

Carla Jimison, 255 Harvard Ave. It is inappropriate to grant the request of this applicant. There have not been enough specifics. It sounds like they have failed to consider things all along. It is wise to see more detail on the site plan. She is concerned about safety and the busing situation, and the number of students that would be crossing 2nd East. Another concern is the parking garage. What is it going to look like? She also is concerned about housing values.

Judy Taylor, 203 East 2nd South. As far as traffic is concerned, students will make a right onto Harvard and then make another right turn onto 2nd South. Her home is on the corner, and it would be impossible to get out of her driveway. This bait and switch the developers are doing is of concern to her. They should be held to what was presented in the beginning. It is not the residents' faults that the economy is not working for them at this time. Hold to the rezone condition that if they do not obtain a building permit by a certain time, the zone would revert back to Low Density Residential 3 (LDR3). The applicants should speak with the Hemming developers for positive development ideas.

Steve Herdti, 141 South 2nd East. His major concern is that the residents were deceived when the original plan went through. It is very hard to get out of a driveway on 2nd East. With additional housing and traffic, something has to be done. Until there is a more detailed plan, please deny the applicant this request.

Norm Smith, 164 South 3rd East. One thing that was not mentioned is that across the street from the subject property on the Harvard side is a big empty field owned by private residents. With 80 per cent parking, the students will park there. This proposal at this point has not considered many things. He is against the proposal.

Kelton Muir, 245 East 2nd South. His family also owns 230 East 1st South, the property that was part of the rezone but is not part of this CUP request. He is kind of neutral but has a few concerns. A few years ago, there was talk of the church wanting to buy the whole block. It seemed that everyone at that time wanted to sell. Now that someone else comes in, the community is being

stingy about it. The subject property has been vacant for many years and is not good to look at. There needs to be change but not necessarily to this proposal.

Tyler Muir, 230 East 1st South. He was born and raised here. The subject property has been vacant most of his life. His concern is that the developer bought the 2 houses on East 1st South. He has heard that the project entry may be next to his property. He has little children and is concerned with safety. He is not totally against change. It is inevitable, but it should be done the right way.

Written Input:

It was noted that Ralph Kern withdrew the written input letter he had submitted; instead, he chose to give public testimony tonight.

Rebuttal:

Karl Mattson appreciated the comments. He wants to work with the neighbors. There will be an opportunity for the residents to see the plan. They would like to have the residents come back. Another issue is concern about traffic on Harvard. They would like suggestions from the community on what can be done. According to BYU-Idaho studies, only about 30 percent of students would use their cars. They could redirect traffic so it cannot turn right. They would have a full disclosure at another P&Z meeting. The issue tonight is about reducing the commercial to zero. It is not really about the plan for the development. If they could eliminate the commercial, they may make a common area.

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

Val Christensen first wanted to make a correction: there would **not** be another public meeting with the P&Z Commission on this CUP issue in the future per the standard procedures, unless it is made as a condition by this group. The developer would have to meet the responsibility with the Design Review Committee, but that is not part of a public meeting.

Tonight the Commission will make a recommendation to the City Council, who will make the final decision on this matter.

He clarified that the Design Review Committee is composed of a P&Z Commissioner, a City Council member or the Mayor, and a professional from the community. Usually, the Committee meets if there is a development issue that is non-conforming or differs from the Design Standards requirements that are stated in the City of Rexburg Development Code Ordinance No. 1115

This meeting tonight is not about the design. It is about whether the developer must have the 10 percent commercial. He asked the Commission to stay focused.

Many of these issues were brought up at the time of the rezone. The MU2 zoning is in place with specific conditions. As far as 80 percent parking, that issue has nothing to do with this project at this time.

Mr. Christensen then gave the staff report. A Conditional Use Permit is necessary for reducing the commercial component to zero percent for this MU2 property:

Staff recommends that the proposed Conditional Use Permit be approved contingent upon the Planning and Zoning Commission determining that the reduction of commercial does not have a negative impact on the surrounding neighborhoods.

Public Works Department staff and the Fire Department staff reviewed the application. There were no comments from either department at this time.

Steve Oakey said the task before the Commission is very narrow – it is whether to eliminate the commercial requirement for this MU2 property.

Three concerns have been coming up. – 1. Increasing number of students; 2. Traffic and safety; and 3. Parking on the streets.

He requested that Mr. Christensen speak in general terms on concerns 2 and 3 to allay some fears.

Val Christensen stated the City Engineer looks at all projects put before him and evaluates the need for stop signs, stop lights, possible parking on both sides of the street as a calming effect – the zone changes from a staff standpoint should never be about anything but use – in this case, the rezone was approved with the conditions stated earlier in this meeting.

When speaking about parking, the Commission should not talk about projects in the PEZ zone overlay because the parking requirement is different. The City puts in a lot of time and effort regarding streets and parking. A person has to have a restricted permit to park on the streets this close to the University.

Rory Kunz wondered how reducing parking percentage fits a growing town.

Val Christensen stated the general idea of the Comprehensive Plan is that Rexburg is a growing University town. As far as parking, try to do it in a manner that is the **least** difficult to the neighborhood but in a most economical way. The Infill/redevelopment area is about densification close to campus.

The City core has existing infrastructure and is close to campus. There are going to be growing pains.

The subject property is in the Infill/ redevelopment area. It is about keeping the densification close to the University campus.

Greg Blacker asked about the future of South 2nd East.

Val Christensen said he does not think there will be much more expansion as far as the width of the street.

The MU2 zone was briefly reviewed. There are many types of businesses that are allowed by right. The allowed density is 30 units per acre. The CUP for eliminating the 10 percent commercial/residential requirement allows the P&Z Commission and the City Council to see the request and have input.

Melanie Davenport thanked everyone in the audience for their comments. She has looked for precedents that have already been set – 1. Kensington to the south – conditions required that the structures blend with neighborhood and windows; 2. Windsor Manor with zero percent commercial and wider sidewalks; 3. Madison County Traffic Study Transportation Plan - suggested traffic impact studies should be required, including traffic calming and that the community be involved.

Mrs. Davenport felt a traffic study could be required. She cited the public testimony by Ms. Hobbs that pocket commercial may not be desirable and Mr. Muir's comment to do the development in the right way.

Heidi Christensen was concerned that Lincoln Elementary was not taken into consideration.

Greg Blacker stated there is a need to provide jobs for the students. If the City is going to build-build- build, there may be difficulties. Keeping commercial here would provide some jobs.

Chairman Walker reiterated that the question before the Commission is: is the best use for the specified property with or without the commercial component?

Val Christensen clarified that currently 1 parking space per student is required on this complex, which is 30 per cent greater than what they may need. To say that there is not adequate parking for this building would not be accurate. 69 per cent of the students bring cars, per University study.

Chairman Walker reiterated that the Commission should look at whether a commercial component is a good use for this property. That is the question before them.

Steve Oakey stated that Mr. Mattson has graciously volunteered to meet with neighbors regarding their concerns.

Steve Oakey motioned to recommend approval to the City Council of the Conditional Use Permit, to allow 100 percent residential and 0 percent commercial for the subject property, with 1 condition: that the applicant will actively seek input from the neighborhood community to address the issues and concerns that they have, in the design review meeting on the project. **Melanie Davenport** seconded the motion.

In Favor -Steve Oakey, Rory Kunz, Mark Rudd, Melanie Davenport
Opposed -Heidi Christensen, Jedd Walker, Greg Blacker, John Bowen

Motion did not carry.

Chairman Walker stated there were concerns about the parking structure and screening of the neighborhoods. A Conditional Use Permit gives the Commission the opportunity to place conditions on a reduction of the required commercial component. His personal opinion is that this subject property is not a good location for commercial. It is not good planning. Keeping it residential, which actually reduces the potential density of the space, is the best.

Stephen Zollinger stated that the request could be tabled in order for the applicant to meet with neighbors and then come back with a more detailed plan. It is the P&Z Commissioners' job to render an opinion based on the input that is put before them. The Commission has to make the finding. They cannot shift the burden to someone else. In addition, there is a design review process in place. To modify that process requires an amendment to the Development Code.

There was further discussion on a possible traffic study, traffic patterns, and parking.

Rory Kunz said vagueness regarding the plans was cited several times by those giving testimony in opposition.

Rory Kunz motioned to table the CUP request for 100 percent residential and 0 percent for commercial for the subject property until Mr. Mattson can come back with a more specific design. **John Bowen** seconded the motion.

Melanie Davenport thought a decision today may be preferable. **Mark Rudd** agreed.

Steve Oakey stated he is against tabling. The Commission is capable of deciding. There is already a professional traffic study that has been done for the City.

Rory Kunz retracted his motion.

Chairman Walker clarified that by right, this applicant can go ahead and build with the commercial component. For the Chair, traffic is a non-issue. It is a by-right issue. There are larger issues at stake. The parking structure and the sidewalk widening should be addressed in conditions. The parking structure is right near the neighborhood. The sidewalks should be wider to encourage pedestrian rather than vehicular traffic.

Chairman Jedd Walker motioned to recommend to City Council approval of a Conditional Use Permit to allow 100% residential and zero percent commercial in a Mixed Use 2 zone, for the property at 129 South 2nd East and 204 and 216 East 1st North, with the following 2 conditions:

1. Sidewalks shall be widened to a minimum width of eight feet on 2nd East and 1st South.
2. The parking structure shall be designed or screened from adjoining residents and reviewed by the Design Review Committee.

Mark Rudd seconded the motion.

The “Standards Applicable to Conditional Use Permits,” Section 6.12B of the Rexburg Development Code No. 1115, apply to all Conditional Use Permits.

None opposed. **Motion carried.**

Break called.

Public Hearing:

2. 7:20 pm - Ordinance Amendment – Hemming PRO Zone (Project Redevelopment Option) Ordinance No. 1006, including modifications to the Development Code parking regulations and building heights (Infill/Redevelopment area Only)

**NOTICE OF PUBLIC HEARING
TO AMEND THE CITY OF REXBURG
"DEVELOPMENT CODE"
(PLANNING AND ZONING ORDINANCE No. 1115)
by Ordinance 1142**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held March 17, 2016 at 7:20 P.M. before the Planning and Zoning Commission of the City of Rexburg, Madison County, Idaho, to amend the current DEVELOPMENT CODE (PLANNING AND ZONING ORDINANCE No. 1115).

It is proposed by file (#16.00155) to review the current DEVELOPMENT CODE and make amendments to the document concerning substantive and non-substantive items. All proposed modifications to the DEVELOPMENT CODE may be reviewed at the offices of Planning and Zoning or the City Clerk's office. The substantive changes amending Ordinance 1115 (by section) are delineated below:

PROPOSED CHANGES TO THE DEVELOPMENT CODE

Section #	Explanation of Change
CHAPTER 3: ZONING DISTRICTS	PRO Zones - The following Project Redevelopment Option zone has been adopted by Ordinance 1006: Hemming Project Redevelopment Option Zone (PRO Zone) - passed by City Council on August 6, 2008
3.31.100. PRO Zones Adopted	1. Repeal and replace Ordinance 1006 by Ordinance 1142. A. Amend the Hemming PRO Zone language to include the 2nd phase of Hemming Village to be consistent with surrounding development (Mixed Use 2), and to create consistency with the changes in City Ordinances to allow for higher density development near BYU-Idaho in keeping with both PEZ (Pedestrian Emphasis Zone) and Mixed Use language.
Section 3.9.100	2. - Change to read: There are no height requirements in the High Density Residential 1 (HDR1) zone except where the zone abuts low or medium density residential zones, then buildings must meet the mitigation requirements of Section 4.16.
Section 3.10.100	3. - Change to read: There are no height requirements in the High Density Residential 2 (HDR2) zone except where the zone abuts low or medium density residential zones, then buildings must meet the mitigation requirements of Section 4.16.
Section 3.14.120	4. - Change to read: There are no height requirements in the Mixed Use 2 (MU2) zone except where the zone abuts low or medium density residential zones, then buildings must meet the mitigation requirements of Section 4.16.
Section 3.17.090	5. - Change to read: There are no height requirements in the Central Business District (CBD) zone except where the zone abuts low or medium density residential zones, then buildings must meet the mitigation requirements of Section 4.16.
CHAPTER 5: PARKING REGULATION	
Section 5.8	1. 5.8 – Add: Dormitory parking to be reduced to .8 per student in the infill/redevelopment zone as described in Section 4.16.

At such Public Hearing the Planning and Zoning Commission will hear all persons and all objections and recommendations relative to the DEVELOPMENT CODE that will be proposed. This notice is given to the provisions of Section 67-6508, Idaho Code and all amendments thereof. These amendments will allow more clarity to the code and remove some conflicts.

The City Council encourages all City residents to participate in the process to amend the DEVELOPMENT CODE. Citizen's comments may be submitted to the City Clerk in writing or by email during the fact finding period to the Community Development Office at 35 North 1st East in Rexburg.

The City Clerk located at 35 North 1st East, will receive written input for this Public Hearing prior to 4:00 P.M. on March 16th, 2016.

DATED this 22nd day of February, 2016.

CITY OF REXBURG

(SEAL)

Blair D. Kay, City Clerk

Publish: February 26 and March 11, 2016.

Chairman Walker clarified that the first part of the hearing will address changes to the Hemming PRO Zone Ordinance; the second part of the hearing will address building height in the Infill /Redevelopment area only in several zones; the third part of the hearing will address parking reduced to .8 per student in the Infill/Redevelopment area only. These are Development Code proposed changes.

Each of the three issues will have a separate motion.

First, the Hemming Pro Zone Ordinance Amendment request was presented:

Lane Hemming, 3113 West 1000 North, representing the applicant, the Hemming Corporation. He appreciates coming before the Commission. Hemming Corporation is asking for changes to their ordinance in order for it to be consistent with surrounding development and to allow for higher density near BYU-Idaho. Their redlined ordinance document was submitted along with their application. The P&Z staff review addresses 5 items. The Hemmings are willing to meet whatever standards the City sets.

Val Christensen explained that when the Hemmings started putting together their project several years ago, the Mixed Used 2 (MU2) zone was being developed. Hemming put together their PRO Zone without it. When MU2 was added to the Development Code, the zone was more liberal in what could be allowed. Hemming would like to update their ordinance to match. For their new project that will be coming forward, they want to have a 5-story building; their ordinance needed to be amended if this height was to be allowed. They also want to do a parking structure. The majority of what the applicant has stricken from the current Hemming PRO Zone Ordinance document are building heights and size of buildings. Hemming Corp. does have their design standards, which would be consistent and more in line with what they have already built. They took out a lot of the red tape in the ordinance language. His five P&Z staff review comments were :

- 1. The P&Z Commission should make a recommendation to the City Council if language should be included to allow in addition to canopy and marquee construction, the inclusion of balcony structures into the City right-of-way. Staff recommends that a two foot maximum allowance for balconies be considered with a Conditional Use Permit if the balcony is a minimum of twelve feet above the sidewalk area below it.*
- 2. Staff has concerns about the 18x9 parking combined with the 16x9 parking and the 22 foot wide aisles except as they are to be applied in a parking structure. The language should identify this use only in the parking structure.*
- 3. The Commission should determine if the current requirement to "Build a Pedestrian & Cycling Path Network Linking Key Community Nodes" should be removed from the zones' requirements.*
- 4. If the requested changes are approved to remove the involvement of the Design Review Committee, then the Commission should determine who should be responsible for reviewing design standards.*
- 5. The suggested revisions remove a sentence that keeps parking out of a "side yard facing a street". This exception infers that parking would be allowed in a front yard (as defined by City of Rexburg definitions) without the customary 10' setback required in our High Density Residential, Commercial and Mixed Use zones. Staff recommends that parking lots in this PRO Zone be treated with the same 10' setback requirements.*

Val Christensen addressed these five comments:

Staff Comment number 1 – Regarding canopies and marquees and balconies, this is also being addressed by the City's Zoning Task Force.

Staff Comment number 2 - Richie Webb of Hemming Corporation has explained to staff that there was a typo on the submitted drawings. Language will be 24 foot wide parking aisles.

Staff Comment number 3- Statement regarding Pedestrian and cycling Path Network – Hemming wants to eliminate.

Staff Comment number 4- This would put Hemming through the standard design review process; if they do not meet the standards prescriptively, they would proceed to the Design Review Committee, going through the standard process as other applicants do.

Staff Comment number 5- Staff recommends that parking lots in the Hemming PRO Zone will have the 10 foot setback requirements.

Mr. Christensen stated that other than these points, staff is fine with the amended Hemming PRO Zone document.

Lane Hemming stated that parking is an important issue. They will provide whatever is necessary.

Steve Oakey stated that the Hemmings have demonstrated extreme responsibility to customer needs in all their projects.

The public did not have any questions for clarification of this request.

Val Christensen reiterated that the other proposed Development Code changes (building height and dormitory parking in the Infill/redevelopment area only) listed on the hearing notice will be treated separately from the Hemming request.

Chairman Walker opened the public input portion of the hearing.

In Favor:

Lane Hemming thanked the City of Rexburg and expressed that everything the Hemming Corporation does is done of first quality. They will continue with their high standards to help make Rexburg a unique place. “Your concerns are my concerns.”

Neutral: None

Opposed: None

Written Input: None

Chairman Walker closed the public input portion of the hearing. Val Christensen stated he has already addressed the staff review comments sufficiently.

Discussion regarding bike paths and the Madison County Transportation Plan, and the importance of pedestrians and bicycles in regard to the transportation plan.

Is there a need for building a pedestrian/bicycling network? If there is not, strike number staff comment #3, as Hemming Corporation would like to remove this requirement from their ordinance.

Chairman Walker clarified that the Commission is addressing item one that is listed in the above hearing notice, regarding the Hemming PRO Zone Ordinance Amendment request.

Heidi Christensen motioned to recommend approval to City Council of the Hemming PRO Zone Ordinance Amendments. **John Bowen** seconded the motion.

There was discussion to amend the motion to include points 1, 2, 4, and 5 of the P&Z staff review including modifications.

Heidi Christensen amended her motion - to recommend approval to City Council of the Hemming PRO Zone Ordinance Amendment request, to include P&Z staff review points 1, 2,4, and 5 listed below, including modifications. **Greg Blacker** seconded the amended motion.

1. *The P&Z Commission should make a recommendation to the City Council if language should be included to allow in addition to canopy and marquee construction, the inclusion of balcony structures into the City right-of-way. Staff recommends that a two foot maximum allowance for balconies be considered with a Conditional Use Permit if the balcony is a minimum of twelve feet above the sidewalk area below it.*
2. *Staff has concerns about the 18x9 parking combined with the 16x9 parking and the 22 foot wide aisles except as they are to be applied in a parking structure. The language should identify this use only in the parking structure. – Corrected to 24 foot wide aisles (22 foot width was a typo).*
3. ~~*The Commission should determine if the current requirement to “Build a Pedestrian & Cycling Path Network Linking Key Community Nodes” should be removed from the zones’ requirements.*~~
4. *If the requested changes are approved to remove the involvement of the Design Review Committee, then the Commission should determine who should be responsible for reviewing design standards. – **Hemming will go through the standard/normal design review process.***
5. *The suggested revisions remove a sentence that keeps parking out of a “side yard facing a street”. This exception infers that parking would be allowed in a front yard (as defined by City of Rexburg definitions) without the customary 10’ setback required in our High Density Residential, Commercial and Mixed Use zones. **The parking lots in this PRO Zone will be treated with the same 10’ setback requirements.***

None opposed. **Motion carried.**

Val Christensen stated that although the Zoning Task Force is currently working on a large list of recommendations that will be brought before the P&Z Commission, there are two issues that private citizens have brought up, and those are moving forward tonight –

- 1) Remove building heights in specified zones in the infill/redevelopment area only;
- 2) Reduce dormitory parking to .8 per student in the infill/redevelopment area only.

Economic Development Director Scott Johnson stressed the requested changes are for the specified zones within the infill/l redevelopment area only. There are limitations based on what a development would be near. If it would be up against a lower density residential zone, there are setback requirements and mitigation, basically buffering requirements that would have to be met.

Val Christensen said the market would likely direct how tall a building might be. However, a 10-story building is definitely in the realm of Rexburg.

Greg Blacker asked if there were any limitations from the Fire Department.

Val Christensen explained that fires are fought differently in very tall buildings over a certain height – firefighting protection would be from within; it is the way the buildings are constructed.

It was clarified that the Development Code changes that are being requested regarding building height are:

In the infill/ redevelopment area only: no height requirements in the High Density Residential 1 (HDR1) zone; High Density Residential 2 (HDR2); Mixed Use 2 (MU2); and the Central Business District (CBD) except where these zones abut low or medium density residential zones, then buildings must meet the mitigation requirements of Section 4. 16.

Chairman Walker opened the public input portion of the hearing for the specified building height changes to be in only the infill/redevelopment area as specified.

In Favor:

Johnny Watson, 1152 Bond Ave. He has been waiting over 20 years for this day. It was very frustrating to approach city planning around a piece of fire equipment or how to plan for the city based on what type of fire truck there was or was not. There is a kind of double standard -the University zone has no height limits for their buildings.

When the University began to expand, there was interest in increasing pedestrian access, increasing density, reducing traffic in neighborhoods, etc., but then some handcuffs were put on this for developers. The buildings could only be so tall with a certain amount of parking, landscaping, etc. If the City of Rexburg really is interested in looking at the future and keeping the students as close as possible to the University, this step of 'no height requirement', as specified, goes a long way. There is a very slim chance of someone wanting to do a very tall building, because the cost of construction changes so much. There have been many developers who have come to him who are interested in building 6 or 7 story buildings.

The height limit in the Regional Business Center zone where the new Walmart is located and also on property in the south part of Rexburg is 75 feet. The trees in Porter Park are higher than anyone will build a building here. The reality of a 6 or 7 or 8 story building close to campus does not change the line of sight from downtown. The City put together the infill/redevelopment area to use vacant lots, etc, but no neighborhood wants a project near them. This 'no height requirement' as specified would help to condense the student population and condense the dormitory-style housing and mixed-use closer to the campus. It uses the existing infrastructure. This is a wise move. The University and the town keep growing. He is definitely in favor of the proposed building height change.

Neutral: None

Opposed: None

Written Input: none

Chairman Walker closed the public input portion of the hearing.

Val Christensen did not have any information to add to this issue.

Scott Johnson said one reason to look at this 'no height requirement', is that the price of land keeps going up, and the University continues to grow. The City is beginning to see more and more developers who ask to go higher with buildings. In the planning process of Envision Madison, which had 2000 participants from the County, the feeling of the community was to keep growth in the core of the community and not spread growth outward.

This requested change is not random. The issue has been looked at many times.

Steve Oakey motioned to recommend to City Council to approve Development Code changes to building height requirements in the infill /redevelopment area only, as specified in the wording below from the Notice of Public Hearing in these minutes. **Rory Kunz** seconded the motion.

Requested changes as specified:

Development Code changes:

Section 3.9.100

Section 3.10.100

Section 3.14.120

Section 3.17.090

In the Infill/Redevelopment Area only, change to read:- There are no height requirements in the High Density Residential 1 (HDR1) zone; High Density Residential 2 (HDR2); Mixed Use 2 (MU2); and the Central Business District (CBD) except where these zones abut low or medium density residential zones, then buildings must meet the mitigation requirements of **Section 4.16** .

None opposed. **Motion carried.**

Val Christensen presented the proposed Development Code change: Section 5.8 of the Development Code: Add: Dormitory parking to be reduced to .8 per student in the infill/redevelopment area.

The University has statistics on the amount of cars that students bring. The statistics say .69 percent of the students bring cars. The City has done their own study with college interns regarding visitor parking; through this research, it was determined that about 70% visitor parking is used. About 80% comes out of these figures.

The Ivy Apartments were approved at 29% parking. That is why there have been problems that have included booting and towing. Windsor Manor also needs more parking.

There are not problems with parking in complexes that were built at 80 % parking. This change would eliminate the necessity of every project coming through for a CUP on a case by case basis.

Mark Rudd wondered if this number was the right one that developers would go with or if developers still might ask for a CUP for a lower percentage.

Scott Johnson stated this is a difficult issue; staff is basing the figure off of the information from gathered research. It is a challenge for the city; there is always pressure when there are booting and towing issues; these are not city issues because it is private property and a civil matter, but it is always a black eye for the city. Staff is also looking at barriers to entry. The 1 to 1 parking is a high barrier; staff believes 80% falls more in line.

It was clarified that .8 percent actually is an increase in parking – because of some of the new developments that are in the PEZ (Pedestrian Emphasis Zone) overlay that have asked for less parking.

Mark Rudd stated it would be good to educate the general public about this issue.

Melanie Davenport said the University is growing, and it will continue to grow. Rexburg is a unique place in the world. This University will be even in higher demand for people who value what is here. There are 2 options – either have higher density near the University, or there would have to be expansion outward for housing. Traffic issues have not really been addressed.

Scott Johnson said transportation is part of the puzzle. Staff has looked at the entire issue.

Chairman Walker opened the public input portion of the hearing.

In Favor:

Karl Mattson, PO Box 220, Ashton. He has a vested interest in this topic. He is in support of this amendment for dormitory-style housing parking to be reduced to .8 per cent per student in the infill/redevelopment area.

Megan Plaisted, 5536 South 3100 West. She is in favor of this parking reduction. It is a great step forward.

Neutral: None

Opposed: None

Written Input: None

Chairman Walker closed the input portion.

Scott Johnson clarified that this proposed parking requirement change is not tied to a specific project. Staff has been looking at this issue for a very long time. The requested change was driven by staff and by the City's Zoning Task Force.

It was clarified that an applicant can always ask for a lesser percentage of parking through a CUP; the P&Z Commission and the City Council could say an applicant cannot have it.

Melanie Davenport motioned to recommend to City Council approval of a Development Code change, for dormitory parking to be reduced to .8 per student in the infill/ redevelopment area only, as described in Section 4.16. **Mark Rudd** seconded the motion.

None opposed. **Motion carried.**

Unfinished/Old Business: None

New Business: None

Compliance: None

Non-controversial Items Added to the Agenda: None

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

April 7, 2016 P&Z Meeting:

1. Summerfield PUD (Planned Unit Development) Master Plan Amendment – Approximately 12th West and 1000 South
2. Madison County Transportation Plan discussion
3. P&Z Commission Training continued

Chairman Walker adjourned the meeting at 11:40 pm.