



September 17, 2008

Council Members:

Resolution No. 2005-06 which has been adopted by the City of Rexburg states:

#### **SECTION 4: MOTIONS AND VOTING**

- F. Mayoral Veto. The Mayor shall have power to veto or sign any ordinance passed by the City Council; provided, that any ordinance vetoed by the Mayor may be passed over his/her veto by a vote of one-half (1/2) plus one (1) of the members of the full council, notwithstanding the veto, and **should the Mayor neglect or refuse to sign any ordinance, and return the same with his/her objections, in writing, at the next regular meeting of the council, the same shall become law without his/her signature.**

The purpose of my presentation this evening is to return Resolution 2008-16 unsigned to the City Council along with my written concerns and to ask the City Council to consider conditions on future zoning requests which will give the existing neighborhoods some protection as future zoning requests are made.

I know there was some confusion concerning the process that had to be followed to adopt the land use map and some Council Members have expressed to me that the adoption of the map does not adequately reflect the spirit of compromise that was discussed by all the Council Members during the public hearing. To that end, I would like to discuss the two changes that were made to the Comprehensive Plan map which were contrary to the recommendations from our Planning and Zoning Commission.

Area Two 208 E. 3<sup>rd</sup> S. Low-Moderate Residential to Moderate-High Residential: I believe the neighborhood made a compelling case to why this home should remain low density residential. The additional traffic on second east and third south adversely affects the existing single family residential neighborhood. The increased on-street parking is also a concern for this neighborhood and increasing the density of this area would only exacerbate the problem. On a side note, our police department has issued over 50 parking tickets in the last week in this area alone because of the on-street parking that is in violation to the current parking restrictions. Finally, the many neighbors who took the time to attend the public hearing on August 25, 2008 and the work meeting on September 3, 2008 were of the understanding that the City Council would honor its verbal commitment to accept the recommendation from the Planning and Zoning Commission concerning this area.

Next is Area Four which is located between 2<sup>nd</sup> East and the Professional Plaza Low-Moderate Residential to Mixed Use: During the public hearing on August 25, 2008 the City Council heard testimony from individuals that felt the Mixed Use designation was not

appropriate in this area at this time and during the work meeting members of the City Council agreed verbally to not change this area, but rather the neighborhood should work with the doctors to come up with a plan either under a Pro Zone (which would be allowed in under the low density land use designation) or come up with a development plan that could be facilitated in six months if a compromise could be achieved with the surrounding neighborhood association. Similar to Area Two, those in attendance at the public hearing on August 20, 2008 and the work meeting on September 3, 2008 left with the understanding that the City Council would follow through on their verbal commitment and not change the designated land use.

Having voiced my concerns to the Council's actions I understand the importance of adopting a Comprehensive Plan Map and Plan that directs our growth and development into the future. To delay this plan would be detrimental to the overall interests of the community. This is a process that we have been working on for over a year and half and it is important to move forward with this process. Since no zoning has been changed on these properties, I would suggest to the council that on these two particular areas the following conditions be given consideration when the applicants come before the Planning and Zoning Commission and the City Council for a potential zone change:

<b>Area #2 Neighborhood Concern or Issue</b>	<b>Condition</b>
<ul style="list-style-type: none"> <li>• Maintaining the integrity of the neighborhood</li> <li>• The incremental spread of incompatible land uses</li> <li>• The definition of clear neighborhood boundaries</li> <li>• The idea that a land use transition along 2<sup>nd</sup> E is inevitable</li> </ul>	<p>The home must be owner occupied. Dormitory housing will be limited to the basement. A basement apartment will be limited to 6 individuals.</p>
<ul style="list-style-type: none"> <li>• The need to protect 2<sup>nd</sup> E traffic flow</li> <li>• The development of two entrances in close proximity to each other and to the 3<sup>rd</sup> S intersection creates conflict</li> </ul>	<p>It is preferable that apartment parking be developed with access through the existing parking lot to the south. The diagonal driveway across the property will not be used for parking ratios for the purpose of satisfying parking requirements.</p>
<ul style="list-style-type: none"> <li>• Noise</li> </ul>	<p>Dormitory parking on 3<sup>rd</sup> S will not be allowed. Consider permit-only parking on 2<sup>nd</sup> E and 3<sup>rd</sup> S.</p>
<ul style="list-style-type: none"> <li>• The deterioration of a highly visible, traditional neighborhood in the community</li> <li>• Losing the gateway to the eastern neighborhoods</li> </ul>	<p>Owner will maintain professional landscaping that fits the tradition of the neighborhood, and the property will be kept in good condition.</p>
<ul style="list-style-type: none"> <li>• The preferred land use change opens the door to future owners' unrestricted development</li> </ul>	<p>A new CUP will be required for any future actions beyond those agreed upon in the original CUP.</p>

<b>Area #4 Neighborhood Concern or Issue</b>	<b>Condition</b>
<ul style="list-style-type: none"> <li>The incremental spread of incompatible land uses into the eastern neighborhoods</li> </ul>	<p>The Professional Plaza will serve as the boundary between Commercial and Residential land use.</p>
<ul style="list-style-type: none"> <li>Building heights and scale that detract from a residential environment</li> </ul>	<p>Building heights will be limited to the existing residential standards.</p>
<ul style="list-style-type: none"> <li>The need to protect 2<sup>nd</sup> E Traffic Flow</li> </ul>	<p>The project will utilize interior parking with limited access to 2<sup>nd</sup> E.</p>
<ul style="list-style-type: none"> <li>The intrusion of lighting, noise, and traffic into exiting residences.</li> </ul>	<p>Neighborhood participation in the planning process will generate a neighborhood-friendly development plan.</p>
<ul style="list-style-type: none"> <li>The preferred land use change opens the door to future owners' unrestricted development</li> </ul>	<p>If a plan is not presented within six months, the council will take steps to change the preferred land use designation back to Low-density Residential.</p>

I appreciate the opportunity to express my concerns and objections and I would hope each Council Member consider these conditions when these areas come before you for a zoning change.

Sincerely,



Shawn Larsen  
Mayor