

# Planning & Zoning Minutes

May 15, 2014



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

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

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## Commissioners Attending:

Thaine Robinson– Chairman  
Dan Hanna                      Cory Sorensen  
Bruce Sutherland              Mark Rudd  
Melanie Davenport          Steve Oakey

## City Staff and Others:

Brad Wolfe- City Council Liaison  
Val Christensen- Community Development Director  
Nick Cummock – Community Development Intern  
Elaine McFerrin – P&Z Coordinator

**Chairman Thaine Robinson** opened the meeting at 7:02 pm. He welcomed everyone, including interested citizens, staff members, City Council Liaison Brad Wolfe, Eric Conway representing BYU-Idaho, and students here to observe the meeting process.

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

Dan Hanna, Steve Oakey, Mark Rudd, Thaine Robinson, Cory Sorensen, Bruce Sutherland, Melanie Davenport

Chuck Porter, Gil Shirley, Richie Webb, and Jedd Walker were excused.

## Minutes:

1. Planning and Zoning meeting – May 1, 2014

**Bruce Sutherland** motioned to approve the Planning & Zoning minutes of May 1, 2014. **Mark Rudd** seconded the motion.

None opposed. **Motion carried.**

**Chairman Robinson** said an issue has come up that he would like to address. Sometimes public comments may be made or inferred at a meeting and after the fact we find it is not so or we question what was said. The comments that were made are reflected in the minutes. After approval of the minutes, he would like to bring up any issue.

During public testimony, comments were made at the last P&Z meeting that indicated that the City in 2010 took almost a year to move through a particular land use process. He summarized from the Findings of Fact for the property at 325 North 1<sup>st</sup> East. The rezone in question was submitted at the beginning of March 2010 and was completed in the beginning of June with both P&Z and City Council approvals (applicant waited for Mixed Use zones to be created). A CUP application was submitted in June and was approved unanimously in the beginning of July 2010.

**Val Christensen** clarified that the City was in the process of creating Mixed Use zones at that time. The applicant chose to wait while the zone was created, which may have added some time to the process.

Comments made at a meeting may not be accurate. However, the minutes are correct - they reflect what was said.

Chairman Robinson said he may do more of this kind of clarification in the future and would just call the clarification 'Findings of Fact'.

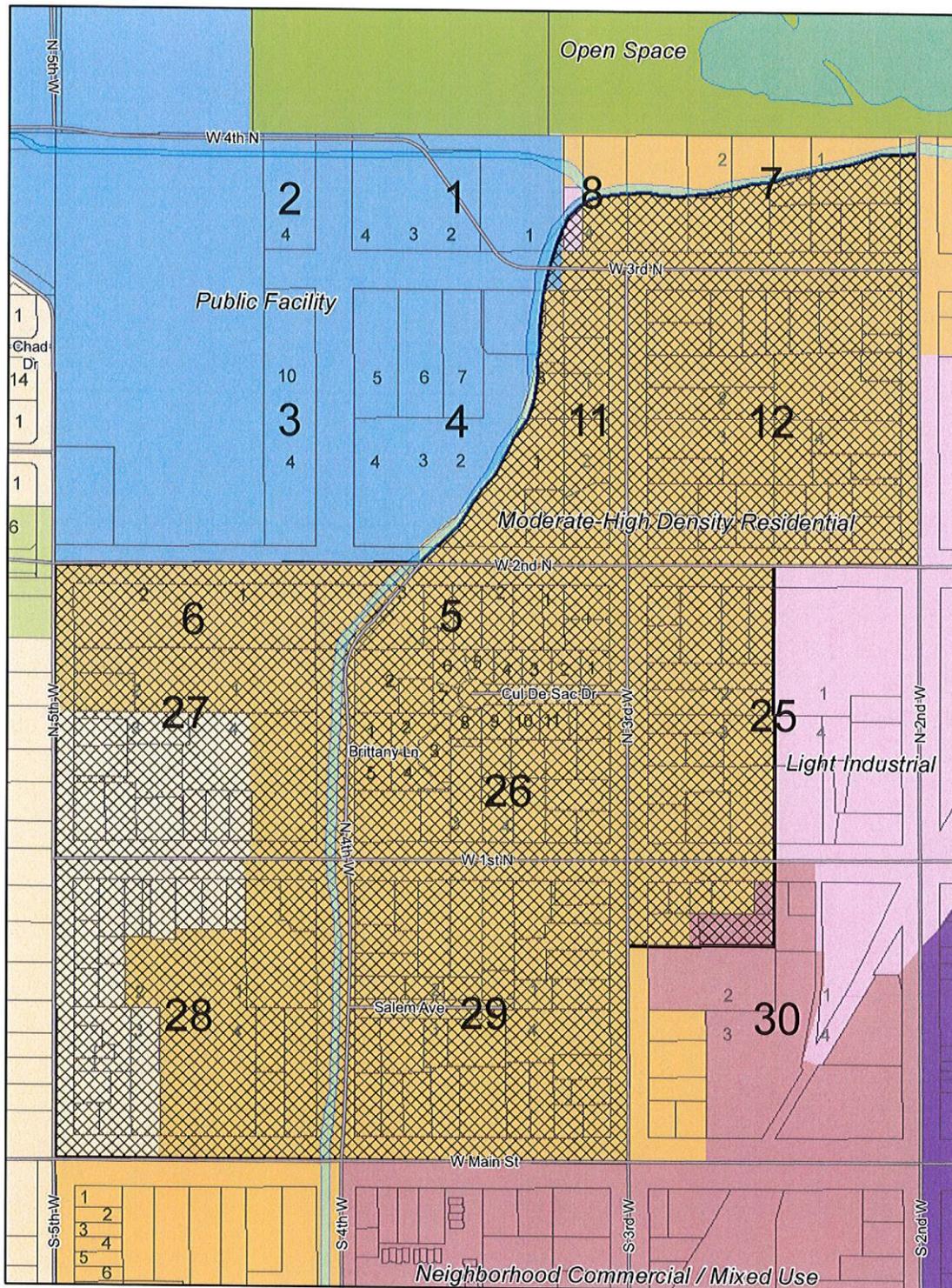
**Public Hearings:**

1. 7:05 pm – Comprehensive Plan Map Amendment –City of Rexburg – 3<sup>rd</sup> West  
Neighborhood – Moderate-High Density Residential to Low-Moderate Density Residential

**Chairman Robinson** explained the procedure that is followed for public hearing. The applicant in this case is the City – a representative will come forward to present the proposal to the Commission. The Commissioners will be given the opportunity to ask clarifying questions. The public would also be given the opportunity to ask clarifying questions to better understand the proposal.

If anyone wishes to speak to give public testimony, please state your name and address for the record, and your affiliation, such as neighbor, concerned citizen, etc. People may testify in favor, as neutral, or opposed to the proposal. If there is opposition, the applicant will be given the right of rebuttal. During the public testimony and deliberation, there can be no back and forth communication between the audience and the Commission.

If giving testimony, try to stick to facts and not emotions. Please do not repeat what someone else has said; just say that you concur. The staff report will then be given, followed by deliberation of the Commission on the issue in order to come to a decision.



**Val Christensen** presented the proposal for the City. The map was viewed, and the boundaries of the requested change were pointed out. The City is moving forward with this request; the subject neighborhood came together and submitted a petition requesting this change.

He explained why the City is the applicant. In the past, there have been neighborhoods that have come together and requested a change in zoning. Tonight, this is a Comprehensive Plan Map Amendment request. In the past, it was decided by the City Council, that if that many people in a neighborhood wanted a change, the City should move forward with it, which is why the City is moving forward today. This request is different. It is the largest request that there has been.

**Steve Oakey** asked who set the boundaries of the request.

**Val Christensen** said the neighborhood decided on the boundaries.

There are multiple Comprehensive Plan land use designations here. He clarified that the request is to change the Comprehensive Plan land use designation from Moderate-High Density Residential to Low-Moderate Density Residential.

The **Chairman** asked if the City does approve this change, if it will make some properties non-conforming.

**Val Christensen** said the Comprehensive Plan change would not; the zoning that may follow might.

**Chairman Robinson** said there are apartments and a rehabilitation center in the subject area.

**Val Christensen** said if the zone was changed, then the uses would be grandfathered as a pre-existing non-conforming use.

**Melanie Davenport** asked what the building heights were at the time this Comprehensive Plan was put in place.

**Val Christensen** said at the time all zones had a 30 foot building height limit with the exception of Downtown Commercial, which was higher.

Melanie Davenport said now that building heights are higher, theoretically you would not need that much space; developers would be able to condense possibly someplace else.

**Steve Oakey** asked what the reduction in density would be if this proposal is approved.

**Val Christensen** said High Density Residential 1 and High Density Residential 2 zoning allow up to 30 units per acre and 42 units per acre. Those zones are allowed under the Comprehensive Plan land use designation of Moderate –High Density Residential but are not allowed under the Low-Moderate Density Residential designation that is being asked for.

Medium Density Residential 1 and Medium Density Residential 2 zoning allow 16 units per acre and 20 units per acre and are allowed under the Low-Moderate Density Residential Comprehensive Plan land use designation, as are the low density zones. The Low Density Residential lot sizes are 12,000 (LDR1) 8,000 (LDR2) and 6,000 (LDR3) square feet.

**Cory Sorensen** asked what the process is when the City takes over and is representing a neighborhood group. Do they bring you what they want and you present it, or does staff sit down with them.

**Val Christensen** said in the past, 2 or 3 other neighborhoods have requested to change their zoning from LDR2 to LDR1, which fit under their Comprehensive Plan land use designation. Currently, the way tonight's neighborhood is, they cannot ask for that zoning unless the Comprehensive Plan land designation is changed first. The City as the applicant presents the request and gives the facts.

**Bruce Sutherland** said his neighborhood was one of those requesting a zone change to LDR1 from LDR2. One of the problems was that there were 23 apartments in the neighborhood, which were grandfathered. LDR1 zoning was not recommended in the City's Comprehensive Plan to be next a

hospital or professional plaza. He felt at the time that it might be opening a can of worms. The request passed. Tonight's request being a Comprehensive Plan change is a little different, but it can be disturbing if not done correctly.

**Val Christensen** as the applicant representative for the City said this is what is being proposed. There is time for deliberation later on.

**Mark Rudd** asked the number of property owners and how many have been involved in the process.

**Val Christensen** said there was a significant number, a supermajority. There is a neighborhood association represented here. The City Attorney said there were enough numbers. The Ready Team said to move ahead and make the City the applicant and present this request.

**Dan Hanna** asked how this hearing was noticed.

When notice is required to 200 or more property owners, per Idaho statute sufficient notice may be provided in the newspaper and through posting rather than sending out individual notices. Adequate notice was provided in the newspaper before this hearing. The subject property was posted in 5 places more than a week before the hearing. Neighborhood Association representatives were notified.

**Steve Oakey** said there seems to be a supermajority of residences. Are we to determine that there are a significant number of property owners who are not associated with this request?

**Val Christensen** said that is a point that the Commission could come to a conclusion on in deliberation. Keep in mind that there is a neighborhood association that is asking for this change. He is not saying that the boundaries make sense with that neighborhood association.

**Melanie Davenport** asked if the neighborhood had given any sort of input other than what there is tonight, such as a signed petition.

A signed petition had been submitted. The Commissioners were provided with a copy of the submitted petition, which is part of the official file for this Comprehensive Plan map amendment request.

The Chair asked if the public wished to ask any clarification questions on the proposal. There were no questions.

**Chairman Robinson** asked if any of the Commissioners needed to declare a perceived or direct conflict of interest.

**Cory Sorensen** and **Dan Hanna** declared direct conflicts of interest and recused themselves and stepped down from the dais. They both own property in the subject area.

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

**In Favor:**

**Kevin McFadden**, 182 North 4<sup>th</sup> West. He would hope that the Commission is open-minded and listening. It is good for this neighborhood to be kept the way it is. He told a story about 3 truck drivers applying for a job to illustrate what the neighborhood is trying to accomplish – the people want to stay as far away as possible from what they don't want to happen to their neighborhood.

Rather than a spot zone here and there, they just want to keep the laws and rules that save and protect the neighborhood.

**Terri L. Hepworth**, 273 North 3<sup>rd</sup> West. We need to keep neighborhoods close to town, instead of making them all huge apartments and moving families out away from town. This is a good starter home neighborhood. There are students who need homes. It is close to town. It is a good family neighborhood. Yes, we have a lot of places that need to be filled in. We do not mind duplexes, 4-plexes, or 8-plexes. We do mind 30 and 40 huge units in small areas that are not conducive to a family neighborhood. We do not mind some improvement. We do mind overbuilding. We need to protect the neighborhoods. Students love being there and living close to town. We enjoy our neighborhood. We enjoy the close association we have with our neighbors. We need to save that. There are other areas in which to build apartments.

**Shawna Hill**, 318 West 1<sup>st</sup> North. She is one of the people who started the petitions and got signatures. They started with the Comprehensive Plan change because of the rezoning that was going on. They were told that would probably continue unless the Comprehensive Plan could be changed, because the Comprehensive Plan in their area would allow big apartment complexes. They were told by the City to go in this direction. We as a neighborhood are trying to say that the high density is not what we want. She does not get the newspaper. She is a single mom raising her children. She tries to keep expenses down. If information does not come to her in the mail, she would not know about it. She did not know about the comprehensive planning a few years ago. That is why the neighborhood discussed the issue and decided to do this, so they can protect their homes and home values and their neighborhood.

**Terry Hepworth**, 275 North 2<sup>nd</sup> West. The Commission asked that we not be emotional. She understands this, but it is hard because we do not come to these meetings all the time. We do not really understand the protocol or how things work a lot of the time. As we come to these meetings, we understand more. It's our homes and our area. She did put together a petition 2 years ago, with some homeowners in the area. At that time she was trying to fight an issue regarding the land across the street from her home and development there. It was industrial land owned by the City. That is something we still need to look at. There is lots of industrial traffic with Walters ready mix, wholesale re-treaders, and City trucks. There is the nature park. The road would be even busier if the planned apartments are put in. Ditto regarding not minding duplexes or 4-plexes. There are student families in the neighborhood who like the area. They are part of the makeup of the area. Do not forget that part of the area is very close to nature – moose, cougar, the edge of the river, etc.

**Laurene Woolf**, 50 North.5<sup>th</sup> West. They have apartments in their back yard, with balconies looking into their bedroom. She can relate to what is feared. She knows how devastating this can be to hope and livelihood as well as to finances and any ability to sell. She is surrounded by the effect that the people in this neighborhood are trying to stop. She thinks this is going in the right direction. Remember the residents and their livelihood. Most were there long before any of the apartments. It is important that the City of Rexburg and Planning & Zoning should not be concerned about making money and exploding the apartment complexes to the point that the residents are pushed out. The neighborhood is a big part of our city and our community.

**George Watters**, 338 West 1<sup>st</sup> North. He agrees. This is the right path to go. Restrict the area to less density. It would help the City as well as the people who live here.

**Jarom Hepworth**, 273 North 3<sup>rd</sup> West. The difference about our little section of town is that there are mainly families living in their homes here. He does not think people have bought a home here for an investment. People live here and stay here because it is a place they can afford to be to raise their families. A lot of families have been here a long time. There has been some turnover with some student families in the homes. There is a sign that says Rexburg is America's family community. This

part of town is what that is really all about. It is a nice family area, with wonderful people who have good hearts.

**Dave Pearson**, 150 North 4<sup>th</sup> West. When he bought his place, this was out in the county and not in city limits. There are some big lots here, but this needs to stay as a family area and a family community. If developers want to put up apartments, it can be elsewhere.

**Candi McFadden** – 182 North 4<sup>th</sup> West. She concurs with everything that has been said. She wanted to add that comments have been made to her regarding moving out to the country or buying a house elsewhere. She has a business in this neighborhood. It is a small little daycare. She does not have the option of choosing some other neighborhood to move into. People in this neighborhood, whether students or permanent citizens of this community, are hardworking. They have chosen to live here because they want a yard and not a parking lot for their children to play in, and they like the values here. They are not the biggest and most glorious homes in town, and that is ok. She is not begrudging anyone for having those homes. We are being financially responsible. We would like to take that money when our homes are paid off that we are working so hard for, and give back to the community in a way that makes our community even better. If we are forced out, that money goes to gasoline to come into town, etc. Therefore, we would not have that money to help the community in other ways. Please think about this.

(Also See *Written Input* section below – 3 letters of written input in favor of the requested Comprehensive Plan Map Amendment change).

**Neutral:** None

**Opposed:** None

**Written Input:** The letters were read by Chairman Robinson.

1. Letter from Brandon and Danielle Kuhns, in favor of the proposal
2. Letter from Roger and Krista Jephson, in favor of the proposal
3. Letter from Charlene Tippetts, in favor of the proposal

The written input letters are part of the official record of this hearing.

**Elaine McFerrin**

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**From:** Brandon Kuhns <brandon.kuhns@unnpp.gov>  
**Sent:** Thursday, May 15, 2014 9:01 AM  
**To:** Elaine McFerrin; dmkuhns@gmail.com  
**Subject:** P&Z Mtg tonight. - Input Kuhns

Brandon & Danielle Kuhns  
115 N 3rd W  
Rexburg, ID 83440

We are not able to attend this evening but would like our input read at the meeting.

We are in FAVOR of the proposed change to the Comprehensive Plan Map for the 3rd West Neighborhood from Moderate-High Density Residential to Low-Moderate Density Residential.

Sincerely,  
Brandon & Danielle Kuhns

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Bechtel Marine Propulsion Corporation and Bechtel Plant Machinery, Inc., wholly owned subsidiaries of Bechtel National Inc., are Prime Contractors for the United States Naval Nuclear Propulsion Program.

**Elaine McFerrin**

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**From:** kristajephson@gmail.com  
**Sent:** Thursday, May 15, 2014 11:26 AM  
**To:** Elaine McFerrin  
**Subject:** Planning and Zoning Meeting Tonight

Roger & Krista Jephson

274 West 1st North  
Rexburg, ID 83440

We are not able to attend this evening but would like our input read at the meeting.

We are in FAVOR of the proposed change to the Comprehensive Plan Map for the 3rd West Neighborhood from Moderate-High Density Residential to Low-Moderate Density Residential.

Sincerely,  
Roger & Krista Jephson

Sent from my iPhone

Dear Planning and Zoning Commission,

I am writing today regarding the 3<sup>rd</sup> West Neighborhood request for an amendment in the Comprehensive Plan Map.

I live in this neighborhood. We recognize that some development is necessary and I feel we have a good mix of homes and rentals within our neighborhood with the two eight unit complexes that already exist. We need the kind of development that will allow this neighborhood to retain value in more ways than property value. There is value in what we share as neighbors and friends. We want this neighborhood to continue to attract families and people who want to put down roots, with affordable homes where people can raise their children with a familial feeling within the neighborhood and have backyard barbeques. High-density zoning would change this neighborhood, push out established families and make it a transient neighborhood. We don't want things to change, because with that change who is to say it would be for the better. My belief is that it would not be for the better. You have residents in this neighborhood who have their homes paid off. They want to stay here long term. But if zoning were changed to allow for large apartment complexes to be built, then high-rise apartments and parking lots would surround our homes. Do any of you want this to happen in your neighborhood? Would you choose the option of owning a home in a nice, mature neighborhood with trees and grass, or next door to a high-rise apartment building?

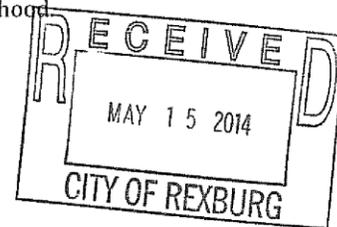
We have a wonderful feeling of good will among the people in this neighborhood. They help each other and look out for one another. We have block parties and gatherings during the year. I spoke to a woman renting a home in our neighborhood just the other day who told me that she loves this neighborhood. She said it has a friendly atmosphere and is much nicer than where she used to live. We have homes with landscaped yards, mature trees, producing fruit trees and berries. If this neighborhood were opened up to bigger development beyond what is currently allowed what are residents supposed to do? It is easy to say that we could sell to a developer and get the price of what our house is worth, but we can't move to a new neighborhood that would retain our current neighbors or the mature yards and trees. We would be starting over.

This kind of neighborhood is affordable to true middle-income families who have dreamed of having their own home, with a garage and a small space to have a garden and a yard for backyard barbeques. Homes that wouldn't make them house poor. High-density zoning would push these types of homes out and with it families that really want to put down roots. It would make the efforts and sacrifice of the current residents who have made it a nice place to live be for nothing.

It is difficult for me to understand why this neighborhood, which is so well established and mature, has been targeted over the last three years for many zoning changes. Many of my friends have wondered with myself, why aren't property developers and city council members looking to open space for this further development? Why are they pulling apart nice, well-established neighborhoods? A group of people who we don't know decided years ago to put together this comprehensive plan. If they knew what the neighborhood looked like today and could understand the friendships here and the need for affordable homes in our city, they may have made a different choice. All of you have that chance, to recommend this change and make a different choice for this neighborhood.

Sincerely,

Charlene Tippetts  
134 N 4<sup>th</sup> West



**Chairman Robinson** closed the public input portion and asked for the staff evaluation and recommendation.

**Val Christensen** clarified his position. He is over the City's planning & zoning and is the City's Community Development Director. He was earlier tonight representing the City as the applicant representative for this request. When he does a staff report, he is doing it based on city staff and how they would view the issue from a professional standpoint. He tries to just stay with the facts.

The request is to change the subject property's Comprehensive Plan land use designation from Moderate-High Density Residential to Low-Moderate Density Residential.

He read the recommendation from his staff report.

*"The Planning and Zoning Commission should take testimony in the public hearing to determine if this change to the Comprehensive Plan Map is in the best interest of the community. Staff requests that discussion should include the following:*

- 1. Consideration for the NW Platte Neighborhood Association. Including nuisances and safety.*
- 2. Recent changes to the Comprehensive Plan Map in or near the requested change. Why changes were made.*
- 3. The City of Rexburg Comprehensive Plan Map in general. What is the purpose? Does the map adequately reflect anticipated future growth? If the map is changed in this area, should other areas be changed? Are the proposed changes best for the entire community?*
- 4. How does the request fit in with Envision Madison proposals?*
- 5. How does the request correlate to recent changes to the Development Code including Section 4.16 Infill/Redevelopment Standard?*
- 6. If an area is to be changed, do the boundaries identified meet with the best interests of the community?"*

**Steve Oakey** asked if staff has concluded there are no health, safety, or nuisances associated with the requested change.

**Val Christensen** said staff has not concluded this.

Mr. Oakey asked if there have been recent Comprehensive Plan changes in or near the area.

Mr. Christensen said there has been a Comprehensive Plan map change that happened over a year ago in the area of Wolfe Lighting and just north of that location. The change was to Neighborhood Commercial/Mixed Use from Moderate- High Density Residential and Light Industrial.

**Chairman Robinson** asked if there is a development plan for the area right now.

**Val Christensen** said nothing has moved forward to date.

**Steve Oakey** asked how the requested change fits in with the four scenarios of Envision Madison and also the Infill/Redevelopment standard of the City

**Val Christensen** explained that he mentioned Envision Madison in his staff report as a point for discussion because he wanted to suggest that we might want to consider Envision Madison as it final before we make definitive decisions.

**Steve Oakey** said Envision Madison is basically looking at what we are currently doing and then is recommending denser residential and more congregated commercial.

The infill section of the Development Code makes similar recommendations.

Development Code - Section 4.16 Infill/Redevelopment Standard - Val Christensen went over the standard . The map showing focus areas for Infill and Redevelopment was shown. The focus area whenever possible is "...within the City core that is close to the BYU campus, commercial centers, community amenities (such as parks, library, pool, threats) and job centers."

“...The purpose of the Infill/Redevelopment effort is to balance community good with individual choice and property rights. The existing Comprehensive Plan Map is the primary document for planning future city growth and development.... Infill and Redevelopment are also encouraged in other parts of the City of Rexburg besides the Focus Area.”

The standard addresses weighting standards, mitigation, and scoring of properties that may be looked at for infill.

**Melanie Davenport** asked if it was common for the City to become the applicant for a Comprehensive Plan change request.

**Val Christensen** said it is not common. This is the first time.

**Steve Oakey** asked if there are housing developments that have private covenants.

**Val Christensen** said there are.

Mr. Oakey asked if Mr. Christensen had any private discussions with the neighborhood association.

Mr. Christensen said he did not.

**Steve Oakey** asked if it was recommended to the neighborhood that in order to best protect their own interests, they should create their own neighborhood covenants.

Val Christensen said that point may have been brought up at the P&Z work meeting about a month ago to set the hearing date for this issue.

Steve Oakey asked how the area was scored in regard to Infill/Redevelopment.

Val Christensen said each block would have to be looked at individually. The vast majority would score out fairly low as far as the neighborhood, although the infrastructure in the area is good.

**Chairman Robinson** said the issue before the Commission is just the Comprehensive Plan change that is being requested, from Moderate-High Density Residential to Low- Moderate Density Residential for the subject area.

The Commission and the City Council have encouraged neighborhoods to come together from a planning and zoning perspective so that we are not looking at a request from just one or two small properties. For that he commends this neighborhood.

**Bruce Sutherland** agreed with Mr. Christensen’s comment that the area would likely score low regarding infill and redevelopment. He felt reservation about the size. The boundaries need to be looked at carefully.

**Chairman Robinson** reminded the Commissioners that the Commission has the capability of making the boundaries smaller, but they cannot make the boundaries bigger.

**Melanie Davenport** said she is bothered by the different procedure. It was said this is the first case. She feels each neighborhood should proceed the same way, coming forward with a representative they select from the neighborhood to go through the process. There has not been a lot of input given tonight, although it was heartfelt and well spoken. From an area of this size, she would have liked to have heard from more citizens.

**Chairman Robinson** clarified that this is the first time the City has represented a neighborhood with a request for a Comprehensive Plan change; the City has represented a neighborhood with a zone change request.

**Val Christensen** said that was correct.

He explained that City Attorney Stephen Zollinger had suggested the neighborhood come in with the request.

**Bruce Sutherland** said one of the reasons the City may have accepted moving forward in behalf of this request, is that it saves the neighborhood association from the costs associated with the hearing. Considering the number of citizens involved, it seems logical for the City to come forward with the proposal.

**Melanie Davenport** wondered if that gave the perception to other neighborhoods that the City is endorsing this change in any way.

**Bruce Sutherland** said he did not think so. It is still up to the Commission and the City Council to approve a change.

**Steve Oakey** said in the public hearing, the majority of testimonies expressed that the citizens are okay with the current status quo – homes, apartments, some businesses, close proximity to vital infrastructure. He does not want to dismiss the energies put in by any neighborhood association. It takes a considerable amount of effort to organize people. Ninety plus people have signed a petition. That is no small feat. His concern is that the people have the ability to protect their property and lifestyle and the dollar value of their property. His question earlier to Val Christensen in regard to other housing developments having covenants is pertinent. He would be happy to make a motion if the Commission is at that point; he would include in that motion a recommendation.

**Chairman Robinson** stated a motion at this time would be a bit premature.

**Mark Rudd** said his concern is that he is not sure all of the property owners know of and understand this Comprehensive Plan change request. He knows several property owners who would oppose this change.

**Bruce Sutherland** said the City really cannot accept personal petitions as a legal document because by nature, petitions are biased. There is the pressure of not wanting to disagree with neighbors. The petition would need to be done by an independent body. However when that many people come together, the issue is worth discussing.

**Steve Oakey** asked if there is a consensus in regards to there not being fair representation of all property owners, although there may be a good representation of residences.

**Thaine Robinson** said there is a fair representation as far as the way the City has handled business in the past, with newspaper notice and neighborhood postings. We are not purposely excluding anyone. We have some residents here who are leaders who did go around to the neighbors to speak about this request.

The Chair expressed that he would be in favor of the issue, but he struggles with the size of the requested change.

**Steve Oakey** said his issue is not necessarily of notification of property owners, but representation of property owners. We have to represent those who are absent as well as those who are present.

**Bruce Sutherland** said we also have to represent the entire community. He recalled the widening of 2<sup>nd</sup> East some years ago when he was first a City Councilman, from Main Street all the way to Poleline Road. The people who lived on 2<sup>nd</sup> East were furious. The City had to look beyond the

neighborhood and looked at what was best for the entire community, for now and in the future. Neighborhoods and situations change. He is not saying that what the neighborhood is proposing is wrong.

**Melanie Davenport** said neighbors have an impact on each other in having covenants and rules for their neighborhood. She just feels this is a really big proposal to consider.

**Steve Oakey** wondered about private voluntary covenants and private contracts with covenants and putting that into a recommendation, thereby bypassing governing bodies.

**Bruce Sutherland** said with the way that state law is written, the Comprehensive Plan would trump neighborhood covenants, so it is appropriate for the neighborhood to request this change.

It was clarified that CC&Rs (Covenants, Conditions,& Restrictions) usually go with a specific subdivision.

**Steve Oakey** said there could be a private agreement regarding preservation and addressing that the homeowners would not sell to a developer. This would be much easier, and they would protect their neighborhood in doing so. The legwork has been done. There are two conflicting interests – the developer and the neighbors trying to preserve their neighborhood. It seems legally doable.

The **Chairman** said a Comprehensive Plan change and a zone change would accomplish the same thing.

**Steve Oakey** said it takes the decision- making out of the hands of a governing body and places it into the hands of private property owners. He is trying to think of a simple way to preserve the things that they hold as valuable.

The boundary size issue was discussed.

**Melanie Davenport** felt the subject area of the proposal was too big and that perhaps the neighborhood should come back with a different boundary.

**Bruce Sutherland** said we should look at it now.

**Chairman Robinson** said we are in a public hearing. We have the obligation to make some kind of decision, a recommendation to the City Council.

**Val Christensen** mentioned the apartment area as a point for discussion.

**Steve Oakey** wondered why the Commission is defining the boundaries.

**Chairman Robinson** wondered if the canal could be used as a boundary line. Twenty-five years from now, 5<sup>th</sup> West could be a major artery over the river.

**Melanie Davenport** asked if it would be reasonable to table the issue until Envision Madison has concluded.

**Mark Rudd** wondered if rather than the Commission making the boundaries, if the applicant which is the City could re-do the boundaries, as the Commission seems to feel the proposal is for too big an area. He felt he did not know the area well enough to establish boundaries. He still is concerned with property owners who may not be aware of this issue. Down the road people can say they did not know of this change.

**Chairman Robinson** stated that the City has to go by the processes that are in place. The City is following that process carefully. Notification of this public hearing followed the legal guidelines. The Commission's charge is to hear this public hearing.

**Bruce Sutherland** suggested that the City Council could possibly make a boundary change in their public hearing.

**Bruce Sutherland** motioned to recommend to City Council approval of the requested Comprehensive Plan Map Amendment change for the 3<sup>rd</sup> West Neighborhood with one consideration: the size is larger than the Commission is comfortable with; not having consensus, the Commission defers any change in boundary size to the City Council for their decision.

**Motion died for lack of a second.**

**Steve Oakey** motioned to deny the Comprehensive Plan Map Amendment request, with the recommendation that the neighborhood association bypass the governing body of the City of Rexburg and establish a private contract amongst themselves to preserve their rights as they see fit.

**Motion died for a lack of a second.**

**Val Christensen** said staff recommends that the Commission not deny the issue if they want the issue back in front of them. If it is denied, the procedure would have to begin all over again. It would be better to table it. If the matter is tabled, the Commission can make a recommendation on what they want, for whatever they want to specify. If they want to do any portion of this request or all of it, do not deny it; table it.

Tabling the issue would bring it back to the Commission before it goes on to City Council.

**Melanie Davenport** felt the responsible thing to do would be to spend more time on this request.

**Melanie Davenport** motioned that the Comprehensive Plan request be tabled in order for staff to gather more information and to look at the boundaries. **Bruce Sutherland** seconded the motion.

Chairman Robinson said the neighborhood has done their due diligence.

Val Christensen suggested it may be fair to say to the neighborhood: we are struggling – go back and redraw the boundary lines, and not include areas that are set-aside areas. Then the neighborhood can make those decisions and come back with another map, or not.

**Melanie Davenport amended her motion and motioned to table** the Comprehensive Plan Map Amendment change request, requesting that the residents of the neighborhood re-address the boundaries of the area the change is being requested for. (Comprehensive Plan Map Amendment – City of Rexburg – 3<sup>rd</sup> West Neighborhood – Moderate High Density Residential to Low-Moderate Density Residential). **Bruce Sutherland** seconded the motion.

**Those in Favor:**

Melanie Davenport

Bruce Sutherland

Thaine Robinson

Mark Rudd

**Those Opposed:**

Steve Oakey

**Motion Carried.**

**The request has been Tabled.**

Chairman Robinson thanked the neighborhood citizens for their patience. He clarified that the boundaries are being seen as just too big. The public hearing has been completed. The proposal remains tabled until the neighborhood comes back in. The neighborhood can come back to the P&Z Commission whenever they are ready with the requested information so that the Commission can come to a decision with a recommendation to the City Council.

Cory Sorensen rejoined the Commissioners on the dais.

**Unfinished/Old Business:** None

**New Business:** None

**Compliance:** None

**Non controversial Items Added to the Agenda:**

1. Rachel Whoolery – Pier 340, mobile home park on North 12<sup>th</sup> West

Val Christensen explained that one of the conditions of the Conditional Use Permit for this mobile home park was that *“There shall be adequate fencing and/or landscape buffering as per requirements of Title 14 for Mobile Homes...”*.

**Val Christensen** said the Title 14 Standards for Mobile Home Parks requirements state that the buffer should be a 5-foot privacy sight-obscuring fence or evergreens. Title 14 does not state the spacing distance apart that the evergreens should be.

**Rachel Whoolery** showed the Commissioners a site plan of the project.

She said there is now an existing pretty white vinyl rail fence. It is about 2,300 feet of fence. She indicated the area the existing fence covers. In the old part of the park, it is a 2-rail fence that is four and a half feet tall. Where the new part of the park is, the fence is five feet tall at the posts, and 4 foot 10 inches at the railing. There are 3 slats, and the fence goes around the entire perimeter. The fence obscures some sight but it is not a privacy fence. It would cost \$40,000 for new fencing to replace it.

Mrs. Whoolery is asking that since the fence is already there, and since it meets the height requirement but not quite the site obscuring issue, could she have the fence grandfathered in.

**Val Christensen** said staff is saying that the existing fence does some good, but it does not meet the requirements of a 5-foot sight-obscuring fence as stated in Title 14. Staff has to comply with the ordinance. Staff is saying either put in the fence as specified, or put in some evergreens. The requirements do not say how many evergreens to require or how far apart the evergreens should be. The P&Z Commission can make the decision on whether to accept the existing fence. Val Christensen clarified that as a buffer the fence would buffer the mobile home park from potential future commercial development.

**Chairman Robinson** said this issue could set precedence across the board.

**Cory Sorensen** said sight-obscuring is a relative term. Three rails do obscure sight. He has a development in the county. Some prefer the rails to a solid fence, as this gives it a more rural feel. This kind of fence in a county setting is just as appealing if not more so.

The Chair said he does not have a problem with the existing fence. It would take a lot of evergreens.

**Bruce Sutherland** motioned to allow the white fence that exists on the Pier 340 mobile park property to stand as the property buffer even though it does not comply with Title 14. **Cory Sorensen** seconded the motion.

None opposed. **Motion carried.**

Chairman Robinson asked if there has been word of a Joint Commission meeting on the 5<sup>th</sup> Thursday of this month. He explained for the benefit of the newer Commissioners that on the 5<sup>th</sup> Thursdays during the year, a joint P&Z Commission meeting is usually held with the Rexburg, Madison County, Sugar City, Newdale, and Teton P&Z Commissions.

There has been no word of a planned joint meeting. Several 5<sup>th</sup> Thursdays have gone by with no meeting being held. It would be the Madison County P&Z Commission's turn to host.

**Report on Projects:** None

**Tabled Requests:**

The Comprehensive Plan Map Amendment heard tonight (City of Rexburg – 3<sup>rd</sup> West Neighborhood – Moderate High Density Residential to Low-Moderate Density Residential) has been tabled.

**Building Permit Application Report:** None

**Heads Up:**

June 5, 2014

1. Recognition of Service for P&Z Commissioner Richie Webb
2. Pedestrian Emphasis Zone (PEZ) concerns with Visitor Parking – Various Complex Owners
3. P&Z Commission Training
4. Rezone – 136 S.1<sup>st</sup> W. – MDR1 to Hemming Pro-Zone

June 19, 2014 – Welcome new P&Z Commissioner Tisha Flora

July 3, 2014 – Meeting Cancelled

Val Christensen stated that he just returned from an American Planning Association conference in Atlanta. He is putting together a summary and will present the information to the Commission at a future meeting.

Chairman Robinson adjourned the meeting at 9:20 pm.