

# City Council Minutes

## November 16, 2016



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

35 North 1<sup>st</sup> East  
Rexburg, ID 83440

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www.rexburg.org

Phone: 208.359.3020 x2313  
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November 16, 2016

**Mayor Jerry Merrill**

**Council Members:**

Christopher Mann    Jordan Busby  
Donna Benfield      Tisha Flora  
Brad Wolfe            Sally Smith

**City Staff:**

Stephen Zollinger – City Attorney  
Matt Nielson – Finance Officer  
John Millar – Public Works Director  
Val Christensen – Community Development Director  
Scott Johnson – Economic Development Director  
Blair Kay – City Clerk

**6:30 P.M. City Hall Council Meeting**

Brian Lemon said the prayer.  
Kathan Cornelius led the pledge.

**Roll Call of Council Members:**

**Attending:** Council President Smith, Council Member Flora, Council Member Benfield, Council Member Mann, Council Member Wolfe, Council Member Busby, and Mayor Merrill.

**Public Comment:** not scheduled on the agenda (limit 3 minutes); issues may be considered for discussion on a future agenda. Please keep comments on point and respectful.

**Concerning an item on this agenda:**

**A. Ordinance 1153 to rezone at 135 and 141 South 2<sup>nd</sup> East from Low Density Residential Three (LDR3) to Mixed Use Two (MU2) - 2M Holdings LLC and Steve Herdti**

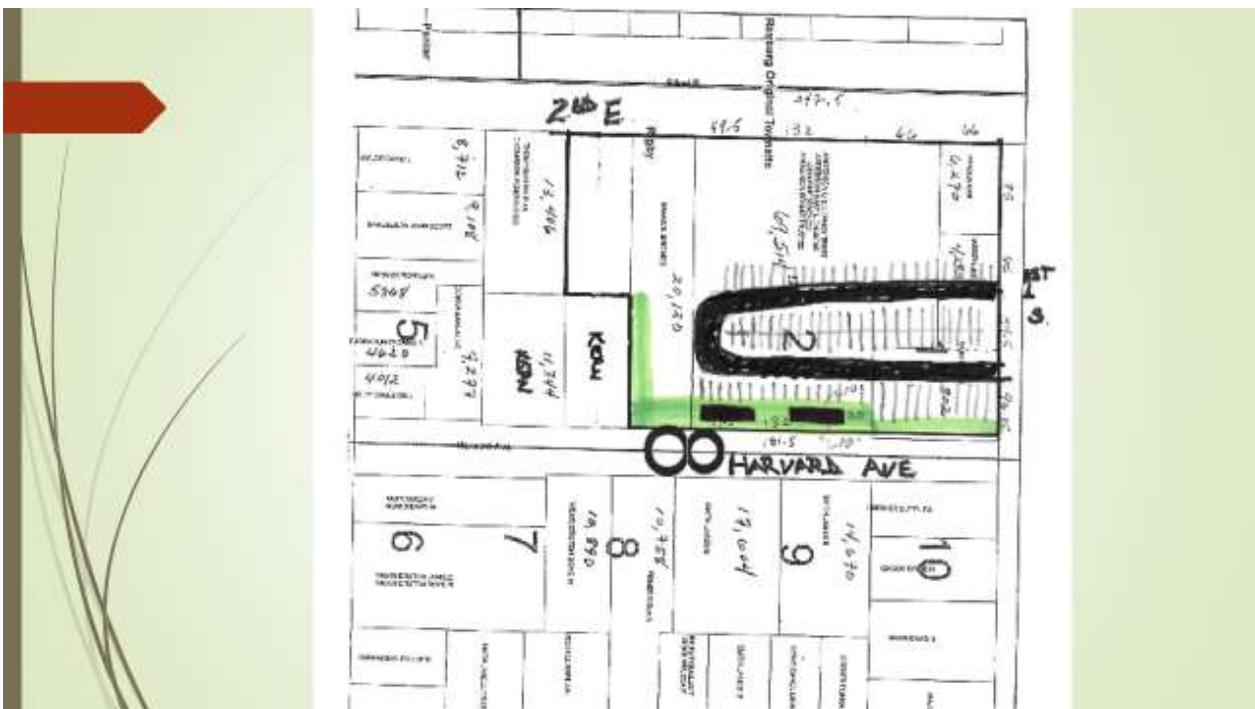
**Ralph Kern** owns a house next door to this proposed development. He showed slides of his home and family.



Ralph Kern reviewed the Muir property and the zoning (MR2). He wanted to protect the neighborhood with residential homes along Harvard Avenue.



One slide was a site plan of his memory of the project. It was slightly different from the conditions required by the approval of the zone change. Two exits onto 1<sup>st</sup> East was a surprise. Only one exit onto 1<sup>st</sup> S. was expected. Twin Homes don't fit in High Density Residential areas.



**November 03, 2016 - Planning and Zoning Conditions: for Rezone – 2M Holdings LLC and Steve Herdti:**

1. A Restrictive Development Lot Covenant between the subject property and the corner development to the north (also owned by 2M Holdings LLC) shall be completed.
2. Building heights shall not exceed 30 feet.

3. The non-dormitory housing on Harvard is clarified to be two story twin or townhomes or two story single unit homes only.
4. There shall be limited access on Harvard and there shall be residential access from the twin and town homes only.
5. There shall be adequate buffering of the neighbors on the south property line with a minimum of 15 foot trees such as a thick hedge of evergreen trees as a better visual and sound buffer and as approved by the design committee.
6. One to one set-backs, meaning there shall be a 30 foot set-back on the south side of the property and also a set-back of 10 feet on Second East to match the housing to the south.
7. Sidewalks on Second East and First South shall be widened to a minimum of 8 feet wide as stated by the Planning & Zoning Commission.
8. The parking structure shall be designed or screened from the adjoining residents to the south and reviewed by the design review committee as set forth by Planning & Zoning Commission.
9. If twin homes are not built within two years, those lots which were intended for twin homes shall be landscaped with grass and trees and maintained as a park like area until such time as the homes are built.

**Mr. Kern** reviewed the conditions focusing on the definition of twin homes. Mixed Use Zones were intended to mix High Density Residential with Commercial; the developer did not want to do commercial.

**Proposed Conditions for Rezone – 2M Holdings LLC and Steve Herdti:**

1. A Restrictive Development Lot Covenant between the subject property and the corner development to the north (also owned by 2M Holdings LLC) shall be completed.
2. Building heights shall not exceed 30 feet.
3. The non-dormitory housing on Harvard is clarified to be two story twin or townhomes or two story single unit homes only.
4. There shall be limited access on Harvard and there shall be residential access from the twin and town homes only.
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8. The parking structure shall be designed or screened from the adjoining residents to the south and reviewed by the design review committee as set forth by Planning & Zoning Commission.
9. If twin homes are not built within two years, those lots which were intended for twin homes shall be landscaped with grass and trees and maintained as a park like area until such time as the homes are built.

3. The non-dormitory housing on Harvard is clarified to be two story twin or townhomes or two story single unit homes only.

- No provisions for TWIN HOMES in High Density Residential zones (HDR1 and HDR2)
- Where ever TWIN HOMES are allowed in other Residential zones, lot sizes are specified:
  - MDR 2 – 6,000 sq. ft. (min. depth = 70', min. width = 60')
  - MDR 1 – 6,000 sq. ft. (min. depth = 60', min. width = 60')
  - LDR 3 – 8,000 sq. ft. (min. depth = 60', min. width = 60')
  - LDR 2 – 10,000 sq. ft. (min. depth = 80', min. width = 60')

Mr. Kern indicated the misunderstanding is “how is the mix use” supposed to be applied to the development. He reviewed the setbacks for twin homes which do not fit this property. He proposed to have a different site plan which has residential duplex units along Harvard Avenue.



### 3.14.080. Prior Created Lots

Lots or parcels of land which were legally and lawfully created prior to the application of the zone shall be subject to review by the Planning and Zoning Commission and the Rexburg City Council and may be denied a building permit for reason of nonconformance with the parcel requirements of this Chapter.

Picture showing the elevation: Mr. Kern noted a 10-foot rise in the grade along Harvard which would allow a two tiered parking area. The question is not more parking if more thought would go into the site plan.



Mr. Kern reviewed this proposal using site plan requirements in MDR Zones to the LDR Zones (Twin Homes) in this proposal.

Zoning Districts

Residential Zones

- |   |   |
|---|---|
| <a href="#">Low Density Residential 1 (LDR1)</a>    | <a href="#">High Density Residential 1 (HDR1)</a> |
| <a href="#">Low Density Residential 2 (LDR2)</a>    | <a href="#">High Density Residential 2 (HDR2)</a> |
| <a href="#">Low Density Residential 3 (LDR3)</a>    | <a href="#">Rural Residential 1 (RR1)</a>         |
| <a href="#">Medium Density Residential 1 (MDR1)</a> | <a href="#">Rural Residential 2 (RR2)</a>         |
| <a href="#">Medium Density Residential 2 (MDR2)</a> |   |

Mixed Use Zones

- [Mixed Use 1 \(MU1\)](#)
- [Mixed Use 2 \(MU2\)](#)

Commercial Zones

- [Neighborhood Business District \(NBD\)](#)
- [General Business District \(GBD\)](#)
- [Central Business District \(CBD\)](#)

Highway Business Zones

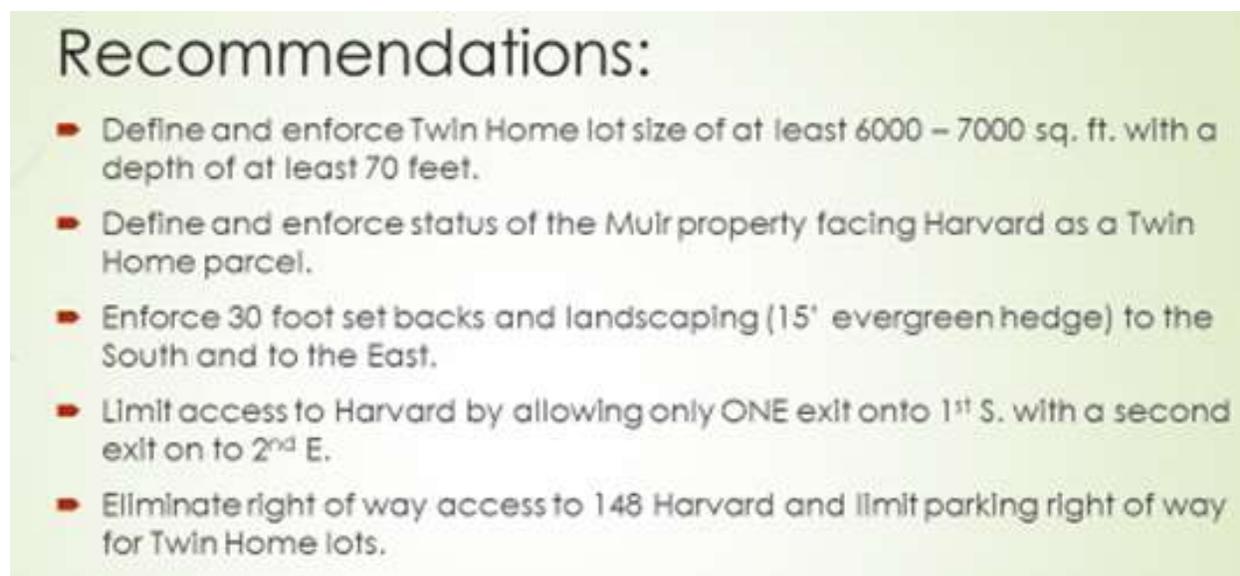
- [Community Business Center \(CBC\)](#)
- [Regional Business Center \(RBC\)](#)
- [Light Industrial District \(LI\)](#)
- [Heavy Industrial District \(HI\)](#)

Other Zones

- [Sexually Oriented Business Overlay \(SOB\)](#)
- [Professional Office Zone \(PO\)](#)
- [Technology and Office Zone \(TOZ\)](#)
- [Public Facilities Zone \(PF\)](#)
- [Open Space Zone \(OS\)](#)
- [University District \(UD\)](#)
- [Transitional Agricultural 1 \(TAG1\)](#)
- [Transitional Agricultural 2 \(TAG2\)](#)
- [Residential Business District \(RBD\)](#)
- [Project Redevelopment Option \(PRO\)](#)

*The Rexburg Development Code is the sole property of the City of Rexburg, any unauthorized use or modification of this code is illegal.*

Mr. Kern concluded with five recommendations for approval of the project. His proposal would allow for front and back yards for the twin homes. He discussed negotiations for easements for Steve Herdti to access a shop in the back. He asked the City Council to give the developer some guidance.



Mayor Merrill thanked Mr. Kern for his presentation and said his recommendations will be taken into consideration.

**Presentations:**

- A. Introduce **Mark Henry** as a New Shop Employee (**Mark was not able to attend the meeting**)

**Committee Liaison Assignments for 2016:**

- A. Council Member Mann: *Golf Board · Emergency Services Board · GIS Oversight · Development Workshop*

**Council Member Mann** congratulated Council Member Flora on the Museum grants. He reported his committees have not met. The Golf secretary Mary Ivie passed away; she will be sorely missed.

B. Council Member Busby: *· Airport Board · Traffic & Safety · Trails of Madison County*

**Council Member Busby** reported the Airport Board had a conference call with GDA to discuss site selection areas for the airport. The Airport Board Members can serve three (three year terms); they would like to extend the time to four (three year terms) to take advantage of the experience on the Airport Board. Mayor Merrill indicated the Airport Board Members are difficult to replace because of their expertise.

**Council Member Busby** reported the Trails of Madison County Committee would like to see more involvement from other cities in Madison County. He spoke with Madison County Commissioner Todd Smith and he agreed the committee members should be made up of people from all over the county and not just Rexburg.

**Council Member Busby** moved to change the Airport Board Bylaws from a maximum service time for Airport Board members from three (three year terms) to a maximum of four (three year terms); Council Member Benfield seconded the motion; Mayor Merrill asked for a vote:

**Those voting aye**

Council President Smith  
Council Member Flora  
Council Member Benfield  
Council Member Mann  
Council Member Wolfe  
Council Member Busby

**Those voting nay**

None

**The motion carried**

**Council Member Busby** reported the Traffic and Safety Committee's new "Safety Videos" will be rolled out at the High School next week. Mayor Merrill said a citizen would like to have a four way stop sign installed at 1<sup>st</sup> S 2<sup>nd</sup> E.

C. Council Member Benfield: *Police · MYAB · Parks & Recreation*

**Council Member Benfield** reported the Mayor Youth Advisory Board meets tomorrow night with Shop with a Cop; Winter Recreation Guide is out now. The Zone is truly being used to near capacity for recreation. Mayor Merrill is playing on an adult co-ed soccer league. It is being used both days and evenings. The Recreation Advisory Board is being organized now with new member's welcome. The Police Department will see Darrik Farmer graduate from the Police Academy in Boise tomorrow. There is burglary ring operating in the surrounding areas, they've stolen from construction site with one suspect in custody. Two new Police Officers will start on November 18<sup>th</sup>, 2016. Rexburg has been named the number one burglar free area in Idaho. Chief Turman is the State Chair for a Police Hearing Board. She showed a picture of a funeral in West Valley, Utah for a Police Officer where Rexburg Officers were present.

D. Council Member Smith: *Legacy Flight Museum · Beautification Committee · M.E.P.I.*

**Council President Smith** reported Legacy Flight Museum met to discuss maintenance items. They did get a new plane with a fly over on Veterans Day. Next meeting will be in January, 2017. Madison Economic Partners, Inc. met Monday to give assignments to the board for upcoming events. Economic Development will be busy in 2017.

E. Council Member Flora: *School Board · Rexburg Arts Council/ Museum of Rexburg*

**Council Member Flora** reported the School Board meets tomorrow; she discussed a recent meeting with the School Board, Dr. Thomas and a few people representing the Madison School District. The meeting was put together by Jordan Busby and the Mayor. Our discussion was to help

the two entities better communicate and become better partners; and I was truly impressed. Thank you to Dr. Thomas, and to our wonderful Mayor for their insights.

**Council Member Flora** had the opportunity to meet with the Arts Council this past Thursday. They are currently working on obtaining a 501(c) 3 statuses for future grant writing and fundraising efforts. This process requires extensive paperwork and their goal is to have all the paperwork in by the end of the year.

**Council Member Flora** indicated the City of Rexburg is embarking on a new holiday tradition. The Rexburg “Tree Festival” will be held December 1<sup>st</sup> through December 3<sup>rd</sup> at the Historic Rexburg Tabernacle Civic Center. The Festival will include food, fun, and entertainment along with a Christmas tree auction. This will be a wonderful holiday event for all to enjoy! The theme for 2016 “Tree Festival” is "Past, Present & Future". If interested in participating through donating a tree, providing entertainment, or any other way contact Jackie Rawlins at Rexburg City Hall at 208-372-2481

**Council Member Flora** was excited to talk about the City’s Museum project. She was so impressed with all the work that Jackie Rawlins and her volunteers were doing at the Museum. One of the projects they are trying to complete for the 40<sup>th</sup> anniversary of the Teton Flood is to preserve the experiences of the people who lived through this time as well as document the stories of the items at the Rexburg Museum.

She reviewed the progress that has been accomplished at the Museum:

1. A sound booth for recording and preserving audio stories has been built.
2. Engineering students from BYU-I are finishing an amazing “sand table” that will let the kids build their own Teton Dam and learn how and why it collapsed.
3. Rachel Sande, a BYU-Idaho Communication Major reached out to local residents and has recorded many Teton Flood stories. She teamed up with Amanda Beal from the Rexburg Standard Journal in order to develop good interview questions.
4. Over several months, under the Arts Council’s name Council Member Flora was privileged to write three different grants in order to procure monies for this project and the City was awarded monies from all three organizations. CHC Foundation out of Idaho Falls, the Idaho State Historical Society, and the Idaho Humanities Council.
5. Council Member Flora and Jackie met yesterday and made plans to purchase iPad, and audio equipment that can be used in the Museum to complete those grants.
6. The Old Teton Flood Museum is also going to be digitized and integrated with our resident stories to be put on these iPad for a more interactive experience at the Museum.

F. Council Member Wolfe: *Planning & Zoning · Urban Renewal Agency · IBC*

**Council Member Wolfe** reported on the Madison High School Drama Department where he watched a great play. Council Member Busby said Michael McLean is coming in November; Planning and Zoning met two weeks ago to recommend some items on tonight’s agenda.

#### **Staff Reports:**

**A. Public Works:** John Millar

**Public Works Director Millar** reported they are replacing the trees on Main Street from Center Street to 1<sup>st</sup> E. The new trees are Honey Locusts and Christmas lights will be installed on the trees that can hold them. He said the majority of the trees were either gone, diseased and over grown. The wastewater project should be finished by the end of the year. The water project is finished in the downtown area. They are working on the water project in the tree name streets. Council Member Busby mentioned a pot hole needing filled.

**B. Community Development:** Review the building permits for October - Natalie Powell

**Compliance Officer Powell** reviewed the building report for October. The Building Department is extremely busy with inspections, etc. Council Member Busby asked about the Mesa Falls development; they will break ground in the spring.



# Building Valuation Report

From: 10/01/2016 To: 10/31/2016

Building Safety Department  
35 N. 1st E.  
Rexburg, ID 83440  
Phone: (208)-359-3020  
www.rexburg.org

PERMIT NUMBER	PROJECT NAME	PROJECT LOCATION	APPLICANT NAME	IMPACT FEES	BUILDING FEES	PUBLIC WORKS FEES	PROJECT VALUATION
<b>Building - Commercial</b>							
16-00631	Sawtelle Apts - Storage Units	146 N 1st W	First West Investment LLC	\$1,278	\$1,402	\$0	\$115,257.80
<b>Building - Single Family Residence</b>							
16-00658	864 S 2275 W - SFR	864 S 2275 W	Karchner Homes, Inc.	\$2,620	\$3,963	\$2,167	\$279,957.25
16-00688	895 S 2380 W - SFR	895 S 2380 W	Karchner Homes, Inc.	\$2,620	\$3,054	\$3,755	\$312,626.24
<b>Commercial Remodel</b>							
16-00599	Kimbali Remodel Rooms 170, 244, 250	285 S 1st W	BYU-Idaho	\$0	\$3,161	\$0	\$222,416.00
16-00595	BYU-I Smith Building Server Expansion	470 S Physical Plant Way	BYU Idaho	\$0	\$3,368	\$0	\$527,966.00
<b>Multi-Family Residential</b>							
16-00630	Sawtelle Apts - Duplex	146 N 1st W	First West Investment LLC	\$3,350	\$807	\$2,660	\$96,315.75
16-00628	Sawtelle Apts - 18 Plex #1	146 N 1st W	First West Investment LLC	\$30,150	\$4,317	\$20,930	\$924,352.66
16-00629	Sawtelle Apts - 18 Plex #2	146 N 1st W	First West Investment LLC	\$30,150	\$3,924	\$20,930	\$924,147.84
16-00573	The Roost - Bldg #2 - MFR	486 S 3rd W	Jonathan McMullin	\$20,100	\$9,035	\$15,205	\$1,187,956.00
<b>Single Family Residential Addition</b>							
16-00556	460 Rolling Hills Dr - SFR Addition	460 Rolling Hills Dr	Kevin Anderson	\$0	\$545	\$0	\$40,000.00
16-00678	1038 Widdison Ln - Shop	1038 Widdison Ln	Colin Erickson	\$0	\$429	\$0	\$124,964.00
<b>Single Family Residential Remodel</b>							
16-00677	305 E 1st N - Egress Windows	305 E 1st N	Bruce Baxter	\$0	\$65	\$0	\$2,000.00
16-00635	811 Park St - Basement finish	811 Park St	Bradley Lawrence	\$0	\$656	\$0	\$10,000.00
				<b>\$90,268</b>	<b>\$34,726</b>	<b>\$65,647</b>	<b>\$4,767,959.54</b>

## Mayor's Report:

### A. Ratify new Committee Appointments:

1. Recreation Advisory Board – Debbie Miles, Shawn Boice, Jennifer Christenson, Holly Allen, Tammy Collins, Dirk Andreasen, and Larry Duque (Other members of the Recreation Advisory Board include – Rachel Hales and Justin Garner)

Last Name	First Name	Position	Address	City	ST	Zip code	Phone#
<b>Recreation Advisory Board</b>							
Benfield	Donna	Council Rep	201 S Millhollow Rd.	Rexburg	ID	83440	
Crowther	Jeff	Staff Liaison (Rec.)	35 N 1st E	Rexburg	ID	83440	270-2944
McInnes	Greg	Staff Liaison (Parks)	2869 S 5500 W	Rexburg	ID	83440	656-0053
Hale	Rachel						
Garner	Justin						
Miles	Debbie	940 Vista Ave.		Rexburg	ID	83440	201-7318
Boice	Shawn	PO Box 336		Rexburg	ID	83440	317-3113
Christenson	Jennifer						709-1897
Andreasen	Dirk						
Duque	Larry						709-6468
Allen	Holly						
Collins	Tammy						
<b>Meeting Time: Monthly - 2nd Thursday at 7:00 pm in the City Council Chambers</b>							

2. Trails of Madison County Committee - John Hepworth

Last Name	First Name	Position	Address	City	ST	Zip code
<b>Trails of Madison County</b>						
Busby	Jordan	Council Rep	752 S 5th W	Rexburg	ID	83440
Millar	John	Staff Liaison	35 N 1st E	Rexburg	ID	83440
Davidson	Keith	Staff Liaison	35 N 1st E	Rexburg	ID	83440
Hill	Charles		221 Georgetown Dr.	Rexburg	ID	83440
Brunson	Jeff		369 S. Pine Ave	Sugar City	ID	83448
Law	Joseph		P.O. Box 54	Teton	ID	83451
West	Joseph	Chariman	125 Crestview Dr	Rexburg	ID	83440
Fulcher	Jay Golden					
Hill	Joe		49 E Main St.	Rexburg	ID	83440
Hepworth	John					

**Meeting Time: Bi-Monthly - 1st and 3rd Thursday at 5:15 pm at City Hall**

**Mayor Merrill** asked for a motion to ratify the appointment of the new members to the Recreation Committee and the Trails of Madison County Committee.

**Council Member Benfield** moved to ratify the appointment of the new members to the Recreation Committee and the Trails of Madison County Committee as presented; Council Member Flora seconded the motion; Mayor Merrill asked for a vote:

**Those voting aye**

Council President Smith  
Council Member Flora  
Council Member Benfield  
Council Member Mann  
Council Member Wolfe  
Council Member Busby

**Those voting nay**

None

**The motion carried**

**Mayor Merrill** said he did not win “Dancing with the Stars”; however, it was fun to support the Madison Education Foundation. A Historical Buildings Committee met to talk with an Architect from Pocatello on remodeling the Romance Theatre. There are some volunteers that have been working on painting the ceiling, etc. in the Romance Theatre. The Chamber Board met to discuss the Summer Fest. It is coming along. The Rexburg Tree Festival was also discussed. A farmer on the Summer Fest Committee thanked Madison County residents for being courteous to farm hands moving farm equipment on the county roads.

**Mayor Merrill** mentioned the Association of Idaho Cities (AIC) training meeting in Idaho Falls last week. The training is important and educational for both newly elected officials and seasoned officials; it helps them stay up to date with the state laws that govern Idaho cities.

**Mayor Merrill** and his wife had dinner with President Gilbert and his wife to discuss family, community and university. He met with the Madison School Board to discuss the new athletic fields at the Madison High School. Today they met with the BYU-I Small Group meeting to discuss parking, and other improvements for coordination of resources.

**Public Hearings:** – NONE

**Items for Consideration:**

**B. Ordinance 1153 to rezone at 135 and 141 South 2<sup>nd</sup> East** from Low Density Residential Three (LDR3) to Mixed Use Two (MU2) - 2M Holdings LLC and Steve Herdti.

**Judy Hobbs** owner of Realty Quest reviewed the request to rezone 135 and 141 South 2<sup>nd</sup> East to MU2. She said Rexburg is not a sleepy town; with tearing up streets in the summer, etc. It is exciting to see the growth. She reviewed the proposal on the overhead screen to be developed with adjoining property. Her purpose is to discuss the rezone of the property; not the design of the development.

**City Council Member Wolfe** reviewed the discussion in Planning and Zoning on this development. Some felt the green space would continue all the way down Harvard Avenue. The Muir property originally faced 1<sup>st</sup> South; however, this property became part of this proposal at a later date. Council Member Wolfe said the big issue was all of the previous conditions should apply with this proposal. Council Member Flora said the intent of some of these conditions are not being met with this current development. In fairness to the neighbors, the City Council should review the conditions and apply them and more to tonight’s proposal.

The conditions were displayed on the overhead screen. Council Member Flora asked to enforce the 60-foot lot size on Harvard. Council Member Wolfe is OK with the zone change and he is in favor of the conditions applied on this development as in the previous development.

**Council President Smith** questioned the lot size requirements for twin homes in the MU2 Zone. Compliance Officer Powell replied the lot size requirement for an individual unit is (4,500) square feet and (6000) square feet for a duplex or twin home. Council Member Flora said the site plan indicated a (4000) square foot depth.

**Council Member Busby** asked Mr. Madsen when he took his proposal to Mr. Kerns to review, if it was already approved by City staff. It was a proposal if the MU2 Zone was approved.

**City Attorney Zollinger** explained the design of a twin home. Single family uses were intended to be built on Harvard or a park site area. The conditions were applied to protect Harvard from higher density use. A 15-foot pine tree buffer would be around all residential properties.

**Council Member Flora** liked the presentation by Ralph Kern. She asked to follow his suggestions. Mayor Merrill asked the developer to work with Ralph Kern on his suggestions.

**Council Member Mann** said this development will affect the development in the rest of the block. Other blocks next to the college will probably go high density too. He wanted to have a good looking development on these streets by the University. City Attorney Zollinger said the goal of the City staff is to follow the intent of the conditions presented on the previous proposal by City Council which is to meet the spirit of the law. Mr. Matson has been willing to buffer the parking with landscaping. City Attorney Zollinger said a 40-foot park buffer may be a better option for the neighborhood.

**Council Member Wolfe** asked City Council to consider the people on Harvard Avenue recommending a 40 foot buffer on the Harvard Avenue. He asked Staff to do the very best they can.

### Public Works Staff Review Comments

#### Rezone Application

#### File #16 00681 – Rezone – 2M Holdings LLC and Steve Herdti

Requesting to change the zoning from LDR3 to MU2

#### Property Location: 135 and 141 South 2<sup>nd</sup> East

The Rezone application request was reviewed. There were no Public Works comments at this time.

#### IV. STAFF RECOMMENDATION

If the Planning and Zoning Commission determines that the change is in the best interest of the City of Rexburg and the adjoining neighborhoods are not adversely affected, Staff requests that the Planning and Zoning Commission recommend that the City Council process the requested zone change.



**Written Input:**

**From:** RALPH M. KERN <RALPHKERN@msn.com>  
**Sent:** Wednesday, November 02, 2016 11:38 AM  
**To:** Elaine McFerrin  
**Subject:** Mattson rezone

Hello Elaine,

I will not be able to attend the Planning and Zoning meeting this Thursday where a request to rezone the Barrick and Herdti properties will be discussed but I do have a comment that I hope you will forward to the Commission.

Since this request includes property that borders residential property and Harvard Ave. and is a request by the same owners of other property recently rezoned that borders on Harvard it seems reasonable that the same restrictions are applied to the Barrick and Herdti properties as were applied to the Anderson properties.

I hope you can include a copy of the original restrictions with this comment.

Thank you,  
Ralph M. Kern  
148 Harvard Ave.  
757-9767

Sent from Mail for Windows 10

Discussion:

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8. The parking structure shall be designed or screened from the adjoining residents to the south and reviewed by the design review committee as set forth by Planning & Zoning Commission.
9. If twin homes are not built within two years, those lots which were intended for twin homes shall be landscaped with grass and trees and maintained as a park like area until such time as the homes are built.

**Council President Smith** moved to approve the rezone of **135 and 141 South 2<sup>nd</sup> East** from Low Density Residential Three (LDR3) to Mixed Use Two (MU2) as presented with all the Planning and Zoning Conditions including (15-foot-high trees) recommended by the Planning and Zoning Commission; also, 30-foot buffer language to buffer all residential uses; Council Member Wolfe seconded the motion; Mayor Merrill asked for a vote:

**Those voting aye**

Council President Smith  
Council Member Flora  
Council Member Benfield  
Council Member Mann  
Council Member Wolfe  
Council Member Busby

**Those voting nay**

None

**The motion carried**

C. **Preliminary Plat** for the “**Silverleaf**” Development at approximately 814 North Yellowstone Hwy

**Kurt Roland** from Eagle Rock Engineering from Idaho Falls reviewed the proposal for a preliminary plat at approximately 814 North Yellowstone Hwy to have 16 units in four four-plexes.

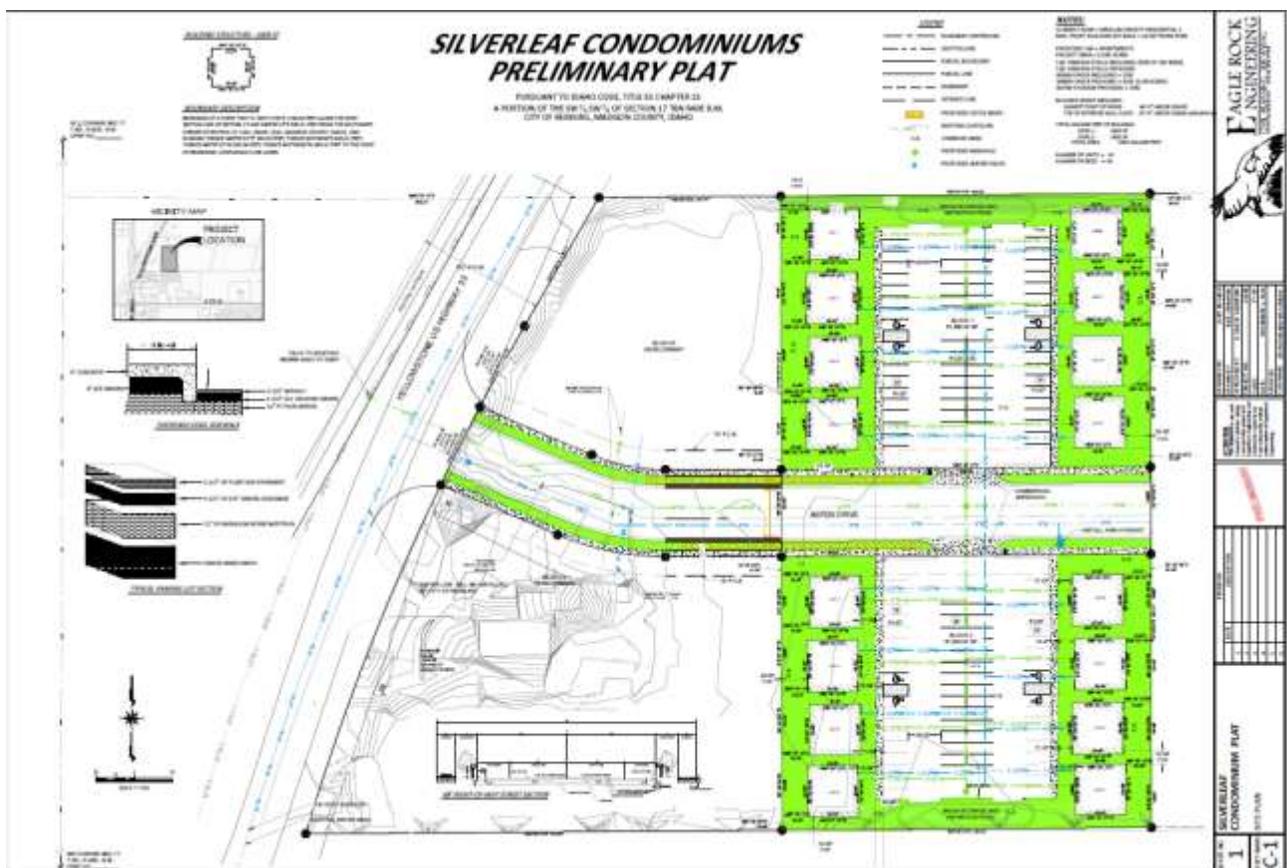
**Fire Department Staff Review Comments**

**Preliminary Plat Application**

**File #16 00701 – Grove Meadows Condominiums**

**Property Location: Approximately 814 North Yellowstone Hwy**

The preliminary plat was reviewed. There were no comments from Fire Department staff at this time.



The proposal is for a Planned Unit Development to sell the four-plexes at some point. It is not a condominium development. Community Development Department Review:

**Community Development Department**  
Planning & Zoning City of Rexburg

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

**Planning & Zoning Staff Review Comments**

**Preliminary Plat Application**

**File #16 00701 – Grove Meadows Condominiums**

**Property Location: Approximately 814 North Yellowstone Hwy**

1. The Street needs to be deeded to the City not with an easement as described.
2. If separate lots are wanted for each four-plex then each should be numbered and identified as a lot. The common area should be identified as a lot. In all, 18 different lots should be identified.
3. Provide legal descriptions for each lot.
4. Entrances into parking lots must be no greater than 30' and sidewalk, curb and gutter must run through.

# Community Development Department

Planning & Zoning City of Rexburg

35 North 1st East  
Rexburg, ID 83440

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

## Public Works Staff Review Comments

### Preliminary Plat Application

#### File #16 00701 – Grove Meadows Condominiums

#### Property Location: Approximately 814 North Yellowstone Hwy

The water line on the east side of Highway 33 is already under contract and will be constructed in the fall of 2016 or the spring of 2017. The development will be responsible for standard front footage and area capacity charges.

The sewer line is on the west side of Highway 33 as shown and front footage and area capacity charges will apply.

A fifteen (15) foot utility easement will be required on each side of proposed new access road, (Aspen Drive).

Where the new proposed access road connects to Highway 33 a 50 foot radius is to be provided on the connections at the right-of-way with 33.

An access permit will be required from the Idaho Transportation Department.

On the left side of the preliminary plat a call out is shown where the proposed sewer line connects to water line on the west side of Highway 33. This is a sewer line.

Additional right-of-way may be required on the east side of Highway 33 to meet future widening as needed.

If the proposed access road is to be a city maintained street the dedication of the road will need to be done by dedication not a "deed of easement".

If the access road is a city street the access openings into the parking lots can be no wider than 40 feet.

How is the storm water drainage from the proposed new street going to be managed?

Sidewalk will be required along the new street as per city standard.

Water and sewer provisions to the future lots to the north and south of the proposed new street should be provided.

The curb and gutter where Aspen Drive connects to Highway 33 cannot just end at the edge of the pavement as shown. Adequate radii are needed at the connection.

A manhole will be required on the sewer line where the line turns on Aspen Drive.

The service lines connecting the buildings to the sewer main line should be four (4) or six (6) inch, not eight (8) inch as shown.

According to the preliminary plat the building lots will be under one ownership and not sold as individual lots.

**Council Member Mann** asked if the four-plexes will be individually owned. Kurt Roland said the owner is setting it up that way; however, to begin with he will own all of four-plexes.

Discussion:

**Council Member Flora** moved to approve the preliminary plat at approximately 814 North Yellowstone Hwy for 16 units as presented; Council Member Busby seconded the motion; Mayor Merrill asked for a vote:

#### Those voting aye

Council President Smith  
Council Member Flora  
Council Member Benfield

#### Those voting nay

None

Council Member Mann  
Council Member Wolfe  
Council Member Busby

**The motion carried**

**Calendared Bills and Tabled Items:**

A. **“LAND USE ACTION”** – Bills Recommended/Approved in a Land Use Public Hearing Procedure (Recommend Suspension of the Rules):

1. **Consider approving and reading Ordinance 1153** to rezone 135 and 141 South 2nd East from Low Density Residential Three (LDR3) to Mixed Use Two (MU2)

**AN ORDINANCE AMENDING AND CHANGING THE ZONING MAP OF THE CITY OF REXBURG, IDAHO, AND PROVIDING THAT THE ZONED DESIGNATION OF THAT CERTAIN PROPERTY HEREINAFTER DESCRIBED, SITUATED IN REXBURG, MADISON COUNTY, IDAHO, BE CHANGED AS HEREINAFTER DESIGNATED; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.**

BE IT ORDAINED BY the City of Rexburg, Idaho:

**SECTION I:** That the zoning map of the City of Rexburg, Idaho, which is filed with the city clerk thereof, be, and the same is hereby amended and changed to provide that the hereinafter described property situated in the City of Rexburg, Madison County, State of Idaho, regarding (#16 00681) rezoning properties from Low Density Residential Three (LDR3) to Mixed Use Two (MU2).

The said properties are located at 135 and 141 South 2nd East, in Rexburg, Madison County, Idaho, and more particularly described as follows:

Legal Description:

A portion of Lots 3 and 4 in Block 8 of the Rigby Addition to the City of Rexburg, Madison County, Idaho described as follows:

Beginning at a point that is North 82.5 feet from the Southwest Corner of Lot 4 in Block 8 of said Rigby Addition, Madison County, Idaho, as per the recorded plat thereof; and running thence North 132 feet; thence East 330 feet; thence South 66 feet; thence West 162.5 feet; thence South 66 feet; thence West 167.5 feet to the point of beginning.

**SECTION II:** That a new zoning map showing these amendments shall be certified to and declared to be the official zoning map of the City of Rexburg by passage of this Ordinance by the City Council of the City of Rexburg.

**SECTION III:** This ordinance shall become effective upon its passage, approval and publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR on this 16<sup>th</sup> day of November, 2016.

\_\_\_\_\_  
Jerry Merrill, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Blair D. Kay, City Clerk

Discussion:

**Council Member Benfield** moved to suspend the rules for Ordinance 1153 to rezone 135 and 141 South 2nd East from Low Density Residential Three (LDR3) to Mixed Use Two (MU2) in order to consider it 3<sup>rd</sup> read; Council President Wolfe seconded the motion; Mayor Merrill asked for a roll call vote:

**Those voting aye**

Council President Smith  
Council Member Flora  
Council Member Benfield  
Council Member Mann  
Council Member Wolfe  
Council Member Busby

**Those voting nay**

None

**The motion carried**

**Council Member Busby** moved to approve Ordinance 1153 to rezone 135 and 141 South 2nd East from Low Density Residential Three (LDR3) to Mixed Use Two (MU2) and consider it 3<sup>rd</sup> read; Council President Smith seconded the motion; Mayor Merrill asked for a vote:

**Those voting aye**

Council President Smith  
Council Member Flora  
Council Member Benfield  
Council Member Mann  
Council Member Wolfe  
Council Member Busby

**Those voting nay**

None

**The motion carried**

**B. BILL Introduction:** – NONE

**C. First Reading:** Those items which are being introduced for first reading: – NONE

**D. Second Reading:** Those items which have been first read: - NONE

**E. Third Reading:** Those items which have been second read: NONE

**Mayor's Business:**

**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 November 2<sup>nd</sup>, 2016 meeting;

B. Approve the City of Rexburg Bills

**Council Member Wolfe** moved to approve the Consent Calendar containing the minutes and city bills; Council President Smith seconded the motion; Mayor Merrill asked for a vote:

**Those voting aye**

Council President Smith  
Council Member Flora  
Council Member Benfield  
Council Member Mann  
Council Member Wolfe  
Council Member Busby

**Those voting nay**

None

**The motion carried**

Discussion on December Calendar: The meeting on December 21<sup>st</sup> will be at 7:00 AM.  
The Employee Christmas Party will be on December 14<sup>th</sup> at 6:00 or 6:30PM

**Adjourned at 7:56 P.M.**

APPROVED:

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Jerry Merrill, Mayor

Attest:

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Blair D. Kay, City Clerk