

Planning & Zoning Minutes

April 17, 2014

35 North 1st East
Rexburg, ID 83440

www.rexburg.org

Phone: 208.359.3020
Fax: 208.359.3022



CITY OF
REXBURG
America's Family Community

Commissioners Attending:
Thaine Robinson-Chairman
Dan Hanna
Jedd Walker
Mark Rudd
Cory Sorensen
Steve Oakey

City Staff and Others:
Brad Wolfe- City Council Liaison
Val Christensen- Community Development Director
Natalie Powell – Compliance Officer
Nick Cummock – Community Development Intern
Elaine McFerrin – P&Z Coordinator

Community Development Director Val Christensen opened the meeting at 7:00 pm. At the last P&Z meeting, Chairman Winston Dyer finished his term. A new P&Z Chairman will be chosen tonight.

Welcome Newly Appointed P&Z Commissioners:

Val Christensen said the P&Z Commission now has 2 new members, Bruce Sutherland and Steve Oakey.

Newly appointed P&Z Commissioner Bruce Sutherland was excused.

Val Christensen welcomed Steve Oakey to his first meeting as a P&Z Commissioner and asked him to tell a little about himself.

Steve Oakey said he is a resident of Rexburg. He went to Ricks College and BYU, traveled around the world a bit, and came back to Rexburg. He has a family business and has raised his family here. He likes to be active in the community.

Roll Call of Planning and Zoning Commissioners:

Steve Oakey, Mark Rudd, Dan Hanna, Thaine Robinson, Jedd Walker, Cory Sorensen

Melanie Davenport, Gil Shirley, Chuck Porter, Richie Webb and Bruce Sutherland were excused.

Elect New P&Z Commission Chairman

The first order of P&Z Commission business was to elect a new Planning & Zoning Chairman. Val Christensen called for nominations for Chairman of the Rexburg P&Z Commission.

Dan Hanna nominated Thaine Robinson for Chairman. No other nominations were made. All P&Z Commissioners who were present voted in favor of this nomination. (Thaine Robinson did not participate in the vote).
Motion carried.

Minutes:

1. Planning and Zoning meeting – April 3, 2014

Dan Hanna motioned to approve the Planning & Zoning minutes of April 3, 2014. **Mark Rudd** seconded the motion.

Cory Sorensen and Steve Oakey abstained for having not been present.
None opposed. **Motion carried.**

Public Hearings:

1. 7:05 pm – Rezone – Approximately 222 East 3rd South – Low Density Residential 2 (LDR2) to Medium Density Residential 1 (MDR1)

Chairman Robinson explained the procedure followed for public hearings. The applicant or representative will present the proposal for the Commission and for the public. The Commission may then ask clarifying questions. The public will also be given the opportunity to ask clarifying questions about the proposal. Staff may give any clarifying information. Public testimony will then be taken. During public input, if audience members agree with a comment that has already been made by another person, it is requested to please be courteous and say they agree with the comment rather than reiterating it. The Commission cannot interact with anyone during the public input portion of the hearing. Citizens may testify in favor of, neutral to, or opposed to the request. If there is opposition, the applicant will be given the right of rebuttal. Staff will then give their evaluation, which will be followed by thorough deliberation in order to come to a decision on the proposal, with a recommendation to the City Council.

The Commission has received some written input letters, and some citizens are interested in giving their input verbally tonight. You can do either/or - if someone has written a letter of written input, the letter can stand as representing their voice, or they may give public testimony – but a person cannot do both because that would be an unfair advantage.

Lana Chang, 17907 Mariposa Ave., Yorba Linda, CA. She is the applicant and owner, and she and her husband also own Kensington Manor Apartments to the west and south of the subject property. She is requesting a rezone to Medium Density Residential 1 (MDR1). She wanted to make a brief introduction. She realizes this is a sensitive topic in the community. Sometimes she feels she is misperceived as a big California developer. She clarified that is not so. She grew up in Teton Valley. When she was a student, she took a Chinese class on a whim at BYU and then went to Taiwan to study abroad. She fell in love, and she and David Chang were married in 1983. They ended up in California which they felt would be a positive place to have a business. He is really hard working and responsible, and they have done well. They bought Kensington Manor in 2003 as a retirement investment. Mrs. Chang said that Idaho still feels like home. They eventually also bought the property on the corner of South 2nd East and East 3rd South, next to the subject property of this hearing. They went through a rezone process and developed on that corner.

A brief PowerPoint was shown, including a current view of the property.

Mrs. Chang feels they did a good job of building an apartment complex on the corner that blends well with the neighborhood and does not intrude in the neighborhood. That was their intent. They did not realize the corner property was such a sensitive location when they purchased it. They tried to listen to the neighbors' concerns.

Lana Chang stated she did not intend to be here before the Commission ever again. However, specifications on the property were not going to work because somehow the property line specifications were wrong. They did not have the appropriate setback.

Mr. Fisher, the previous owner of the subject property, asked her to purchase the property. At first she declined, but then they went ahead and did so. She did not have the time to investigate the property very much. The home has not been rented since the tenant moved out because there are so many problems. Renting would never pay for the repairs. Renting it would be more expensive than having it empty. A power line runs right across the top of the house, which was built in 1952. The

bottom line is that the power company says it would cost a minimum of 50 thousand dollars to move the power line to build something in the same location as the house.

They then started looking at what could be done. Their architect made the suggestion of a 4-plex for the property. Mrs. Chang has already spent over \$100,000 dollars that she did not intend to spend in purchasing the property. Her concern with the property is that she needs to build something that will bring enough income back or not build at all. Since they own the property on the corner, with a 4-plex built on the subject property they could ignore the setback and get enough clearance of about 25 feet between the edge of the property and the house on the east, per her architect.

The development would look like a 2-story home. They feel it is visually not intrusive to the neighborhood. There would be landscaping including probably one of the current trees.

The concerns previously mentioned from the neighborhood during the past rezone request were whether or not the development would be family friendly, and there were concerns regarding traffic. She believes there would be less traffic with this subject property's development. There would not be access to the property from 3rd South. The parking traffic would be coming into the Kensington parking lot on the other side of the property. The properties are in the PEZ (Pedestrian Emphasis Zone) zone overlay, so there is not one to one parking. About 50 percent of the students bring cars.

This 4-plex is the only solution she could come up with for a difficult property. It would be either this, or just leave the property the way it is. Mrs. Chang feels it will look better than it currently does. They are not family unfriendly. In the past, they have invited the neighborhood families to participate in one of their socials at the Kensington complex.

Realistically, they cannot afford to put a new single family home or duplex on the property.

Chairman Robinson reiterated that the purpose of this rezone hearing is a land use change request to go from LDR2 to MDR1; it is not about a development. It is gracious of Mrs. Chang to show the Commission and audience her development plans, because this would actually come later during the development process if a rezone is successful.

The Chair asked if the public had any clarifying questions for Lana Chang about the rezone proposal.

There were none.

Dan Hanna said there was quite a lot of opposition at the time the corner parcel came before the Commission. Since that time, have there been any complaints from the neighborhood regarding excessive noise, parking on 3rd South, traffic, etc?

Lana Chang said not as far as she knows.

Steve Oakey expressed concern regarding neighborhood concerns. He wondered about the issue of diminishment of property values. Since the time that Kensington was purchased and the time that the Fisher home was purchased, has property value in the neighborhood gone down?

Lana Chang said they have looked at records at the County assessor's office, and how that had changed over the past 10 years. There has been no substantial change in property values. There has been about a 20 percent increase in home value over the past ten years.

She understands the neighborhood's concern. She spoke with a real estate agent who informed her that generally if a property is close to campus, it is a positive. In being close to an apartment complex, it depends on the complex you are close to. What they are looking at with the subject

request is how to transition from a busy street into a family neighborhood. We are trying to be respectful of that.

Steve Oakey asked if the home just to the east of the subject lot is a rental and if the owner has approached her to buy that property.

Mrs. Chang said it is a rental owned by Raymond Hill. He has not approached her about buying the property.

Jedd Walker asked if there is sufficient room on the subject property to meet the City's Development Code regarding building and parking.

Lana Chang said like the corner property, a conditional use permit (CUP) would be necessary because the property is in the PEZ Zone overlay. Students in the new 4-plex would access the Kensington parking lot. They may redraw the lines so they can get a little more parking. Parking density would not change percentage-wise from what it is currently.

Val Christensen clarified that the rezone request tonight is a land use request. He also clarified that if the parking does not meet the old CUP that is in existence, there would need to be a new CUP if the parking changes.

Dan Hanna asked for clarification on the power line and restrictions for building underneath it.

Val Christensen stated that the power line would have a prescriptive easement. If the building is replaced, it would need to stay far enough away from the power line to meet the power company's rules. The property would be limited on how something could be built. A developer would not be able to rebuild right underneath the power line.

Steve Oakey asked Mrs. Chang if there is anyone who has approached her that is in favor of this rezone request.

Chairman Robinson said that would be addressed during public hearing

Chairman Robinson opened the public input portion of the hearing.

In Favor:

Chad Alldredge, 234 E. 3rd S. He is the project architect regarding the corner building and the subject property. The proposal is a really good solution for a difficult property. From the wall of the building to the west property line there is 30 feet. The existing home has had a steady decline. It is not a handsome property, and it is not well built. A single family new home is not very feasible. Since both the corner property and the subject property have the same owner, the proposed building is basically right on the property line. He does not feel this would affect the neighborhood negatively.

Neutral: None

Opposed:

David Ward, 249 Harvard. He is addressing the Commission as the president of the Harvard Avenue Neighborhood Association and as himself. He does so with deep concern about the rezone proposal.

His concern is not focused upon the Changs or the difficult decisions they are facing. These challenges are theirs to bear, and he empathizes with them. Each time they met regarding the proposal to rezone the corner property to MDR1, they discussed the very real threat of apartment 'creep' in this particular neighborhood. In each case there were circumstances that seemed to

warrant the necessity of relaxing the commitment to owner-occupied single family residences in favor of developing the property to add value to the area. There will always be circumstances, especially when someone comes in from the outside with the money to improve the look of the property. This often diminishes the family environment.

The issue before the Commission is not singular in purpose, as if granting or not granting the Chang proposal impacts only one piece of property. Nor is this an issue as to whether the City can trust the Changs to build a 4-plex as responsibly as the corner development that is an extension of the Kensington Apartments. When we last met regarding the corner property, we were sure the Changs would build a structure that would serve as a gateway into the family owner-occupied residences. This the Changs did, and the neighborhood is so grateful. The Changs assured the residents that they would not develop property beyond that point, yet here we are.

The issue is whether this proposal is consistent with the vision for this neighborhood as indicated in the City plan. The proposal is inconsistent with this vision. It proposes much more than the Changs may even intend. They are proposing that the gate of the present gateway apartments be allowed to swing ever-wider. Granting this proposal will open that gate not solely to the Changs, but to others, inviting them to purchase our neighborhood piece by piece, transforming family residential housing into apartment investment property.

The line of demarcation must be drawn somewhere. Someone's proposal must be denied in order to ensure the integrity of the neighborhood. The decision is a hard one, but it must be made, and Mr. Ward proposes that it be made tonight. He further proposes that each future rezone proposal to rezone neighborhood property be denied when that proposal serves the financial interest of a few over the family interests of many.

It is vital to the wellbeing of this community to make a decision on the basis of a vision developed by the citizens of Rexburg. Let this be done so we do not unwittingly sell the birthright of this community which we now hold in our own hands, by succumbing to the proposals of those who live outside Rexburg who promise to increase property value but who do so at the expense of the livelihood of those who live in Rexburg.

David Pulsipher, 334 South 3rd East. He is the former president of the 3rd East Neighborhood Association. The neighborhoods have been interested in this area for some time. The 2 neighborhood associations collaborated and tried to maintain a vision of this area. He wanted to echo what David Ward has just said. This seems to be a reasonable proposal and beautiful design, but he is concerned about the domino effect. This is the very definition of 'creep'. The line has to be drawn somewhere. He worries about the next request, and the next one, and the next one. He wonders at what point the P&Z Commission and the City Council, who have repeatedly promised that they will protect this neighborhood, will finally actually say no and protect the neighborhood.

Carla Jimison, 255 Harvard. She wants to make clear that this is not an issue of Mrs. Chang's choices. This is a zoning issue requesting higher density in a lower density family neighborhood. Her neighborhood, on Harvard between 2nd and 3rd South, has all owner-occupied homes. A few people do rent out basements to married couples. Around the corner, there are 2 rentals on 3rd South - the subject property and the one to the east of it. These are single family residences. The neighborhood values those residents who live there. We wish to maintain that family neighborhood and the single family structure of the neighborhood. Each time a property with a home is sold and then rezoned, and an apartment building is built in its place, we lose a family in the neighborhood. This is how an apartment building encroaches on and erodes a single family neighborhood. We have

invested our money in our neighborhood. We ask the P&Z Commission to honor the Comprehensive Plan by preserving our neighborhood and our investment in Rexburg. It may not be viable for Mrs. Chang to renovate, but selling the home to someone who wants to fix it up might be a good solution. A zone change is not required for that solution. Time brings change. They are not against change. There are 3 new families in the area. This is a vibrant neighborhood. The market shows that families will buy homes in our neighborhood. It is not the responsibility of the P&Z Commission to make the purchases of developers profitable, but it is the responsibility of the P&Z Commission to help us defend the zoning of our residential neighborhoods. Please support our neighborhood by saying no to this request.

Steve Wasden, 342 South 3rd East. He was born in Rexburg, and unlike Mrs. Chang, he still lives here. The developers buy properties knowing what a property is zoned and then try to change it. It seems like they are trying to force their way into our neighborhoods. At some point the P&Z Commission needs to draw the line in the sand and say 'enough'. They did it before. There were promises that were made, and they are going back on their promises.

Written Input: The letters are part of the official record of this Public Hearing:

1. Letter from Dennis and Gay Lee Macki, opposed to the proposal - read by Commissioner Oakey
2. Letter from David H Anderson, opposed to the proposal - read by Commissioner Hanna
3. Letter from David D. Peck, opposed to the proposal – read by Commissioner Sorensen
4. Letter from Gayle Taylor, opposed to the proposal – read by Commissioner Walker
5. Letter (a notice) from Harvard Avenue Neighborhood Association, opposed to the proposal (19 signatures) – The Chairman said 4 names would be stricken from this letter for these reasons: Dennis and Gay Lee Macki submitted their own written input letter; David Ward gave testimony tonight; Carla Jimison gave testimony tonight.

For public hearing held 17 April 2014 at 7:05 pm at city hall
before the Planning & Zoning Commission.

8 April 2014

Rexburg City Hall
35 North 1st East
Rexburg, Idaho 83440

Dennis R. and Gay Lee Macki
231 East 3rd South
Rexburg, Idaho 83440

RE: Public Hearing #1400101 rezoning the property on 222 East 3rd South in Rexburg from Low Density Residential 2 (LDR2) to Medium Density Residential 1 (MDR1).

I am writing in response to the letter we received to change the zoning on 222 East 3rd South in Rexburg from Low Density Residential 2 to Medium Density Residential 1. Due to a conflict we will not be able to attend the meeting on April 17 so I will give you my concerns in writing.

First, I have a question: shouldn't rezoning be done by area rather than for single lot? Won't zoning by area make for a better overall plan for the city? Since the issue at hand is for the rezoning of a single lot, I will address the rest of my letter to that request.

Even though the said property is adjacent to a set of apartment buildings that front 2nd East the said property faces and resides on a residential street: 3rd South. If the rezoning to medium density took place it will have the following effect for the other five homes that face or border 3rd South.

1. Increased traffic just 100 feet from a busy intersection: 2nd East and 3rd South.
2. Increased traffic on the residential street of 3rd South
3. Lower property value for those living on 3rd South at least between 2nd East and Harvard.
4. A less desirable place for families to move into the area.
5. There would be a loss of residential parking for those living on 3rd South between 2nd East and Harvard.
6. The increase in traffic on 3rd South would also make backing out onto that street more hazardous.
7. The area would loss its family friendly atmosphere.

There are plenty of apartment buildings already going up all over Rexburg. Please hold off in rezoning this single lot until an actual need for more housing is evident. Let's keep Rexburg Family Friendly.

Sincerely,

Dennis R Macki

Gay Lee Macki

Dennis R. Macki
Gay Lee Macki

Elaine McFerrin

From: David H Anderson <David.Anderson@mmhnet.org>
Sent: Wednesday, April 16, 2014 12:10 PM
To: Elaine McFerrin
Subject: oppose rezoning of property at or near 222 E. 3rd S. (name correction, David H. Anderson)

Dear Planning and Zoning Committee: As a resident of South Third East, I am very strongly opposed to any easing of zoning restrictions in our neighborhood. This is an established family neighborhood with narrow streets ill-suited for an increase in traffic and no off street parking without the destruction of homes.

In the 23 years that my family has lived on South Third East, many aspects of our quality of life have already declined significantly, due largely to more noise and increased traffic. It is not in anyone's best interest to eliminate the modest protections that are currently in place to maintain some standards of livability in our existing neighborhoods.

If Rexburg wishes to continue promoting itself as America's Family Community, it can start by shifting its emphasis away from development to the protection of existing family neighborhoods.

David H. Anderson

324 S. 3rd E. Rexburg

Elaine McFerrin

From: Peck, David <peckdd@byui.edu>
Sent: Wednesday, April 16, 2014 12:43 PM
To: Elaine McFerrin
Subject: Strongly oppose rezoning on South 3rd East and adjacent areas

I write to express opposition to reining contemplate along east 3rd south in Rexburg. This is an established neighborhood area directly affect my own property at 323 south 3rd east. I believe that measures and responsible development will occur in the rexburg area and that reasonable development is possible without down zoning established neighborhoods like S 3rd east and adjacent areas.

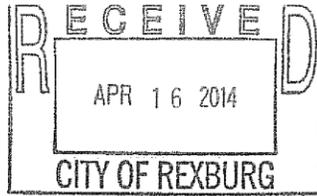
I am opposed to the increased traffic and noise the change would bring. Besides, we just fought off a downzoning attempt nearby. We need to stop having to return again and again to defend our neighborhoods from unwanted development.

I ask the Council members to vote against the zoning change request

Thank you.

David D. Peck
323 South 3rd East Rexburg ID 83440

Sent from my iPhone



275 Harvard Ave.
Rexburg, Id 83440
April 15, 2014

Planning and Zoning Commission
City of Rexburg, Idaho
Re: Rezoning Property - Lena Cheng
222 East 3rd South
Rexburg, Madison Co. Idaho

To whom it may concern:

My name is Gayle Taylor and I live
~~in~~ and own my home at 275 Harvard Avenue,
Rexburg, Idaho.

The notice I received from the City of
Rexburg seems to me to just open up a
public hearing which has already been
heard and voted upon. Did you not
listen to us then - and you are putting
neighbors through this again?

I will remember our objection about
added traffic on second East and 3rd South
streets. Yes, it is within walking distance
of the University, but their parking space is
filled with vehicles. It hasn't deterred many
students from bringing cars. The traffic is insane at times.

We can not let the property under
question be rezoned. What will keep all
of our neighborhood from becoming medium

and even high density housing? Just the traffic along on the two arterials I mentioned makes it almost impossible to get on to them from residences and side roads. Why would you want to add more?

The other day the law enforcement officers up and down the valley held a training session in the home under question. I or He wondered if it was a "drug bust," maybe to scare us into consenting to this change?

My big question is? Why do we have to be continually fighting to protect our residential rights and residences when we have already gone through this and it is in place.

Mrs. Chang and the commission already know how we feel about the zoning change. I'm sorry but because money speaks and out of town investors come here with lots to invest, why does it speak so loudly to the commission.

Those of us who have lived here a long time have invested so much in this community, too, and yet our voices and concerns just go unheard.

Just for once please listen to us, the people who live here and ^{have to} deal with these same issues all the time.

Sincerely yours,
Gayle Taylor

Rebuttal:

Lana Chang said regarding mention that they have lots of out of town money to invest- it is just she and her husband. They do not have the money or the ambition to buy up properties. She sincerely did not have plans or any intention of doing more development. This is her attempt at rectifying a difficult property. She does not think this proposal would have a negative effect. She feels it would be a win-win.

Mrs. Jimison mentioned that three new 3 families have moved into this neighborhood. Mrs. Chang does not think they would have, had they felt that the development on the corner was a negative. She does not have to make profit on this property. She basically was forced into a buying situation. It is a major fixer-upper. Once the property on the corner was built, the subject property sits back; part is like an island. Kensington Manor does use the shed on the back part of the property. She would want to keep that. Mrs. Chang asked the city about selling the front part of the parcel, but the City said the property cannot be divided. She feels that she and her husband are the people who could use the property and make it look nice because she does not have to observe the setback. As far as how zoning affects the neighborhood, you have to take it lot by lot. This would not change the whole neighborhood. You cannot make decisions based on how you think it might possibly affect others. It should be decided on its own individual merits.

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

Val Christensen went over his staff report. The request is to rezone the property from LDR2 to MDR1. The size of the property is approximately .23 acres. The Comprehensive Plan land use designation is Low-Moderate Density Residential (majority of the property) and a portion is Single Family Residential. The land use line was dictated by the alley to the north. Whenever you have property with two land use designations, someone could ask for either direction - that is the City's and the State's rule.

The property to the west is zoned MDR1. The property in that block to the east and north is zoned LDR2.

The City Engineer did not voice concern about capacity of streets or sewer. The corner property to the west was recently changed to MDR1. Staff did not feel the change would have any negative effect regarding nuisances or health and safety hazards.

If the Commission feels that all criteria are met and the use does not adversely affect the existing neighborhood, staff requests that the Commission recommend to the City Council to process the requested zone change.

Chairman Robinson said the Commission should have thorough discussion of this land use change request for a rezoning from LDR2 to MDR1 at approximately 222 East 3rd South.

Steve Oakey said he hears concerns of the neighbors. When there is an increase in traffic, we try to accommodate with new roads, more schools, more police officers, etc. As Mr. Christensen mentioned, there are not health and safety issues. He has heard comments about outside money and influence. That should not impact the decisions the Commission makes. Keeping the market open for all interests benefits the community and everyone. It was mentioned by neighbors that they own rentals in the neighborhood. It is how a neighborhood is self-evolving. Market forces have also worked in the neighbors' favor in their close proximity to campus. It is a nice demonstration of the entrepreneurial spirit of Rexburg.

Cory Sorensen said since the Changs built their project on the corner, this board has brought that project up as a great example of how a transition into a family neighborhood should happen, and what the transition should look like. But he agrees with Mr. Oakey regarding the discussion of apartment creep. It is great to live in America where we have the right as a citizen to buy or sell a piece of property. It is a great opportunity.

Jedd Walker said he does not agree that this is an area of transition. There are rentals, but it has been voiced very clearly that this area wants to remain Single Family as far as zoning is concerned. There has been discussion about a line in the sand and a point of demarcation. He agrees. It has already been drawn by the Comprehensive Plan map.

Dan Hanna said the neighborhood has valid concerns. He is concerned by the powerline easement. He thought that future development should be consistent with what was presented. He is impressed that all the parking would be in the back and that there is no access from East 3rd South. It is a good use for the property - developing the property in conjunction with the adjacent property.

Chairman Robinson said the issue is a land use change. The power line is not a concern at this point. If this proceeds, the development may be more attractive and built better than what is there now, but a line in the stand was drawn.

Steve Oakey asked for clarification.

Val Christensen explained that the Comprehensive Plan is a planning tool - the vision of the City for the future. It is the expectation that things will change.

The zoning is the property rights. The zoning someone requests must follow the Comprehensive Plan, or the Comprehensive Plan must be changed first if another zone is wanted.

Steve Oakey wondered if fears of devaluation of property could be allayed.

It was discussed that the Commission does not have the means to do this.

It was stated that the owner of a home has a right to rent it out.

It was clarified that the Low-Moderate Density Residential land use designation allows LDR2, LDR3, MDR1, and MDR2 zoning. The Single Family Residential land use designation allows RR1, RR2, LDR1, LDR2, and LDR3 zoning.

Cory Sorensen thought the reason this plan could work is because of the PEZ zone overlay which allows the owners to share their parking with their adjacent property.

Cory Sorensen motioned to recommend to the City Council the approval of a zone change for the property located at approximately 222 East 3rd South to change from Low Density Residential 2 (LDR2) to Medium Density Residential 1 (MDR1). **Mark Rudd** seconded the motion.

It was discussed that a rezone can be conditioned.

It was decided not to condition the rezone.

None opposed. **Motion carried**

Break called.

Unfinished/Old Business:

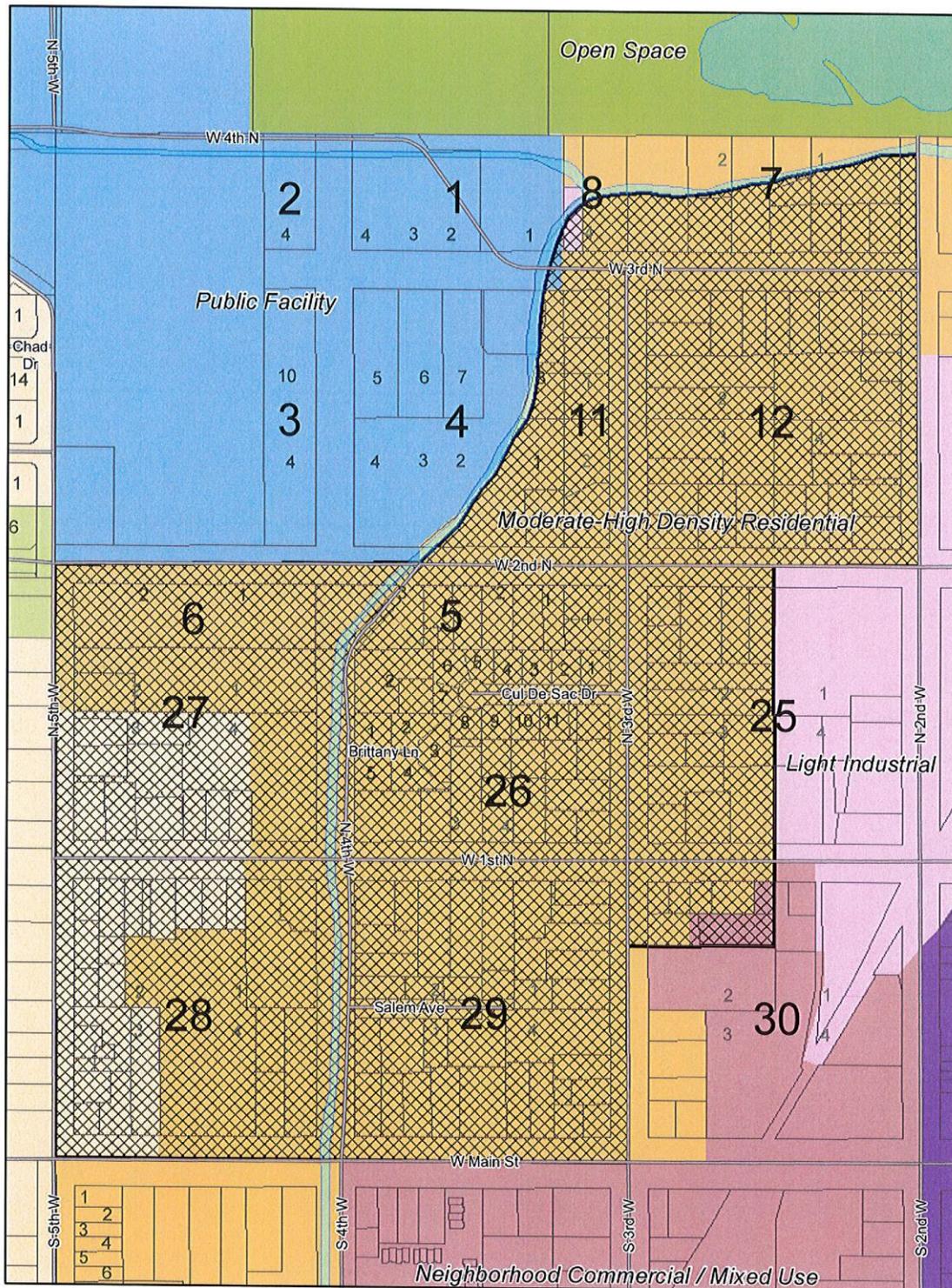
New Business:

1. Discussion to set Public Hearing date for Comprehensive Plan Map Amendment Change – Fairground Neighborhood requesting to change from Moderate-High Density Residential to Low-Moderate Density Residential.

Val Christensen explained that this neighborhood came together to request a Comprehensive Plan change. When the whole neighborhood is involved, the City looks at the request, and the City would move the issue forward. This is a heads up before a public hearing date is set.

Steve Oakey asked for clarification on the neighborhood's request.

Mr. Christensen explained that this neighborhood is requesting (a petition was submitted by the neighborhood) to change the Comprehensive Plan map land use designation in their neighborhood from Moderate-High Density Residential to Low-Moderate Density Residential. The map was viewed.



The Low Moderate Density Residential land use designation would still allow medium but not high density zoning.

There is one neighborhood association in the area. It has been quite successful. There has been a lot of involvement. They have made the percentage amount necessary to request the change per City Attorney Stephen Zollinger

Chairman Robinson thought it was a good thing when a neighborhood comes together and requests something like this rather than individuals coming in one at a time.

The Chair said the Commission needs to be careful in its discussion tonight, because this would be coming up for public hearing.

Val Christensen said tonight they are looking more for suggestions of or agreement of borders before the request is brought forward. This is informational. The City would be bringing it forward at the behest of the neighbors.

Some of the citizens from the specified neighborhood were in attendance tonight.

It was clarified that this is not a public hearing tonight. It is a discussion.

Kathy Hanosky, from the subject neighborhood, clarified for the Commission where single family homes are located on the map that was projected.

Val Christensen asked if this should be moved forward as it is shown, or do with changes, or should it not move forward at all.

Steve Oakey is opposed to the whole concept, as he fears people have been excluded. Some people remain silent because they are fearful of opposing their neighbors. It is important to represent those who are absent. If you want to make private agreements between each other that would be ok.

Petition signing was briefly discussed.

Jedd Walker said the neighborhood association has a good approach; it draws a line in the sand. The question goes back to, is it the right line in the sand?

Cory Sorensen said the Commission needs to look at infill and redevelopment and how it fits with such a large Comprehensive Plan map amendment change.

Steve Oakey said people want to maintain the ability to do what they wish with their property. There could be a general voluntary legal agreement between parties who want to make this change rather than coming before a governing body.

Chairman Robinson clarified this request would be City driven and that the City would bear the cost.

Val Christensen said that was correct. In the past, if there is enough neighborhood interest, the City will take charge to move the request forward, but the City would have to determine agreement on the boundaries. Then there would be a public hearing on the request where a decision would be made.

Per the City Attorney, about 67 per cent of the subject neighborhood is represented through the petition that was submitted. It does not mean the neighborhood would get what they want; it just means that the City would take up the cost of the hearings.

Other neighborhood areas have come in to request a specific zone change, as their neighborhood Comprehensive Plan land use designation allowed them to do so. In this case, they are starting with a Comprehensive Plan map amendment request.

The Commission has not dealt with this kind of request before.

Kathy Hanosky said about a year ago, 3 different properties in their neighborhood area requested zone changes. All of those requests were passed. At that time, the P&Z Commission and the City Council recommended that the neighborhood come together if they did not want big apartment complexes in their neighborhood, and that is why the neighborhood is now making this request.

Dan Hanna and **Cory Sorensen** both said they would declare a conflict when there is a public hearing, as they both own property in the area of this neighborhood request.

Dan Hanna said this request does not close the door to development.

Jedd Walker said that during the public hearing for this request, the Commission could ask for less of the specified area to be changed.

Chairman Robinson said the Commission is struggling with that big an area of Comprehensive Plan map change.

Cory Sorensen said everything is affected by what happens with this part of the community. There is more to it than just a neighborhood. Part of it is a main thoroughfare. There should be more discussion.

A citizen in the audience said what they are trying to do is protect their homes.

Mrs. Hanosky said all we as a neighborhood are asking for is a public hearing for a Comprehensive Plan map change. We are not infringing on anyone's rights. They can still buy and sell and develop. Can the request for public hearing move forward?

Chairman Robinson felt that if the whole neighborhood supports a change, they have the right to proceed. Those who want to express their opinion are given the opportunity to do so at the hearing.

Val Christensen clarified that because the amount of property owners involved in the request, the Public Hearing Notice would appear in the newspaper but individual notices will not be mailed out.

Jedd Walker expressed that the Envision Madison process is currently being worked on and close to some conclusions. It will be coming out with a countywide vision which may be helpful. Maybe this discussion should be put on hold until Envision Madison runs its course so we have more information.

Steve Oakey said he has participated with Envision Madison and is in stark opposition to it. We should not wait for Envision Madison.

Jedd Walker stated we should. Envision Madison is a great idea and concept.

Dan Hanna felt that Envision Madison is a great community effort.

It was reiterated that a change in the boundaries of this Comprehensive Plan request could be made at the public hearing.

No consensus was reached. Whenever the City brings this forward, the P&Z Commission will see it for Public Hearing. The secretary will contact neighborhood representative Kathy Hanosky with further information about a public hearing date.

Compliance: None

Non controversial Items Added to the Agenda: None

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

May 1, 2014:

1. Comprehensive Plan Map Amendment – Approximately 99 Valley River Drive – Open Space to Neighborhood Commercial/Mixed Use
2. Conditional Use Permit – 325 North 1st East – to allow 100 % residential and zero percent commercial in a Mixed Use 2 zone

Chairman Robinson adjourned the meeting at 9:55 pm.