

# Planning & Zoning Minutes

June 18, 2015



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

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

www.rexburg.org

Phone: 208.359.3020  
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## Commissioners Attending:

Jedd Walker – Acting Chairman  
Mark Rudd  
Steve Oakey  
Tisha Flora  
Cory Sorensen  
Rory Kunz

## City Staff and Others:

Brad Wolfe- City Council Liaison  
Val Christensen- Community Development Director  
Timothy Helferstay – Community Development Intern  
Darrik Farmer - Building Permit Technician  
Elaine McFerrin – P&Z Coordinator

**Chairman Thaine Robinson** was excused. **Commissioner Jedd Walker** acted as chairman and opened the meeting at 7:00 pm. He welcomed everyone.

## Roll Call of Planning and Zoning Commissioners:

**Attending:** Rory Kunz, Steve Oakey, Mark Rudd, Jedd Walker, Tisha Flora, and Cory Sorensen.

Bruce Sutherland, Melanie Davenport, Thaine Robinson, Gil Shirley, and Chuck Porter were excused.

## Minutes:

1. Planning and Zoning meeting – June 4, 2015

**Steve Oakey** motioned to approve the Planning & Zoning minutes of June 4, 2015. **Tisha Flora** seconded the motion.

Cory Sorensen and Rory Kunz abstained for having not been present.  
None opposed. **Motion carried.**

## Public Hearings:

1. 7:05 pm –Rezone – 228,230, 232 South 4<sup>th</sup> West; & 251, 265, 273 South 5<sup>th</sup> West – Light Industrial (LI)and Medium Density Residential 2 (MDR2) to High Density Residential 1 (HDR1)

**Chairman Walker** explained the procedure that is followed for a public hearing. The applicant will present the proposal. The Commission may then ask clarifying questions. Community members will also be given the opportunity to do so. These questions would be just to better understand the proposal; please hold expression of personal feelings until the time for public testimony. Public input will then be heard from those in favor of, neutral to, or opposed to the proposal. The applicant has the right of rebuttal. Staff evaluation and recommendations will be given. The Commission will then deliberate in order to come to a decision on the proposal with a recommendation to the City Council, who will make the final decision. Several people have submitted written input letters. The Commission can take the person's letter or the person's oral testimony as input, but cannot accept both, as this is seen as allowing someone double input. If someone wishes to speak tonight who has written a letter, they may withdraw their letter and give testimony.

Jared Sommer, 3614 North 3000 West, the applicant and one of the property owners. He presented the proposal. The subject property was viewed on the overhead map.



About two years ago, four apartment buildings were completed. They house married students and are occupied by mostly newlyweds and not many children. There are one and two bedroom units. The intent is to construct 3 more married housing buildings exactly like those already on the property.

**Steve Oakey** asked if the proposed properties tonight were purchased at the time the completed properties were purchased. Mr. Sommer clarified that some of the subject properties would be new purchases.

**Jared Sommer** indicated that one of the written input letters stated the buildings were to be 2-stories rather than 3 stories. He clarified that 2-stories was never proposed. They did what the zoning allowed. One complaint that was voiced at the earlier hearing several years ago was about traffic. They wanted to wait to come back until now because they see their development as low impact high density residential. Residents are mostly newlywed BYU-I students who stay for a period of time and then move on. Changing the zoning to HDR1 would allow for a higher density in completion of the units on the north end of the property.

Mr. Sommer wanted to address a comment in a written input letter to clarify that the intent is not to tear down the existing old green cinder block building on South 5<sup>th</sup> West but to have it tie in to the existing property, resurface it with brick and paint, and use it. The metal building behind it would be torn down.

**Steve Oakey** asked Mr. Sommer for the record to describe the characteristics of the surrounding neighborhood.

**Jared Sommer** stated there is a trailer court to the south. There are also apartments to the south in an HDR2 zone. To the north there are commercial buildings and the former Squires property, which is zoned HDR1. To the east are residences and rental homes. To the west are residences and rental homes. The property on South 4<sup>th</sup> West that is included in this rezone request would allow an entrance off of 4<sup>th</sup> West into the site. This would allow for some alternative traffic rather than just on 5<sup>th</sup> West.

It was clarified that the existing four apartment buildings on the subject property were constructed under the MDR2 requirements.

**Cory Sorensen** asked the number of units in each of the four buildings.

**Jared Sommer** stated each building has 21 units.

**Chairman Walker** asked how many stories are allowed under MDR2.

**Community Development Director Val Christensen** said to look at height rather than stories. MDR2 allows a up to a 30 foot building height. The proposed HDR1 zoning would allow up to a 55 foot building height.

**Jared Sommer** stated that what they have there now is what they would build. They would have no objection to a limitation on the height.

**Mark Rudd** said currently there is only one entrance/exit that is on South 5<sup>th</sup> West to the existing complex. Would the existing bridge on 4<sup>th</sup> West that is included in the subject properties be used?

**Jared Sommer** stated it would be used. Currently there are rental homes near the bridge. There would also be an additional entrance added on 5<sup>th</sup> West.

**Chairman Walker** asked if anyone in the audience had questions to help them to understand the proposal.

Questions:

1. Clarify the plans for the green (Barrick) building.  
The building would be resurfaced. It might be a community building for the tenants with some storage for tenants. They originally had wanted to tear it down, but it is a well-built building that they want to keep.
2. Does that fall within the guidelines of a zone change?  
The zone would allow that sort of use
3. If the land stays MDR2, would they still be able to resurface and beautify the green building?  
Yes. It would be the developer's choice.

It was clarified that the City has a nuisance ordinance that could address some issues.

It was reiterated that a person's feelings about this proposal should be saved for public testimony.

**Steve Oakey** wondered if the green building was historic.

It was not known. Mrs. Glennis Nedrow in the audience said the building has been there for at least 60 years.

It was clarified there would be an entrance on 4<sup>th</sup> West and not 2<sup>nd</sup> South. The rezone request does not go to 2<sup>nd</sup> South.

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

**In Favor:**

**Brad Chapple**, 3928 Orrin Lane. He owns one of the pieces of property that is included in this request. It currently is a rental property in kind of a rundown area and it would be sold to the developer if the requested zone change is approved. This request would be an improvement to the property. It also would give better access to the existing apartments.

**Keven Snell**, 3784 East 175 North, Rigby. He owns one of the subject parcels. He has watched what Jared Sommer has done with other projects around town and has been impressed and also surprised with the low impact of the housing Mr. Sommer has done. Because of the size of the units, the residents are couples and possibly a small child. The impact is minor in comparison to other projects that may have been built here. He is in favor of this rezone request.

**Amy Farmer** – See letter below under Written Input.

**Neutral:**

**Annett Smith** – See letter below under Written Input.

**Opposed:**

**Mary Ann Mounts**, 538 Henderson. Growth is inevitable and desirable, but destruction of community character is not. The question is not whether this part of this city is going to grow and change, but the question is how. She wanted to remind 3 Commissioners - Commissioners Rudd, Walker, and Sorensen - who were on this Commission when she was on the Commission, that this particular piece of ground was part of a community clean-up vacant lots project. She is very happy to hear Mr. Sommer admit that they were originally going to tear that green building down, because it was most definitely presented that way to this Commission.

The whole effort was to clean up empty pieces of property. Her own family is involved in this at the current time with property near 1<sup>st</sup> North. If they were all about making money, they would not be doing the project they are doing. What they are concerned about is truly beautifying Rexburg. That is why she is here to protest this, not to protest apartments, which some of her neighbors will not agree with, but she is here to say that Mr. Sommer does not deserve another chance to beautify Rexburg.

When Mr. Sommer built his apartments on the Yellowstone Highway by Les Schwab, Mrs. Mounts sat on this Commission and moved to approve those apartments. She literally stated that he built a good apartment with Nauvoo, and she felt his record spoke for itself, and that he could be trusted to put in a nice looking apartment on the approach to BYU-Idaho. Then he built the apartments, and she was blown away by how unattractive the building is, by how it is nothing more than prison barracks-type apartments, with the parking all out front for everyone to see, and with minimal landscaping that does nothing to mitigate that scene.

When Mr. Sommer came forward to get rid of the empty lots at the subject location, he said he would get rid of the ugly lot. He has not done one thing to beautify that lot, in her opinion and her neighbors. He left the green building. He did not start to put in any landscaping until they called the City, and the City spoke to him multiple times. Then he put up a very minimum amount of landscaping. She will be dead before that landscaping does anything to mitigate the obtuse nature of those apartments. She literally woke up one night, looked out her window, the leaves had fallen off the trees, and there was a sea of lights. It scared her. It was the front lights of all those apartments, and that is the view she will have till the day she moves.

Why are we forcing other apartments to hide their parking and allowing Mr. Sommer to put his parking right out to the street with no landscaping? Mrs. Mounts drove around town before coming to this meeting. Cambridge Court on Main Street right along the canal has two buildings with nice brick, a metal fence, mature landscaping, and with parking somewhat hidden.

Kensington Apartments on the corner of South 2<sup>nd</sup> East and East 3<sup>rd</sup> South are in another neighborhood that was very upset about apartments going by them. The owners have now added to that complex. The neighbors are happy with it. The apartments look so good and the landscaping is so good. If Mr. Sommer had done something similar, she would not be here tonight. He does not do what he says he will. It is fine to say he is doing a service by fixing up the neighborhood, but he is not. The landscaping he uses is ridiculous. She does not understand how this Commission can make one apartment owner hold to one standard and another apartment owner hold to another. The Commission has been so tough on hiding parking. Northpoint Apartments has mature landscaping that looks good. The parking structure and cars are not visible.

Henderson Subdivision is right across the street from this request. They are the ones who are looking at that sea of asphalt. Remember to look at Mr. Sommer's past record. The City has had to contact him multiple times. He did not remove the building or beautify the lot. There is only a little landscaping. There is a sea of utility boxes that should have been hidden by landscaping. He has spent the last month cleaning the lot. Yes, he had the right to build 3-story buildings. He was denied high density by the P&Z Commission and City Council. He knew from the beginning that he was going to come back and request this again. He does not deserve to be considered again. Nothing has changed. In fact it is worse than ever because he did not do what he said he would.

She knows her neighborhood cannot be unchanged nor would she want it to be. It may even get apartments on the property they are discussing tonight. She would just like the Commission to

consider their obligation to treat all neighborhoods and developments with equanimity. Mr. Sommer has had enough opportunity to prove himself as someone who will develop a piece of property the way that he says he will, and his record should speak for itself.

**Cleve Young**, 568 Cook. He fully supports what Mrs. Mounts said. He wanted to add a couple concerns. He has observed that there is only one dumpster for 80 households at the existing complex. Is that a good or efficient way? He feels so bad for Mrs. Nedrow who lives across the street. She was promised that the green building would be torn down. He realizes the plans have changed, but the building had pallets, trailers, bricks, etc. packed around it for about 2 years and then just was cleaned up knowing this request was coming forward. Mr. Young has known the Sommers for years. They are good solid people, but he questions their motive for what is going on here. Off of 4<sup>th</sup> West from this proposed rezone, where is the traffic going to go? The splash park is very busy every day – with many children, families, barbecuing, etc. When Squires Brick property develops, where will their traffic go? The speed bumps near the park are a great addition, but they are sometimes not paid attention to by students who come from other areas. Traffic would funnel right past the park. It is a terrible safety hazard. He is very concerned.

Like Mrs. Mounts, he does not have a problem with development. Rexburg is a great community, but he does not see that there is much concern for the residents in the Henderson and Starlite areas. There are serious safety problems. Growth is good, but things like this really tear it down.

**Glennis Nedrow**, 270 South 5<sup>th</sup> West. She lives right across the street from Campus Courtyard Apartments. She is very opposed and was in the beginning because she gets it all right near her driveway. It is a speed trap with motorcycles and cars. It is ongoing and never stops. Someone is going to get hit. She has observed some children going to school in dangerous situations. It is just not right. They were all told the green building would be torn down and the property beautified. Mayor Woodland is the one who broke the tie for MDR2 zoning. The next thing they see is 3 stories. She has called the City a couple of times. She has lived here for over 60 years. There is no place for this in the neighborhood.

**Becky Godfrey**, 296 Mark. She withdrew her letter of written input and instead wished to speak to the Commission.

She pointed out the location of Kennedy School on the map in relation to this request. The properties near this request are single family homes (Henderson and Starlite Subdivisions). Medium Density Residential 2 (MDR2) is a buffer. The Development Code states “...*The MDR2 zone is established to act as a buffer between single-family dwellings and non-single-family zones*”.

The Merriam Webster Dictionary states that the definition of the word *buffer* is: “any of various devices or pieces of materials for reducing shock or damage due to contact; or, a means or device used as a cushion against the shock of fluctuations in business or financial activity; or, something that serves as a protective barrier.” Please keep the barrier. Please keep the buffer that is already in place.

Think about the children walking up and down to school, working people who ride their bikes, the students of the college, the families. There are quite a few people who will be impacted. She was there at the meetings when the initial rezone came forward. The people were led to believe that the apartment buildings would be 2 stories high. They were not. When they built the 3 story buildings on part of the land and left the rest in disarray, people were led to believe that the city would have the owner clean it up, but it was not cleaned up. The MDR2 zone is a buffer. Please honor this and the people of who live there – keep the MDR2 buffer.

### **Written Input:**

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

1. Letter from Annett Smith, neutral to the proposal - read by Commissioner Oakey
2. Letter from Janice Tychsen, opposed to the proposal –read by Chairman Walker
3. Letter from Linda Thurber, opposed to the proposal – read by Commissioner Flora
4. Letter from Amy Farmer, in favor of the proposal – read by Commissioner Rory Kunz

1500276  
Sommer Rezone

June 15, 2015

Regarding: Public Hearing June 18, 2015 at 7:01 P.M. to rezone property at 228, 230, 232 South 4<sup>th</sup> West; and 251, 265, 273 South 5<sup>th</sup> West from Light Industrial and Medium Density Residential 2 to High Density Residential 1.

Blair D. Kay:

In the past when I have attended the meetings regarding a change in zoning it has been very discouraging. Many voices have objected to the changes the city council wants to make. And yet the council goes against the voice of the people. The voice of the people is what is supposed to be heard and represented by any and all city officials who are making zoning changes.

When the people who live around and near the addresses listed above their voice should be heard and adhered to. I ask the council to please do their job: REPRESENT THE PEOPLE'S VOICE when making a decision to rezone or not to rezone.

Strongly,



Annett Smith  
as

**Elaine McFerrin**

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**From:** Blair Kay  
**Sent:** Wednesday, June 17, 2015 3:40 PM  
**To:** Elaine McFerrin  
**Cc:** Richard Woodland; City Council  
**Subject:** FW: Janice Tychsen

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**From:** Richard Woodland  
**Sent:** Wednesday, June 17, 2015 3:23 PM  
**To:** Blair Kay  
**Subject:** FW: Janice Tychsen

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**From:** Shannon Sommer [<mailto:ssommer@ruddco.com>]  
**Sent:** Wednesday, June 17, 2015 3:15 PM  
**To:** Richard Woodland  
**Subject:** Janice Tychsen

*I live at 204 S. 5<sup>th</sup> W. and will be in Colorado with family until June 22, so I will not be at the city meeting on Thursday. I am sending this email to Mayor Woodland and the City Council of Rexburg OPPOSING the high density buildings wanted by Mr. Sommer's for South 5<sup>th</sup> West.*

*Mr. Sommer's, however, does not live near South 5<sup>th</sup> West, or isn't raising his family near this neighbor nightmare that he proposes for this residential and elementary school part of our city.*

*If he did live near....this would not be on his to-do list. I can be reached at 208-709-5032.*

*Sincerely,*

*Janice Tychsen*

Your recent letter concerning the notice of a public hearing to amend the zoning map to high density was interesting. Because the description was in legal terms it was hard to visualize. We drove around the block stopping and checking off all the addresses listed. Are they trying to pull another fast one? Because they didn't want to play by the rules the first time, it is not our fault they have painted themselves into a corner. Giving them access to more acreage will not solve the mess they have already created. We went through this before when they approved a two story complex on Barrick's property. Jared Sommers, the man Sylvan Seeley hired, did a smooth job convincing us it would be a nice addition to our part of town. After all it was just a vacant lot with old flood equipment on it. When we left the meeting that night it was only approved for two stories but when they started building it miraculously turned into three. They were not honest. By the time they got through the neighbors felt deceived. Instead of a nice two story complex we are stuck living across the street from ugly three story buildings that look like rows of jail cells.

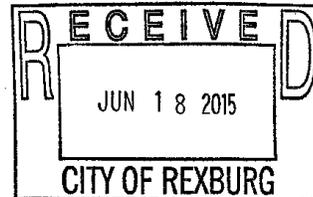
Another area of concern is the Squire's property. Since they don't seem to be too concerned about the school zone where kids walk to and from school twice a day I think they should keep a closer eye on that project as they are building it. The way people say one thing and do another just to see what they can get away with, we could very easily end up with ten stories down there.

When my daughter was in high school years ago she had to attend a town meeting for government class. The same thing was happening back then. They were discussing the Shirley complex across the tracks and how they didn't think they had enough parking spaces for all the students cars. This was AFTER all the permits had already been approved.

BYU has done a good job of promoting the university. They had the new road built up Seventh South and when you turn up Fifth South headed toward the temple you pass the nice complexes they built for married housing between two new big church houses. Kiddie corner from the temple you have another nice big housing complex. It gives the impression that all is well in Zion. It is too bad the rest of Rexburg has to live in the real world.

I just needed to vent and it must be your lucky day since you sent the letter. I hope whatever you approve remember it affects a lot of people and two wrongs do not make it right. Not everybody wants or can afford to move on. Please convey my feelings at the meeting that night. Thank you.

*Linda Thurber*  
*308 S. 5<sup>th</sup> W*  
*Ref. V. Berg, Idaho*



Amy Farmer

517 W Main St

To Rexburg Planning and Zoning Commission and City Council:

I am in favor of the proposed zone change that is scheduled for tonight's meeting. I feel it will make the area look and feel more like a neighborhood rather than an industrial area if it were left as is.

Some of my neighbors will bring up the concern of the students near Kennedy Elementary School and how this complex will increase traffic and thus threaten the student's safety. I do believe our students walking to and from Kennedy Elementary are at risk, but not due to the number of cars, but rather the lack of a Safe route to travel on. This can be remedied without preventing a complex that would improve and help rejuvenate the area. We just need to add, widen, or fix the sidewalks leading to the school.

The sidewalks are wide from the school to Main St and further north on N 5th W however, Park St has no sidewalk after the corner where student turn into the neighborhood. This poses serious issues especially in the winter where they do not have a plowed route to take beside the road. Also, everything from the park to the school grounds are narrow. These are two solutions to make our student be safer on this already busy route.

I am in favor of the zone change with one condition, that the green warehouse structure should be required to be torn down, as this is an eyesore and is not conducive to a neighborhood feel, especially in the middle of a family complex.

Thank you for your consideration,

Amy Farmer

June 18<sup>th</sup>, 2015

**Rebuttal:**

**Jared Sommer** stated that he welcomes looking back at the notes from previous meetings and rezone. A 2- story building was never part of the conversation. They anticipated all along to build what was allowed by the zone. In regard to the green cinder block building removal, he cannot recollect if this was said; they had thought about tearing down the building, until they reviewed it. Parking is a huge problem in Rexburg in some apartment complexes near campus that have the lowest amount of spaces allowed. That is very contrary to the apartments they constructed. They never wanted to be short on parking. They have met the parking requirement as required by the City. It does require some measure of asphalt.

**Val Christensen** said the parking ordinance was recently changed for the infill/ redevelopment area to allow reduction of parking - to have 80 percent. A study was done.

**Mr. Sommer** said they have more than sufficient parking. His being here is not a surprise. When they built the existing apartments here, they anticipated that at some point they would come in again for a rezone regarding the vacant land on the north, largely because they had built the apartments and would know the impact regarding traffic. Many married students ride bikes to the college. There is not any married housing that has as low an impact as this development. They did it purposely. The apartments were not built for large families. They were for newly marrieds. There are very few children who are residents of the complex. He respects everyone's comments. He feels they have succeeded with their existing project in keeping to a low impact.

**Chairman Walker** closed the public input portion of the hearing and asked for the staff report.

**Community Development Director Val Christensen** stated this rezone request would be changing the subject property from Light Industrial and Medium Density Residential 2 to High Density Residential 1. The size is 5.82 acres. The Comprehensive Plan land use designation is Moderate-High Density Residential, and HDR1 is allowed under this designation. The City Engineer did not have any concerns. The property to the north known as the "brickyard" was rezoned to HDR1; the developer has submitted building plans to the city, but the project currently is on hold because of complications.

If the Commission determines that the requested change is in the best interest of the City and the adjoining neighborhoods are not adversely affected, staff is requesting that the P&Z Commission recommend that the City Council process the requested zone change.

**Chairman Walker** clarified that the question before the Commission is a land use issue – a request to change the subject property from MDR2 and LI to HDR1.

**Steve Oakey** said concerns were expressed tonight by those in opposition to the proposal regarding traffic and safety. Describe the City's proactive nature in trying to offset any traffic impact or safety issues when densities are increased in the City.

**Val Christensen** stated that the City has not experienced increased traffic problems in any of the housing areas to the level of what is considered by City Engineering as a moderate capacity. By engineering standards, the traffic here would be considered low capacity. The City Engineer looks at the numbers that are generated.

The **Chairman** asked Mr. Christensen to review the basic differences between MDR2 and HDR1.

**Val Christensen** clarified that MDR2 allows up to 20 units per acre. HDR1 allows up to 30 units per acre. Building height would go from 30 feet in height maximum in MDR2 to 55 feet in height maximum in HDR1. It is possible to condition height. A zone change can be conditioned. Setbacks would be the same, but front setback for parking is different depending on whether there is a landscape strip.

The Infill/redevelopment scoring for this requested rezone property ranks high.

It was mentioned that at one point there was discussion about a possible traffic signal being put at 5<sup>th</sup> West and 4<sup>th</sup> South. Nothing is moving forward at this time.

**Rory Kunz** asked if any studies have been done that indicate how traffic has increased under current building versus previous building

**Val Christensen** stated there was no reason to do a new study because traffic is considered low volume. The study recently done for the entire City indicates the area as low volume.

**Steve Oakey** said another issue that was brought up were the requirements imposed on other complexes or developments. He asked if the Sommers' previous developments have been compliant with landscaping requirements.

**Val Christensen** said the portion to the north is still unfinished. Mr. Sommer has worked with the City's compliance officer. The land is cleaned up. There is no parking lot there. With the City's ordinance, the reality is that the only buffer requirements are for the parking. Landscaping is not defined, so it goes back to the City's nuisance ordinance.

**Tisha Flora** stated that one of the hardest things about being on the P&Z Commission is trying to balance the rights of the owner/developer versus the rights of neighbors. The owner/developer has the right to ask. The neighbors also have the right to come share how they feel. It is hard to make a decision and try to weigh out both possibilities. What concerns her is that the neighbors are in favor of growth, but they are telling the Commission that Mr. Sommer has not done a very good job at keeping to what he said. A 55 foot building could bring about 240 cars. It may be low density on the roads scientifically, but this many more cars coming out on 4<sup>th</sup> West and 5<sup>th</sup> West in not in the best interest of Rexburg. Mrs. Godfrey had a good point regarding the current MDR2 buffer and its definition that is stated in the Rexburg Development Code. On all other sides of this property it may be fine to have the high density, but the Commission needs to respect that single family homes in low density neighborhoods are on one side. The current medium density really does add the nice buffer.

**Mark Rudd** said the biggest difference would be going from a possible 20 to 30 units and a possible 30 feet to 55 feet if the zone is changed, but Mr. Sommer had said he wanted to match the buildings that were already there. If that is the case, it appears that the zoning of MDR2 should be adequate.

**Cory Sorensen** said HDR1 would double Mr. Sommer's project; he could add about 90 units. If the property is left at MDR2 zoning, 32 units could be added. HDR1 would allow more density and more units. Height could be limited. No matter which, the developer is still only required to landscape a certain percentage of the total area.

Mr. Oakey said the stated purpose of infill/redevelopment is to increase density to take advantage of current infrastructure. In doing so, costs of development would also be diminished and make housing more affordable for those seeking this type of housing. If density requirements are reduced, costs of development, rent, or sale of the property would automatically increase.

**Val Christensen** clarified that a rezone may be conditioned per the City Attorney although it is not recommended. With a rezone, the project should not be part of the discussion. The Commission should try to discuss whether the land use and density are right for the location, and try not to condition a rezone. That being said, it has been done. Kensington Apartments were conditioned, and it turned out well. The neighbors had not wanted the development. Among the conditions were landscaping, no street access to East 3<sup>rd</sup> South, etc.

**Cory Sorensen** said a positive example of conditioning of a landscape berm was put on the former Squires Brick (HDR1) property along 5<sup>th</sup> West, along with a condition regarding no access onto 5<sup>th</sup> West. Building height was conditioned.

**Rory Kunz** said he feels torn. He is stuck between balancing landowner developing rights and the rights of the neighbors and what was said about MDR2 and its purpose as a buffer.

**Cory Sorensen** said having gone through the hearing on the Squires Brick rezone, he recalled that one of the discussions was whether there would be a better project by allowing more density but with conditions on it to project, rather than leaving the property as medium density. The neighborhood came in force. The conditions that were set included that buildings should be back from the road a certain distance, and that there would be a 5<sup>th</sup> West berm. It will be a better project than if the zoning was left at medium density. It is a balancing act. In this case the track record is not good per neighborhood input. That is why there has to be very strict guidelines.

**Chairman Walker** said ultimately the question is: is high density the right thing for the specified property?

**Rory Kunz** wondered if past minutes from the earlier Sommer rezone should be looked at.

**Steve Oakey** stated the issue might have to be tabled for another time in order to be able to review those minutes. That seems like a longer process just to corroborate fading recollects. For the current discussion, he is hearing that the Commission may need to look at possible conditions for the rezone.

**Chairman Walker** expressed that it seems that to be able to develop the property would be a plus. The Commission needs to consider the neighbors' concerns, to be addressed in conditions.

Possible conditions to put on the rezone were discussed including beautifying the green cinder block building and incorporating it into the landscaping, limiting the building height, having a significant landscape buffer for the neighborhood, and having an architectural design review meeting regarding the landscaping.

**Val Christensen** clarified that every project goes through design review as part of the building application process. However, there is also a Design Review Committee meeting that may be held that is composed of a P&Z Commissioner, a City Council member, a professional from the community, and staff. The Committee meets when there is a development issue that may deviate from the design standards that are stated in the City of Rexburg Development Code Ordinance No. 1115, or the Committee may meet because of a specific issue, such as the landscaping.

**Steve Oakey** thought that Val Christensen understood the spirit of what the Commission would like to see. He could help to direct the design review board to make that happen.

**Cory Sorensen** felt the P&Z Commissioner at the Design Review meeting in this case should be one of the Commissioners who is at this meeting tonight.

**Tisha Flora** motioned to recommend to the City Council approval of a rezone from Light Industrial (LI) and Medium Density Residential 2 (MDR2) to High Density Residential 1 (HDR1), for the property located at 228, 230, 232 South 4<sup>th</sup> West; and 251, 265, 273 South 5<sup>th</sup> West with the four following conditions:

1. The existing green (Barrick) building on South 5<sup>th</sup> West on the subject property shall be beautified and resurfaced as stated tonight by the applicant.
2. Buildings shall be a maximum of 30 feet in height.
3. An architectural design review meeting shall be held to address having a significant landscape buffer, especially along South 5<sup>th</sup> West.
4. A P&Z Commissioner who was present at this meeting tonight shall be a participant in this design review meeting to address this buffer.

**Mark Rudd** seconded the motion.  
None opposed. **Motion carried.**

**Unfinished/Old Business:** None

**New Business:** None

**Compliance:** None

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

**Report on Projects:** None

**Tabled Requests:** None

**Building Permit Application Report:** None

**Heads Up:**

July 2, 2015 P&Z meeting:

1. Conditional Use Permit – for a Hotel – at approximately 1300 South 12th West
2. Discussion – Trejo Professional Park – John Bagley – Potential land use change

Chairman Walker adjourned the meeting at 8:38 pm.