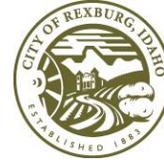


# Planning & Zoning Minutes

January 7, 2016



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

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## Commissioners Attending:

Thaine Robinson – Chairman  
Gil Shirley                      Mark Rudd  
Melanie Davenport        Rory Kunz  
John Bowen                      Heidi Christensen

## City Staff and Others:

Mayor Jerry Merrill  
Brad Wolfe- City Council Liaison  
Val Christensen- Community Development Director  
Stephen Zollinger – City Attorney  
Porter Wilkins – Community Development Intern  
Elaine McFerrin – P&Z Coordinator

**Chairman Thaine Robinson** opened the meeting at 7:05 pm. He welcomed Mayor Jerry Merrill, Council Members Tisha Flora and Brad Wolfe (Council Liaison to the P&Z Commission), City staff, Commissioners, and interested citizens.

## Presentation:

### 1. Recognition of Service for P&Z Commissioner Tisha Flora

**Mayor Jerry Merrill presented** a plaque to Tisha Flora for her dedicated service to the City of Rexburg as a P&Z Commissioner, serving from June 2014 through December 2015. She is stepping down because she was just sworn in at last night's City Council meeting as a new member of the City Council. She has served the City well and will continue to do so. He thanked her for her good service.

**Tisha Flora** thanked everyone. She enjoyed being a member of the Commission.

## Roll Call of Planning and Zoning Commissioners:

**Attending:** Rory Kunz, Gil Shirley, Mark Rudd, Thaine Robinson, and Melanie Davenport. New Commissioners Heidi Christensen and John Bowen joined the other Commissioners on the dais to observe this meeting; they will fully participate at the next meeting.

Steve Oakey, Bruce Sutherland, Jedd Walker and Richard Smith were excused.

## Minutes:

### 1. Planning and Zoning meeting – November 19, 2015

**Rory Kunz** motioned to approve the Planning & Zoning minutes of November 19, 2015. **Mark Rudd** seconded the motion.

Gil Shirley, John Bowen and Heidi Christensen abstained for having not been present at the meeting.

None opposed. **Motion carried.**

## Public Hearings:

### 1. 7:05 pm - Rezone – 398 and 424 Pioneer Road – from Rural Residential 2 to Medium Density Residential 2

**Chairman Robinson** explained the process that is followed for public hearing and then requested that the applicant come forward to make the presentation.

**Johnny Watson**, JRW & Associates, 1152 Bond Ave. He is representing the Rammell family, owners of 398 Pioneer Road. He gave a PowerPoint presentation showing the subject property and surrounding properties. There is mostly multifamily housing to the north and a single family home to the north, a single family neighborhood to the east, and high density residential to the south. The Comprehensive Plan is the vision of what the City sees happening in the future. There is a Moderate-High Density Residential land use designation for the subject property.

They are requesting that the current RR2 zoning be changed to MDR2. With high density to the south and mostly MDR1 to the north, it was felt that the step or transition to MDR2 would be a good fit. Parking dictates the density that a developer can get on a certain lot.

There is a good buffer with the presence of Pioneer Road, and there is quite a bit of distance from the nice single family neighborhood across the street to the east, where many of the homes have five foot vinyl fences enclosing their back yards. The home to the north of the subject property already has a very nice barrier of trees in place.

A possible layout of what the development could be was shown.

**Chairman Robinson** clarified that the Commissioners are not deciding on a development tonight. They are just looking at a possible land use change.

**Community Development Director Val Christensen** clarified that the parcel that has storage units (424 Pioneer Road) is considered a nonconforming grandfathered use. The owners (the Allens) wanted to be included on this rezone if it did not affect their grandfathered status, and it will not affect this status.

It was clarified that the home to the north of 398 Pioneer Road is not part of the rezone proposal.

**Chairman Robinson** clarified that the proposal before the Commission is to change the designated property (398 and 424 Pioneer Road) from the Rural Residential 2 zone to the Medium Density Residential 2 zone.

**Chairman Robinson** opened the public input portion of the hearing. He explained that the Commission cannot interact with the speakers or the audience at this time.

**In Favor:** None

**Neutral:** None

**Opposed:**

**Tyler Watson**, 354 Oak Trail Drive. He recognizes that property use is up to the owner.

He is concerned with the impacts of this rezone request. Their neighborhood is considerably surrounded by high density housing. Pinehaven Street is full of traffic. There is a safety concern. It is currently intolerable for his young children to cross the street. People going through Pinehaven to get to Yellowstone cause a significant body of traffic that should not be in a low density residential neighborhood.

Secondly, the impact on the infrastructure of the city if there is more high density housing here is a concern. He is a public health professional who teaches at BYU-Idaho. Water and sewer capacities are already being taxed. The 700 or 800 high density units that have been approved by the city to be constructed about one mile from this location have not even been built yet.

The LDR3 zone may be a better zone choice for this property. It allows 6 units, or twin homes. It would decrease the density.

Under MDR2, about 52 units would be possible on the 2.75 acres. That is the same number of units as the entire neighborhood across the street. The City allows up to 24 units per acre in MDR2. That kind of impact on the community, and the impact of traffic through the neighborhood, and on water/sewer – it would be reasonable to recommend something else to the Commission instead of the requested MDR2. The neighbors want the space to be developed; they do not want it to continue to be weeds, but they also do not want a transient neighborhood. Finally, home values of MDR2 in the subject space would not necessarily increase the City's tax revenue.

**Jeff Ward**, 334 Oak Trail Drive. This development would be right out his back window. We need to ask ourselves: what are we trying to do with the City of Rexburg by inviting higher and higher density housing into this community. Permanent residents are essentially boxed in with more transient, more economically depressed housing that will not add to this community but will eventually detract from it. These types of housing situations could eventually cause a depressed area as they become rundown with less and less to offer the community economically or otherwise. There is no long-term benefit for the City and its residents. It would communicate to Rexburg and to the permanent residents of the Oakbrook and Henderson Subdivisions that we are more concerned with providing for an investor than we are for the long-term benefit of this community. He reiterated that for residents who live on Pinehaven, specifically the Bjorn family and the Webb family, to walk across the street is incredibly dangerous. Each family has tiny children. He also has small children.

The street has to be crossed in order to go to community events or to daycare. The drivers cutting through are looking for a shortcut.

These are starter homes. Increasing the density in the area is unsafe and unwise.

**Christina Plank**, 350 Oaktrail Drive. She echoes her neighbors who have spoken. She brought a petition from the neighborhood that states that those who have signed the petition are against the rezone request (31 signatures) for the reasons that have been stated.

She crossed her name off and Tyler Watson's name off of the petition, as they are giving testimony tonight. A citizen cannot do both as this is seen as allowing someone double input.

Temporary residents are lacking a long-term commitment to the community, which contributes to property value concerns and safety concerns. As Tyler Watson said, we are not against development. If there were not tumbleweeds in her yard, it would be great, but she would rather have tumbleweeds than apartments.

If there were some miracle that could happen and Pinehaven did not go through anymore -such as a house being put south of her house to close the street off from Pioneer - that probably would solve the problem for them.

**Steve Ridges**, 362 Oaktrail Drive. Because of the canal, their home is boxed in. His children visit with friends and family to the north and have to go out to Pioneer to get there. His concern centers around the increase of traffic on Pioneer Road.

If there is more high density housing, the traffic will be a bigger problem than it is now.

**Ethan Bjorn**, 776 Pinehaven St. He is representing his family. He has four siblings under the age of 14. At other City meetings he has spoken of the dangerous traffic on this street. He has almost been hit. Apartments will add more college students who are known for speeding. There are other locations that would better suit the needs of the University; there are already plenty of apartments in

the area. The value of their homes would decrease dramatically. They are trying to sustain a neighborhood with good, hardworking families who deserve a safe and peaceful neighborhood. They are bombarded by apartments in every direction. No other apartments should be put up. He is 15 years old and recently got his driver's license. He is worried about the safety of his younger siblings and the other children in the neighborhood with speeding cars cutting through the neighborhood.

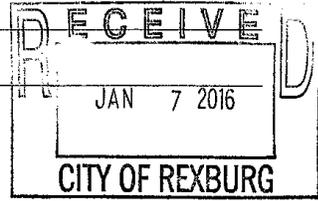
The fencing along Pioneer, with the sidewalk that was recently added, does not allow privacy if a building across the street is 2 or more stories high.

Please consider the stable and longer-lasting members of the community who want to raise families and thrive here. College students are not paying taxes.

We, the undersigned, are adult age residents of the Oakbrook Subdivision and oppose the rezoning of two parcels of land at 398 and 424 Pioneer Road from Rural Residential 2 (RR2) to Medium Density Residential 2 (MDR2).

- 1 Bly RPEL
- 2 Chapman Plunk
- 3 Jeanie Watson
- 4 Kath Phillips
- 5 [Signature]
- 6 Chris Ridges
- 7 Mary George
- 8 Denise Thomas
- 9 Scott Samf
- 10 Jessica Poock
- 11 Chloe Poock
- 12 Merina Aliason
- 13 [Signature]
- 14 Jan Wright
- 15 Paul O'Neil
- 16 Mi Watro
- 17 Wayman Moore
- 18 Logan V. Moo
- 19 [Signature]
- 20 Emily Webb

- 21 Annalee Borman & PAT
- 22 Gonzalo
- 23 Aidan Serrano
- 24 [Signature]
- 25 Jan Z...
- 26 [Signature]
- 27 [Signature]
- 28 [Signature]
- 29 Marcy Garner
- 30 [Signature]
- 31 Christina [Signature]
- 32 [Signature]
- 33 Delight Palafox



**Written Input:** None

**Rebuttal:**

**Johnny Watson** stated that he appreciates the neighbors' concerns and their protective nature toward their very nice neighborhood. However, as he stated earlier, the Comprehensive Plan, or vision of the City, does not see the subject rezone location as an area for single family homes. The Comprehensive Plan land use designation here is the Moderate-High Density Residential designation. The requested MDR2 zone fits under this designation. Public Works in their review has already looked at the infrastructure in the area and does not see a problem. The planning has already been set forth for a higher density residential here; the infrastructure would be able to handle the impact. Higher density residential has less of a demand on the infrastructure than single family residences.

Look at the vision that was put forth in Rexburg's Comprehensive Plan. Allow the Rammells' to exercise their right in requesting the MDR2 zone.

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

**Val Christensen** made a clarification in reference to Tyler Watson's testimony. A maximum of 20 units per acre and not 24 units per acre is allowed in the MDR2 zone. There is up to a maximum 24-plex size building that would be allowed per the Development Code ordinance.

The two subject lots are a total of about 5.5 acres. It was suggested to the applicant that if they were going to request changing the zone, change as much as possible, which is basically standard for the city. They were able to have the neighbor to the south join in the request; the storage units on that property are grandfathered in.

Mr. Christensen reiterated that the Comprehensive Plan land use designation is Moderate to High Density Residential. The MDR2 zone fits under the designation. The Comprehensive Plan is a guidance tool that was put together by Planning & Zoning, the City Council, City staff, and a consultant, with public input. It is State mandatory.

Public Works did not have any concerns regarding this rezone request.

Regarding the residents' safety and traffic concerns, there was a traffic study that was done for the entire city. Rexburg streets, from State averages, have low volume traffic in most parts of the City. At certain times, certain streets may have more traffic. This is typically handled with speed limit. The streets in the subject area are not considered high volume.

**Stephen Zollinger** stated that the City's Traffic Safety Committee could look at the issue.

**Melanie Davenport** said it appears that the traffic is the biggest concern for the neighbors, as Mrs. Plank stated in her testimony. It is not necessarily the project, although the project and the City as a whole and the way it is developing is a concern. What could be done? They have a petition with 31 names, and a good turnout from the neighborhood is here tonight. People have come prepared, with their comments well thought out. It sounds like they have been to City Council before, so this is not the first time this issue has come up. She would like to see the City work this out.

**Val Christensen** said the recommendation coming from this board could address the issue.

Speed bumps were mentioned. City Attorney Stephen Zollinger stated that speed bumps are not for year-round use.

**Rory Kunz** asked about the expressed neighborhood concerns regarding sewer capacity. **Val Christensen** stated that Public Works in their review of this application saw no problems with the proposal.

**Chairman Robinson** summarized the issue before the Commission. Should the land use for the specified property be changed from Rural Residential 2 to Medium Density Residential 2? They would be making a recommendation to the City Council, who would make the final decision. Personally, he is not a fan of petitions, because some people feel pressure to sign the petition. In this case, however, he feels the petition is valid in expressing the neighborhoods' concern.

**Rory Kunz** stated he is feeling an internal tug of war. The proposal fits the Comprehensive Plan. However, the neighborhood safety concerns about traffic may need to be addressed before development takes place.

**Chairman Robinson** felt that the RR2 zone does not make sense at this location. Rural Residential should be on the other side of U.S. Highway 20.

**Gil Shirley** sees the neighbors' concerns. He does not see single family homes at the subject location.

**Melanie Davenport** motioned to recommend approval to the City Council of a rezone from Rural Residential 2 (RR2) to Medium Density Residential 2 (MDR2), for the property located at 398 and 424 Pioneer Road, to include one condition:

1. The traffic on Pinehaven Street shall be addressed.

**Gil Shirley** seconded the motion.

Stephen Zollinger clarified that staff will address the Pinehaven traffic concern whether or not there is the stated condition.

Melanie Davenport said she wants to keep her motion as it is. The neighbors have already come to City Council with concerns. The motion is the assurance that the problem will be addressed.

Those In Favor:

Melanie Davenport  
Gil Shirley  
Mark Rudd  
Thaine Robinson

Those Opposed:

Rory Kunz

Heidi Christensen and John Bowen abstained (new P&Z Commissioners observing this meeting).

**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:**

January 21, 2016:

1. Welcome newly appointed P&Z Commissioners – Heidi Christensen and John Bowen
2. Rezone – Approximately 157 West 2<sup>nd</sup> South – High Density Residential 1 to Hemming PRO (Project Redevelopment Option) Zone

**Chairman Robinson** announced that tonight would be his last meeting serving on the Rexburg P&Z Commission. He has moved to Idaho Falls. He has been on the Commission almost eleven years. He has enjoyed Planning & Zoning. He enjoys hearing the different views.

His advice to the Commissioners is: whatever you vote on, make sure it is a good decision for 15 years from now and not just for now.

The meeting was adjourned at 8:19 pm.