

# Customer Support Services

## City Council Minutes

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

June 20, 2007

Mayor Shawn Larsen

**Council Members:**

Donna Benfield – Council President  
Farrell Young    Christopher Mann  
Rex Erickson    Randy Schwendiman  
Bart Stevens

**City Staff:**

Stephen Zollinger — City Attorney  
Richard Horner — Finance Officer  
John Millar — Public Works Director  
Val Christensen — Building Official  
Gary Leikness — Planning & Zoning Administrator  
Blair Kay — City Clerk

**6:00 P.M. – Work Meeting** (Joint City Council/Planning Commission **“Planning Update”**)

**Mayor Larsen** said the purpose of this meeting is to help facilitate the agreements that have started due to the joint project between the City and County.

**Soren Simonsen** explained the project. This was to be an update of the Comprehensive Plan for Madison County that has evolved to include the Comprehensive Plan for the city. This project will also include code work for Madison County. This will help to develop strategies and ideas so everyone can work together. Mr. Simonsen went over the project schedule to update the Comprehensive Plan. He gave a handout with the prospective timeline.

**Mr. Simonsen** first went over the Comprehensive Plan Update. They hope to get more public input and will be working on Public Outreach in August as well as Issue Identification. In September, the Draft Comprehensive Plan Update will be discussed. Ordinances and Codes will be discussed as well as other areas needed. A public hearing will be held in November along with a plan adoption. Mr. Simonsen then discussed the Development Code Update. The Development Code will be updated in November as well. Code diagnosis and working definitions will be discussed. The zoning ordinance will be updated in December. New/Revised Zones along with Residential/Commercial design standards will be discussed at this time as well. In January the subdivision ordinance will be updated. A public hearing will be in February. The Development Code approval/adoption should be put in place by February 2008.

Public Outreach (where public input is requested) is scheduled for July and August. This will be scheduled as soon as possible. The City/County Planner would like to inform the public of the public outreach meetings by means of website, mailer (postcard/newsletter), newspaper, legal notice, press reporting, radio, etc.

**Council Member Benfield** suggested holding these public outreach meetings in late August or early September so more of the community can be involved. August is a busy month and the BYU-Idaho is out for seven weeks until September.

**Mayor Larsen** suggested holding these public outreach meetings the week before school starts around August 14. Council Member Erickson said this is a busy time for parents getting kids ready for school. Council Member Mann asked if waiting until the end of August would delay the project. Mr. Simonsen said it may push the project back a few weeks. The demographics of those that participate are anywhere from high school to retired individuals, business owners are the main participants.

**Council Member Benfield** said the Idaho Dance and Music Festival is the first week of August. She thinks many people will be on vacation. Starting the week of the August 20<sup>th</sup> will give many more people the opportunity to attend. The Madison County Fair is Aug 15-18.

**Council Member Benfield** thinks many younger people/families will be interested in knowing what their community will look like in 20 years. Even if the project is pushed back 2-4 weeks it will allow more to be involved. Mr. Simonson said even if they push the project back a few weeks they may still be able to meet their deadline.

**Mayor Larsen** asked how many public outreach programs are planned. Mr. Simonson said at least two, but they could have more. The Public Outreach Meetings will be scheduled for Aug 22, 2007 and Aug 25, 2007. They will coordinate a place at a later date.

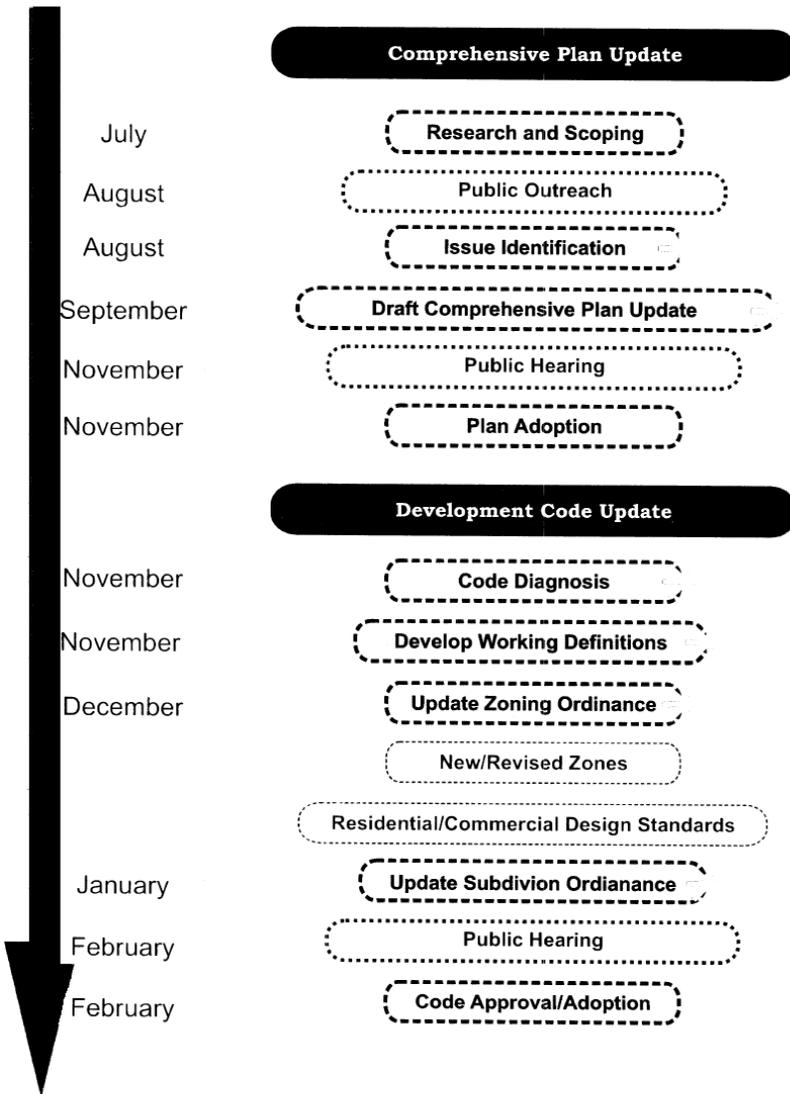
The City Council and the County need to have a monthly meeting like this to discuss the progress of the project. Council Member Benfield and Council Member Mann said a 6:00 p.m. Wednesday meeting before City Council would be perfect to go over this information. They will plan every 3<sup>rd</sup> Wednesday at 6:00 P.M. The next joint meeting will be July 18, 2007. They will not have a joint meeting in August and then start again in September.

**Mr. Simonson** also said if other committees or boards need to be involved they need to make sure they are invited to these monthly City/County meetings. Council Member Stevens will make sure the school board is invited to these meetings. Winston Dyer also suggested a member from the MYAB be in attendance. Mayor Larsen will extend an invitation to Public Works, economic development, etc. Other committees/groups will be invited as necessary. Mr. Simonson said agendas will be provided in advance. If a person from each committee wants to attend each time that may be appropriate as well.

**Mayor Larsen** said Council Member Erickson and Council Member Young will be on the sub-committee for the county.

# Rexburg Comprehensive Plan & Development Code Update

## Project Schedule



7:00 P.M. – Pledge to the Flag

**Roll Call of Council Members: All were present**

**Consent Calendar:** The consent calendar includes items which require formal City Council action, however they are typically routine or not of great controversy. Individual Council members may ask that any specific item be removed from the consent calendar for discussion in greater detail. Explanatory information is included in the City Council’s agenda packet regarding these items.

- A. Minutes from June 06, 2007 meeting
- B. Approve the City of Rexburg Bills

**Council Member Mann** asked about the Idaho Traffic Safety hired work for \$10,800 on page 7 of the bills. They will ask Public Works Director John Millar about this.

**Council Member Young** moved to approve the Consent Calendar. Council Member Erickson seconded the motion. All aye, none opposed. **The motion carried.**

**Public Comment:** on issues not scheduled on the agenda (limit 3 minutes):

**Ken Stout** manager of Wells Fargo Bank in Rexburg addressed the letter regarding Ordinance 908 sent out by the city. He has spoken to many business owners around town who all feel this letter was poorly written and came off very strong. They do not understand the letter or the need for the letter to have been sent out. Mr. Stout has looked around the city and there are more than 400 businesses in violation of Ordinance 908 from what he can see. He feels this letter shows a lack of understanding or a lack of caring for businesses and business needs in Rexburg. He recommended the city back off and ask for public input from the community. He feels the ordinance is too ambiguous to enforce.

**Council Member Erickson** apologized on behalf of himself and the Planning and Zoning Commissioner for the way this letter was sent out. There is some common ground that business owners and the city can find. Some education needs to be given to business owners on Ordinance 908, but it also needs to be enforced.

**Mayor Larsen** spoke with Chairman Dyer and asked Planning & Zoning to put this on their agenda, ask for public input and have the planning and zoning commission look into Ordinance 908. Chairman Dyer will work with city staff and the planning commission on this.

**Council Member Young** asked if an apology or retraction letter should be sent out. Ken Stout said right now these business owners have a demand before them and they have no option but to comply. Until the city rescinds the letter, business owners have an ultimatum, either comply or suffer the consequences spelled out in Ordinance 908.

**Mayor Larsen** asked for a date to have this on the Planning and Zoning agenda. Council Member Young said it needs to be very clear that the city is rescinding the June 30 deadline the letter stated.

**Mayor Larsen** said several businesses have complied since the letter was sent out. Council Member Erickson said the way this letter came across put everyone in a bad position.

**Council Member Benfield** is disappointed that with so many businesses in violation of Ordinance 908 it did not come before City Council before the letter was sent out. This would have shown the City Council that the ordinance is hard to understand or not worded correctly so this could have been addressed first. The letter seems very anti-business, and Rexburg is a pro-business community.

**Council Member Benfield** motioned to send out a letter immediately to rescind the letter and in this letter include the date planning and zoning will be taking public input. Council Member Erickson seconded the motion. Discussion: Council Member Schwendiman asked who received the letters. Mayor Larsen said the letter was sent to 43 different businesses. Chairman Dyer said there were some citizen complaints by the community. A spot check was done. It was intended to be a fact finding situation at first. Unfortunately the cart got ahead of the horse in sending out the letter.

Council Member Mann wants to make sure the community understands the city is not getting rid of the ordinance, they will revisit the ordinance. Council Member Stevens said we need to make sure this rescinding letter reflects that the city is pro business, but the city is not getting rid of the ordinance. Council Member Mann asked for a policy for mass letters. Before any mass letter is sent out, it is brought before City Council first. All voted aye, none opposed. **The motion carried.**

**Mayor Larsen** asked if public input could be taken at the July 19, 2007 Planning and Zoning meeting. This will be put on the agenda for July 19, 2007.

**Presentations:** - NONE

**Committee Liaison Assignments for 2007:**

A. Council Member Mann *Parks & Recreation· Museum Committee· Romance Theatre Committee*

**Council Member Mann** met with Chris Fox, Terrell Arnold and Mayor Larsen on the Museum. Many good things are going on. There is not much to report. He also reported the Spray Park and Carousel are doing very well.

B. Council Member Benfield *Beautification Committee· Police Department*

**Council Member Benfield** had nothing to report.

C. Council Member Erickson *Airport Board· Planning & Zoning*

**Council Member Erickson** had nothing to report.

D. Council Member Schwendiman *Golf Board· Traffic & Safety· Emergency Services Board*

**Council Member Schwendiman** met with the golf board. The contract is pretty well negotiated. He also reported the Traffic and Safety Committee will not meet during the summer.

**Mayor Larsen** said he attended a meeting dealing with Emergency Services. They have a new 911 dispatch center. The meeting explained the wages for this 911 dispatch center would be split 50/50 between the county and city. Many of these calls that will come through this 911 dispatch center will benefit emergency services. The City has allocated \$75,000 in the budget for this year, next year and the year after to pay for dispatch. About a year ago, legislation said 911 dollars cannot be used towards personnel. The city is being billed a greater amount than the \$75,000 that has been allocated. Emergency services benefit from this 911 dispatch center and should be included in the budget between the city and the county to contribute funds to pay for personnel as well.

**Council Member Young** asked where the 911 monies previously used for dispatch is going. Mayor Larsen said it is going into a fund that will be used for communications. They are hoping to use the money for new equipment, etc. A committee has been formed to make recommendations on how to spend the money going into this fund.

**Council Member Benfield** asked if the city has been billed more than \$75,000. Yes, the city is currently \$22,000 short on what the county feels is city obligation. Mayor Larsen is going to meet with Chief Archibald and Finance Officer Richard Horner to find a way to fund this. Council Member Young said some of the 911 money should come back to city. Mayor Larsen agrees and says this is why the committee has been formed to make recommendations on this 911 money.

E. Council Member Young *Tabernacle Committee· Rexburg Arts Council*

**Council Member Young** met with the Tabernacle Committee. They are proceeding with fund raising projects and improvement projects. The committee asked if the \$14,000 approved for the handicap ramp could be reallocated to the windows since the plans for the ramp are not ready. Mayor Larsen said because it is over \$10,000, this would need to be approved by the City Council. Council Member Young will go back to the committee and get a firm plan to present to council.

**Council Member Young** also reported the Rexburg Arts Council provides a free performance every Wednesday night during the summer. In years past they have had 150-200 people in attendance. This year there are only 20-25 people in attendance. They need better advertising in order to continue these high quality performances.

F. Council Member Stevens *Trails of Madison County· IBC Committee· School Board*

**Council Member Stevens** and Mayor Larsen met with Brent Mendenhall and Dr. Geoffrey Thomas on the school board, as well as the athletic director at the high school on the joint agreement with ball fields. These should be shared fields. They came to some agreements on who will be billed for what, etc. Erik Lords and Jack Bowman will work together to find out the average cost of maintenance on the fields. Council Member Stevens, Brent Mendenhall and a non-biased third party will meet together to find a billing situation that is agreeable for everyone. Mayor Larsen explained the agreement calls for a committee to be formed. The original agreement was written in 1975. They don't want to exclude those who want to use the fields. Council Member Stevens said this is a community field and should be equally shared. Council Member Erickson asked if the city is using the original agreement. Yes, some adjustments may be made.

**Council Member Benfield** asked if the tennis courts are available on a first come first serve basis or do they need to be scheduled. It is open on a first come first serve basis during summer. During school hours it must be scheduled through the school.

**Council Member Young** asked who is paying for the new parking lot. The school is putting this in. Council Member Mann said Walters Ready Mix was paid by the city for the new tennis courts, so the city is contributing. Mayor Larsen said the Urban Renewal committee contributed \$100,000 cash for this project.

G. Mayor Larsen *Mayor's Youth Advisory Board· Legacy Flight Museum*

**Mayor Larsen** had nothing to report.

**Public Hearings:**

**A. 7:30 P.M. – Rezone** – Approximately 1076 S 12<sup>th</sup> W – TAG1 to CBC

**Planning and Zoning Administrator Gary Leikness** presented the Rezone request. Richard Smith is now the applicant for this request. The original request was for 20 acres, but as a clean-up item for the surrounding area, the area is now about 80 acres. This item has been brought before the City Council for an annexation, a rezone request and it has been re-designated on the comprehensive plan. This area is requested to go from TAG1 to CBC. The Planning Commission recommends approval of this action.

The City Council discussed and clarified the area being rezoned.

**Council Member Schwendiman** doesn't want to vote on something he isn't sure he's voting on. Planning and Zoning Administrator Gary Leikness explained staff put an extra 40 acres on this request as a clean up item. The additional 40 acres was changed on the comprehensive plan to a commercial area, but the zoning has not yet been changed.

**Mayor Larsen** opened the Public Hearing.

**Those in Favor:** NONE

**Those Neutral:** NONE

**Those Opposed:** NONE

**Mayor Larsen** closed the Public Hearing.

**Council Member Mann** said in reading the minutes from Planning and Zoning, he saw one vote against this rezone request by Mike Ricks because he felt this commercial area was too close to the high school. The high school would like commercial areas around them for students to have work programs, etc.

**Council Member Erickson** moved to approve the rezone request for 1076 S 12<sup>th</sup> W from TAG1 to CBC. Council Member Schwendiman seconded the motion. Discussion: Council Member Young suggested approving the request for the entire shaded area on the map that was given to the council so it is clear what area is being rezoned. Council Member Erickson amended the motion to approve the area as legally described on the attached map, approximately 80 acres. The second to the motion concurred. All voted aye, none opposed. **The motion carried.**

**Council Member Young** asked if they can require the applicant to be present when the City Council makes a motion on their requests. Council Member Schwendiman asked what responsibility city staff has to present requests to the council. They do not have any obligation; it is

done as a courtesy. Council Member Stevens said city staff does a great job presenting information, but when a question or concern comes up, the applicant should be present to address that issue.

**Mayor Larsen** asked Planning and Zoning Administrator Gary Leikness to communicate a little stronger the importance of an applicants to attend the public hearing dealing with their requests. Council Member Erickson would like a public hearing postponed unless a representative is at the public hearing.

**B. 7:40 P.M. – Rezone – Airport Commercial Park – CBC to LI**

**Planning and Zoning Administrator Gary Leikness** said there is a staff report and analysis provided to the council. Greg Stoddard, the applicant for this request said when this property was originally developed they wanted a light industrial area. Through the development process they found that changing this zoning from CBC to LI it meets the needs of many individuals.

**Mayor Larsen** opened the public hearing.

**Those in Favor:**

**Greg Stoddard** at 1991 East 183 North, asked for the City Council to approve this rezone request.

**Cade Crapo** at 2029 East 700 North in St. Anthony, expressed support for this rezone request.

**Those Neutral:** NONE

**Those Opposed:** NONE

**Mayor Larsen** closed the public hearing

**Council Member Stevens** moved to approve the rezone request for Airport Commercial Park from CBC to LI. Council Member Benfield seconded the motion. All aye, none opposed. **The motion carried.**

**C. 8:00 P.M. – AMEND DEVELOPMENT CODE ORDINANCE 926 by adding to Chapter 4: Section 4.15 “Planned Unit Development”**

**Planning and Zoning Administrator Gary Leikness** presented the information on the overhead screen. Council Member Erickson asked who initiated this PUD ordinance. Staff recommended amending this ordinance to planning and zoning. Council Member Erickson asked these recommendations also be brought to City Council before the process begins. Planning and Zoning Administrator Leikness will do his best to accommodate this request in the future. He reminded the City Council they are welcome to initiate changes as they see fit as well. Chairman Dyer said this Planned Unit Development (PUD) ordinance is something that has been discussed for a long time. This ordinance will give a lot more detail to what is required. The development community has asked that this be looked into as well.

**Planning and Zoning Administrator Leikness** explained this PUD ordinance with a PowerPoint presentation.

**What is a PUD?**

- **Planned Unit Development**
- **A more flexible approach to land development.**
- **Land clustering**
- **Performance based density bonuses**
- **Focus on open space and natural features**
- **Allows the City and the developer to negotiate good design.**

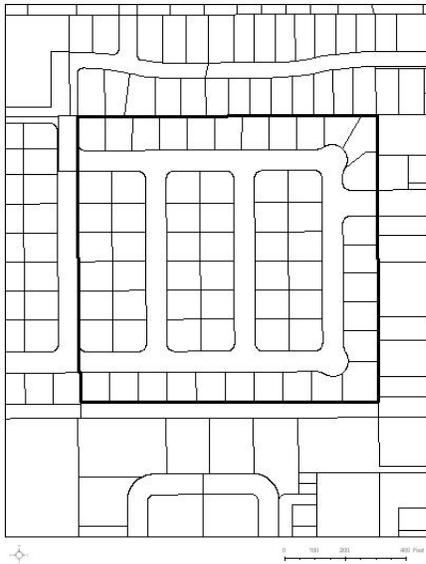
**What does the City Currently Have?**

- **Subdivision ordinance**
- **Strict lot size minimums**
- **Strict setback standards**
- **Strict street and right-of-way sizes**

**What can be achieved through a PUD?**

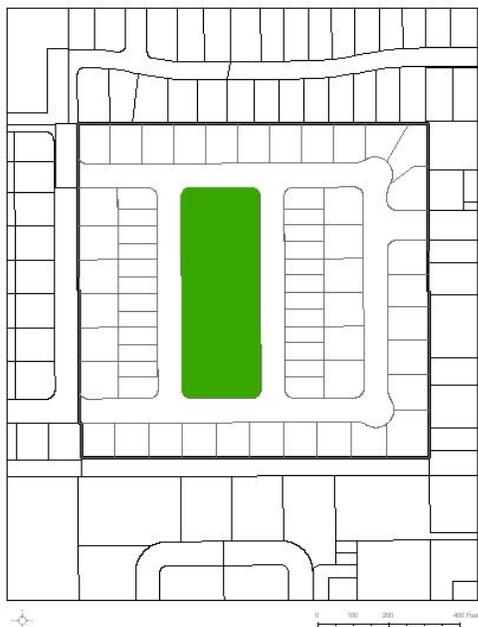
- **Decreased setbacks**
- **Clustering**
- **Decreased street sizes**
- **Open Space incentives**
- **Innovative design**

**Standard Subdivision (Existing)**



- **Gross Area**
- **20.19 acres (gross)**
- **Roads**
- **5.83 acres**
- **Net Developable Area**
- **15.4 acres**
- **Lots Yielded**
- **63**
- **Green Space Provided**
- **0.0 acres**
- **Density (units/NDA)**
- **4.1**

With a PUD ordinance, lots can be split in half and give 3 acres of green space:



- **Gross Area**
- 20.19 acres (gross)
- **Roads**
- 5.83 acres
- **Net Developable Area**
- 15.4 acres
- **Lots Yielded**
- 63
- **Green Space Provided**
- 3.0 acres
- **Density (units/NDA)**
- 4.1

**The PUD ordinance would allow the same number of lots to be yielded with the same net densities while adding green space.**

**Proposed PUD Ordinance:**

The Planning Commission has recommended approval of the proposed PUD ordinance. They recommended that additional building and site design options be made available to developers who seek density bonuses. The PUD before the City Council does not yet incorporate those added options. Additional options can be discussed and added for other readings of this proposal.

**Council Member Stevens** asked if a developer was building on a smaller lot, would no setback be required. Planning and Zoning Administrator Gary Leikness said a PUD ordinance would allow flexibility with setbacks as well as other development requirements.

**Mayor Larsen** asked if a developer comes in with a PUD ordinance in place, will the development still come before City Council. This ordinance would eliminate a lot of what comes before City Council. Planning and Zoning Administrator Leikness said language can be written to give City Council more authority.

**Mayor Larsen** opened the public hearing.

**Those in Favor:**

**Trevor Einerson** at 82 Douglas Dr. explained he has only been in Rexburg for about a year and has enjoyed living here. He enjoys having clean streets, etc. He works for a developer. It is hard to build low income housing in Rexburg because of high cost of land in Rexburg. From a developer standpoint, they would like to add open green space, etc. so they can provide more affordable homes. He would like a PUD ordinance put in place in Rexburg.

**Chris Yousy** with Timberhawk homes, talked about other PUD ordinances his company is working with in Utah. There is a need for affordable housing in Rexburg for young families. This ordinance would give more flexibility to provide these types of homes. He is in favor of this PUD ordinance.

**Winston Dyer** at 310 North 2<sup>nd</sup> East, is testifying as a citizen. He is not representing the Planning and Zoning Commission. This PUD ordinance is a wonderful planning tool. It will give a higher level of development and presentation in the community. It is particularly applicable to areas where there is more rocky or challenging terrain. This PUD would allow land to be used more efficiently. He is before the council to encouraging the passage of this PUD ordinance so it can be used as a tool for developers interested in using it. He gave a few recommendations on the ordinance. He is encouraging passage of this ordinance tonight. As a design professional, he recommended a few changes to the ordinance.

B. Planning and Zoning Commission Authority. The Planning and Zoning Commission shall have the authority to approve, approve with conditions, or disapprove planned unit developments in any residential or commercial zone, or any combination of them, subject to the provisions of this section.

Mr. Dyer suggested changing this language so these decisions are not solely in the hands of zoning. Proposals need to be brought before City Council.

G. Density Determination. Density in PUD shall be determined by using the “developable land” of the entire proposed development. Developable land is land under 30% slope and that is capable of being improved with landscaping, recreational facilities, buildings, or parking. Land devoted to street usage in PUD subdivisions shall not be considered developable acreage and must be subtracted out of the total acreage used to determine density.

Mr. Dyer recommended removing streets in calculations of density.

- iii. DESIGN TEAM. The final development plans shall be prepared by a design team composed of an architect, a landscape architect, and an engineer or land surveyor, all licensed to practice in the State of Idaho.

Mr. Dyer suggested that it may not be necessary to have design professionals involved in every PUD development. Council Member Stevens concurs with this saying if the purpose of this ordinance is to offer more affordable housing this would defeat the purpose.

L. Density Bonus Design Requirements. If greater density is requested above the base density, a PUD development shall comply with one or more of the following bonus density design requirements depending upon the desired density increase. The Planning and Zoning Commission shall review and determine if the proposed design complies with the intent of the design requirement before the points are granted. The density bonus points for each individual design component are in parentheses at the end of each requirement. In order to receive the maximum density allowed in the zone, the development shall have received bonus density points from at least one design component in each of the following categories: energy efficiency, building design, design theme, landscaping, and open green space. A design component cannot be used to obtain points in more than one category. (See draft of ordinance for more details).

Mr. Dyer explained the ordinance requires every design requirement to be met in order to get any bonus points. He suggested that because each development is different, they allow developers to pick and choose which items they'd like to do based upon the situation and give bonus points on just those items.

**Brent Kohls** 1526 Belaire in Boise, explained he met with city staff last year about land his company would like to develop. This land is currently zoned LDR1 which requires 12,000 sq foot lots. They have been waiting for this PUD ordinance so they can develop this area as they planned with 5,000 sq foot lots. His company has spent about \$50,000 on auction payments and another \$50,000 on architectural designs and engineering. He handed out the plans for this area of land to give the council an idea of what a PUD ordinance would allow. The location is on the hill south of the Temple site. The north section of the property would be Sunrise Drive. The area would be called Founders Square. There would be Colonial style homes built on 5,000 square foot lots. Garages would be in the back behind the homes. They are thinking of a large clock tower in the middle of the subdivision. Sunrise Dr would be the main boulevard. These plans are not before the City Council to be approved, but simply to show that this type of plan will not work unless the PUD ordinance is passed and allowed. He asked the City Council to approve and accept the PUD ordinance.

**Those in Neutral:** NONE

**Those in Favor:** NONE

**Mayor Larsen** closed the public hearing.

**Council Member Erickson** asked Mr. Kohls about streets in the plan he suggested. Mr. Kohls said for this plan, the streets are in compliance with current city standard and these would be city streets.

**Council Member Mann** asked how this higher order of development and presentation and at the same time lowering cost. This seems to be a conflict. He doesn't want developers to skirt around design standards to save money. Planning and Zoning Administrator Gary Leikness explained the

two can work hand in hand because it will save developers money that can be passed onto the buyers, but the development has to meet certain other requirements so it is a nice presentation and development.

The City Council deliberated the ordinance. They specifically asked about snow in the winter. Planning and Zoning Administrator Leikness explained the developers would have to show where they would put the snow before any plans would be approved. The city engineer would have to review these plans to make sure it was feasible.

**Council Member Stevens** said he likes the idea of making smaller lot sizes and having a different and creative design. He is concerned with the way the ordinance is currently written. He wants to make sure plans come before City Council before anything is approved.

**Council Member Mann** asked about other communities with PUD ordinances. Do they have regulations like only 20% of subdivisions can fall under the PUD ordinance? Planning and Zoning Administrator Gary Leikness said this PUD would open it to anyone, but some cities have designated areas with a PUD overlay. Council Member Mann likes this idea.

**Council Member Stevens** said this City Council as well as the Planning and Zoning Commission have some concerns on street widths. He asked if standard street widths can be kept as normal in this PUD. Planning and Zoning Administrator Gary Leikness said this would defeat the purpose of a PUD ordinance. Planning and Zoning Administrator Gary Leikness said developers need to prove that their development will work.

**Chairman Dyer** suggested that this is a city ordinance. The City Council can change the ordinance any way they need to make it work for Rexburg.

**Council Member Benfield** likes the idea of a new feel for a neighborhood. She would like the ordinance to be worked on so the ordinance is the way the council wants it before it is approved as first read.

The City Council continued deliberating on the PUD ordinance.

**Mayor Larsen** asked the City Council if they'd like to approve the PUD ordinance as first read or if they'd like it to come before City Council as a first reading again after changes have been made. Council Member Stevens asked if it can be first read contingent upon the changes they wanted. Council Member Erickson suggested having the ordinance revised as Council Member Benfield suggested and if they feel it is what they want they can waive the rules as accept it as third read the next time it comes before City Council. Council Member Mann said that is a possibility but he does not want to commit to this if he is not completely comfortable with the revised ordinance.

The council went over the concerns for Planning and Zoning Administrator Leikness.

Concerns: All the concerns Winston Dyer addressed in his public hearing testimony need to be changed or addressed. 1. Planning and Zoning Commission Authority. 2. Street widths need to be addressed better in the ordinance.

**Council Member Benfield** motioned to send this ordinance back to Planning and Zoning Administrator Gary Leikness to rewrite the areas of concern and have it on the City Council agenda July 3, 2007. The amended ordinance should be to each City Council member a few days before the City Council meeting so they can make other changes before July 3, 2007. Council Member Erickson seconded the motion. All voted aye, none opposed. **The motion carried.**

### **New Business:**

#### **A. Final Plat – The Meadows, Phases 3,4 and 5**

**Winston Dyer** 310 N 2<sup>nd</sup> E authorized representative of Timberhawk Inc., presented the Final Plat for The Meadows, Phases 3, 4 and 5. This is a development immediately north of 7<sup>th</sup> South. This area consists of just less than 8 acres with 92 town homes. He reviewed the Final Plat on the overhead. The area calls for green space, a vinyl fence, etc. The streets in the subdivision will be

private. They will have sufficient lighting for the area. They will install lights that will light between 5-30 feet of where the light is installed, but will not go beyond the property. There will be wider parking spots to accommodate young families. This proposal does meet all city standards.

**Council Member Schwendiman** asked how soon the project will be completed. It should be done in about two years. Council Member Erickson asked if all conditions were met. All conditions have been met.

**Council Member Stevens** moved to approve Final Plat for The Meadows, Phases 3, 4 and 5. Council Member Erickson seconded the motion. All voted aye, none opposed. **The motion carried.**

#### **B. Update on Planning and Zoning Commission Survey – Gary Leikness**

**Dennis Warr** 539 Maple Drive, addressed the survey that went out recently. He apologized for any misunderstanding this survey about the pedestrian encouragement zone may have caused. He owns some property on College Avenue. The survey was sent on his behalf. He was not trying to bypass the City Council in any way. He was just asking for the process of public hearing to go through. He would like the Planning and Zoning Commission to hear the pros and cons of this idea. He passed around an idea of what kind of apartments he would like to build on College Avenue. He is asking for some leniency on the 1 to 1 parking ratio now required. He wants College Avenue to be a wonderful transitional point between the University and downtown Rexburg.

**Planning and Zoning Administrator Gary Leikness** discussed the idea of a Pedestrian Encouragement Zone with a PowerPoint presentation on the overhead.

#### **Pedestrian Encouragement Zone:**

Can the City's Parking and Building Height Requirements near the Campus Core be Modified to Encourage Redevelopment and to Provide Housing Choices for Those Who Choose not Drive?

#### **The Situation:**

Since the announcement that the former Ricks College was to convert to a four year university, the following are some consequences that may be occurring:

- Dormitory housing has been expanded beyond the historic areas of student housing near campus partly due to property value increases near campus.
- Students having to live in these new areas are farther from campus and often choose to drive to campus, and therefore bring a car to Rexburg and to campus.
- As the "market" feels that students are now bringing more and more cars, new businesses are more inclined to build further out from the campus core to where land is cheaper.
- As new businesses grow out from the campus core, students feel more pressure to bring a car to Rexburg.
- Existing housing owners near campus feel that re-development would actually result in less housing units due to stricter development codes than what historic parking ratios have been.

#### **A Possible Solution:**

For very specific areas near campus, a parking reduction from the current 1 parking space per student to 0.5 space per student, and/or an increase in building height limitations could produce the following results:

- The more expensive housing near campus would be off set by the ability to expand and yield more units, rather than a developer looking further out in the City or annexing property in the County for the purpose of providing dormitory housing.
- More students could live within walking and bicycling distance of campus.
- As the "market" feels that students are staying closer to campus, new businesses might respond by building in areas these areas that have higher population densities, such as the area between campus and downtown.
- As new businesses respond and develop near campus, students will feel less pressure to bring a car to Rexburg. This interrupts the current cycle and creates a new paradigm for how businesses, student, the campus, and the overall community interact.
- Less student vehicular traffic and more pedestrians near a "core."
- Existing housing owners near campus will feel that re-development will actually be feasible.

**Next Steps:**

Gather Public Input – As an earlier version of this presentation was given to the Planning and Zoning Commission, it was determined that before proceeding in further a survey should be sent out to at least property owners that were located within the campus buffer shown on a previous slide. The Planning Department mailed out a survey and they have received several responses. The survey responses are still being reviewed before being presented to either the Planning and Zoning Commission or City Council.

**Next Steps:**

Ordinance Changes – After the Results of the survey and further discussion ensues amongst the Planning and Zoning Commission and/or the City Council the following could occur:

- Staff would draft specific changes to the current Development Code to either decrease parking requirements, and/or increase building heights near campus.
- A public hearing would be held as part of the adoption process of any such amendment to the Development Code.

Areas within 1 block of campus were targeted to determine if vehicular traffic would be reduced if building and parking regulations were relaxed. A survey was sent out to only those within this area.

**Planning and Zoning Administrator Gary Leikness** apologized to the council for not letting them know about the survey before it was sent out.

**Council Member Schwendiman** said the University claims that 80% of students are within walking distance of campus. Planning and Zoning Administrator Gary Leikness said the city needs to plan for 30,000 students. Mayor Larsen suggested the city allow for a higher density of students around campus but not have parking available. In other words, students will rent an apartment in this area, but they won't be renting a parking stall, so they'll know they cannot bring a car to school with them.

The City Council talked about the pros and cons of this idea of a pedestrian encouragement zone.

**Planning and Zoning Administrator Leikness** explained there are many buildings that need to be torn down, but they were built at .4 to 1 parking and the owners will not tear them down because they cannot build at this ratio now.

**Mr. Warr** said it would be next to impossible to build on College Avenue unless parking was decreased to at least .5 to 1 instead of 1 to 1.

**Council Member Mann** asked if BYU-Idaho has been contacted about this so the city and university can work together. Mr. Warr said he has spoken with Kevin Musaki from BYU-Idaho who said they would go along with and support the city in whatever they decided.

**Mayor Larsen** asked if Mr. Warr is waiting for the city to do something before building on College Avenue. Mr. Warr cannot go forward with anything until something is changed with the 1 to 1 parking ratio now required.

**Council Member Stevens** asked how this would affect the new developments that do have a 1 to 1 ratio. They built to the standard that was required, so will they now add onto their buildings because they don't need all the parking? He suggested no parking at all in these targeted area.

**Council Member Schwendiman** would like some input from the university, the fire department, etc.

**Mayor Larsen** asked the City Council if they feel okay with allowing Planning and Zoning Commission to explore this issue a little more.

**Council Member Benfield** would like input from apartment owners because many of owners have their life blood in these apartments. It is how they make their living. She wants to know how this will affect their businesses.

**Council Member Stevens** would like the zero parking option explored for this idea as well.

The City Council is willing to let the Planning and Zoning Commission explore this idea a little more.

**C. Conditional Use Permit—Assisted Living Center—407 West 1<sup>st</sup> North**

**Council Member Erickson** said this is a good place for an Assisted Living Center. Planning and Zoning put some conditions on this Conditional Use Permit. The applicant is willing to comply with all of these conditions.

**Council Member Mann** moved to approve the Conditional Use Permit for the Assisted Living Center located at 407 West 1<sup>st</sup> North subject to conditions. Council Member Erickson seconded the motion. All aye, none opposed. **The motion carried.**

**D. Approve Operational/Fireworks Stand Permit Application**

**Council Member Erickson** motioned to approve fireworks stand as written. Council Member Mann seconded the motion. All voted aye, none opposed. **The motion carried.**

**Report on Projects:** John Millar

**Public Works Director John Millar** was not available to give a report on city projects.

**Financial Officer Report:** Richard Horner

A. Monthly Budget summaries

**Finance Officer Richard Horner** was not available to go over the monthly budget summaries.

**Calendared Bills and Tabled Items:**

**A. BILL Introductions:** - NONE

**B. First Reading:** Those items which are being introduced for first reading. - NONE

**C. Second Reading:** Those items which have been first read.

- 1. **BILL 941 – Cost of Living** adjustment for City Council Members

**Council Member Mann** moved to consider BILL 941- Cost of Living adjustment for City Council Members second read. Council Member Erickson seconded the motion. Roll call vote:

<b><u>Those voting aye</u></b> Randy Schwendiman Donna Benfield Rex Erickson Bart Stevens Chris Mann	<b><u>Those voting nay</u></b> Farrell Young
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**The motion carried.**

**D. Third Reading:** Those items which have been second read.

- 1. **BILL 988 – “LID 38”** for the North Alley from Center St. to 2<sup>nd</sup> East

**Mayor Larsen** suggested waiting on BILL 988 until negotiations are finalized.

**Tabled Items:** Those items which have been the subject of an affirmative vote to a motion to table: - NONE

**Old Business:** - NONE

**Mayor’s Report:** - NONE

**Adjournment**

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Mayor Shawn Larsen

Attest:

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April Howard, Deputy City Clerk