

Planning & Zoning Minutes

January 16, 2014



CITY OF
REXBURG
America's Family Community

35 North 1st East
Rexburg, ID 83440

www.rexburg.org

Phone: 208.359.3020
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Commissioners Attending:

Winston Dyer – Chairman
Dan Hanna Gil Shirley
Jedd Walker Melanie Davenport
Mark Rudd Cory Sorensen

City Staff and Others:

Stephen Zollinger – City Attorney
Natalie Powell – Code Enforcement Officer
Daniel Widenhouse – Community Development Intern
Elaine McFerrin- P&Z Coordinator

Chairman Dyer opened the meeting at 7:03 pm. He welcomed everyone, including a number of students here to observe the meeting process. There is a public hearing process tonight. They will be able to see how in America everyone is guaranteed their right to give their input and thoughts without fear or intimidation.

Community Development Director Val Christensen was excused.

The Chair announced that newly elected Councilman Brad Wolfe will now be the P&Z Commission's new City Council liaison.

Roll Call of Planning and Zoning Commissioners:

Mark Rudd, Jedd Walker, Cory Sorensen, Winston Dyer, Dan Hanna, Gil Shirley, Melanie Davenport

Thaine Robinson, Chuck Porter, Richie Webb, and Mary Ann Mounts were excused.

Minutes:

1. Planning and Zoning meeting - January 2, 2014

Dan Hanna motioned to approve the Planning & Zoning minutes of January 2, 2014. **Cory Sorensen** seconded the motion.

Gil Shirley abstained for not having been present.

None opposed. **Motion carried.**

Public Hearings:

1. 7:05 pm - Comprehensive Plan Map Amendment – 1042 West 7th South - Single Family Residential to Low-Moderate Density Residential

Chairman Dyer explained the procedure that is followed for a public hearing. First, there will be a presentation given by the applicant or representative about the proposal. The Commissioners and the citizens will be given the opportunity to ask clarifying questions about the proposal. Staff may then give the Commission information that would be helpful in understanding what is being requested. The public comment portion of the hearing will then be opened for those who wish to testify in favor, as neutral, or opposed to the request. If there is opposition, the applicant will be given the right of rebuttal, much like in a court of law. During the public testimony, there can be no back and forth between the audience and the Commission. The staff evaluation and

recommendation will then be given, followed by deliberation by the Commission to make a decision. The P&Z Commission is an advisory body to the City Council.

Lisa Ellis, 1042 West 7th South, applicant and owner. She thanked the Commission for the opportunity to come before them again. She feels this requested Comprehensive Plan change is more appropriate than the previous time (July 2012). The person representing her asked for a very inappropriate change. She is now asking to change the Comprehensive Plan Map land use designation to Low-Moderate Density Residential from Single Family Residential. The change to Low-Moderate Density would act as a buffer between the high density on the east side of the property and the single family residential to the north and west.

Mrs. Ellis feels her request is reasonable. There are several things the change would do that would complement the City's plan. If she ever were to sell the property and move, the use of livestock would be eliminated. Having livestock is a scary thing; young children from the townhomes to the east think the little ponies are fun.

If the change is approved, it would also eliminate the use of the ditch on the east side of the property for watering which is scary in the summer with small children nearby. Installation of sidewalks would eventually be required, which would make the area safer for the public and pedestrians including parents walking their children to school.

She reiterated the change would act as a buffer between the high density and the residential.

The subject property was viewed on the overhead screen.

Gil Shirley asked for clarification that this request is just for one property.

Lisa Ellis said it is for one property. She clarified that Mr. and Mrs. Hernandez, her neighbors to the west, were part of the request in 2012, but they could not join in at this time.

Cory Sorensen asked for clarification of the ditch location.

Lisa Ellis pointed out the ditch to the east of her property on the projected map.

Dan Hanna asked who the ditch services.

Mrs. Ellis said the ditch services her property and the Hernandez property.

Mr. Hanna asked how long Mrs. Ellis has lived at the subject location.

Lisa Ellis stated she has lived there for 20 years.

Mr. Hanna said she has experienced change and high density growth around her and has survived all the traffic.

Lisa Ellis said she has no immediate plans to sell the property. She just wants to do what is responsible for later on down the road for her future.

Mr. Hanna pointed out that Mrs. Ellis has been more impacted than anyone by the development around her, because she was there first.

Cory Sorensen asked if the Meadows complex has sidewalks in front of it.

Lisa Ellis said the Meadows has sidewalks.

She clarified if the Comprehensive Plan is changed, if someone comes in and builds, they would be required to add sidewalks. There are no existing sidewalks around her property.

Chairman Dyer thought this was the third time the property was before the Commission. He asked Mrs. Ellis to review how this request is different.

Lisa Ellis clarified it is the second time the property is before the Commission. She believes she is asking for a more appropriate Comprehensive Plan land use designation change to Low-Moderate Density Residential rather than Moderate-High Density Residential that was previously requested by the realtor who had represented her, which does not conform to the single family housing here. The Low-Moderate Density Residential Comprehensive Plan land use designation would make a good buffer between the single family residential and the high density.

Chairman Dyer said if the requested Comprehensive Plan change from Single Family to Low-Moderate Density Residential takes place, what is the maximum density per acre allowed in the Medium Density Residential 2 (MDR2) zone if the subsequent zone change were to take place?

Stephen Zollinger said 20 units per acre is the maximum density allowed in MDR2.

Natalie Powell stated buildings with more than 4 units would require a CUP.

Chairman Dyer said that with the 2.5 acres on the subject property, there could possibly be about 50 units, or another 100 people.

Melanie Davenport asked for clarification on the sewer situation.

Lisa Ellis said there is City sewer all around, but she is on septic. Sewer has not been brought down 7th South. She reiterated there is no project planned for her property.

Melanie Davenport said Mrs. Ellis has identified some benefits for this change. Does she feel that the benefits outweigh the negatives of having a higher density?

Lisa Ellis said yes. The Heinz property to the south of her home has a Comprehensive Plan map land use designation of Neighborhood Commercial/Mixed use. She is more concerned with what may come on that property with the possibility of creating more traffic. Eventually, the sewer system will have to be addressed.

Jedd Walker asked the density allowed currently for this property.

It was clarified that the density is one single family dwelling per lot in the Rural Residential 1 zone, which is the subject property's zoning designation.

Stephen Zollinger stated that under the current Comprehensive Plan preferred land use designation of Single Family Residential, the Low Density Residential 3 zone would allow up to 8 units per acre.

The **Chairman** clarified for the citizens who were present that the Comprehensive Plan Map is the wish list - what is foreseen, and what the City feels is best in certain areas, or the direction of where growth and development will go.

The Zoning map is the actual law and regulations as applied to a property and what can be allowed. This public hearing is for a Comprehensive Plan change. If the Comprehensive Plan designation is changed to the requested Low-Moderate Density Residential, the applicant would have the right to ask for whatever zones are allowed under that land use designation.

Chairman Dyer asked if the audience had any questions to help them understand the proposal. Any personal comments should be given at the time of public testimony.

A citizen asked why there is the need for more on the subject property. The neighbors around her have one home on the same size lots.

Lisa Ellis said Willow Brook was originally in the County. She feels the change she is requesting would be a good buffer between the homes and the higher density.

The citizen thought it seems the density would be higher than the Meadows. Chairman Dyer said other factors may be involved, such as parking requirements, so that the number of units may be less than the number allowed.

A citizen asked if this subject property would connect to the Meadows sewer. Stephen Zollinger said there is capacity throughout the area for this level of development. Connectivity and location of sewer would be the developer's responsibility. This would likely be in concert with a widening and sidewalk project for 7th South. This request would not push the sewer capacity to a new level. 7th South is already a problem street. This would not push it to a worse road category level.

A citizen asked if the Ellis property along with the neighboring property were going for this request, would the road category be worse. Stephen Zollinger said it would not change the road category. It is a situation that will need to be addressed. The Meadows and other locations here are going to be the winner as things develop. Costs would be shifted to newcomers regarding road, sidewalks, sewer, etc.

A citizen asked for clarification on what can be on the subject property. Chairman Dyer said if the Rural Residential 1 zone of the subject property were changed to Low Density Residential 3, which is a zone that is also under the Single Family Residential Comprehensive Plan map land use designation, 8 units per acre, not 8 houses, could be allowed. Under the current Rural Residential 1 zone, only 1 single family home is allowed.

The concept of buffering was explained. If there is a low density and a high density, you work your way up gradually and do not put highest density next to the lowest density. Step down or up for a gradual change.

Cory Sorensen asked the maximum density of the zones allowed under the Neighborhood Commercial/Mixed Use land use designation. Stephen Zollinger said there is no maximum. It depends on the proposal, land size, etc.

It was clarified that the Meadows property to the east is under the Moderate-High Density Residential Comprehensive Plan land designation, which allows up to 42 units per acre if the property were zoned High Density Residential 2. The property is zoned Medium Density Residential 1. Tonight's request to change the Comprehensive Plan Land Use Designation to Low-Moderate Density Residential from Single Family Residential would allow 2 additional zones that could be requested, Medium Density Residential 1 (MDR1) or Medium Density Residential 2 (MDR2).

The public hearing following this one is a request to change the zone of the subject property from Rural Residential 1 to Medium Density Residential 2 if the Comprehensive Plan map change request is approved.

Dan Hanna said the Public Works review states that staff is "... concerned with any significant increase in traffic due to the fact that there is only 1 outlet to serve this area and the existing traffic of The Meadows..." He asked for the term "significant increase" to be clarified. Mr. Zollinger said "significant" is a subjective term. Does 200 trips on that street constitute a significant increase? There is not a formal traffic study but the estimate would be it would not. This street is currently a topic of discussion between the City of Rexburg and the Idaho Transportation

Department. The street was inherited from the County. The Meadows is served by 1 small entrance where they put in a road, but they have no responsibility for the rest of the road. Currently the City would not allow this. It is now required of a developer to widen the road. The developer here would likely be required to develop their section according to new City standards. Ultimately the 7th South problem will be resolved.

Chairman Dyer opened the public input portion of the hearing.

He noted that a number written input letters have been received. A citizen is allowed to give one input on the hearing. For anyone who submitted a letter, a citizen could have their letter stand as representing their input, or they may speak, but they may not do both. Every person has only one say or voice.

In Favor:

One letter in favor of the proposal was submitted by Gabriel and Ruthlee Hernandez. The letter is included below under the Written Input section of these minutes and was read into the record by Chairman Dyer.

Neutral: None

Opposed:

Dan Moldenhauer, 1049 Arctic Willow Dr. His home is behind (north of) the Hernandez property that is to the west of the Ellis property. His comments are more toward the zone. The Meadows property is zoned MDR1. That is 16 units per acre. He feels Mrs. Ellis' request for MDR2 if the Comprehensive Plan change request is granted would not provide a buffer because the density allowed would be higher than that. A rezone would make the problem worse. The safety of the road was spoken of 1½ years ago when this property came before the Commission for a Comprehensive Plan map change request. A development would make the problem worse until the road is fixed. They have helped people stuck in the snow on 7th South several times over the last few years. They love the rural setting here. They are trying to preserve that rural setting and neighborhood. They moved here because of the hometown feel and would not want apartments looking into their back yard. If the land use designation moves forward and the zoning is changed, that would severely damage the feel of the neighborhood and could potentially affect property values.

Teresa Moldenhauer, 1049 Arctic Willow Dr. As has been talked about previously, the Comprehensive Plan has been designed with a lot of thought. There are a lot of areas in the City that are already designated for this moderate density that have not been developed. Maybe those areas should be looked at and developed prior to cutting into the rural setting that exists here.

Darla McCoy, 642 Blue Willow Circle. If this acreage is changed, it would be even higher density than she had thought. It is pushing higher and higher density in a rural space. Roads are bad. Many winter nights, they have helped people who are stuck on the road. There are a lot of cars and pedestrians, including children, mothers with babies, people walking their dogs, etc. They do not need more people driving on 7th South.

Written Input:

All of the written input letters were read by Chairman Dyer, one letter in favor of the proposal, and four letters in opposition to the proposal. The letters are part of the official record of this Public Hearing:

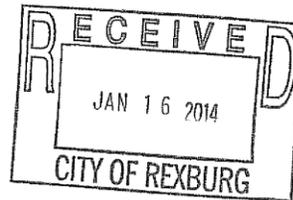
1. Letter from Gabriel and RuthLee Hernandez, in favor of the proposal

2. Letter from Mike and Michelle King, opposed to the proposal
3. Letter from Mark and Susan Pugh, opposed to the proposal
4. Letter from Wade and Judy Pugh, opposed to the proposal
5. Letter from Rich and Tammy Geddes, opposed to the proposal

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

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

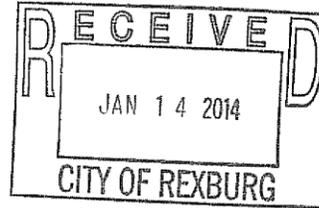
Gabriel & RuthLee Hernandez
1068 West 7th South
Rexburg, ID 83440



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

January 13, 2014

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



Dear Rexburg Planning and Zoning Commission:

Subject: 1042 West 7th South, request to change comprehensive plan (#13 00532) and request to rezone (#13 00533).

We strongly disagree and oppose the proposal to change the comprehensive plan and the zone of the property at 1042 West 7th South. This area needs to remain Single Family Residential for the reasons listed below.

There is already a large amount of traffic that exists on this very busy section of 7th South. There is only one access to the property. The amount of traffic and limited access needs to be considered in situations that require an ambulance, a fire truck, or any other emergency. During winter storms, this road is often down to only one lane as the snow blows across the fields opposite of the property. This area cannot safely handle more density.

It is extremely important for Rexburg to keep some Single Family Residential zones. Changing the comprehensive plan and the zone would significantly decrease the value of the homes in the neighborhood. It would change the characteristics of the neighborhoods all around it. We feel it would have a negative effect on all the property in the surrounding area.

There is no reason to change the comprehensive plan. This property has value with the existing zoning it already has. The zone change that has been requested is very broad in description and could include a wide range of possibilities. This area needs to be carefully considered because it sits right between an established city neighborhood with large lots and existing high density townhome buildings. The Rexburg neighborhoods with longtime residents need to be protected.

Please carefully consider the effect this would have on the wonderful hometown feel of Rexburg for this entire neighborhood. Please keep it Single Family Residential as it is.

Thank you,

Mike & Michelle King

January 13, 2014

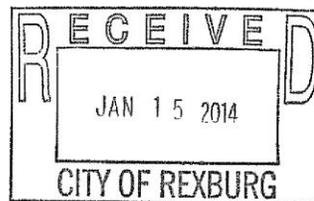
To Whom It May Concern:

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

Thank you,

Mark Pugh
Susan Pugh

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



January 13, 2014

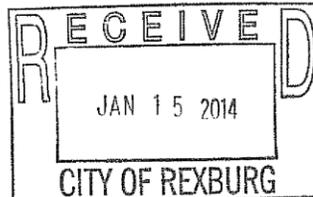
To Whom It May Concern:

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

Thank you,

Wade & Judy Pugh
Judy Pugh

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



Elaine McFerrin

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

To whom it may concern:

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

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

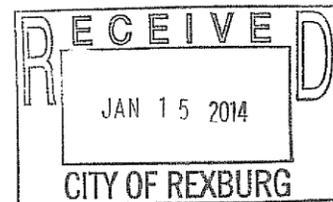
If a proposal is being made to increase the zoning on this particular parcel, we would ask that you carefully consider the potential conflicts that could arise. An increase in the density which would increase the traffic of that parcel could adversely affect the safety of the children who potentially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

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

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

Thank you for your time and your service.

Rich and Tammy Geddes



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

Rebuttal:

Lisa Ellis stated regarding the snow and several cars off the road, she has only seen that once about three or four years ago and has seen the road impassable only a handful of times over the 20 winters that she has lived on this property. Where there is an open field this is going to happen. As the area develops, the problem will basically take care of itself. It also sounds like the City is on top of addressing the traffic problem on 7th South. She thanked the Moldenhauers for their input; their back yard is up against the back (north) of the Hernandez property on the west, and she feels they are not as much affected as those who are actually on 7th South.

Natalie Powell reiterated that this hearing is dealing with a Comprehensive Plan map change request and not the zoning of the property. Mrs. Ellis is requesting the Low-Moderate Density Residential Comprehensive Plan land use designation. The Meadows Comprehensive Plan land use designation is Moderate-High Density Residential.

Chairman Dyer asked for staff evaluations.

Stephen Zollinger gave the Public Works Department review. As the property develops, roads and connectivity would need to be addressed. Water capacity is more than adequate. Connection would be required of the developer to access a sewer water line.

The Community Development Department staff report addressed that the applicant is requesting to change the Comprehensive Plan map designation to Low-Moderate Density Residential from Single Family Residential. The applicant feels this designation is consistent with the property bordering on the east. As stated earlier, the City Engineer is concerned with the availability of sewer to the parcel and the addition of traffic onto the street that has only one outlet. It was recommended the Commission after taking testimony determine if this use would adversely impact the adjoining neighborhoods to the north and west.

Melanie Davenport asked for clarification of the objective of the Comprehensive Plan for this area.

Stephen Zollinger said the City inherited The Meadows complex from Madison County. At the time The Meadows was originally proposed and developed, there was little planning taking place outside the City limits. The property was annexed in to the City as part of an infrastructure expansion. The City ran water down 7th South and the sewer through the area.

The City looked at the area as one of growth for the City. The Willow Brook subdivision was developed as County lots. The Comprehensive Plan goal was to bring this area into a more City type of development, which is more in tune with the rest of the Willow Brook area.

The goal of planning is to provide for reasonable, responsible development of properties within the City of Rexburg, as it becomes timely. The applicant believes the best way to develop her property in a responsible and reasonable fashion is something between high density and the homes to the west.

The Chair clarified that the subject property could go to as high as the Low Density Residential 3 (LDR3) zone under its current Single Family Residential Comprehensive Plan designation.

The request before the Commission could potentially lead to a zone change.

Melanie Davenport wished to address the LDR3 purpose as stated in the Development Code.

For clarification, **Gil Shirley** read from Development Code, Section 3.6.010 Low Density Residential 3:

“The LDR3 zone is established to protect stable neighborhoods of detached single-family dwellings on smaller lots. The conditional uses allowed in this district shall be compatible with single-family homes on landscaped lawns, low building heights, predominantly off-street parking, low traffic volumes, and low nuisance potential. Two-family dwelling units are conditional uses within this zone, not to exceed more than one structure per lot (except detached garages and other outbuildings). The maximum density permitted in this district is eight (8) dwelling units per acre.”

Stephen Zollinger stated that MDR1 has the same language. The purposes of the land use designations and zones are to provide tapering, going in one direction or the other. Going toward and close to the university are higher Comprehensive Plan designations and zoning. The Commission is looking at if the request to change the Comprehensive Plan designation to Low-Moderate Density Residential for the subject property is appropriate; given the density of the area to the east of the subject property, the applicant wants to be the step between that and the lower density homes.

Chairman Dyer asked for thoughts on the proposal; the Commission should explore both sides of the issue.

Melanie Davenport said this is going from a Rural Residential area (Single Family Residential Comprehensive plan designation) and then is skipping a section and going to a higher density. The next level is completely skipped. She cannot resolve this.

Cory Sorensen sees that point on the zoning side. This is not zoning; this is the Comprehensive Plan land use designation. The Comprehensive Plan is Moderate-High to the east and Single Family Residential to the north and west. This would be a Comprehensive Plan step up to Low-Moderate and below the Moderate-High on the east.

Dan Hanna said it is an unusual situation. If anyone has been impacted it has been Mrs. Ellis. The City would not have multi-family in this area if it did not already exist (The Meadows). It is a struggle. If the Comprehensive Plan request is approved, the zoning being asked for is not creating any buffering. The Meadows can be a higher density by right of the Comprehensive Plan, but by right of zoning, it is not going to change. If the applicant by right of the current Comprehensive Plan designation of Single Family Residential, requested the LDR3 zone, that would be a step in-between with a maximum density of 8 units per acre.

Chairman Dyer said it is logical thinking for the applicant to be thinking of a step down from the higher density on the east with the lower density on the west. What do you do with this tiny corner in relationship to what is around it? Does the corner belong with single or multi-family? The Commission and City Council did some very detailed and lengthy planning discussion in comprehensively planning this entire area west of the highway. It was recognized this would likely be a commercial center because of the type of traffic and the access that is afforded by the higher level of transportation facilities, plus the demand for traffic with the high school, plus an interchange that typically develops commercially around it. So it was decided that around that intersection the designation would be commercial.

The Comprehensive Plan for the land to the south of 7th South was designated as Neighborhood Commercial/Mixed Use for the opportunity to see what the area would become, to give the opportunity to invite either commercial or residential to be here.

The City never would have put multi-family where The Meadows is located; the area was comprehensively planned to be lower density development with higher density multi-family near to the University. At the same time, it is a good buffer between the highway and the lower density. A ribbon of land on the west side of the highway was then planned to be this way to allow a little denser development to serve as a buffer. From that point west, single family residential was comprehensively planned. That is the direction foreseen and desired for growth, which is exactly what the Comprehensive Plan map does.

After a lot of thinking and discussion that went into the formulation of the Comprehensive Plan, Chairman Dyer believes the area was properly comprehensively planned, and he cannot see taking a tiny piece of land to add to multi-family.

Dan Hanna said that although The Meadows was inherited from the County, the City was in a position to limit the Meadows density but did not do so and helped to create more impact on 7th South.

Stephen Zollinger clarified the City choose not to forcefully take any action when they took over the build out, which was already approved by the County.

Mr. Hanna said he does not feel a Comprehensive Plan designation would affect property values for the surrounding Willow Brook subdivision property owners. The subject property and that area were here first.

Jedd Walker stated Mr. Hanna verbalized that the current Comprehensive Plan for the Meadows allows a higher density, but the reality is that it is currently a lower density and the probability of a higher density there is quite low. The south end density is lower than the north end, so the density adjacent to the subject property is lower.

He is struggling with a Comprehensive Plan map change here. It does not make sense. The current Comprehensive Plan makes the step down.

The current land use adequately buffers the Meadows.

As Mr. Walker expressed at the first hearing regarding this property in August 2012, the density first needs to be developed in the areas the City has already designated to be densified. So, the timing is not there for the request they are hearing tonight.

Chairman Dyer said if density is going to be added here, there would be concerns already expressed by the City Engineer regarding traffic, utilities, etc. that need to be addressed. The question of timing is, is it appropriate to allow densification, putting it on the existing facilities?

At this point in time, that would not be good planning. Should the City decide to eventually come in so that traffic, utilities, etc, are not so much of an issue, then there might be greater consideration for such a change.

Lastly, the City has spent a lot of work and time on their planning. The Commission and City Council have consciously and proactively designated quite a number of areas and a number of preferences as to where they would like to see the density and multi-family development occur. A lot of work on the issue of infill has been done in the last 18 months, trying to incentivize and encourage infill of other areas on the east side of the highway and closer to town for the multi-family type of development. He personally has some concerns about expanding multifamily development over on the west side of the highway in a small piece-meal fashion that is not part of a larger piece of property.

He is not in favor of the proposed Comprehensive Plan change.

Dan Hanna said he does not want to penalize Mrs. Ellis for poor planning.

Cory Sorensen said the whole area west of the highway is one of the biggest unknowns the City may have. What impact are the high school and elementary school going to have on the area? We have not seen this yet. As more things happen, commercial and other things eventually may come. Something big happening in the Neighborhood Commercial/Mixed Use area may drive the issue, not this small 2-acre piece. It is a matter of timing. The timing is not right for a Comprehensive Plan change.

Melanie Davenport said the City population is not growing at the rate that was first predicted. She would hate to see the designation changed and then not work out. She wants the best outcome for Mrs. Ellis as well.

Dan Hanna asked Mr. Zollinger to clarify the issue of plans regarding 7th South.

Stephen Zollinger said the issue is simply a subject of discussion at this time. City Engineers Keith Davidson and John Millar have met with Idaho Department of Transportation (ITD) and talked about infrastructure demands being made on the City's streets. ITD will not look at a non-interchange overpass at this time (7th South alignment), but it will not be ruled out.

If the Heinz property to the south of the subject property develops, it could drive some further discussion. In the absence of that, 7th South would be looked at by Public Works and Engineering Departments simply for creating a more defined travel way and pedestrian access in acknowledgement of the fact that the Meadows contains close to 167 units, and there are many children who are walking to school. The issue remains a concern. Rexburg suffers from about a 13 million dollar deficit in their road budget at this time.

Dan Hanna said in the future a possible overpass over 7th South would create some much needed connectivity. With increased development around the Ellis property, that property may become more valuable over time. Waiting is not a penalty. Future growth may work to Mrs. Ellis' advantage. It is a question of timing.

Dan Hanna motioned to recommend to City Council to **deny** the Comprehensive Plan Map Amendment request for 1042 West 7th South (Lisa Ellis) to change from Single Family Residential to Low-Moderate Density Residential. **Jedd Walker** seconded the motion.

Chairman Dyer asked if Mr. Hanna wished to make any additional clarification to the record concerning the motion.

Dan Hanna stated that discussion as recorded in the minutes would explain the reason for the motion.

Stephen Zollinger clarified that if the Comprehensive Plan Map Amendment request was granted, and subsequent approval of the zone change to MDR2 was granted, there could be up to 20 units per acre (about 50 units) on the subject property.

Those in Favor:

Cory Sorensen
Jedd Walker
Dan Hanna
Winston Dyer
Gil Shirley
Melanie Davenport

Those Opposed:

Mark Rudd

Motion carried.

2 7:40 pm – Rezone – 1042 West 7th South – Rural Residential 1 to Medium Density Residential 2

Chairman Dyer said as the Comprehensive Plan request for the subject property has just been recommended denial to City Council, this rezone request would be opened and immediately tabled preserving it for public hearing until after the Lisa Ellis Comprehensive Plan proposal has gone before City Council for a final decision (February 5, 2014 City Council meeting). The zone change request was contingent upon a different Comprehensive Plan designation.

Chairman Dyer opened the hearing for a Rezone proposed for 1042 West 7th South, to change the zoning from Rural Residential 1 to Medium Residential 2. He reiterated that in light of the Commission's recommend to deny the Comprehensive Plan Amendment request, this rezone would need to be tabled.

Jedd Walker motioned to table the Lisa Ellis Rezone application request. **Dan Hanna** seconded the motion.

None opposed. **Motion Carried.**

Stephen Zollinger said the interested citizens who are here tonight would be notified of when and if the Rezone request would be picked up off the Table for public hearing.

Break called.

Unfinished/Old Business:

1. Development Code Changes – Discussion continued

At the last P&Z meeting on January 2nd, the discussion focused on the Rexburg Municipal Code's Title 14 Mobile Homes and Travel Trailers (Mobile Home Ordinance No. 548).

Natalie Powell has cleaned up the section containing 14.01.020 – Definitions per the Commission's direction. This revised section was given to the Commissioners for their review. The number of definitions has gone from 72 to about 30 definitions.

Any duplicate definitions that were already in the Development Code were removed. Any definitions the Commission had wanted in the section were added.

Mrs. Powell stated that Val Christensen has asked if the Commissioners want these definitions to be added into the Development Code (Chapter 2) Definitions section rather than here in the Title 14 document.

There was consensus of the Commission to have these definitions be with the other definitions in Chapter 2 of the Development Code.

Natalie Powell asked the Commissioners to take home the provided revised Definitions section and review it before the next P&Z meeting; the Commissioners may also give her input before the next meeting. She will continue working forward on Title 14 and bring the document before them with suggested changes.

New Business: None

Compliance:

Chairman Dyer said on the property south of Dairy Queen on North 2nd East, a temporary vendor is selling cocoa. The vendor is not there very often. The unit is coming apart and looks trashy.

Natalie Powell will check into this issue.

Cory Sorensen said when walking on West Main Street near the soccer field, the sidewalks are nice. Then, going east there are suddenly mailboxes in the middle of the sidewalk in front of every house. There are about 10 houses with this problem; he wondered if the mailboxes could be moved. Pedestrians have to walk in the street or on people's lawns. It is a life safety issue. It is very bad especially in the winter. There may be even more residents in the area if development projects move forward. Mrs. Powell will look into the matter.

Non controversial Items Added to the Agenda:

1. Report on Commercial Tire Design Review Committee meeting, January 10, 2014

Chairman Dyer reported for Thaine Robinson on this meeting.

Commercial Tire, at North 2nd East and East 7th North, would like to expand and add a building to the east of their current building that would front onto 7th North. The proposed metal building does not meet Development Code design standards requirements.

Some considerations were made in the Design Review meeting. The length of the building will go north- south. The building is 40 feet wide and 100 feet deep, for large trucks including semis that are having their tires serviced. The existing landscaping strip will be extended down 7th North in front of the new building. Mature evergreen trees will shield and cover the east side.

Canopies will help break up the length of the building.

Natalie Powell added that the City Engineer would like 2 entrances rather than 4 entrances to the property. The applicant is working toward this and has gotten down to 3 entrances. Revised plans will be submitted to staff.

Chairman Dyer stated there is a City well northeast of the property. City Engineering is requesting that storm drains flow away from the well.

Natalie Powell said that the applicant will be required to clean up the existing dumpster location and add an enclosure; they will also clean up the east side of the existing building. There is to be an enclosure with a fence around it to buffer the outside storage from the surrounding property.

Report on Projects: None

Tabled Requests: None

Building Permit Application Report: None

Heads Up:

February 6:

1. Conditional Use Permit – 374 and 378 Eagle Summit - to allow a Twin Home in a Low Density Residential 2 (LDR2) zone.
2. Conditional Use Permit – 229 and 241 South 5th West, Unit 400 – to allow Dairy Products in a Light Industrial zone. There will be a small artisan cheese plant and artisan bakery for manufacturing of the products for a growing wholesale business to high end cheese shops, restaurants, and specialty food stores.

The meeting was adjourned at 9:44 pm.