



Twin Falls Planning & Zoning Commission Minutes

Tuesday, January 10, 2023, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

COUNCIL CHAMBERS

Members -

City Limits: Craig Kelley, Chairperson; Todd Rambur; Cortney Campbell; Marilu Perez; Grayson Stone

Area of Impact: David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Chairman Kelley called the meeting to order at 06:02 PM

A quorum was present.

Members Present: Kelley, Rambur, Campbell, Stone, Perez

Staff Present: Ebersole, Glaesemann, Martoma

a) Vice Chair Election

Commissioner Rambur made a motion to nominate Commissioner Perez.
Commissioner Campbell seconded the motion.

Discussion ensued.

Motion Approved unanimously by a vote of 5 to 0.

2) Conflict of Interest Declaration

Commissioner Stone recused himself from Public Hearing Item 5a.

3) Consent Calendar

- a) Approval of minutes from the following meeting: November 29, 2022 and January 4, 2023

MOTION: Commissioner Perez moved to approve the Consent Calendar, as presented.
Commissioner Stone seconded the motion.

Motion Approved unanimously by a vote of 5 to 0.

4) Items of Consideration - None

5) Public Hearings

- a) Request for a recommendation to City Council for an amendment to the C-1 PUD Agreement #229 Canyon Properties to allow for additional building height (maximum 35') for Lot 28, Block 13, Canyon Trails Subdivision No. 10 c/o Gary N. Nelson on behalf of Canyon Properties LLC and Idaho Department of Labor. (PZ22-0158)

Staff Presentation:

Senior Planner Martoma presented the request for a recommendation to City Council for an amendment to the C-1 PUD Agreement #229 Canyon Properties to allow for additional building height (maximum 35') for Lot 28, Block 13, Canyon Trails Subdivision No. 10 c/o Gary N. Nelson on behalf of Canyon Properties LLC and Idaho Department of Labor. (PZ22-0158)

Per City Code 10-6-1.7(B), the Planning & Zoning Commission shall complete a preliminary review of the request prior to a public hearing. The preliminary review of this request item was presented before the Commission on November 29, 2022. The public hearing for this request item is scheduled to be presented before the Commission on January 10, 2023. The Commission may recommend to the City Council to approve, conditionally approve, or deny the applicant's request.

The Addendum to C-1 Planned Unit Development Agreement #229 Canyon Properties, PUD was made and entered into on August 5, 2011 (recorded with Twin Falls County on 08-29-2011), by and between the City of Twin Falls and Canyon Properties, LLC. The PUD agreement, as currently constituted, restricts the maximum building height to twenty-eight feet (28') for property located within the five-hundred foot (500') buffer zones from Los Lagos and Villa Del Rio Subdivisions. The subject parcel (Lot 28, Block 13, Canyon Trails Subdivision No. 10) is within this five-hundred foot (500') buffer zone and currently remains vacant.

The subject parcel is currently being negotiated for the site development of an office location for the Idaho Department of Labor in the City. According to the applicant's narrative, "Most of our buildings are higher than 28 feet to allow in natural light for a better working environment for staff and customers that visit the office. We are requesting an increase in the height limitation to 35 feet which will allow Labor to construct a building similar to other Labor offices around the state. We believe this will allow for better customer service and improve the aesthetics of the building."

The applicant has provided a letter of support with his application for the amendment request from Mr. James Cobble (President of the Los Lagos Property Owner's Association). In his letter, Mr. Cobble writes, "After reviewing the building elevation presented by Mr. Nelson [the applicant], it appears the building will be within the

guidelines that would be acceptable to the Association and that the increased height would not have a negative effect on the Los Lagos development."

The applicant's representative has provided City staff with a notarized affidavit citing that the subject parcel was posted and that mail notifications for the public hearing of this item were sent in accordance with the notification requirements for this public hearing. Following the notification of this public hearing, City staff received general inquiries and public comments on this item.

This is a request to amend the Addendum to C-1 PUD Agreement #229 Canyon Properties PUD to allow for a building height of thirty-five feet (35') for Lot 28, Block 13, Canyon Trails Subdivision No. 10 instead of the required maximum building height of twenty-eight feet (28') specified for property located within the five-hundred foot (500') buffer zones from Los Lagos and Villa Del Rio Subdivisions. The applicant has included in his narrative for the request that the amendment will allow the Idaho Department of Labor to proceed with the purchase of the subject parcel with the intent of constructing an office building in the City that is similar to the design of other Labor facilities across the state.

Per City Code 10-6-1.2, each ZDA (or, in this case, PUD) shall accompany a request to rezone a subject property to one or more underlying zoning districts that shall comply with the comprehensive plan. The underlying zoning district of the subject property is C1, Commercial Highway District. Per City Code 10-4-8.2(A)(3)(b), "Governmental office buildings" are a permitted structure by right. Additionally, per City Code 10-4-8.3(C), the maximum building height allowed in the C1, Commercial Highway District is fifty feet (50').

The Planning & Zoning Commission is tasked with making a recommendation on this public hearing item to the City Council, which has "final decision making powers" per the requirements of City Code 10-17-2. The Planning & Zoning Commission may recommend to the City Council to approve, conditionally approve, or disapprove the applicant's request.

Applicant Presentation:

Gary Nelson, applicant representative, presented the request for a recommendation to City Council for an amendment to the C-1 PUD Agreement #229 Canyon Properties to allow for additional building height (maximum 35') for Lot 28, Block 13, Canyon Trails Subdivision No. 10. He verified the lot location. He explained the reason for the extra height request. He stated the Idaho Department of Labor wants the windows for natural light for staff and visitors, similar to other Idaho Department of Labor buildings. He stated the extra height will have no negative impact on the surrounding neighborhoods. He shared the letter of support from the Los Lagos Property Owners Association.

PZ/Questions & Comments:

- Commissioner Perez asked if the entire property is within the 500' buffer.
- Senior Planner Martoma verified where the building lies in regards to the buffer zone.
- Commissioner Campbell asked staff why they were seeing this item twice.
- Senior Planner Martoma clarified, with a Zoning Development Agreement Amendment, city code requires two presentations to the Planning and Zoning Commission. The first time it was presented was the Preliminary Presentation, and tonight's meeting is the public hearing for this item and a vote is required.
- Commissioner Perez asked the applicant is the extra height request to accommodate a second floor or just for the lighting affect and are the windows in the rendering only for light.
- Mr. Nelson stated he is not aware of the actual floorplan.
- Chairman Kelley asked why this property was chosen by the applicant.
- Mr. Nelson answered the property was chosen for lot size/footprint and the location in the commercial area close to Pole Line Rd. He referenced other two-story buildings in the same vicinity.
- Chairman Kelley asked for clarification that this is the only lot in the subdivision to be allowed extra height.
- Senior Planner Martoma stated the request will only effect lot 28.

Public Hearing: Opened

- Marsha Brown, citizen, stated she is not in favor of the request, because she believes this will lead to more requests for taller buildings. She stated her concern for privacy in her backyard, and would lose the bird watching in the trees.
- Elizabeth Slifer, citizen, stated her concerns for blockage of sunlight of surrounding properties and a concern for lower property values.
- Robert Schneider, citizen, stated his concern for height, and lights shining in his windows. He is not in favor of the request. His concerns are for access to the property creating a traffic problem, possible property values declining.
- Julie Goolsby, citizen, asked the traffic pattern to the facility. She shared her concern for lack of privacy and the lighting. She stated she is not in favor of the request.
- Jane Rivera, Idaho Department of Labor, stated she is in favor of the request and explained the reasons for choosing the site. She stated the intent is to have a one-story building with a higher ceiling line with windows to provide natural light to employees and visitors and the open floor plan. She spoke to the process for building a state building. She stated there would be no impact on privacy as there will be no one on a second floor. She stated this building will become the Region 4 HUB, easily accessible off Pole Line Road West.
- Commissioner Perez asked staff the landscape and public access requirements

for the area/C-1 zone.

- Senior Planner Martoma stated he did not have the original PUD agreement with him.
- Commissioner Campbell asked if the commission should be looking at the same criteria as a Special Use Permit.
- Chairman Kelley stated they are only reviewing the criteria of the PUD, established in 2011, and the only thing decided on tonight is recommending the amendment to the height requirement.
- Senior Planner Martoma stated this is not a zoning district change, only a request to change the height requirement for this lot in the PUD. He
- Commissioner Perez stated she wanted to let the public know that there are requirements for landscaping and required improvements in the PUD.
- Senior Planner Martoma stated the decision does not overshadow the building permit process.
- Assistant City Engineer Glaesemann explained that Blake St. is a private street and was vacated with the construction of Pole Line Rd. and would not be part of the requirements for this building.
- Mr. Nelson clarified this request is only for lot 28 of this development.

Public Hearing: Closed

Discussions Followed:

- Commissioner Rambur stated his concern for the privacy concerns has been cleared up.
- Commissioner Perez agreed and asked to add a condition to keep it to a single-story building. She appreciated the clarification from the Idaho Department of Labor Director.
- Commissioner Campbell asked for a condition for lighting extended above 28 feet.
- Planning Technician Ebersole read the lighting and landscaping requirements on the original Canyon Properties PUD.
- Chairman Kelley gave reasons for being in favor of this request. He shared his concerns for restricting the design of the building.
- Commissioner Rambur stated the City of Twin Falls and the PUD have restrictions for lighting.
- Commissioner Perez stated she believes adding the condition would help with parameters when they are going through the building permit process.
- Commissioner Campbell stated she does not believe that building up in this case is relevant, as it is not to increase building capacity.
- Commissioner Perez asked again about adding a condition.
- Commissioner Rambur stated he has no issue with the height as it won't affect the privacy of the neighbors and the City will regulate the lighting.
- Commissioner Campbell stated her concern for a two-story building.
- Commissioner Perez stated as she does not believe that the commission would

not see the building design again and would like to ensure some privacy for the neighborhood.

- Chairman Kelley does not believe the commission should restrict what someone can build on their property, outside of the PUD amendment request.
- Discussion ensued regarding restricting the building design even at the 28-foot allowance in the PUD.
- Planning Technician Ebersole suggested verbiage for adding a condition.

MOTION: Commissioner Perez made a motion to add a condition to allow the extra height for natural light access and there be no habitable space above 28 feet. Commissioner Campbell seconded the motion.

Motion passed by a vote of 3-1

MOTION: Commissioner Perez made a motion to recommend approval of the Request for a recommendation to City Council for an amendment to the C-1 PUD Agreement #229 Canyon Properties to allow for additional building height (maximum 35') for Lot 28, Block 13, Canyon Trails Subdivision No. 10 c/o Gary N. Nelson on behalf of Canyon Properties LLC and Idaho Department of Labor, as presented, with the added condition. (PZ22-0158)
Commissioner Rambur seconded the motion.

Unanimously Approved by a vote of 4-0.

6) Upcoming Meeting(s)

- a) Tuesday, January 24, 2022

7) Adjournment

Kelli Ebersole

Kelli Ebersole, Technician