

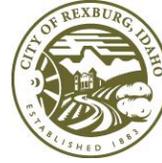
Planning & Zoning Minutes

October 6, 2016

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CITY OF
REXBURG
America's Family Community

Commissioners Attending:

Jedd Walker – Chairman
Melanie Davenport
Steve Oakey
Gil Shirley Mark Rudd
John Bowen Greg Blacker

City Staff and Others:

Natalie Powell - Community Development Compliance Officer
Colton Murdock – Community Development Intern
Elaine McFerrin – P&Z Coordinator

Chairman Jedd Walker opened the meeting at 7:04 pm. He welcomed everyone. Community Development Director Val Christensen was excused. City Council Liaison Brad Wolfe was excused.

Roll Call of Planning and Zoning Commissioners:

Attending: Steve Oakey, Greg Blacker, Mark Rudd, Jedd Walker, John Bowen, Melanie Davenport, and Gil Shirley

Heidi Christensen, Richard Smith, Rory Kunz, and Bruce Sutherland were excused.

Minutes:

1. From Planning and Zoning meeting – September 15, 2016

Steve Oakey motioned to table the September 15, 2016 minutes, requesting that there be more detail of the discussion of the Danny Hebdon Conditional Use Permit request regarding short-term rentals. **Gil Shirley** seconded the motion. None opposed. Motion carried.

Mr. Oakey also requested an audio copy of the September 15th minutes.

Public Hearings:

1. **CANCELLED** - 7:05 pm - Conditional Use Permit – 177 South 4th West - to allow per the Rexburg Development Code Section 3.7.025, a 'Boarding House' (i.e. vacation rentals, nightly rentals; short-term rentals) in a Medium Density Residential One (MDR1) zone – Brock Higham

Chairman Walker explained the first hearing was cancelled due to further, ongoing discussion of short term rentals by the City Council.

Steve Oakey stated there are people trying to conduct business who are waiting for decisions to be made by the City Council, and this first hearing (cancelled) is an example of that situation.

Chairman Walker explained that the rezone hearing regarding the West Main property cannot start till 7:20 pm, the published, advertised time.

Compliance:

Community Development Compliance Officer Natalie Powell asked the Commissioners if they had any compliance issues they wished to discuss. As they travel around Rexburg in their daily business, the Commissioners may see things that they need to bring to her attention to make things

a little safer. Keep your eyes open for sidewalks that have crumbled, weedy lots, stop signs covered by trees, street lights that are out, etc.

Melanie Davenport said there is an abandoned home near the roundabout that is not in good shape. She wondered if there was a date for it to be razed. **Compliance Officer Powell** said staff has met with the developer in a pre-construction meeting. Plans should be coming to the Building Department shortly.

Greg Blacker said in the vicinity of Taco Time on 2nd West and 3rd South, people have to walk in the street because there are no sidewalks in the area. **Compliance Officer Powell** explained that several older homes do not have sidewalks, a situation which is grandfathered in. As the properties change hands, sidewalks are required by the city to be put in within the first year, whether it is done by the buyer or the seller. She has contacted a couple of the property owners here; there is actually a mud trail from people walking where a sidewalk should be. The owners have agreed to put in sidewalks and are working with the Engineering Department. The city also has a program to help in financing through the city, taking the payment off of the person's utility bill.

Greg Blacker commented that traffic is getting worse when one is entering town onto Main Street from Highway 20. He asked if there is anything new in the works regarding this issue. Compliance Officer Powell said staff is looking at the numbers for a possible traffic study for next year.

Regarding snow, **Compliance Officer Powell** explained that it is our responsibility as citizens and residents of Rexburg to maintain the sidewalks in front of our property, keeping it clear of snow and ice, and safe for pedestrians.

2. 7:20 pm - Rezone – 679, 665, 651, 649, 629, and 611 West Main – Low Density Residential 2 (LDR2) to Medium Density Residential 2 (MDR2) – JJKH 5 LLC

Chairman Walker explained the procedure that is followed for a public hearing. As Planning & Zoning Commissioners, they are appointed, not elected. They serve for a term of 3 years and function as an advisory board to the City Council. As such, the public hearing occurs here, so this is actually a quasi-judicial hearing that follows some very strict rules so that order can be maintained.

The applicant will present the proposal to the Commission. The Commission has the right to ask questions of the applicant in order to understand the application. The Chairman may allow the public in attendance to ask clarifying questions in order for them to better understand the proposal. This is not a time to state an opinion, which would be done during public testimony, but rather a time for clarification of what is being proposed. Staff may also give information to clarify the proposal for the Commission.

The public hearing testimony portion will open. At this time there can be no back and forth dialogue between those testifying and the Commission or the applicant. Those in favor, neutral, or opposed to the request may give testimony, stating their name and address for the record and their affiliation with the proposal, such as neighbor, interested citizen, etc. If there is opposition to the proposal, the applicant has the right of rebuttal. Then any written input will be read - there is some tonight. The public input portion of the hearing will then be closed. The staff report will be given, followed by discussion and deliberation by the Commission. There can be no back and forth between the

Commission and those in attendance at this point also. The Chairman will ask the Commissioners if they have any perceived or direct conflicts of interest in regard to the proposal. The Commission is a recommending body. They will make a recommendation to the City Council, who will make the final decision on the issue.

Kelly McCandless, 223 Jill Drive, the applicant, presented the proposal. He is representing specifically the property owner of 649 and 651 West Main and collectively the other properties that are part of the application.

Mr. McCandless noted that the Gibsons, owners of 629 West Main, have decided not to participate in this rezone request. Their property is eliminated from the request.

The application request to change to Medium Density Residential 2 is commensurate with the Comprehensive Plan. These are a few of the last remaining properties that are this deep. No project or plans are slated currently for the subject properties. There is a need in the community for housing with the BYU-I planned expansion. They were looking for appropriate property within the city limits to answer the need. He feels this request does that.

The concerns expressed in staff reviews – water service supporting the density, traffic increase - if a project were to eventually be proposed, a traffic study would need to be done. He reiterated there is no real plan to do anything at this time.

Steve Oakey asked if Mr. McCandless would continue to negotiate with the Gibsons for possible future change. **Kelly McCandless** indicated he would like to do so. Steve Oakey said this creates the appearance of a spot zone. Mr. McCandless said he cannot speak for the Gibsons.

Chairman Walker clarified that this rezone request is a land use decision. What the applicant intends or does not intend to do is not on the table. A rezone application carries with it certain rights. The Commission tries not to get into what could be developed there. Is it appropriate for this land to go from LDR2 to MDR2? That is the only question before them.

Chairman Walker asked if the audience had questions to help them understand what is being proposed.

Explain Low Density Residential 2 and Medium Density Residential 2 zoning designations.

LDR2 is the current zoning of the subject property, which includes allowing a single family dwelling by right or a duplex or twin home with a Conditional Use Permit

The zoning specifies the density of what can be on an acre. In MDR2, there can be up to 20 units per acre. However, the density is also regulated by the parking that is necessary for a development and by required setbacks.

What is the size of the request?

About 3 acres not including the Gibson property.

How many stories are allowed in MDR2?

There is a building height maximum of 40 ft. in MDR2 (could be up to 4 stories). However in this case, the height would be limited to 30 feet because of the adjacent LDR2 zone.

Compliance Officer Powell clarified this issue by quoting from Section 3.8.100 of the Rexburg Development Code:

“No lot or parcel of land in the MDR2 Zone shall have a building or structure which exceeds a maximum height of forty (40) feet, measured at the top of building’s horizontal wall. If the development is adjacent to a Low Density Residential Zone (LDR), the maximum building height (for buildings adjacent to the LDR Zone) shall be no greater than thirty (30) feet.”

Would there be some kind of physical barrier if the zone is changed to MDR2?

Community Development Compliance Officer Powell said there could be some kind of fencing, or buffering of the properties with trees, a landscaping strip etc., from neighboring properties.

Will MDR2 allow businesses to be here?

No. Compliance Officer Powell read permitted uses of MDR2 listed in the Rexburg Development Code. There are no commercial uses permitted in this zone.

How would this change fit it into the 25 year growth plan of the city?

The Chairman pointed out the Low-Moderate Density Residential land use designation of the subject area. So the request of MDR2 zoning does fit under this designation under the current Comprehensive Plan.

It was clarified that a ‘detached home’ is a home not attached to anything/another home.

Historically speaking, once a zone change is done, what could that lead to? Is it a chain affect?

Steve Oakey expressed it would bring change eventually. Every city that is active will densify.

It was stressed by **Compliance Officer Powell** that the city never encroaches on someone’s property. It is always brought to the city as a request or recommendation or can be refused by property owners.

Kelly McCandless clarified for an audience member that he represents the owners of 649 and 651 West Main. About a year and a half ago, they approached the Commission and were granted a Conditional Use Permit to turn the homes into duplexes at both locations. He does not reside there on the subject property, but tenants that he cares about do.

He clarified that JJKH5 LLC is the business entity that purchased those properties.

It was clarified that a couple of the main concerns of the Public Works staff review were the water line and the traffic. The review will be addressed later in the meeting.

What is Kelly McCandless’ role in representing the owner of 649 and 651 West Main?

Mr. McCandless explained he is the Chief Operations Officer of a management company. He is not a developer or an apartment owner.

Chairman Walker clarified that this information is not pertinent to this discussion. This is a land use discussion – should the subject properties be changed from LDR2 to MDR2?

John Bowen said it is a difficult situation that one parcel (629 West Main) is no longer included in the rezone request.

It was reiterated that the P&Z Commission is a recommending body. The City Council would make the final decision.

Compliance Officer Powell did not have additional clarifying information.

Chairman Walker opened the public input portion of the hearing, reiterating that at this time there cannot be any back and forth between the audience or the Commission or the applicant. That would give someone an unfair opportunity. This is a quasi-judicial hearing.

In Favor:

Kelly McCandless, 223 Jill Drive. One reason he is in favor of this change is we live in a community that has about 30,000 residents. It supports a university. Main Street has a highway interchange and other commercial developments that are more intrusive than residential developments. These things have to start somewhere. They looked at the best information available, which is the Comprehensive Plan for the city. The request fits within the Comprehensive Plan designation of Low-Moderate Density Residential. It does not seem like a big stretch.

If these kinds of changes are not going to be allowed commensurate to the Comprehensive Plan, we as a community need to be doing something that says where this will and can be allowed. It is a huge problem that there are people who are willing to invest but who cannot move forward. The Mayor was quoted in the paper as saying he is tirelessly working with developers to solve this problem. We need to do something for that. He is in favor of this proposal.

Sally Smith, 512 South Millhollow. She and her husband own the property at 679 West Main, which is included in this request. They agree with what Mr. McCandless said about the growth of Rexburg and the need for more housing. They have been told by BYU-I that if the private sector does not step up, the University may build more housing.

The Smiths purchased the property in 2005, thinking it might become commercial; it is a 1-acre lot and the western-most lot of this request. Maverik and a hotel have gone in directly to the west. They rented the home to a family who eventually went into the daycare business at the location. The business grew and was eventually not allowed there. The people found another location for their business and moved.

The need right now in Rexburg is for community housing, not commercial. Neighborhoods change. Main Street is very busy. The Comprehensive Plan does allow this zone. These 1-acre lots are large and used to have cows and horses on them years ago.

The Smiths feel the timing is good for a rezone to MDR2. She appreciates the Commission and the neighbors who have come to this meeting.

Neutral: None

Opposed:

Jack Gibson, 629 West Main. Between 7:30 am -9:30 am, it is a suicide run to try to get out of your own driveway to cross over to head west. It is even worse in the evening. The elementary school is also right there. The traffic is terrible. That many more units would impact the kids.

Yes, we do need properties to be turned into more housing for the college students. We all understand that, but this is an area that has been impacted almost to its limits as far as traffic. We are also at the end of the water line. There are so many things against this request for this area. There are so many other areas that could easily accommodate growth. There are no other accesses to their properties. It is not a place for higher density housing. It does not work. It not only impacts them but also other streets such as Sunset Circle. He and his wife bought the property 27 years ago. They do not intend to sell or move. When they leave, they will have to be carried out the front door.

Heather Duncan, 22 North 3rd West. “If you build it they will come....” There is a need for housing, but where would it be best? Maybe this was not thought out really well, especially considering the school that is there. She works at Kennedy School, and it is almost at capacity. There are apartments that will be going in directly across the street from the school. It is wise to build housing where there is space to accommodate the needs of the families. That is not here. If this rezone happens, she would hope that there would be some provisions made for a barrier between the school yard and the higher density. She is blessed to have found a house that costs less than it would to rent. That is what married college students would want.

Valeen Heer, 575 West Main. She is 87 years old. She seconds everything that Jack Gibson said. The appearance of West Main is beautiful. The city has built a beautiful park along the canal. The street is a pretty approach into the city of Rexburg. There are nice homes that are well kept, and there is a homey feeling. When someone comes to the city, and they are faced with apartment houses everywhere they look, it does not feel like it is a homey, nice town, like Rexburg has always been. She would like to preserve that.

Michele Tietjen, 706 Lodgepole. She feels there is a need for more housing for the university, but this is a bad place to put it. She loves the university and the students, but the subject property should stay low density. It works perfectly for families. She understands the need to develop. There are other places to build more housing.

Kevin Anderson, 608 West Main. His home is across from the subject property. He remembers when Main Street Station Apartments were built. They had one mode of access and that was Main Street. There is a monster traffic problem now. More units would make the situation even worse. Potentially, 70 units would mean 140 more cars wanting to get on to Main Street. He would be less opposed if there was another street for access. He is against the zone change.

Lynda Marquez, 697 West Main. She and her husband and family have lived there for 34 years. They have a lot of pride in their neighborhood, not just their home. The area is residential homes. She cannot understand why someone would want to put a chunk of higher density right in the middle.

Main Street is Rexburg’s first impression. It is so welcoming and beautiful – the park and golf course and homes. She and her husband are opposed to this request; they feel it is not truthful how this all came about. Mr. and Mrs. Marquez were here last year when the A- frame property and the property next to it were brought forward requesting a CUP to be duplexes. She spoke at that time, wanting to make sure that whatever went in there would keep the integrity of the neighborhood. It was stated the structures on the property would stay and be beautified so they would fit in with the existing neighborhood, making the landscaping pretty and paving the driveway. Now they want to change that property and other additional ones to medium density. What is going to happen next? So far, the majority of what the developer said did not happen. What were they waiting for? What was the next move?

Mrs. Marquez appreciates that Sally Smith came over to their home and explained that she was requesting medium density zoning for her property. The Marquezs’ said they did not want apartments, units, etc. that close to their home – it does not fit.

This request is for multiple properties, which surprised them. It does not fit; it is bits and pieces. You can look at the aerial map on the overhead screen and see all the residential single family homes in the area – from Pioneer Road to the light at 5th West. Some of the homes are rentals, but they are taken care of.

Main Street deserves better. The majority of the area is family housing. She does not understand how this could be done to Main Street. Keep the integrity of Main Street. They are very proud of this area and love living here. She would hope the Commission would really look at the make-up of the neighborhood. It is residential homes. They want it to stay that way.

Kelly Merrill, 11 West Sunset Circle. He and his wife oppose this request. He lived in Provo at the time when all of the beautiful mansions up and down University Ave. were being sold off and condos were being put in their place. It destroyed the whole historicity of the area. When they retired from BYU-Hawaii, they moved to Rexburg because they found what they felt was the perfect house. They love their neighborhood and their neighbors. They are already distressed with the noise factor on Main Street and how difficult it is to get in and out of their street. It would become a nightmare if more housing is built right across the street, along with the addition of more cars. The sound would be unbearable. They have good insulation in their home with the windows closed. If the windows are open, they cannot even carry on a conversation.. The idea of this rezone proposal, which would increase the traffic and density and noise level, is very discouraging, especially since they just moved into their home in July.

Leo Heer, 575 West Main. He and his wife have lived in their home for 42 years. Before they bought their home, they investigated the zoning and felt assured that it would always be low density residential. They like it especially because it is a school residential area. It has a flavor of its own. The thing that seems odd would be to take a capsule and impose what it will bring or can bring an entirely different flavor to the area. He talked with a resident who lives near the university campus and asked if her property increased in price after a 5-story apartment complex was built near her home. He presumes that once something commercial or higher density goes in, property values around it would go down. How would members of the City Council and the P&Z Commission like high density like this request near them? They appreciate having been notified about this request.

Kent Jolley, 85 West Sunset Circle. He and his wife built their home 45 years ago. Over the years, it has become more difficult for them to get onto Main Street. The main issue that is not being considered is the amount of traffic. You cannot imagine the amount of traffic that has increased as traffic comes into Rexburg from Highway 20 and also the amount of traffic that comes from Hibbard and Burton. Apartment renters would have the same problem. The city of Rexburg has the responsibility to see to it that traffic coming into Rexburg should have a corridor that is as safe as possible. If we add to that with a large development here, that is not the right thing to do. It is tough enough now for Sunset Circle and K Street residents to get onto Main Street. If there are developers who want to move forward, there are many other locations where there could be such a development. He is opposed because there is already too much traffic here.

Bob Carlson, 539 West Main. He is also concerned with safety. He cannot carry on a conversation on his front porch. Can you imagine another 150 cars? Cutting through the Kennedy schoolyard? It is going on right now.

Jared Stultz, 707 West Main. He walks downtown to work. He does not think it is a good idea to rezone.

Kathy Beesley, 15 West Sunset Circle. There is only one way in and out of her street. She has to leave early in order to get to work on time. Her biggest concern is safety. A lot of children walk down or across Main Street to Kennedy School. There are many cars on the street. There have been several recent accidents on East 17th in Idaho Falls where people were killed. She is concerned it could happen here. This is a family community. She would love to see it remain that way. She understands that more apartments are needed for university students. Building apartments on Main Street is not the answer. There are other areas. Think about people and what is best for this community.

Janet Goodliffe, 70 K Street. They have lived here for a number of years. Some time ago, K Street was moved from LDR1 to LDR2. There has been a slow encroachment. A lot of the rental properties are not being taking care of now. A lot of the owners are out of state. She is more concerned with the idea that there is nothing they can do about it. What she has seen is a sort of scavenger hunt to find properties to turn into rentals without the cost of doing what is

needed. There is encroaching on single family neighborhoods. It is an inherent problem. In the future there could be a sign that says Rexburg is for rent because there will not be any single family homes left. Look at the future of the single family neighborhoods and not necessarily the future of BYU-Idaho or commercial developments. What make a city are families. Think about what happens - 5th West has become a pock mark of all kinds of development.

Protect single family neighborhoods. Main Street is the gateway into Rexburg. Make decisions now that are for the future families in Rexburg.

Adam Harrop, 39 K Street. He gave an analogy of a story of plant growth related to city growth.

Let's not be the person who plants a little bush that will become a huge mess for someone else

Take the subject property and make it into a park. It would be a long term better plan.

He is against the request. It is a pocket and poor planning. We need to look 50 to 100 years down the road. The Comprehensive Plan 2020 is too close.

Kory Lofthouse, 50 East Sunset Circle. It is dangerous to come out to Main Street from his home.

Near the new Maverik, there often are accidents. This is a residential area. His first concern is safety.

More housing for students is needed, but not here. Let's keep our residential area residential. Do not overpopulate this east/west route through town.

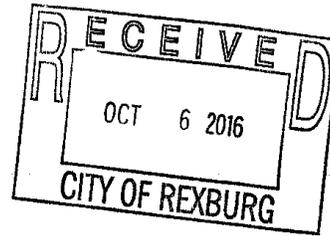
Written Input:

The letter is part of the official record of this Public Hearing:

1. Letter from James and Karen Newman, opposed to the proposal - read by Commissioner Melanie Davenport.

Elaine McFerrin

From: Blair Kay
Sent: Thursday, October 06, 2016 2:28 PM
To: Elaine McFerrin
Subject: FW: zoning change on west main



From: no-reply@rexburg.org [mailto:no-reply@rexburg.org]
Sent: Thursday, October 6, 2016 1:47 PM
To: Blair Kay <Blair.Kay@rexburg.org>
Cc: gms1@q.com
Subject: zoning change on west main

This message was sent from Rexburg.org:

10/06/2016 Planning and Zoning Commission Public Hearing to amend Zoning To whom it may concern I wish to state that we are against changing the zoning for the propertyâ€™s at 679, 665, 651, 649,629, and 611 West Main from LDR2 to MDR2 this is one of the main entrances to the city we do not need any more student housing on our entry. Main street is already a very busy street anything developed in that space would have to come and go to main street. If more housing is needed let it be developed on a feeder street. I wish that you would quit making exceptions to our neighborhoods. The residential neighborhoods should be protected from high density and commercial uses. What else is the purpose of zoning but to protect residential areas from over development. The Planning in your name is for just that not to be the developers best friend. I am sorry this is late but we live beyond the 300-foot area you notified, but we are impacted by any change you

make to this zone, we only heard about the proposed change at noon today 10/6/16 because our neighbors brought it to our attention. James B. Newman and Karen Y. Newman 34 W Sunset Circle Rexburg, ID 208-356-5533 or 208-351-3570

You may reply to gms1@q.com.
Sent at 2016-10-06 13:47:00

Rebuttal:

Kelly McCandless declined the opportunity for rebuttal.

Chairman Walker closed the public input portion of the hearing.

Community Development Compliance Officer Natalie Powell thanked the citizens for coming tonight and expressing their feelings and concerns about this issue and the importance of the community. The Commissioners and city staff care a lot about their city as well.

All developments are held to city standards including buffering, landscaping, sidewalks, etc. She read the Public Works staff review.

Public Works Department Staff Review

File #16 00605 – JJKH 5

Requesting to change the zoning from Low Density Residential 2 (LDR2) to Medium Density Residential 2 (MDR2))

Property Location: 679,665, 651, 649, 629, and 611 West Main

- 1. The proposed rezone is in an area that is almost exclusively single family residential and would be a spot zone in an existing neighborhood. The area is shown as 4.53 acres but approximately 0.58 acres is the existing West Main Street right-of-way by use, if not by deed.*
- 2. There is a 6 inch water line that runs through the middle of 5 of the 6 proposed lots. This line is adequate for the existing uses, but would require a detailed analysis for the support of a large housing complex.*
- 3. Sanitary sewer is located on the north side of the lots and will probably be adequate for the proposed zone change.*
- 4. If this area is zoned MDR-2 it would allow for somewhere between 94 and 108 housing units. West Main is already a very busy road and this would add an unsafe burden with the increase in traffic entering onto west Main. West Main is a state highway and an access permit would need to be obtained from the Idaho Transportation Department for this new access use.*
- 5. The proposed development is approximately 1,000 feet from any existing high density housing and would be a big jump in the proliferation of high density throughout the city. This would not be creep of the high density housing, but would be a big leap.*

For numerous reasons Public Works would have to object to this zone change.

It was clarified that the rezone request is about the use of the land, not a specific project.

Compliance Officer Powell thanked the Commissioners for their time and efforts. They have the responsibility of helping to create safe neighborhoods and orderly development as growth takes place, for all levels of uses and amenities.

Steve Oakey said the number one concern he is hearing tonight is traffic and safety, followed by other areas of the city being available for such development. There also seems to be some objection to outside developers or money coming in and investing in our community. He asked the City policy about traffic and safety. Main Street is Highway 33 and is controlled by the state.

Compliance Officer Powell explained that the city traffic and safety board meets once a month often discussing several areas in town. They look at all kinds of factors. They take input from members of the community and look at any issues of concern. Traffic studies are sometimes required for projects to help eliminate safety concerns. If this rezone request came forward, it would be examined to help make a better, safer situation.

In the case of this rezone request, ITD (Idaho Transportation Department) would have to approve the plan for development access, not just City staff.

She reiterated that the number one goal is safety for the community. The entrance and access would be examined to make it as safe as possible.

Steve Oakey asked if there is a requirement in the code that forces people to develop empty lots with whatever the city decides to put on them.

Compliance Officer Powell clarified that there is not such a requirement.

Steve Oakey said so it is completely up to the property owner to decide what to put on their property in conjunction with existing codes.

Compliance Officer Powell stated everyone has their property rights. Certain standards are required, as far as making a building/property attractive, pleasing, and pedestrian friendly. The project is reviewed by staff for safety, setbacks, etc., but it is entirely the developer's project.

Chairman Walker clarified what is put on a lot would have to be allowed in the zone that the property is in.

Steve Oakey asked if the city shows preference for local developers.

Compliance Officer Powell clarified that the city does not show any preference. They do not ever ask personal questions of an applicant as to where they are from, etc. It is all based on the information being requested, looking at the zone, how something may fit in the community, safety, and there is no issue with where a developer or applicant is from

Melanie Davenport said the Comprehensive Plan does expire very soon, but Envision Madison recently concluded. Is there an indication from Envision Madison on what the community would like in this area?

Compliance Officer Powell explained that Envision Madison was a community-wide effort, and there were several townhall-type meetings. They saw Main Street as the community grows, with all levels of housing and amenities including the Main Street downtown area. As one is going out in either direction, Main Street becomes more residential. The Envision Madison study can be found online at rexburg.org.

Melanie Davenport said that Envision Madison seemed to see Main Street as kind of the way it is now. The Comprehensive Plan was done so long ago that it does not take into account the growth of the University and the city. The most forward-thinking we have right now is Envision Madison.

Chairman Walker expressed that Envision Madison did not run its full course. It was not known whether there was a vote on a specific solution.

Greg Blacker asked the status of the former Squires Brick property across the street from Kennedy School. **Compliance Officer Powell** said the project is on hold at this time; the developer has not turned in any plans to the city for what will be called Providence Square.

Mr. Blacker asked about other land on Main Street just east of 5th West where some homes were taken out and where there was to be a development. Compliance Officer Powell stated nothing has moved forward yet.

The land behind Wolfe Lighting has also not moved forward for development.

Chairman Walker summarized that the question before the Commission, is should the specified property be changed from LDR2 with all its associated rights to MDR2 with all its associated rights? The property located at 629 West Main is no longer part of the application as stated earlier by the applicant.

The Chairman asked if any of the Commissioners wished to declare a perceived or direct conflict of interest with this request. There were none.

Greg Blacker said he remembers when the university came here years ago. At that time, the City Council and the Mayor said they did not want this to be an apartment community. They wanted the corridor from Highway 20 to be homes as someone comes down Main Street into town. They wanted people coming into Rexburg to see what the city stands for. There are many nice homes on Main Street, some with circle driveways to help get in and out. Many of the houses are brick. He feels the area needs to remain the way it is. It gives the community the look we want. Apartments would take away the initial look and feel of the community.

Melanie Davenport agreed with Mr. Blacker. A lot has changed since the Comprehensive Plan was adopted. The intent of the community appears to be that they would like the area to stay residential homes. Where staff has indicated that this would be a spot zone, it would be even more problematic, especially with 1 property not included.

Gil Shirley stated he likes to see growth and change, but if the Gibson property is not included, it does not make sense. He is very concerned about traffic. There are residential homes in all 4 directions. It could be a question of timing. He is not very excited about this zone change request.

Mark Rudd agreed. Main Street is the gateway into Rexburg, as was mentioned several times. This entrance into Rexburg is different than the other entrances. The request looks like a spot zone. There is overwhelming opposition from the community that is here tonight. They have all made good points, and he agrees with them.

Chairman Walker said this is a hard issue for him, being a transplant in Rexburg. He has always felt it a little odd that there is housing on Main Street, but that is part of Rexburg. The request made more sense with all six properties. He struggles with this. The area is far away from higher density. It seems to leap frog. He agrees with the Commissioners who have spoken before him.

Steve Oakey said the issue of timing does not carry much weight for him; the owner of the property will determine the value of the property and the best use of the property, regardless of what others may think about that use. He has tried to ask some questions to alleviate concerns about traffic and safety. It has been the policy of the city for a very long time to deal very seriously with traffic and safety, with overcrowding in schools, and with allowing outsiders and insiders to develop how and what they may on their own property which is freely and voluntarily acquired.

Mr. Oakey places a great deal of value on people being able to do what they choose to do with their property. The simplicity is allowing each and every person in this room to decide how to deal with their property. As long as there are no safety or health issues associated with it, and as long as those agreements are done voluntarily, than he weighs on the side of the owner to make sure that they maximize their property.

The Comprehensive Plan is an exercise in hubris because it seeks to envision something we cannot see. He also has issues with Envision Madison.

He would want the owners of these subject properties and the surrounding properties to voluntarily maximize the value of their properties, and he would not stand in their way. Timing is up to them.

John Bowen stated he agrees with the Public Works review comments. If we allow over a possible 100 units to be here, there would be double that amount of cars that would be coming in and out of the complex every day, on West Main Street, the busiest street in town. That does not make sense to him. Mr. Oakey says someone should be able to do whatever they want with their property. In that

case, why is the Commission here? The Commission is here to judge what is best for the city and community and to help make things better. Things do not mesh to allow this subject property to be changed to a medium density area. A school is right there. 5th West is packed with children. It is a very busy area. We have to protect the homes and the people. There is property in other areas to build the needed housing.

Greg Blacker motioned to recommend to the City Council to **deny** a rezone request for 679, 665, 651, 649, and 611 West Main (excludes 629 West Main, which is no longer part of the proposal) – from Low Density Residential 2 (LDR2) to Medium Density Residential 2 (MDR2) .

John Bowen seconded the motion.

Those in Favor:

Greg Blacker
Mark Rudd
Jedd Walker
John Bowen
Melanie Davenport
Gil Shirley

Those Opposed:

Steve Oakey

The **motion carried**.

Unfinished/Old Business: None

New Business: None

Non-controversial Items Added to the Agenda: None

Report on Projects: None

Tabled Requests: (Remains Tabled)

1. Conditional Use Permit – 322 West Main - to allow per the Rexburg Development Code Section 3.7.025, a “Boarding House” (i.e. nightly rentals; short-term rentals) in a Medium Density Residential 1 Zone

Building Permit Application Report: None

Heads Up:

October 20, 2016 P&Z meeting:

1. Comprehensive Plan Map Amendment – 150 North 2nd West, 164 West 1st North, and approximately 203 West 1st North - Light Industrial and Neighborhood Commercial/ Mixed Use to Neighborhood Commercial/Mixed Use – Jeff Lerwill, Ryan Lerwill, and Scott Campbell
2. Development Code Ordinance No. 1115 Amendment – Concerning substantive and non-substantive changes

The meeting was adjourned at 9:13 pm.