

# Planning & Zoning Minutes

February 20, 2014



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

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

www.rexburg.org

Phone: 208.359.3020  
Fax: 208.359.3022

## Commissioners Attending:

Winston Dyer – Chairman  
Dan Hanna           Thaine Robinson  
Mary Ann Mounts   Jedd Walker  
W.C.Porter           Melanie Davenport

## City Staff and Others:

Brad Wolfe- City Council Liaison  
Val Christensen- Community Development Director  
Stephen Zollinger – City Attorney  
Natalie Powell – Code Enforcement  
Nick Cummock – Community Development Intern  
Elaine McFerrin – P&Z Coordinator

**Chairman Dyer** opened the meeting at 7:05 pm and welcomed everyone. The Commission is grateful to have so many interested citizens in attendance tonight.

## **Roll Call of Planning and Zoning Commissioners:**

Dan Hanna, Chuck Porter, Mary Ann Mounts, Winston Dyer, Thaine Robinson, Jedd Walker, Melanie Davenport

Gil Shirley, Mark Rudd, Richie Webb, and Cory Sorensen were excused.

## **Minutes:**

1. Planning and Zoning meeting - February 6, 2014

**Dan Hanna** motioned to approve the Planning & Zoning minutes of February 6, 2014. **Melanie Davenport** seconded the motion.

Mary Ann Mounts, Thaine Robinson, and Chuck Porter abstained for having not been present. None opposed. **Motion carried.**

## **Tabled requests:**

1. Rezone – 1042 West 7<sup>th</sup> South – Rural Residential 1 to Medium Density Residential 2

At the January 16, 2014 P&Z meeting, because of the Commission's recommendation to City Council to deny the Comprehensive Plan Map Amendment request for the subject property, this rezone request for the same property was tabled, in order that the Comprehensive Plan Amendment request go to City Council for the final decision. On February 5, 2014, the City Council approved the Comprehensive Plan Amendment request to change the property's land use designation to Low-Moderate Density Residential.

**Chairman Dyer** stated a motion must be made to pick up the Rezone request from the table to be addressed for public hearing. He noted that the applicant is present and ready to address the matter, and the interested citizens who signed in at the January 16<sup>th</sup> P&Z meeting have been notified that this issue would be addressed tonight in public hearing.

**Mary Ann Mounts** motioned to pick the Rezone request for 1042 West 7<sup>th</sup> South up off the table. **Thaine Robinson** seconded the motion. None opposed. **Motion carried.**

**Chairman Dyer** gave introductory remarks.

He first wanted to declare for the record that in the interest of helping the citizens, he has discussed with interested parties the procedural and protocol-type questions on this issue. Several people wanted to know and understand how things would proceed; in each case the conversation was prefaced with the fact that they could not discuss the merits of the request, or any information concerning the proposal because it has been advertised for public hearing, but that it was fine to help make sure the citizens understood the process.

The Chair asked if any of the Commissioners had any other potential or perceived conflicts of interest regarding the hearing that needed to be declared. There were none.

**Chairman Dyer** apologized to the citizens for any confusion he felt he may have caused in the last meeting on this matter, which addressed the Comprehensive Plan of the property. He mistakenly reported that the decision needed to be appealed to the City Council. However, the issue was just a recommendation from the Commission to the City Council to deny the requested Comprehensive Plan Map Amendment change. The City Council proceeded forward and voted to approve the change. He cannot speak for the City Council. That is their prerogative. They are the elected officials who make the final decision. The P&Z Commission is a recommending body. Because of that City Council action, tonight we are here to discuss a subsequent request related to the Comprehensive Plan change – the potential change in the zoning of the subject property.

Although it is normally not a matter of discussion here, because concerns were expressed about matters that took place in the City Council meeting, Chairman Dyer wanted to clarify that Dan Hanna, a P&Z Commissioner here, was asked by the applicant to be a part of the formal presentation of her Comprehensive Plan proposal at the February 5<sup>th</sup> City Council meeting. Therefore, he was given the opportunity to speak because of being a part of that applicant team, whereas others that were interested in perhaps having input may have felt they were not given that opportunity.

**Chairman Dyer** reviewed the public hearing procedure. Tonight there will be a complete hearing on the proposal to change the zoning of the subject property. The applicant will present the proposal to the Commission. The Commissioners may ask clarifying questions. Because of the community interest, citizens may ask questions to help them understand the proposal. This would not be the time to express feelings but would rather be to help in clarifying what is being proposed. The public input portion of the hearing would be the time to express opinions, feelings, and thoughts. The Commission has received ten written 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. Everyone has one voice.

The Commission is interested in public input and will take the time necessary to hear whoever wishes to speak. Because of the amount of input that we are anticipating, we ask that you be brief. If someone has already spoken about a certain concern, as a courtesy please say you agree rather than repeating the same concerns.

The Commission is an advisory body to the City Council. They advise the City Council with recommendations. The City Council members are elected officials and have the final say on this matter.

There has been some confusion in the past about public hearings.

According to Section 6.13f of the Development Code Ordinance No. 1026, the City Council will conduct a formal public hearing on this matter based on the outcome of tonight's meeting. This second hearing is a requirement for a zone change, and it is still in effect although changes are being proposed that have not been formally adopted yet.

In order to get proper notice in the newspaper and affected property owners, etc, it appears the City Council public hearing would occur on Wednesday, March 19<sup>th</sup>. The City Council will conduct their own hearing, will receive their own input much as is being done tonight, and they will deliberate and make the final decision.

After the Commission receives public input tonight, the City staff will give their evaluation of the proposal. The Commission will then deliberate the matter, looking at advantages and disadvantages, and the merits and impacts of the proposal in order to make a decision.

The question before us tonight is shall the 2.5 acre parcel at 1042 West 7<sup>th</sup> South be rezoned from the current Rural Residential 1 (RR1) to Medium Density Residential 2 (MDR2)? The Commission has the charge to recommend approval, recommend approval with conditions or modifications, or recommend disapproval of the request, to the City Council. The Commission also has the power to table the action if found to be necessary.

**Chairman Dyer** asked if any citizens in the audience had questions on procedure for tonight's hearing:

1. Will City staff evaluation be given here tonight?

Yes. Community Development Director Val Christensen will give the staff report which addresses requirements regarding rezones, which are stated in the Rexburg Development Code Ordinance No. 1026.

2. Will the public be allowed to be here for the staff summary?

Yes. It will be done after public input is given.

3. After the public input, would the audience be given the opportunity to ask more questions?

After public input is taken, that would conclude interaction or questions back and forth with the public, the reason being a kind of double jeopardy. The Commission would not interact or discuss more with the applicant either, but they may occasionally ask a clarifying question that requires only a yes or no answer.

Chairman Dyer stated it is perceived that there is concern about what is going to be said in the staff report that is given after the public input testimony, and the audience wanting to know that and perhaps speak to issues during public testimony. He asked Val Christensen to explain what is looked at in the staff report during his clarification of the rezone proposal before the public input is given.

There were no other questions on procedure from those in attendance.

**Chairman Dyer** expressed that he does not want anyone to be intimidated by the formality of the proceedings. This is your community. We serve you and want to make sure the process is understood. Everyone has the right to give their input without fear or intimidation.

The Chair clarified what is occurring tonight. Due to the action of the City Council, this particular property has now been comprehensively planned as Low-Moderate Density Residential. This land use designation may allow certain zones. Those potential zones are Low Density Residential 2 and 3 (LDR2 and LDR3) and Medium Density Residential 1 and 2 (MDR1 and MDR2). The current zoning of the property is Rural Residential 1 (RR1).

The Comprehensive Plan is the City's vision for the future.

The Zoning is the law, what can and cannot be done on the property. Under RR1, 1 house per lot is allowed, with the lot size being 1 to 5 acres. It would be a single family home. On this subject property, 2 homes would be allowed.

The requested zone is MDR2 – this zone allows up to 20 units per acre of multi-family housing. There could be as many as 50 units on the subject 2.5 acre property. Height restriction is 30 feet, whether a home or other residential building. Potentially, this could be as much as 3 stories above ground.

This introduction sets the background, where we are and where we could go.

**Lisa Ellis**, 1042 West 7<sup>th</sup> South, the property owner and applicant.

She stated that in light of everything she has learned since the last meeting and everything she has educated herself on since the last meeting, she feels she is obviously asking for too high a zone.

Ms. Ellis said she would accept a lower zone of Medium Density Residential 1 (MDR1) instead of MDR2.

She is requesting the zone change for the future planning of her property. She has no current plans. There is no developer, no buyer, and no realtor. She wants the most value for her property and is in no hurry to sell. This is laying the groundwork for a possible case in the future.

She does not want to rehash what has been said in past meetings about the property during the Comprehensive Plan proposal.

The Chair said she is welcome to go over any things that may have been stated in earlier meetings.

Ms. Ellis said the precedent has been set on the zoning she is asking for. She is asking for MDR1 next to the existing MDR1 of the Meadows to the east; other existing zones around the property are RR1 and RR2. Her property was annexed into the City from the County. The City allowed the Willowbrook developer to come in on the north without any egresses in and out of the Meadows to help alleviate the traffic problem.

She understands it would be on a developer's shoulders to address the issues of sewer, water, helping with the roads, etc. Any development would also probably trigger the putting in of sidewalk on 7<sup>th</sup> South, which would make the road much safer.

**Chairman Dyer** asked if the Commissioners had clarification questions on the proposal.

**Melanie Davenport** said at the earlier P&Z meeting on this property one of Ms. Ellis' concerns was that she feels her property is landlocked.

**Lisa Ellis** said that she does feel her property and the property of her neighbors on the west are pretty much stuck with 2.5 acres each in the RR1 zoning.

**Chairman Dyer** clarified for the record that the proposal tonight is for 1 parcel and does not include the neighboring property on the west, which was part of a Comprehensive Plan Amendment request in 2012.

The subject property was pointed out on the projected map.

Chairman Dyer said the applicant mentioned a willingness to accept an MDR1 zone (potential density of 16 units per acre) change instead of the original request for MDR2 (potential density of 20 units per acre) zoning. At the time of the Comprehensive Plan hearing, there was some allusion to matching the density of the Meadows, which staff determined is about 11 units per acre for the entire piece of the Meadows property. The Comprehensive Plan land use designation of the Meadows is Moderate-High Density Residential.

The Chair asked if Lisa Ellis would be willing to match that density of the Meadows or if she is looking at the potential of MDR1 for 16 units per acre.

Lisa Ellis said she is willing to look at a density that is consistent with that of the Meadows – about 11 units per acre.

**Chairman Dyer** asked if any the citizens in the audience had questions for clarifications on this proposed zone change. This would not include opinions, which can be given during public testimony. He clarified that this rezone request is a land use discussion. Development question will come later.

1. What were the personal costs of the 2 applications (Comprehensive Plan and Rezone applications)?

Lisa Ellis said the fees for the 2 applications came to \$1650.00.

2. Can the Commission legally limit the request to 11 units per acre for an MDR1 zone change? The Chair said the Commission is allowed to set conditions on land use matters, not arbitrarily but with justification and to mitigate impacts.

3. The Comprehensive Plan is the vision of the City. When changes are made how does it affect the vision?

The Comprehensive Plan is an effort to try and look at what land uses are conducive with what is already going on in a neighborhood, and with what is foreseen to be coming for eventual growth and development. It is a living, breathing, changing document. In the past, the Comprehensive Plan could not be changed for at least eighteen months. Now, the law has been changed by the State, and application requests from interested citizens to change the Comprehensive Plan can be taken at any time.

A Comprehensive Plan change opens the doorway into several zones that correspond with that designation. In Lisa Ellis' case the Comprehensive Plan change to Low-Moderate Density Residential from Single Family Residential was requested and was approved by the City Council. This opens the door for inclusion of the two Medium Density Residential zones as possibilities for zoning along with LDR2 and LDR3. The original Comprehensive Plan of the property was Single Family Residential, which allowed as possibilities the two Rural Residential zones and the three Low Density Residential Zones.

The applicant now has standing to come forward with the requested zone change, which is the subject of tonight's hearing.

4. But the idea of the Comprehensive Plan is seen as a long term vision.

The Chair said that is correct. It is the vision of the community planners and the City Council of how growth and development and types of uses will be done in certain locations. With growth and neighborhood transitions, changes may come if such requests are legitimate and deemed to be appropriate by the elected officials.

5. What would be half way between the two zones of MDR1 on the east and RR1? Will what is on both sides of the property be looked at?

The zoning of the neighboring properties is something that could be looked at during the time of deliberation after public input is given.

The current zoning of RR1 for the subject property allows 1 home per acre. The LDR2 and LDR3 zones range from 2 to 8 units per acre. The MDR1 and MDR2 zones allow up to 16 and 20 units per acre.

It could be seen as 1 or 2 units in the neighborhood now versus the 11 to 13 units per acre of the Meadows.

6. When the Commission makes recommendations to the City Council, is the recommendation in the City's best interest or the citizens' best interest?

Chairman Dyer said a person has property rights. According to the Development Code, there are certain privileges and rights associated with a property. The Code also allows them the right and the privilege to explore improvement and further development of their property. Rexburg has zoning to try and achieve an effective balance between the private property rights and the greater common public good. It is the thin ice we consistently walk. It is very challenging. Who wouldn't want the opportunity to develop their property and maximize their investment? Who would want a medical waste burning facility built next door to them? These are the things that the Commission constantly tries to balance.

When the Commission makes a decision, the Commission tries to balance the benefit and advantage to the community and the private property rights. It needs to be thoroughly explored and evaluated. It is a fine line.

Then, too, comes the issue of timing. At one point in time, a proposal may not be appropriate. At a later point in time, that may change.

If the question is regarding do we listen to public input, the answer is yes, absolutely. It is one of many factors that is weighed in the decision-making against what is permissible and allowed, and the opportunity of the applicant to make the proposal.

6. How will the information from tonight's proceedings be given to the City Council?

**Chairman Dyer** said the information will be passed on to the City Council with the P&Z Commission's recommendation. This includes the oral testimony and written public input. The mechanism for passing the information on is the minutes of the P&Z meeting. Each time testimony is given, the P&Z secretary will capture the essence of what is being said. Often the written input letters are inserted into the minutes as part of the official record.

**Chairman Dyer** asked Val Christensen to briefly explain the staff review process prior to the citizens having the opportunity for public input, in case they wanted to address this.

**Val Christensen** said when an application is submitted to the City, it begins with the P&Z Coordinator/secretary, who processes the application. The application is then routed to staff, according to what type of application it is - to himself as the Community Development Department Director, to the Geographic Information Systems Department, to the City Engineer, and sometimes to the Fire Department, for staff review.

The first thing Mr. Christensen looks at is if the request meets the requirements of the ordinance. An example is that there is a minimum lot size for the different zones. He also looks at minimum width and other basics. If he determines that the request meets the basic requirements, he addresses the administrative rules/criteria listed in his report. This covers the chapter in the Development Code regarding zone change and looks at if the application meets the criteria:

Conformance to the City's Comprehensive Plan; street, water ,sewer, storm drainage, solid waste collection and disposal, and other utilities; capacity of existing public services, including public safety services, public emergency services, schools, and parks; potential for nuisances or health and safety hazards that may adversely affect adjoining properties; recent changes in land use in the area, etc. Finally, he makes a recommendation based on that group of criteria. He does not say to approve or to deny the request. He states in his report that if the Planning and Zoning Commission determines that all of the criteria are met, and based on any public testimony that is taken, information given, and that the proposal is not detrimental, etc, it is left up to the Commission to make the call on the proposal..

Mr. Christensen will give his staff report after the public testimony portion of tonight's hearing.

**Chairman Dyer** opened the public input portion of the hearing.

**In Favor:**

Two letters in favor of the proposal were submitted - by Gabriel and Ruthlee Hernandez, and by Sally Heinz. The letters are included below under the Written Input section of these minutes and were read into the record by Chairman Dyer.

**Neutral:** None

**Opposed:**

Eight letters opposed to the proposal are included below under the Written Input section of these minutes. Seven of the letters were read into the record by Chairman Dyer. One letter was read into the record by Paul Scholes.

**Paul Scholes**, 1118 Coyote Willow Way. He is an interested citizen, and he is also representing a number of Willowbrook Neighborhood residents who have signed a letter that was submitted . He read their letter that is included below under the Written input section of the minutes.

(The names of Wade and Judy Pugh, for the record, were struck from this letter because they submitted a separate letter that is included under Written Input. They were not at the hearing tonight).

For clarification, Chairman asked if this neighborhood letter represents the Willowbrook Homeowners Association (HOA) or if this letter is separate from that. Mr. Scholes said this letter is representing the neighborhood at large.

**Rex Barzee**, 1145 Arctic Willow Drive. He speaks in opposition because he thinks most citizens in his experience would consider the border between the Meadows and the Willowbrook subdivision to be a mistake. This situation is a higher density neighborhood bordering on a lower density one. By zoning Ms. Ellis' property as either MDR1 or MDR2, we will continue to perpetuate this same mistake. He would ask the Commission to consider the request made in the neighborhood letter that was just read – the rezoning of the subject property to LDR3. This would stop perpetuating the mistake of having higher density housing right next to lower density housing. It would provide a buffer or compromise between the zone to the north and the zone to the east.

**Chandra Scholes**, 1118 Coyote Willow Way. She wanted to remind Planning & Zoning of their responsibility as described at rexburg. org. – "...The Planning and Zoning Department reviews potential development opportunities to ensure compliance with zoning, setback, parking, landscaping, access, and other city requirements. ..." The purpose of the Planning & Zoning

Commission and the Zoning Code of the City of Rexburg includes – “... to promote the health, safety and welfare of residents of the City of Rexburg ; to protect the property rights and enhance property values; to provide for the protection and enhancement of the local economy; to avoid undue concentration of population and overcrowding of land; to ensure that development is commensurate with the physical characteristics of the land; to protect life and property in areas subject to natural hazards and disasters; to avoid undue water and air pollution; to secure safety from fire and provide adequate open spaces for light and air; and to implement the Comprehensive Plan...”

This is all her neighborhood is asking for – to try and compromise in order to meet these objectives. She cautions allowing for increased density in order to have a developer pay for poor road conditions or problematic sewer issues. There are protected private property rights in the City’s charter.

Moderate density does not protect property values or secure safety or avoid undue concentration of the population. Until February 5, 2014, when the City Council in a closed meeting overturned the P&Z Commission recommendation to deny a Comprehensive Plan land use designation of Low-Moderate Density Residential for this property, moderate density zoning here did not implement the Comprehensive Plan of the City of Rexburg.

**Written Input:**

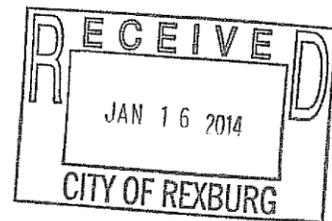
The letters are part of the official record of this Public Hearing. Chairman Dyer read the first nine letters that are listed. Paul Scholes read the letter (#10) from Willow Brook Neighborhood citizens.

1. Letter from Gabriel and RuthLee Hernandez, in favor of the proposal
2. Letter from Mark and Susan Pugh, opposed to the proposal
3. Letter from Wade and Judith Pugh, opposed to the proposal – (their names were stricken from the Willowbrook community letter so that their written input letter could represent them; they were not present).
4. Letter from Rich and Tammy Geddes, opposed to the proposal
5. Letter from David and Lindsey Barrus, opposed to the proposal
6. Letter from Mike and Michelle King, opposed to the proposal (new letter replacing their first letter of January 14, 2014)
7. Letter from Sally Heinz, in favor of the proposal
8. Letter from Barrett McCoy, opposed to the proposal
9. Letter from Daniel and Teresa Moldenhauer, opposed to the proposal
10. Letter from Willowbrook Neighborhood citizens (41 names), opposed to the proposal.

DATE: January 15, 2014  
TO: Planning & Zoning  
ATTN: Elaine  
RE: Lisa Ellis Property Rezone Request

We would like the Planning & Zoning committee to know that we support Lisa Ellis in her request to rezone her property. We have no objections.

Gabriel & RuthLee Hernandez  
1068 West 7<sup>th</sup> South  
Rexburg, ID 83440



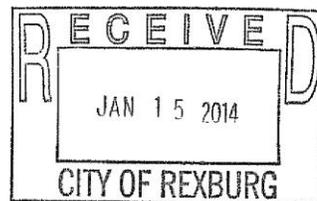
January 13, 2014

To Whom It May Concern:

In regards to the proposed zoning change of the property located at 1042 West 7<sup>th</sup> South (Lisa Ellis's property), we strongly oppose the change from single family residential to low-moderate density residential. We enjoy living in the Willowbrook subdivision because of the open rural feeling that the single family residential zone allows. We feel that changing the zone of the property next to our community will influence the atmosphere that we and each of our neighbors enjoy. We are concerned with the traffic hazards, the congestion, and the safety issues that currently exist. A change in the zone to a higher density will increase the current safety and traffic issues in the Willowbrook and the surrounding neighborhood.

Thank you,  
*Mark Pugh*  
*Susan Pugh*

Mark Pugh  
Susan Pugh  
1058 Arctic Willow Drive  
Rexburg, ID 83440



January 13, 2014

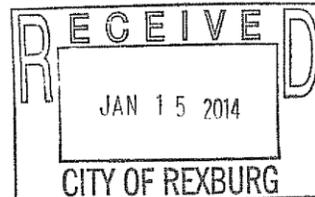
To Whom It May Concern:

In regards to the proposed zoning change of the property located at 1042 West 7<sup>th</sup> South (Lisa Ellis's property), we strongly oppose the change from single family residential to low-moderate density residential. We border this property to the north of the proposed changes. This change will not only affect our property value, but also the quiet open atmosphere that we enjoy. We bought this property because of the lot size and the "rural" atmosphere that exists in this current zone.

Thank you,

*Wade & Judy Pugh*  
*Judith M Pugh*

Wade Pugh  
Judy Pugh  
1045 Arctic Willow Drive  
Rexburg, ID 83440



**Elaine McFerrin**

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**From:** Richard Geddes <rtgeddes@cableone.net>  
**Sent:** Wednesday, January 15, 2014 4:41 PM  
**To:** Elaine McFerrin  
**Subject:** Zoning for land adjacent to Willowbrook Subdivision

To whom it may concern:

It has been brought to our attention that a change in zoning is being discussed at a Planning and Zoning meeting January 16, 2014 for a parcel to the west of the Willowbrook Subdivision. Because we are unable to attend this meeting, we would like to send our input for consideration. At present we understand the land is zoned for single dwelling homes to be built on .5 acre lots.

A few years ago the zoning had been changed from farm land to allow for a low density proposal. We agree with the Planning and Zoning in this action. We know we need to allow for growth in Rexburg. We encourage you to keep this zone as a low density zone for single dwelling residential homes. It would maintain the integrity of the neighborhood. It would keep congestion to a minimum versus a higher density, and it would be safer for the children who will be walking to Burton Elementary due the less traffic than a higher dense land.

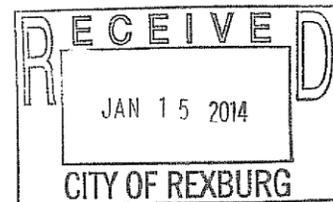
If a proposal is being made to increase the zoning on this particular parcel, we would ask that you carefully consider the potential conflicts that could arise. An increase in the density which would increase the traffic of that parcel could adversely affect the safety of the children who potentially will be walking to Burton Elementary which is in close proximity.

Much concern has been raised with the over-crowded high density of the townhomes to the east of this parcel. Adding a higher density zoning would increase congestion on 12th West near the congestion already facing the 7th South intersection.

We would appreciate your consideration in maintaining your initial change and keep the parcel a low density for the land in question.

Thank you for your time and your service.

Rich and Tammy Geddes



February 17, 2014

To Planning and Zoning and City Council,

We are writing about the decision to rezone Ms. Ellis' property on 7<sup>th</sup> South in Rexburg. We hope that the Planning and Zoning and City Council will not rezone the property and allow apartments on the land. We also are concerned that the comprehensive plan was changed in the first place, and we would like an explanation why it was changed.

Our first request, is that the Planning and Zoning and the City Council not rezone the property to allow apartments on the property. We live to the northwest of Ms. Ellis' property and are concerned that apartments do not fit the nature of the area on 7<sup>th</sup> South (Willow Brook Subdivision). We are very concerned that there is the potential that if it is rezoned to allow apartments, it would make the 7<sup>th</sup> South access situation even worse. The Meadows only has ONE access point. To add the potential of another set of 20 units per acre would make a bad situation even worse. If the apartments are built up and there is just one access point, what is going to happen if there is a fire or some other disaster where emergency vehicles are trying to access the Meadows and residents are trying to exit? That would be a nightmare, and it would not be hard to trace liability back to the city for their negligence in allowing so many additional residences without another access point.

A second concern that we have is that the nature of the area is to have homes on large lots where the Meadows serves as a buffer between our homes and Highway 20. I am not opposed to development of the plot of Ms. Ellis' land if it is single family detached homes on ¼ acre or larger lots. The ideal lot size would be ½ acre, but we are not opposed to ¼ acre lots. I hope this is Ms. Ellis' intent, but I fear that her intent is to get the parcel of land rezoned so it can be attractive to a developer. It would seem that a developer would only be attracted to the lot if there was the potential for apartment units to make it financially feasible.

Our third concern is with the recent changes to the comprehensive plan with regard to Ms. Ellis' property on 7<sup>th</sup> South. We are concerned that City Council disregarded the recommendations of Planning and Zoning. The City Council has every right to override the Planning and Zoning, but why did the City Council do it? This is what we want to understand.

We like how the city has constructed a comprehensive plan to help develop Rexburg in an orderly and logical way. The changing of the comprehensive plan to allow the development of higher density units on Ms. Ellis' lot makes no sense. What is the reasoning for that change? Is it really that easy to change the comprehensive plan for a single citizen? Since you allowed it for one citizen, why not for the rest of the landowners of Rexburg? If we got a developer or someone that had influence and money, would you let us change the comprehensive plan to allow us the potential to rezone our lot so we can build apartments on it? We don't think you would because it makes no sense in the comprehensive plan. So what is your reasoning? I hope when all of you consider how Ms. Ellis' plot should be rezoned, you will know that your decisions have consequences and sometimes they are unintended. Please be careful and deliberate in your decision making and provide the citizens of Rexburg with good sound reasoning for changes that you make.

We are asking that you (the City Council) provide reasoning for changing the comprehensive plan for Ms. Ellis' lot. We are also asking that Ms. Ellis' lot not be rezoned to allow apartments. We are not opposed to a higher density of single family detached homes that occupy as small as ¼ acre. We hope that you will take the concern of your fellow citizens very seriously.

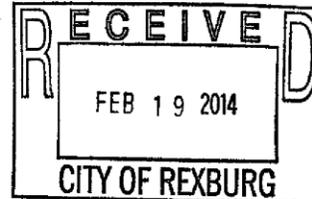
Sincerely,

**David and Lindsey Barrus**  
**1079 Arctic Willow Drive**

Mike and Michelle King  
647 Blue Willow Circle  
Rexburg, Idaho 83440  
208-356-5529

February 19, 2014

Rexburg Planning and Zoning Commission  
City Hall  
35 North 1st East  
Rexburg, Idaho 83440



Dear Rexburg Planning and Zoning Commission:

**Subject: 1042 West 7<sup>th</sup> South**

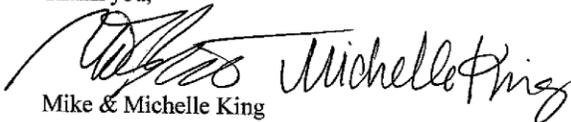
We strongly disagree and oppose the proposal to change the zone of the property at 1042 West 7<sup>th</sup> South.

We have lived on Blue Willow Circle since October of 2000. Back then our one acre lot was not in the city limits, the Meadows town homes did not exist, and we were surrounded by farm fields and just a few houses. We would like to maintain what is left of our neighborhood.

We would like to express how important it is to have a proper buffer between our one acre single family property and the Meadows town homes that are already in place. It isn't just a colored zone map on a piece of paper. This is in our backyard. This is next door.

Please carefully consider the effect this would have on those of us who are staying here in Rexburg.

Thank you,

  
Michelle King  
Mike & Michelle King

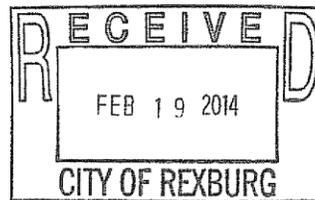
To whom it may concern,

My name is Sally Heinz, i live at 1025 W. 7<sup>th</sup> So. in Rexburg Idaho. I live directly across the street from Lisa Ellis. I am emailing this letter in support of Lisa's decision of rezoning her property.

I have lived her for 33 years, and was one of only three residents on this particular road. Over the last 10 years I have seen this area grow aggressively in the number of homes, apartments, and traffic. I feel that the changes Lisa would like to make, with her property, would not have a negative affect in this already growing area.

Change is obviously going to occur. What would really make a positive difference is, reduce the speed limit do to all the traffic from the meadows. This one road supports all the residence that live around here. There needs to be an alternative route to get in and out.

Sincerely,  
Sally Heinz.



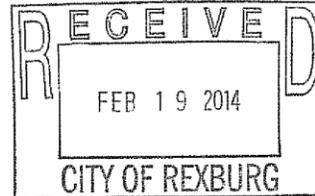
February 19, 2014

Rexburg City Council

City Hall

35 North First East

Rexburg, ID 83440



Rexburg City Council Members:

We strongly disagree with and oppose the proposal to change the zoning of the property at 1042 West 7th South. This area should remain zoned as Single Family Residential.

We purchased our home in 2001, shortly after it was built. We have spent the last 13 years landscaping, planting, gardening, and improving our home and lot while raising two small daughters here. This lot was on a dead end street in the county which we believed was the perfect environment to enjoy both rural and city surroundings in abundance. We felt very fortunate to be surrounded by kind and like-minded neighbors. Over the last 13 years we have been at the center of continual growth and have been faced with the additional infrastructure/roadway construction headaches that come with these changes. We were annexed into the city and schools, churches, businesses, and additional housing have been built all around us. We watched The Meadows constructed at the end of our dead end street and the dramatic increase in traffic that came with it.

Rexburg's own Planning & Zoning Commission, just several weeks ago, gave a thumbs-down to this change, citing several important reasons that this change was untimely, unnecessary, and without merit. The City Attorney quoted the City Engineers' concerns about infrastructure problems, namely sewer access and increased traffic with a single outlet. Yet the Planning & Zoning recommendation was rejected.

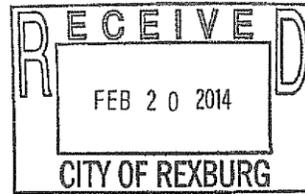
We know that the adjoining Heinz property will eventually be developed in some manner, and yet we still wonder--where does it end? The atmosphere of our surroundings has changed dramatically and the value of our homes, as well as the lifestyle that we all have put so much time and effort into maintaining, is diminishing.

Please leave this neighborhood zoned as Single Family Residential; we are losing the hometown feel of Rexburg that we moved here to enjoy and to be a part of in the first place. We have supported the City of Rexburg, both with our dollars and with our votes; we hope you will support our neighborhoods and do the right thing.

Thank you,

Barrett McCoy

Daniel & Teresa Moldenhauer  
1049 Arctic Willow Dr.  
Rexburg, ID 83440



Dear Rexburg City Planning and Zoning and City Council,

We are writing in opposition to the requested zone change at 1042 West 7 South from a Rural Residential 1 to Medium Density Residential 2. We realize that the property in question will be developed at some future point. We also realize that the zone change that is granted on this property will most likely eventually be granted to the Hernandez property directly to the west and borders the length of our lot. We want that development to be something that can benefit both the current land owner, Ms. Ellis, as well as the existing homes surrounding it.

First of all we would like to make record of three points concerning the previous decision of the city council to change the comprehensive plan. We realize these points might not be addressed at this time, but wish to make record of our concerns.

1. We inquired of city workers if the City Council meeting held on February 5, 2014 would be a meeting that would give us an opportunity to speak. We were told it would not be open to individuals to speak. However, Mr. Dan Hannah was allowed to speak at this meeting representing himself as an individual. We are concerned and question why some individuals were granted an opportunity to speak while others were not.
2. Although Mr. Hannah claimed to be speaking as an individual we feel it was a conflict of interest for him to speak extensively on why he felt the P&Z should have voted differently.
3. We still feel confused and would like clarification on listed reasons why City Council did not take the recommendation of Planning and Zoning.

Next we will list several reasons why we are in objection to the current zone change request.

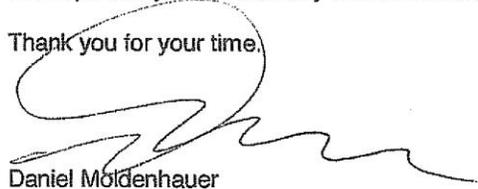
1. **PRIVACY-** In granting a MDR2 zone, this property could potentially allow up to 20 units an acre. The height restriction is 30 ft high. In such a small area we worry a developer would have to use that 30 ft with three level multi-family units in order to get the most units per acre. We have 5 young children and are concerned about the possibility of tenants having the ability to look into our backyard.
2. **SAFETY-** Under MDR2 the potential is there for 20 units an acre. That could mean 50 units in the 2.5 acre plot. We realize that with green space and other current requirements this might not be a realistic density. However, the possibility exists. This could mean 50 more families and 50-100 more vehicles traveling on a dead end road. A developer can not adequately "fix" this road to justify the additional traffic and congestion.

3. BUFFER- We feel this is the most important issue at hand. It is critical to zone the property to create an adequate buffer from the four family units that exist at 13 units an acre in the Meadows to the east and the .5-1 acre single family homes to the north and west. We feel that by allowing MDR 1 or MDR 2, which allow four unit buildings, and density maximums from 16-20 units per acre that an adequate buffer would not be achieved. It has the potential to be similar to what the Meadows already is.

With our oppositions being stated may we add a suggestion that might serve as a better buffer than MDR2? In our research, LDR3 appears to be a zone to consider. It would resolve our concerns with privacy, safety, and an adequate buffer. It would allow Ms. Ellis further development on her property and yet would be an adequate buffer for the four units in the Meadows and the existing homes. It would allow twin homes on 8,000 square feet lots. This is 2/10 of one acre. With a 2.5 acre parcel there is the potential of 15 lots. Once again we understand green space requirements will limit this.

We hope that you will carefully consider the best option.

Thank you for your time.



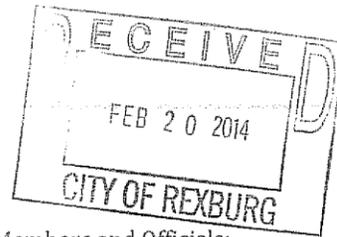
Daniel Moldenhauer



Teresa Moldenhauer

## Willowbrook Neighborhood

February 17, 2014



Dear Planning & Zoning Commission and City Council Members and Officials:

The issue of the Ellis property discussed at the last City Council meeting was not the first time this proposed comprehensive plan for change has been brought to the Rexburg City Council or to the Planning and Zoning Commission. On August 2, 2012, Mr. Kevin Murray, a realtor from Idaho Falls, represented the Ellis and Hernandez properties and asked for a change in Rexburg's Comprehensive Plan for purposes of changing the zoning, thus increasing the properties' density. On this past occasion, the Willow Brook neighborhood was well represented by dozens of families, nine letters were read in the meeting, and a petition was presented with 157 signatures indicating opposition to the comprehensive plan change. At this meeting, the Ellis' request was unanimously denied as indicated in the following minutes from this meeting:

Val Christensen clarified that this request is to change the properties from Single Family Residential to Moderate-High Density Residential. The applicants feel this request is consistent with the use to the east. The City Engineer/Public Works has expressed concern about the availability of sewer to the subject parcels, additional traffic on a single access roadway, 7<sup>th</sup> South, and that it will be a problem if it at some time is blocked for any reason. The City Engineer/Public Works in his review stated that this is not a good use for the constricted access land.

Mary Ann Mounts said she believes as Public Works has said that it presents a real safety issue here. The road ends and does not go anywhere. She does not feel the requested change is doable.

Thaine Robinson said on the Comprehensive Plan Map, the Meadows property is not really congruent with the Rural Residential neighborhood to its west. The City kind of inherited that project from the County. He would not want to encroach upon the Rural Residential. If the property was LDR1 or LDR2 it might be a different issue. Traffic bottlenecks on West 7<sup>th</sup> South here. He does not see the situation getting better and does not want to add to it.

Jedd Walker said when looking at the community as a whole, he would hope that the density could be developed in the places that have already been designated for the best density before changing other areas. He would like to see those areas that the City has specified to be densified to be filled in first.

Chairman Dyer noted that the Commission has long struggled with this whole area west of the freeway. At the time, there were a number of development proposals coming forward—stable single family neighborhoods, large plats with varied uses, and small pieces of property that wanted to be added on two or three at a time to all of this, and with varying proposed densities. The Commission recognized that they needed to get a handle on the master planning of this area. The Commission spent a considerable amount of time and made a concerted effort through the comprehensive planning to get it all put together. They talked about leaving the buffer along the highway and then protecting the interests of the single family. Chairman Dyer felt that denial of this request was reasonable for these reasons and

planning purposes; although, it is recognized that the applicants had a connective right to ask for this request.

The Chair wanted the record to reflect that he very much appreciates Mr. Walker's observation that the areas specified to be densified be filled in first. It is looking at part of a larger picture.

Thaine Robinson motioned to recommend to City Council to deny the Comprehensive Plan Map Amendment request for the properties at 1042 and 1068 West 7<sup>th</sup> South to change from Single Family Residential to Moderate-High Density Residential. Jedd Walker seconded the motion. None opposed. Motion carried.

A second request from the Ellis family was discussed in the January 2014 Planning & Zoning meeting. The issue of changing the comprehensive plan on the afore-mentioned property was presented, and both sides of this issue were again discussed. After hearing and taking both views under consideration, the Planning & Zoning officials felt, a second time, that the request for changing Rexburg's comprehensive plan to allow moderate-density zoning would not benefit the City of Rexburg, and they sent their recommendations to the City Council.

On February 5, 2014, at a non-public City Council hearing, Mr. Dan Hannah, a member of the Planning and Zoning Commission was allowed to speak. Though city attorney Mr. Stephen Zollinger explained that Mr. Hannah was acting as a citizen and not as a member of the Planning and Zoning Commission, Mr. Hannah's words imply otherwise: "Had I had the information I have today, I would not have made the recommendations I did that night."

When Mr. Hannah referenced the decision made in Planning and Zoning, he was clearly acting as a representative for the entire Planning & Zoning commission. Though he was allowed to speak at length on behalf of the Ellis property, voicing his support for the change, the Willow Brook representatives were not allowed to voice their opinions due to the closed nature of the meeting. The City Council then overturned the Planning and Zoning recommendation with no clear reason other than Mr. Hannah's representation of the Planning & Zoning Commission.

The property of concern stands as a buffer between the Meadows development and the Willow Brook neighborhoods, and it has been a point of dispute over the past couple years. As the Willow Brook neighborhood, we are willing to compromise and be a part of finding a resolution between the Ellis homeowners and the surrounding neighbors within the Rexburg community.

The Meadows is currently a moderate-density development as it has about 13 units per acre. The Ellis Family is vying to have their property rezoned to MDR2. Though this zoning change might appear as a buffer in theory, in reality, it is the same type of zoning that exists in the Meadows development.

As a neighborhood, we understand the Ellis' desire to increase the potential prospect of a future sale; thereby, we would propose to the Planning & Zoning that they set this property as an LDR3 zone. This would allow an increase of density for the Ellis family, but it would also create a buffer between the single-dwelling homes surrounding the property and the moderate density of the Meadows development. This zoning request also provides the rural Willowbrook neighborhood with

conditions such as privacy fences and trees that would be appropriate to the security and safety of the residents who directly border this property.

Please consider our zoning recommendation as we feel that moderate-density zoning is not appropriate for the following reasons:

1. With the potential of 20 units per acre, this would increase the traffic on an already problematic road.
2. This density change has already been denied due to safety concerns.
3. The city of Rexburg has spent time and money developing a comprehensive plan that allows for moderate-density housing in areas that are still not occupied.
4. If this property were allowed to become moderate-density housing, it will set a precedent for future development around the Willow Brook neighborhood.
5. As citizens of the City of Rexburg, the Willow Brook residents purchased and invested in this neighborhood because of their understanding of rural residential zoning, which encompasses this area. They also expect that the integrity of rural zoning would be upheld by social contract through our governing officials.
6. Willow Brook residents fully comprehend the negative impact this proposed zoning change could have on our country-like neighborhood. Many of the original Willowbrook neighbors have had their quiet country homes change as the Meadows were developed. Anytime moderate-density housing is added to an area, social and infrastructural problems exist. More housing units, especially four-family units added to this property is not the solution to the current situation.

The Willow Brook community has been involved and will continue to be involved with the positive growth and expansion of the city of Rexburg in business, as volunteers, and in local government as proponents of finding resolutions to issues which occur with an increase in development.

With sincere interest and concern,

Shane Berger: 583 Twisted Willow Dr.  
Jacob Price: 1195 Coyote Willow Way  
Leah Price: 1163 Coyote Willow Way  
Kevin Christensen: 645 Willow Brook Circle  
Janet Christensen: 645 Willow Brook Circle  
Dr. Soair Wilkes: 1115 Arctic Willow Drive  
Shelby Wilkes: 1115 Arctic Willow Drive  
Jason Flora: 1133 W Arctic Willow Drive  
Tisha Flora: 1133 W Arctic Willow Drive  
Justin Taylor: 1094 Green Willow Drive  
Kathie Taylor: 1094 Green Willow Drive  
Lee Hill: 1113 Golden Willow Circle  
Terri Hill: 1113 Golden Willow Circle  
Paul Schales: 1113 Coyote Willow Way  
~~Wade L. Pugh: 1045 Arctic Willow Drive~~  
~~Quinn M. Pugh: 1045 Arctic Willow Drive~~  
Troy Sokota: 524 Golden Willow Drive  
Bill Sokota: 524 Golden Willow Drive  
Alan Franzen: 1120 Green Willow Drive  
Heidi Franzen: 1120 Green Willow Drive  
Stacey Kuntz: 676 Willow Brook Circle

Kevin Jones: 1132 Golden Willow Circle  
Susan Jones: 1132 Golden Willow Drive  
Mark Coglinese: 544 Golden Willow Drive  
Amber Coglinese: 544 Golden Willow Drive  
Dr. James Allen: 562 Golden Willow Drive  
Katie Allen: 562 Golden Willow Drive  
Amy McCoy: 677 Willow Brook Circle  
Jonathan McOmber: 1116 Arctic Willow Dr  
Angela McOmber: 1116 Arctic Willow Drive  
Derek Jensen: 1074 Arctic Willow Drive  
Sara Jensen: 1074 Arctic Willow Drive  
Neal Carter, Ph.D.: 441 Twisted Willow Way  
Daria McCoy: 642 Blue Circle  
Tyler Barton: 1076 Green Willow Drive  
Shirce Barton: 1076 Green Willow Drive  
Curt Muehler: 681 Blue Willow Circle  
Melodee Mueller: 681 Blue Willow Circle  
Steve Riding: 1181 Arctic Willow Drive  
Gaye Riding: 1181 Arctic Willow Drive  
Ineeth & Crystal Adams: Twisted Willow Way

**Chuck Porter** asked if people who are in opposition to the proposal could stand, and then if people in favor could stand. The Chair felt such a request would not be following protocol.

Stephen Zollinger said this request could be done.

The majority of people in the room were against the proposal.

**Chairman Dyer** closed the public input portion and asked if the applicant wanted to speak in rebuttal.

**Rebuttal:**

**Lisa Ellis** thanked the neighbors for coming tonight. She has lived in this location for 20 years. She has dealt with all of the development there including the Meadows and Willowbrook. Not once did not she go to a P&Z meeting to oppose any sale of any property or any development. She did not feel she had the right to walk in and try to tell someone what they can or cannot do with their land. So, she just has dealt with the changes. All she is asking for is the same respect.

The Chair asked for the staff evaluation.

**Val Christensen** said with the approved change of the Comprehensive Plan to Low-Moderate Density Residential for the subject parcel, this rezone request is in conformance with the Comprehensive Plan. The Public Works Director's review comments include that access to adequate water for any type of development is not a problem; an arrangement would be required for a developer to access the sewer lines in Willowbrook or the Meadows; regarding streets, there is concern with any significant increase in traffic due to the fact that there is only one outlet to serve this area and the existing traffic of the Meadows.

The recommendation is, if the P&Z Commission determines that all criteria are met, staff requests that the P&Z Commission recommend to City Council to proceed with the requested zone change.

**Melanie Davenport** asked if Countryside Avenue is a public street.

**Stephen Zollinger** said the interior roads of the Meadows complex are all private.

Mrs. Davenport asked if this request moves forward to development, would it be considered infill?

**Val Christensen** said it would not.

Mrs. Davenport asked if there are any grandfathered rights.

Stephen Zollinger said no as it relates to this request. There are grandfathered livestock rights.

When a use changes the grandfathered status is relinquished.

**Melanie Davenport** asked for clarification on density.

**Val Christensen** said all that is being looked at now is possible units per acre.

**Chairman Dyer** stated that in theory based on gross acreage, MDR2 would allow 20 units per acre. In reality the property would get somewhere around 80 percent of that capability after streets, access, and setbacks are included.

**Val Christensen** said if there are 3 stories, it would be a very different layout than 2 stories.

**Mary Ann Mounts** said there currently is the right to put a 3 story building there.

**Melanie Davenport** asked for a clarification on density for LDR1 and LDR2.

**Chairman Dyer** said the minimum lot size for LDR1 is 12,000 square feet, so there could be about 3 homes per acre.

**Val Christensen** said LDR2 has a minimum lot size of 8000 square feet. With 10,000 square feet there could be a twin home or duplex with a CUP.

LDR3 has a minimum lot size of 6000 square feet. With 8000 square feet, there could be a twin home or duplex with a CUP.

It was clarified that the Comprehensive Plan map is a planning tool.

**Chuck Porter** asked why the City Council meeting was not of a public nature.

**Stephen Zollinger** clarified that the City Council meeting was not a closed meeting. It was just not a public hearing. It was a general City Council meeting. A Comprehensive Plan change request does not require two hearings. A Rezone does require 2 hearings at this time, one at the P&Z Commission and one before the City Council. He also clarified that Dan Hanna was given the opportunity to be heard as a private citizen because the applicant Lisa Ellis had requested him be there because in the course of their conversations, he expressed things to her that she thought were relevant to her presentation.

It was not unethical, illegal, or inappropriate in a legal sense.

**Mary Ann Mounts** clarified that Mr. Hanna was not representing the P&Z Commission.

**Dan Hanna** asked for clarification regarding Mr. Christensen's staff review and the health and safety issues. Val Christensen said he is looking at odors and noise, and not the street – the City Engineer looked at the street. The City Engineer basically said that the request would not be the straw that breaks the camel's back.

**Melanie Davenport** asked for clarification of the boundaries of the Willowbrook subdivision.

The subdivision boundaries were pointed out on the overhead screen map.

She asked if the MDR1 zone would be nonconforming.

**Val Christensen** said that should be determined. It would not be a spot zone because it would be up against a similar zone.

**Dan Hanna** stated that the Meadows had 2 phases. Then it was annexed into the City. There was no public hearing other than at the County level.

**Chairman Dyer** clarified there was a public hearing regarding the annexation into the City, and the assigning of the zone.

**Stephen Zollinger** said there was opposition expressed about the Meadows development. It was approved over the opposition. There were also not many residents in the area at that time.

**Dan Hanna** said a lot of people moved into the area with the Meadows basically pre-existing.

**Chairman Dyer** reiterated that the question before the Commission is, shall the subject property at 1042 West 7<sup>th</sup> South be rezoned from RR1 to MDR2 or a lesser zone?

The Commission's charge is to discuss the merits and the challenges of the proposal. Look at the public input and the potential for compromise. For the record, look at why this would be good and why it would be impactful, and then move toward what ought to be done with the request.

**Mary Ann Mounts** stated she definitely sees two sides. She feels sad that Ms. Ellis, who has owned the property a long time, perhaps felt she did not have the right to come in to meetings when changes in the area were taking place. Mrs. Mounts is grateful that the Meadows began under the auspices of the County so that the City does not have to take full responsibility for it, because maybe some mistakes were made there.

The road, being expanded to the size it is, does not allow for lot of choice in what can be put there. She realizes Ms. Ellis' situation and sees her need to do something more with the subject property; it is her right.

She wouldn't want these people to feel that we don't pay any attention to comprehensive plans and she, in fact, advises everyone to look at the Comprehensive Plan when buying property so they are informed about what may happen in the future growth of an area. This situation has been complicated by the fact that the comprehensive plan was modified to seemingly fit the zone change request and has left the neighbors feeling like they were misled about what could be done in their neighborhood.

She is very much in favor of a compromise and is more inclined to go with LDR3 zoning for the property.

**Thaine Robinson** said one struggles on both sides of the issue when looking at something like this. He agrees with Mrs. Mounts and would be more in favor of a compromise if that can be done. Also, he does not care if anyone loses or makes a dollar. On land use issues, the Commission is trying to do what is best for the city and citizens. At the same time, he cannot see a developer coming in and buying that piece of property, and paying for the infrastructure. He does not see it being a money maker regardless of how many units there might be.

The Chair stated that in deliberation, if there are impacts or concerns that would merit a possible compromise, they should be identified.

**Chuck Porter** said he is still not convinced about the change in the Comprehensive Plan, which was recommended by this body to keep it as it was; he is not comfortable with the change. The neighbors proposed what he feels is a reasonable compromise, although he is not sure the landowner would be happy with it. Any time you have high density and low density coming together, the border creates a lot of stress.

**Melanie Davenport** stated the problem she has is that this is just the corner property. She has life experience that tells her that a small development coming in could create conflict with established neighborhoods. There is a different lifestyle with high and medium density than those people who live in established neighborhoods. It does create conflict in a lot of different ways. She agrees with compromise, but she would be more comfortable with the LDR2 zone. There could be quite a few homes, duplexes, or twin homes, and it would still be more in keeping with the neighborhood.

**Jedd Walker** stated that he has read and re-read the February 5<sup>th</sup> City Council minutes, trying to understand the reasoning for the decision. It is still not clear as to what impacts or mitigation efforts were considered in that decision or not. He does not know why the decision was made but it was made.

Three things have been going through his mind: timing, density, and property rights. Regarding timing, he will go back to the comment that he made on two previous occasions. The Comprehensive Plan has been used to help navigate where density is wanted. This was not one of the areas. There are other areas where we want to see greater density developed first. On the south, the land is comprehensively planned to be commercial, so on the north side of 7<sup>th</sup> South at some

point it may be more dense; but, that is going to be years down the road. He feels that the timing is not right

Regarding density, it goes back to why the P&Z Commission's recommendation to deny the Comprehensive Plan change request was not taken in the first place, because the Commission talked at great length about buffering. He feels the LDR3 zone could have been requested without changing the Comprehensive Plan map. That could have been a great buffer.

He can understand the property rights as well. It is where the compromise comes in to play. He is not comfortable with anything higher than an LDR3 zoning for an effective buffer.

**Chairman Dyer** agrees with Mrs. Mounts in regard to the situation for the applicant; they lived out there by themselves, and then development came and "encroached" around them. Ms. Ellis has the right to pursue the highest and best use of her property as long as it fits within the plan and what is trying to be accomplished. He also understands the investment of the neighborhood. They had the Comprehensive Plan and the zoning which both indicated that the area would be reserved for lower densities. Each side has a valid standing and point.

The Chair appreciates what Mr. Walker said about the timing issue and the density.

There is also the potential for additional people on the roadway.

There is the opportunity for compromise.

Chairman Dyer clarified that 16 units per acre are allowed on the Meadows side of the subject property, and 2 to 7 units per acre are allowed on the other side. Something in between would be on the order of what the Meadows actually ended up being developed at - around 11 units per acre.

**Chairman Dyer** stated that an LDR3 zone as a compromise would allow 13 twin homes on this property – 26 single family units (10.4 units per acre). They would be single family residential style. Although twin homes or duplexes are allowed, apartments are not. This may appeal to the spirit of compromise, with the neighbors' concerns. It would require a Conditional Use Permit to allow twin homes or duplexes in this zone.

An LDR2 zone as a compromise could get 10 twin homes – 20 single family units (8 units per acre), with a Conditional Use Permit.

The advantages of such compromise would be preserving single family style homes for matching the existing neighborhood, but giving an opportunity for some greater density and a little bit of step-down from the higher density of the apartments without having additional apartment buildings constructed.

**Melanie Davenport** felt with the LDR2 zone, Ms. Ellis would be able to sell pieces of her land; she would not have to sell the whole thing. It would be an advantage to her, and it would help to preserve the feel of the neighborhood. It does not make sense to take something rural and then put something, even an LDR3 zone, on that one corner. It would change the light and the sound of the location from the rural residential perspective.

The Chair said the issue could also be looked at from the higher density perspective as well.

Mrs. Davenport felt the area has already been buffered; a whole new buffer would have to be created on the other side.

**Mary Ann Mounts** said the applicant's property and the property of her adjacent neighbors to the west already existed when the Meadows was developed. When the neighboring homes were built, the initial phase of the Meadows already existed. She reiterated that a person buying property should look at the Comprehensive Plan to see the potential for growth in an area.

**Dan Hanna** said the City would never have approved the Meadows the way it is now. It was poor planning, poor traffic, and did not allow for buffers or for a good Comprehensive Plan transition. The reason he went to the City Council meeting on February 5<sup>th</sup> and spoke on behalf of Ms. Ellis was so the Planning & Zoning Commission could address the rezone request and have this discussion. Had City Council approved the P&Z recommendation for denial of the Comprehensive Plan request, this request probably would have just died. Ms. Ellis spent the money, and she has a right to make the request. We have had a great discussion.

**Melanie Davenport** said the neighbors have, as a group, said they would support a rezoning to LDR3.

**Thaine Robinson** wondered if the applicant would support a zone change to LDR3.

**Stephen Zollinger** said the applicant does not have to accept a lower zone recommendation, but the Commission has the ability to recommend anything lower than the requested zone under that Comprehensive Plan designation of Low-Moderate Density Residential, or they may make no change at all.

If the applicant would rather stay where she is at rather than the zone specified in the recommendation, she could also choose to withdraw her request.

**Mary Ann Mounts** motioned to recommend approval to City Council of a rezone for 1042 West 7<sup>th</sup> South *modified* - to change from Rural Residential 1 to Low Density Residential 3 (LDR3), instead of the requested Medium Density Residential 2 (MDR2). **Dan Hanna** seconded the motion.

**Those In Favor:**

Chuck Porter  
Dan Hanna  
Mary Ann Mounts  
Winston Dyer  
Thaine Robinson  
Jedd Walker

**Those Opposed:**

Melanie Davenport

**Motion Carried.**

The Chair thanked everyone for their interest in the community.

Break was called.

**Public Hearings:** see above Tabled rezone

**Unfinished/Old Business:**

1. Development Code changes – Discussion

This discussion will continue at the next P&Z meeting on March 6, 2014. It will be a work session to include Title 14 Manufactured-Mobile Homes Ordinance and further Development Code changes rewrite discussion.

The Commission can go to [rexburg.org](http://rexburg.org) > Government > Development Code > Temporary Special Section for P&Z Commissioners – look at the current edits and updates and then come to the meeting prepared to

discuss any issues. We are under a charge to try and get the Development Code review completed in the next few meetings.

Val Christensen stated he would like to get through Chapter 5 (Parking Regulations) and Chapter 6 (Administrative Procedures) of the Development Code.

**New Business:** None

**Compliance:** None

**Non controversial Items Added to the Agenda:** None

**Report on Projects:** None

**Building Permit Application Report:** None

**Heads Up:**

March 6 – Development Code Changes – Discussion continued

March 20 –

1. Rezone – 529, 549, 559, 579, 589, & 609 South Millhollow Rd. – LDR1 to LDR2
2. Pedestrian Emphasis Zone Area 2 (PEZ2) concerns with Visitor Parking – Various Complex Owners

The meeting was adjourned at 9:47 pm.