

COUNCIL MEMBERS:

SHAWN	DON	SUZANNE	GREGORY	JIM	REBECCA	CHRIS
BARIGAR	HALL	HAWKINS	LANTING	MUNN, JR.	MILLS SOJKA	TALKINGTON

Vice Mayor**Mayor****AGENDA**

Meeting of the Twin Falls City Council

Monday, October 14, 2013

City Council Chambers

305 3rd Avenue East -Twin Falls, Idaho**5:00 P.M.**

PLEDGE OF ALLEGIANCE TO THE FLAG
 CONFIRMATION OF QUORUM
 INTRODUCTION OF STAFF
 CONSIDERATION OF THE AMENDMENTS TO THE AGENDA
 PROCLAMATIONS: None

AGENDA ITEMS	Purpose	By:
I. <u>CONSENT CALENDAR:</u> 1. Consideration of a request to approve the accounts payable for October 8 - 14, 2013. 2. Consideration of a request to approve the Final Plat of Desmond Estates Subdivision, 3.37 (+/-) acres consisting of three lots on property located at 2851 Pole Line Road East.	Action Action	Sharon Bryan Mitchel Humble
II. <u>ITEMS FOR CONSIDERATION:</u> 1. Presentation by Tony Barnes, Chairman of the Twin Falls Western Days Committee. 2. Swearing in ceremony for the Twin Falls Police Department's newest Police Officer, Morgan Waite. Mayor Greg Lanting to administer the Oath of Office. Presenting Officer Adam Dixon with his Peace Officer Standards and Training (POST) Intermediate Certification. 3. Discussion and possible action on a request for the maintenance of the Sophomore Blvd. median landscaping by homeowner, Marjorie Jackson. 4. Consideration of a request to purchase property located at 245 Washington Street North. 5. Public input and/or items from the City Manager and City Council.	Action Action Presentation Discussion/ Possible Action Action	Tony Barnes Chief Brian Pike Capt. Anthony Barnhart Dennis Bowyer Troy Vitek
III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u>		
IV. <u>PUBLIC HEARINGS:</u> None		
V. <u>ADJOURNMENT:</u>		

Any person(s) needing special accommodations to participate in the above noticed meeting could contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208)735-7287.

Twin Falls City Council-Public Hearing Procedures for Zoning Requests

1. Prior to opening the first Public Hearing of the session, the Mayor shall review the public hearing procedures.
 2. Individuals wishing to testify or speak before the City Council shall wait to be recognized by the Mayor, approach the microphone/podium, state their name and address, then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the City Clerk. The City Clerk shall make an audio recording of the Public Hearing.
 3. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
 - A complete explanation and description of the request.
 - Why the request is being made.
 - Location of the Property.
 - Impacts on the surrounding properties and efforts to mitigate those impacts.

Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor.
 4. A City Staff Report shall summarize the application and history of the request.
 - The City Council may ask questions of staff or the applicant pertaining to the request.
 5. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor may limit public testimony to no less than two minutes per person.
 - Five or more individuals, having received personal public notice of the application under consideration, may select by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the mayor. The spokesperson shall be limited to 15 minutes.
 - Written comments, including e-mail, shall be either read into the record or displayed to the public on the overhead projector.
 - Following the Public Testimony, the applicant is permitted five (5) minutes to respond to Public Testimony.
 6. Following the Public Testimony and Applicant's response, the hearing shall continue. The City Council, as recognized by the Mayor, shall be allowed to question the Applicant, Staff or anyone who has testified. The Mayor may again establish time limits.
 7. The Mayor shall close the Public Hearing. The City Council shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed. Legal or procedural questions may be directed to the City Attorney.
- * Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and, thereafter removed from the room by order of the Mayor.



Public Hearing: **MONDAY, OCTOBER 14, 2013**

To: Honorable Mayor Lanting & City Council

From: Mitch Humble, Community Development Director

Request: Request for the Council's consideration of the Final Plat of Desmond Estates Subdivision, 3.37 (+/-) acres consisting of three (3) lots on property located at 2851 Pole Line Road East, c/o Gerald Martens on behalf of Patrick and Tara Desmond.

Time Estimate:

There will be no applicant presentation unless the Council wishes it. Staff's presentation may be up to five (5) minutes.

Background:

Applicant:	Status: Property Owner	Size: 3.37(+/-) acres
Patrick and Tara Desmond 2851 Pole Line Road East Twin Falls, ID 83301	Current Zoning: SUI CRO AoI	Requested Zoning: Approval of a final plat
	Comprehensive Plan: Urban Village/Urban Infill	Lot Count: 3 lots
	Existing Land Use: residential/	Proposed Land Use: residential
Representative:	Zoning Designations & Surrounding Land Use(s)	
EHM Engineers c/o Gerald Martens 621 N. College Rd, Ste 100 Twin Falls, Idaho 83301 208-734-4888 208-420-2461cell gmartens@ehminc.com	North: OS; Snake River Canyon	East: R-2 CRO PUD; undeveloped
	South: R-2 CRO PUD; undeveloped	West: SUI CRO AoI; undeveloped
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-2, 10-4-19, 10-8-1 thru 10-8-5, 10-12-2.4	

Approval Process:

As per Twin Falls City Code 10-12-2.4 Action on Final Plat:

After approval or conditional approval of the preliminary plat by the Commission a final plat, in conformance with the approved preliminary plat, is presented to the City Council for consideration of approval. The action and the reasons for such action shall be stated in writing by the Administrator and forwarded to the applicant.

As this property is located within the Area of Impact the Board of County Commissioners shall make the final decision on the final plat. Upon a recommendation by the City Council and a copy of the approved preliminary plat will be presented to the Board of County Commissioners for a decision.

Budget Impact:

Development of the 2 lots will provide additional property tax revenue to the County.

Regulatory Impact:

After a public hearing, approval of the final plat from the Board of County Commissioners will allow the plat to be recorded.

History:

On January 5, 1994 Variance #363 was approved for a 35' Snake River Canyon rim setback. This variance was denied by Planning & Zoning and appealed to the City Council. The City Council approved the request. The decision was appealed to the Area of Impact Appeals Board. The Board upheld the City Council's decision, also finding the appellants had no standing to appeal the request. In April of 1995 a certificate of occupancy was issued for a single family dwelling at this location.

Analysis:

The Preliminary/Final Plat for the Desmond Estates Subdivision includes 3.37 (+/-) acres and is zoned SUI CRO in the Area of Impact. The request is to plat three (3) lots. The site is located at 2851 Pole Line Road East (extended). The proposed plat will divide an existing developed lot into three (3) lots. The property is currently developed with one single family dwelling. The parcel is being subdivided into Lot 1 (1.12 acres), Lot 2 (1.13 acres) and Lot 3 (1.10 acres). The minimum lot area requirement for a single family residence in the SUI zone is one (1) acre. The proposed development is for single family residential subdivision that meets the minimum code standards.

Pole Line Road East extended crosses a waterway with a private wooden bridge and is a private drive to the proposed subdivision. The existing bridge and private drive are inadequate for emergency vehicles and are not compliant with current zoning code. The Developer shall reconstruct/improve the bridge to 30' wide to allow access of emergency vehicles. The Developer will widen the proposed private drive where it is too narrow as approved by the City Engineering Department. The drive will be constructed of adequate all weather surface material.

A full review of required improvements will be made by the Building, Planning, Fire and Engineering Departments for full compliance with minimum development standards prior to issuance of any building permits.

This is the second step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council.

As this property is within the Area of Impact, City Code 10-8-4(D):

"....All applications for final and conveyance plats of subdivisions, within the area of city impact shall be submitted to the city council for their recommendation, prior to submission to the board of county commissioners. The board of county commissioners may approve the application as recommended by the city council, deny the application or remand the application to the city for further proceedings. (Ord. 2922, 10-22-2007)"

Only after a final plat and construction plans have been approved may the plat be recorded and lots sold for development.

The plat is consistent with other subdivision development in the area, city code criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for Urban Village/Urban Infill uses.

On September 10, 2013 the Commission unanimously approved the preliminary plat of the Desmond Estates Subdivision, as presented, subject to five (5) conditions.

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to final technical review and amendments as required by Engineering officials of the development of the private bridge over the waterway.
3. Subject to final technical review and amendments as required by Engineering officials to ensure compliance with all applicable City Code requirements and standards of the development of the private drive to the proposed subdivision.
4. Subject to final approval by the Twin Falls Board of County Commissioners.
5. Subject to a note being placed on the final plat that no building permits will be issued until the roadway improvements for the road and bridge are completed.

Conclusion:

Should the Council recommend approval to the Board of County Commissioners of the final plat of the Desmond Estates Subdivision, as presented, staff recommends it be subject to the following conditions:

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to final technical review and amendments as required by Engineering officials of the development of the private bridge over the waterway.
3. Subject to final technical review and amendments as required by Engineering officials to ensure compliance with all applicable City Code requirements and standards of the development of the private drive to the proposed subdivision.
4. Subject to final approval by the Twin Falls Board of County Commissioners.
5. Subject to a note being placed on the final plat that no building permits will be issued until the roadway improvements for the road and bridge are completed.

Attachments:

1. Zoning/Aerial Vicinity Maps (2)
2. Preliminary Plat Exhibit
3. Final Plat Exhibit
4. Comprehensive Plan Map of Site
5. Minutes of the September 10, 2013 P&Z public meeting
6. Photos (6)

Zoning Vicinity Map

Reference Only



Proposed Subdivision Location

POLE LINE RD E

POLE LINE RD E

RIDGERD

POLE LINE RD E

EASTLAND DR N

POLE LINE RD E



Aerial Site Map

Reference Only

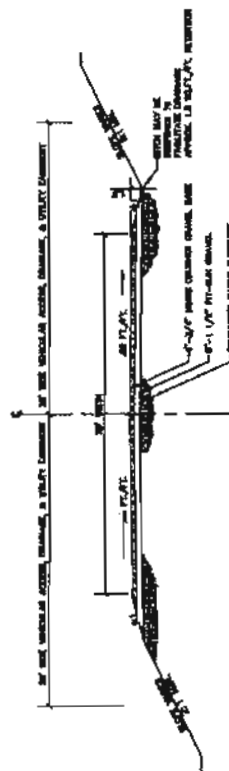
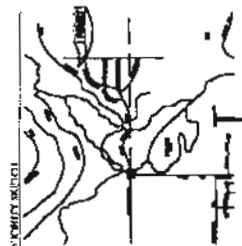
The Preserve 261

ELMGROVE DR

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[illegible][illegible]

TYPICAL PRIVATE DRIVEWAY SECTION

M.T.S.

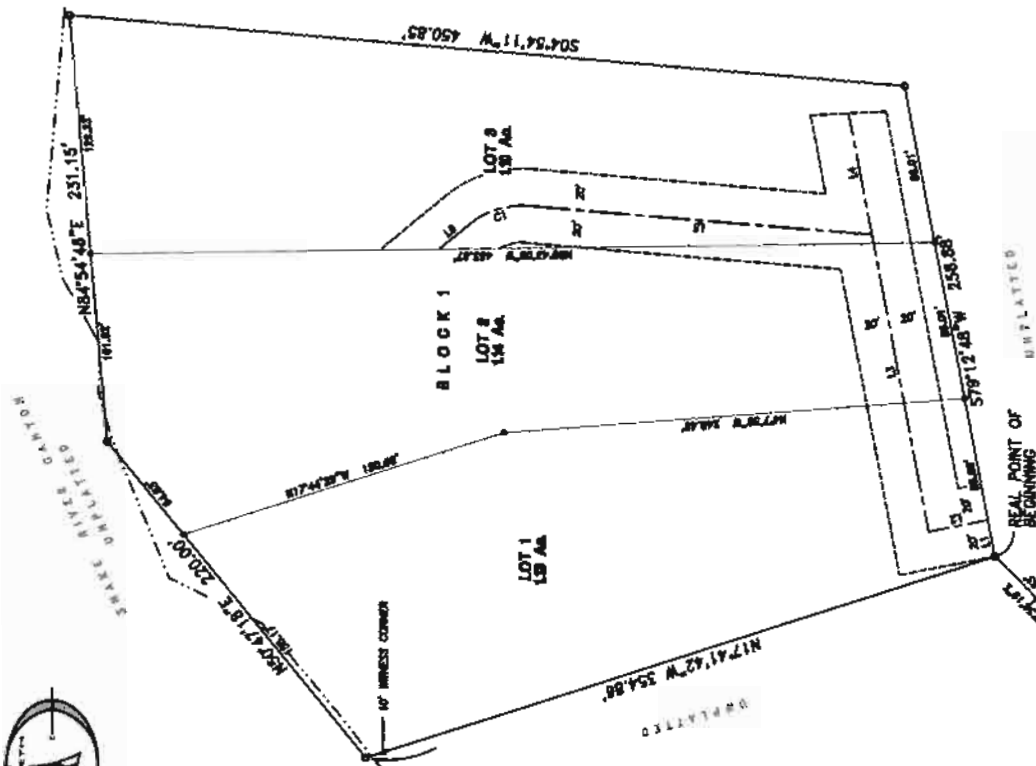
ALL SUB-SUBJECT AND BLANK STRIPS, SHALL BE CONSIDERED TO BE OF MAXIMUM QUALITY AT SPECIAL PRICING, AS DETERMINED BY SPIG 0-000 (SEE FOOTNOTES).

TEST HOLE DATA:

[illegible]

DERMOND ESTATES SUBDIVISION

Located in
 Government Lots 14 and 15
 Section 28
 Township 9 South, Range 17 East, Butler Township
 Tulsa County, Oklahoma



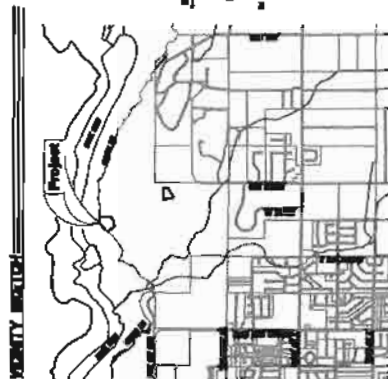
LEGEND:
 SUBDIVISION BOUNDARY LINE
 LOT LINE
 CENTER LINE OF 40' WIDE VEHICULAR ACCESS
 CENTER LINE OF 10' WIDE VEHICULAR ACCESS
 EASEMENT LINE
 EASEMENT LINE
 ROAD RIGHT-OF-WAY AS NOTED
 SET 1/2" = 40' RECORD & COPY (2.5 MOOD)

LINE TABLE

LINE NO.	BEARING	DISTANCE
1	N09°12'48"W	20.00'
2	N09°40'17"W	32.00'
3	N09°14'43"E	10.33'
4	N09°14'43"E	10.33'
5	N09°14'43"E	10.33'
6	N09°14'43"E	10.33'
7	N09°14'43"E	10.33'

CURVE TABLE

CURVE NO.	CHORD BEARING	CHORD DISTANCE	ARC LENGTH	DELTA	TANGENT
01	63.00'	32.70'	47°40'44"	17.33'	31.80'



NOTES:
 VEHICULAR ACCESS TO THIS SUBDIVISION IS PROVIDED FOR BY THE
 EASEMENTS DESCRIBED IN DEED REC. 6008-01380.
 THE LOTS ON THIS PLAN ARE SUBJECT TO RESTRICTIONS CONCERNING
 THE LOCATION OF WELLS AND SEPTIC SYSTEMS. THESE RESTRICTIONS
 ARE SET FORTH IN DEED REC. 6008-01380 AND DEED REC. 6008-01381.
 THE LOTS ON THIS PLAN ARE SUBJECT TO RESTRICTIONS CONCERNING
 THE LOCATION OF WELLS AND SEPTIC SYSTEMS. THESE RESTRICTIONS
 ARE SET FORTH IN DEED REC. 6008-01380 AND DEED REC. 6008-01381.
 THESE RESTRICTIONS

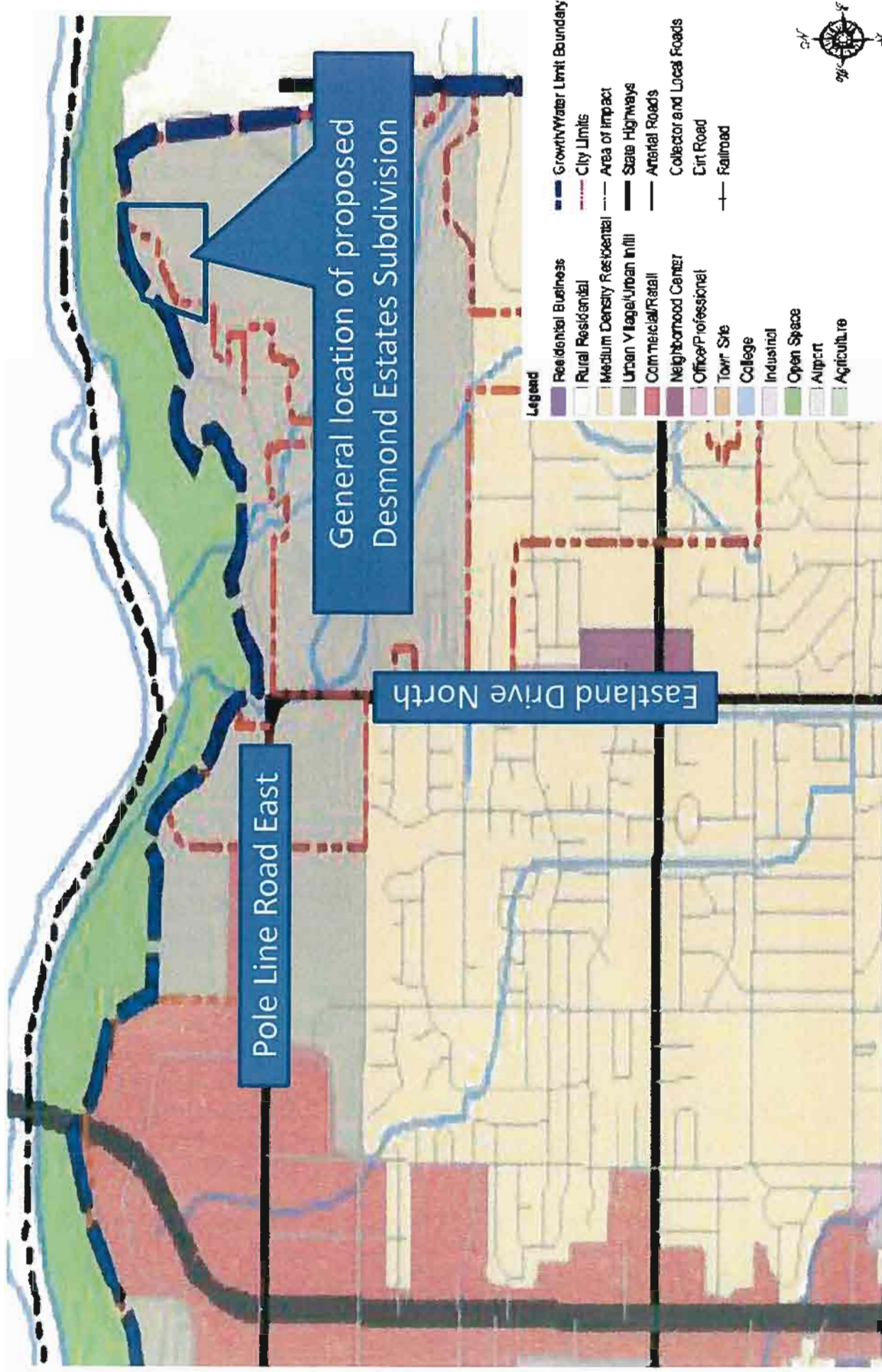
HEALTH CERTIFICATE
 SANITARY RESTRICTIONS AS REQUIRED BY OAH CODE, WELF. 10,
 CHAPTER 13 HAVE BEEN REVIEWED. SANITARY RESTRICTIONS MAY BE
 RE-APPROVED IN ACCORDANCE WITH SECTION 58-1301, OAH CODE,
 BY THE EXERCISE OF A CERTIFICATE OF COMPLETION.

DATE: _____ REAR, SOUTH CENTRAL PUBLIC HEALTH DISTRICT

ELM Engineers Inc.
 PROFESSIONAL SURVEYORS/PLANNERS

DATE REVISION -
 REVISION NO. 1
 REVISION NO. 2
 REVISION NO. 3
 REVISION NO. 4
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Comprehensive Plan Map





MINUTES
Twin Falls City Planning & Zoning
Commission
September 10, 2013-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Munoz Chuck Sharp Jolinda Tatum
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods
Vice-Chairman

CITY COUNCIL LIAISON

Suzanne Hawkins Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Boyd
Derricott
Frank
Grey
Munoz
Tatum

ABSENT:

Sharp

AREA OF IMPACT MEMBERS

PRESENT:

ABSENT:

DeVore
Woods

CITY COUNCIL MEMBERS PRESENT: Hawkins

CITY STAFF PRESENT: Carraway, Spendlove, Strickland, Vitek, Wonderlich

I. CALL MEETING TO ORDER:

Chairman Frank called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **NONE**

Approval of Findings of Fact and Conclusions of Law:

- Ken Rogers-SUP 08-27-13
- Bob Veeh-SUP 08-27-13
- Knox Family-SUP 08-27-13
- Idaho Central Credit Union-SUP 08-27-13
- Curtis Mason-SUP 08-27-13

III. ITEMS OF CONSIDERATION:

1. Request to approve the preliminary plat Desmond Estates Subdivision approximately 3.37 (+/-) consisting of 3 residential lots located at 2851 Pole Line Road East c/o EHM Engineers, Inc.

Applicant Presentation:

Hailey Barnes, EHM Engineers, Inc., stated that the applicant owns 3.37 acres and they would like to divide the property into 3 residential properties. Part of the subdivision is extends from Pole Line Road East and is a gravel road to the existing home. City has requested that a 20' wide section be paved to provide access to the lots and this will be completed upon sale of the first lot. There is also a bridge that crosses the property that is too narrow for fire truck access. The applicant has agreed to widen this bridge to 30' upon sale of the first lot also. The applicant has also requested that the plat name be changed to Pillar Falls View Subdivision instead of Desmond Estates.

Staff Presentation:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. On January 5, 1994 Variance #363 was approved for a 35' Snake River Canyon rim setback. This variance was denied by Planning & Zoning and appealed to the City Council. The City Council approved the request. The decision was appealed to the Area of Impact Appeals Board. The Board upheld the City Council's decision, also finding the appellants had no standing to appeal the request.

This Preliminary Plat for the Desmond Estates Subdivision includes 3.37 (+/-) acres and is zoned SUI CRO in the Area of Impact. The request is to plat three (3) lots. The site is located at 2851 Pole Line Road East (extended). Pole Line Road East extended crosses a waterway with a private wooden bridge and is a private drive to the proposed subdivision. The existing bridge and private drive are inadequate for emergency vehicles and are not compliant with current zoning code. The Developer shall reconstruct/improve the bridge to 30' wide to allow access of emergency vehicles. The Developer will widen the proposed private drive where it is too narrow as approved by the City Engineering Department. The drive will be constructed of adequate all weather surface material. A full review of required improvements will be made by the Building, Planning, Fire and Engineering Departments for full compliance with minimum development standards prior to issuance of any building permits.

This is the first step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development. The plat is consistent with other subdivision development in the area, city code criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for urban village/urban infill uses.

Planner I Spendlove stated upon conclusion should the Commission approve the request, as presented staff recommends the following conditions:

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to final technical review and amendments as required by Engineering officials of the development of the private bridge over the waterway.
3. Subject to final technical review and amendments as required by Engineering officials to ensure compliance with all applicable City Code requirements and standards of the development of the private drive to the proposed subdivision.
4. Subject to final approval by the Twin Falls Board of County Commissioners.

Questions/Comments:

- Commissioner Boyd asked for clarification of the location of the property.
- Commissioner Munoz asked when the road improvements would be required.
- Assistant City Engineer Vitek stated that the improvements would have to be completed prior to a building permit being issued.
- Commissioner Tatum asked what the distance is from this property and the Evil Knievel jump site.
- Planner I Spendlove stated he would estimate it to be approximately 200-300'. There is a PUD "The Preserve" attached to the property adjacent to these lots that requires a trail to be developed that may allow access to the Evil Knievel jump site.
- Commissioner Boyd asked about trail requirements for these lots.
- Planner I Spendlove explained that these will be private lots and the trail requirements will not be connected to the development of these lots. The City Council voted at their last meeting to have the Evil Knievel jump site annexed into the City Limits and it will become City property.
- Assistant City Engineer explained that the reason there is not a request for the bike path to be constructed along the north portion of these lots is because as part of "The Preserve" PUD a trail will be provided and will connect to a development further east.

Public Hearing:

- Forrest LeBaron, 246 9th Avenue North asked if the road to be paved is private or public and if the bridge widening is to be paid for with the sale of first lot and if there are others that will need to assist with the cost.
- Assistant City Engineer Vitek explained it will be the developer's responsibility and in order to subdivide the property proper fire access is required.

Discussion Followed:

- Commission Munoz explained his concern about when the road and the improvements will be made is because of the funding necessary to complete the improvements. There could be an issue with this later if the lots change hands and the person wants to build on the lot before the improvements have been made.
- Zoning & Development Manager Carraway explained there have been numerous discussions with the property owner as well as the engineering firm about these requirements. This situation is a little different because there is already development on the rim that has been there for a long time. This road according to City Code cannot remain the way it is, if the developer is able to work with the other property owners that would be acceptable however the improvements will have to be complete before any building permits will be released.
- City Attorney Wonderlich stated the City that a note on the plat would probably be beneficial explaining that the required improvements must be in place prior to a building permit being issued.

Motion:

Commissioner Munoz made a motion to approve the request, as presents, with staff recommendations with the addition of a note on the plat that explains there will be no building permit issued until the required roadway improvements for the road and bridge are completed. Commissioner Derriott seconded the motion. All members present voted in favor of the motion.

Approved, As Presented, With The Following Conditions

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to final technical review and amendments as required by Engineering officials of the development of the private bridge over the waterway.
3. Subject to final technical review and amendments as required by Engineering officials to ensure compliance with all applicable City Code requirements and standards of the development of the private drive to the proposed subdivision.
4. Subject to final approval by the Twin Falls Board of County Commissioners.
5. Subject to a note being placed on the final plat that no building permits will be issued until the roadway improvements for the road and bridge are completed.

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to build a mini-storage unit facility on a 2 (+/-) acres portion of undeveloped land located south of 221 Carriage Lane North, aka Carriage Lane Apartments c/o Forrest LeBaron (app. 2599)

Applicant Presentation:

Forrest LeBaron, the applicant stated he is proposing to build a mini storage unit facility on the property located at 221 Carriage Lane North. He feels this will be a good fit for the area. He has been working closely with EHM Engineering and the city staff with regards to design and code requirements. He has read the conditions listed by staff and has no concerns at this time.

Staff Presentation:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. In 1981 Ordinance 2012 was passed in 1981 rezoning the property to its current zone which is C-1. In June of 1997 the Cedar Park PUD was approved by the City of Twin Falls, this zoned the particular area to C-1 PUD. No further zoning history is known at this time.

The applicant has supplied a narrative outlining the details of the proposed use of the property. The storage facility will have 250 units total. The office hours of operation will be 9am – 5pm; Mon – Friday, or by appointment. The tenants will have access from 7:30am – 9:30pm every day. The applicant anticipates 10-15 vehicles per day will visit the storage units. The facility will have two employees. The applicant states a screening fence will be installed along the perimeter that will match the adjoining properties.

The applicant does not anticipate any negative impacts to neighbors in the form of noise, glare, odor or vibration.

Upon review of the application per City Code 10-4-8.2: Mini-storage units in the C-1 Zone are required to obtain a Special Use Permit prior to establishing the use due to potential impacts on neighboring properties. The location of this storage facility is within a PUD that has a Master Development Plan designating this area as a C-1 Zone. Although it is not directly along a major commercial corridor, the overall development is along Addison Avenue East. The impacts to surrounding areas are not anticipated to greatly increase as it pertains to traffic, noise, or glare. The greatest impacts of storage units are typically of a visual matter. All required improvements made on the subject property are required to comply with standards set forth in the approved Cedar Park PUD.

Per City Code 10-10: The required number of parking spaces is counted for the office portion of the development. Actual storage spaces do not require a parking space. The office shown on the site plan is approximately 1200 sq. ft. The applicant has provided 4 parking spaces which meets the minimum City Code requirement. Per City Code 10-11-1 thru 8: Required improvements to the property are required to be in conformance with City Code or the PUD, whichever is applicable, at the time of building permit. Additional landscaping is required along Carriage Lane North, certain building materials and standards are prohibited or required, and that other pertinent standards will need to be met per the approved Cedar Park PUD.

The proposed project conforms to the approved Master Development Plan found in the Cedar Park PUD, which designated this area as a C-1 zone with its associated uses. The applicant has stated that access to the units will be during normal business hours. Any increase in traffic, noise, odor, or glare is not anticipated to be significantly increased to unacceptable levels for neighboring land uses. The potential visual impact of storage units have been reasonably addressed by the applicant. No outside storage is shown on the site plan, and the storage units all face the interior of the development. The exterior of the development will be a pour-in-place concrete that will be painted in earth tones. Additionally, the site plan shows landscaping that parallels the perimeter of the entire development, as well as a screening fence being installed on the perimeter. It is anticipated that the proposed storage units will not have significant impacts additional to those previously addressed that need to be mitigated by special conditions.

Planner I Spendlove stated upon conclusion should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to recordation of the Final Plat.
3. Subject to all requirements of the Cedar Park PUD being met

Public Hearing: Opened & Closed Without Public Input

Closing Statements:

Forrest LeBaron made a clarification regarding the screening fence. The concrete wall will be approximately 10-14' tall around the perimeter of the property. The north side of the property it will be approximately six inches (6") from the property line on the south side it will be built five feet (5') from the property line. There will be two points on the property for fire access that will create a break in the wall and those two points will have slatted fencing to provide screening. The wall will be the screening fence between the properties.

Discussion Followed:

- Assistant City Engineer Vitek explained to the Commission that the applicant is working with the City on gaining a "Will Serve" letter for this property.
- Commissioner Tatum asked about the landscaping requirements.
- Planner I Spendlove stated the landscaping requirements area addressed in the Cedar Park PUD and it appears to meet or exceed City Code requirements. A full site review will be completed as part of the building permit / development of the site process.

Motion:

Commissioner Derricott made a motion to approve the request, as presents, with staff recommendations. Commissioner Tatum seconded the motion. All members present voted in favor of the motion.

Approved, as presented, with the following conditions

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to recordation of the Final Plat.
3. Subject to all requirements of the Cedar Park PUD being met.

Commissioner Munoz stepped down from his seat.

2. Request for a Special Use Permit to establish a drive-through ATM in conjunction with an existing bank on property located at 215 Blue Lakes Boulevard North c/o Jason Smith on behalf of D.L. Evans Bank (app. 2598)

Applicant Presentation:

Jessica Aguilar, the applicant stated that D.L. Evans is in the process of updating their ATM's and this is one of the locations that needed to be updated. The original plan was to put the new ATM in the existing drive thru on the last lane, however the existing island was not wide enough to support the new ATM and to widen the lane would require encroachment into the alley. Encroaching into the alley was not an option for the improvement therefore they are requesting to relocate the ATM to the front of the building to allow it to become a drive-through ATM facility. There is an existing drive lane in this area, they would keep the ATM on the sidewalk and attach it to the building with directional signs place appropriately for traffic. There would not be any modifications to egress or traffic flow.

Staff Presentation:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. In 1981 Ordinance 2012 was passed in 1981 rezoning the property to its current zone which is C-1. Multiple commercial establishments have been located in this building, including some restaurants (Red Steer) and the current Bank.

The applicant has supplied a narrative outlining the details of the proposed use of the property. The drive-thru will be located on the south and east sides of the building for a freestanding ATM. The desire

for a drive up ATM is for convenience to its customers. The hours of operation for the bank, number of employees and general traffic to and from the property are not anticipated to change. The applicant does not believe there will be any adverse effects on the adjoining property owners by moving the ATM from the NE corner of the building to the East side of the building.

Upon review of the application per City Code 10-4-8.2: All drive-through establishments in the C-1 Zone are required to obtain a Special Use Permit prior to establishing the use. The use of a drive-thru on the property has been in place for quite some time. The additional drive through lane will be placed on the east side of the building away from residences. This particular location will mitigate most of the potential impacts it may generate. The location of this financial office is along a major commercial corridor. The impacts to surrounding areas are not anticipated to greatly increase as it pertains to traffic, noise, or visual matters.

Per City Code 10-7-13: Drive-in banks require nine (9) stacking spaces, or such other number as approved by the Planning and Zoning Commission, but not less than six (6) spaces. The submitted site plan shows enough space for six (6) stacking spaces. Any establishment with a drive-through has the potential to have negative impacts to neighboring land uses. These impacts generally include an increase in traffic, noise, as well as light trespass from headlights and security lighting. Typically these impacts are greater on residential uses. This particular location has residences located west across an alley. Generally, the impact of traffic and noise will occur during the daytime due to the limited bank hours. The drive-thru for ATM service being placed on the East side of the building will greatly mitigate the impacts for after-hours service. The site is designed to require access for the new drive-thru via Shoup Ave on the South; the natural exit will then be via Blue Lakes Blvd.

It is anticipated that the proposed drive-through ATM will not have significant impacts to the area that need to be mitigated by special conditions.

Planner I Spendlove stated upon conclusion should the Commission grant this request as presented; city staff recommends approval be subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.

Questions/Comments:

- Commissioner Frank asked with the traffic returning back onto Blue Lakes Boulevard North and if there are any restrictions for making it a right in and right out only.
- Assistant City Engineer Vitek stated this egress already exists so the City could not ask for that type of change. In the past this has not been successful without putting an island out in the main road such as Blue Lakes Boulevard and to do this it would require Idaho Department of Transportation approval.

Public Hearing:

Judson Arrington, 210 Lincoln Street, stated he is here because he is concerned that the ATM will become a full service 24 Hour banking ATM. This will increase traffic to the site without restrictions on the hours of operation. The other concern is once one of these is authorized and they want to change or add more of the 24 Hour full service ATMs will it require additional public hearings, the drive through lanes already exist. His other issue is the lighting of the drive-thru, currently the lights are very bright and they shine directly into his bedroom. The customers are not the issue, but the traffic after hours is continuous because the lights are so bright. The summer is particularly worse than the winter because he has to open his windows and doors to keep the house cool and they can hear everything.

Gerardo Munz, 410 Aspenwood Drive, he stated he has some comments to offer because he works for the bank however he is speaking as a Citizen. There is no intent to become a 24 hour banking facility through the ATM machine. There should not be an increase in traffic and there are ADA requirements that need to be met by the ATM machine, which is the reason for replacing the machine.

Flori Arrington, 210 Lincoln Street, asked for more clarification for access to and from the bank. If the main access is going to the ATM will be from Shoup Avenue, the concern is that the cars are going to be traveling along an area close to her flower beds and where she is quite often.

Closing Statements:

Ms. Aguilar stated that the ATM upgrade is for ADA compliance requirements. There will not be any foreign currency handled through the ATM. The plan involves moving the existing ATM (5') five feet from where it is currently. Security lighting is on a timer and this is the first time she has heard any concerns about the lighting. There are ways to mitigate these concerns. The traffic pattern is not going to change much, and there will be customer education provided. Additional traffic coming in from Shoup Avenue will be minimal because that access already provides a difficult means of accessing the property. The customers have already been trained how to enter and exit the property. The majority of the customers will most likely loop around to use the ATM machine once it is converted to a drive-thru lane. The additional signage will not be lit and will just be used to direct the traffic.

Discussion Followed: Without Concerns

Motion:

Commissioner Derricott made a motion to approve the request, as presents, with staff recommendations. Commissioner Grey seconded the motion. All members present voted in favor of the motion.

Approved, as presented, with the following conditions

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

Zoning & Development Manager Carraway stated that the next agenda has two scheduled hearing items. One is to request an amendment to a Special Use Permit and the other item was rescheduled because the property was not correctly noticed when it was originally scheduled.

VI. UPCOMING PUBLIC MEETINGS (held at the City Council Chambers unless otherwise posted):

1. Public Hearing – Tuesday, September 24, 2013 6:00 pm
2. Work Session – Thursday, October 3, 2013 12:00 pm – 1:00 pm

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:00pm.

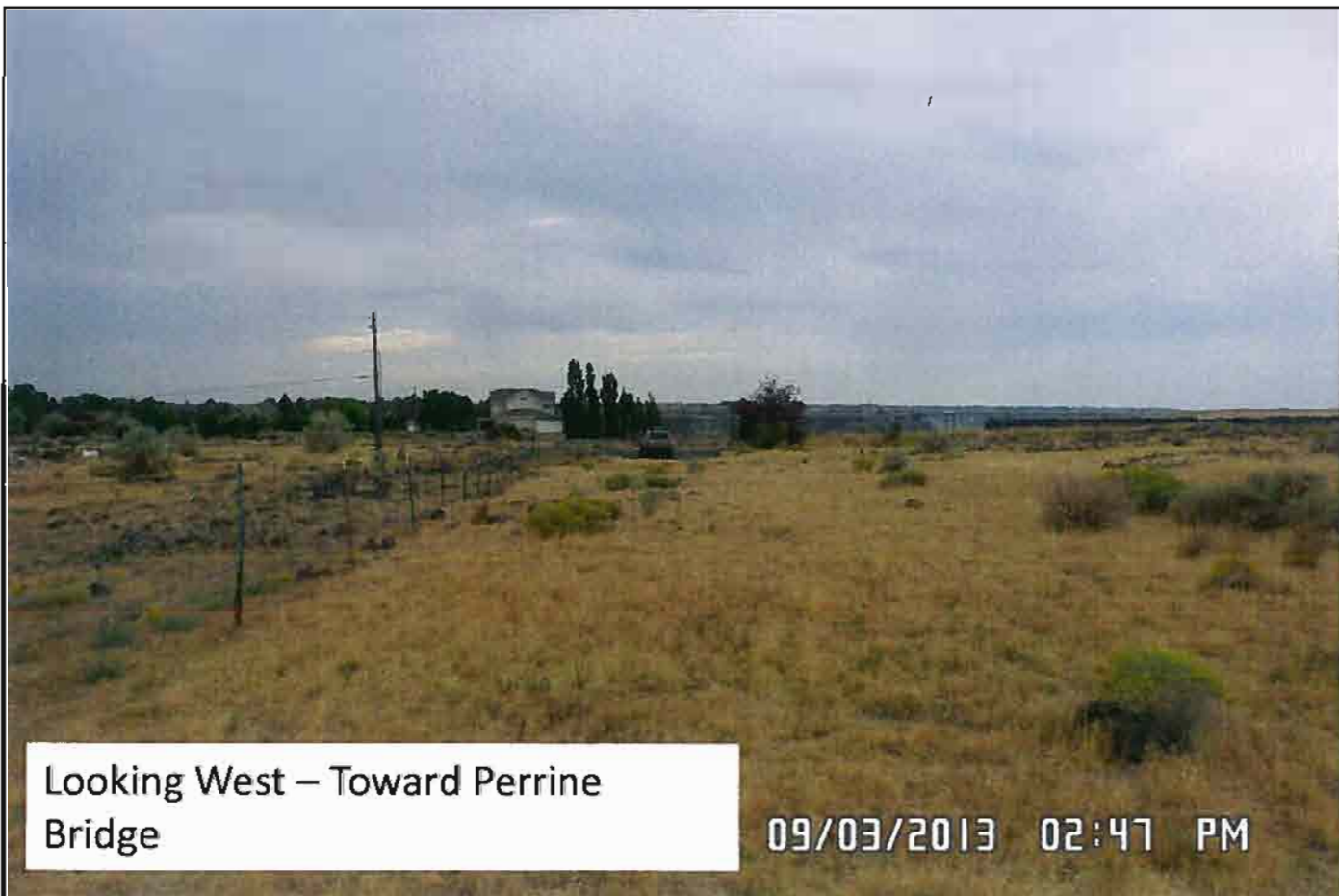
Lisa A Strickland
Administrative Assistant
Planning & Zoning Department





Existing home on North -West
part of proposed Subdivision

09/03/2013 02:46 PM



Looking West – Toward Perrine
Bridge

09/03/2013 02:47 PM





Date: Monday, October 14, 2013, Council Meeting

To: Honorable Mayor and City Council

From: Chief Brian Pike and Captain Anthony Barnhart,
Twin Falls Police Department

Request:

Swearing in ceremony for the Twin Falls Police Department's newest Police Officer, **Morgan Waite**. It is requested that Mayor Greg Lanting administer the Oath of Office.

Captain Barnhart will be presenting **Officer Adam Dixon** with his Peace Officer Standards and Training (POST) Intermediate Certification.

Time Estimate:

The presentation will take approximately ten minutes.

Background – New Officer:

Morgan Waite was hired by the Twin Falls Police Department on October 7, 2013, as a full-time Police Officer.

Morgan was born in Burley, Idaho; he was the 10th of 11 children. He was raised in Heyburn, Idaho, and graduated from Minico High School. After graduation, he served a two-year church mission in Bulgaria. After returning from his mission, Morgan attended two semesters at the College of Southern Idaho, while working at Cleartalk Wireless.

In 2004, Morgan moved to Payson, Utah, and worked part time at the Utah County Jail as a civilian control board operator and also managed a video game store on a part-time basis. During that time, he met Trista and they were married in 2005. Morgan then was employed by Associated Retail Stores as a loss prevention officer. He worked with police officers on multiple occasions when dealing with shoplifters and became interested in a law enforcement career. Morgan pursued his education in Criminal Justice at Utah Valley University and the College of Southern Nevada. He tested for the City of North Las Vegas Police Department in the fall of 2007 and was hired. He graduated from the Southern Desert Regional Police Academy in July 2008 and received his Basic Certification in September 2008.

Prior to being hired by our Department, Morgan worked as a patrol officer with the North Las Vegas Police Department for approximately five years. He and his wife chose to come back to Idaho to be near their families and to raise their children in a smaller community.

Morgan and his wife, Trista, have three children: Lettie – six years of age; Liam – two years old; and Osric – eight months old.

Background – POST Certification:

On May 22, 2013, **Officer Adam Dixon** was awarded his Intermediate Certification by POST Academy. To receive this certificate, Officer Dixon was required to complete hundreds of hours of training, including obtaining several college credits.

Agenda Item for October 14, 2013
From Chief Brian Pike and Captain Anthony Barnhart
Page Two

Through his personal commitment to better himself through training, Officer Dixon has helped the Twin Falls Police Department in achieving its goal of being the best Police Department in the State of Idaho.

Approval Process:

N/A

Budget Impact:

This will not impact the budget.

Regulatory Impact:

N/A

Conclusion:

Chief Pike would like to have the Twin Falls Police Department's newest Police Officer sworn in before the City Council, with Mayor Greg Lanting administering the Oath of Office on October 14, 2013.

Captain Barnhart would like to recognize Officer Adam Dixon before the City Council for his accomplishment in obtaining his POST Intermediate Certification.

Attachments:

1. POST Intermediate Certificate – Officer Adam Dixon

aed

State of Idaho

*The Peace Officer Standards
& Training Council*

hereby awards the

Intermediate Certificate

to

Adam W. Dixon

Twin Falls Police Department

*For having fulfilled the requirements of this certificate as set forth by the Idaho Peace
Officer Standards & Training Council on the 22nd day of May, 2013.*

E. R. R.
Chairman

E. R. R.
Division Administrator



Monday October 14, 2013 City Council Meeting

To: Honorable Mayor and City Council

From: Dennis J. Bowyer, Parks & Recreation Director

Request:

Discussion and possible action on a request for the maintenance of the Sophomore Blvd., median landscaping by homeowner, Marjorie Jackson. Staff is seeking Council direction.

Time Estimate:

The staff presentation will take approximately 10 minutes. Following the presentation, we expect some time for questions and answers.

Background:

Sophomore Boulevard intersects with, and runs south from, Filer Avenue East in front of Twin Falls High School. Sophomore Boulevard is in the High School subdivision, which was platted in 1954. The street is divided with a landscaped median of about 20 feet wide by 265 feet long. Since 1954, the 10 homeowners on Sophomore Boulevard have been maintaining this median landscaping.

In March of this year, staff received a letter from one of the homeowners requesting the City of Twin Falls to take over the maintenance of this median strip. She stated that she has been in charge of maintenance of the median strip for the past 30 years, assessing and collected funds to cover the cost. It has been getting more difficult for the neighbors to pay their share. She stating in her letter that she believes the City maintains the medians on Larkspur Drive (located south of Addison Avenue, east of Smith's Food King).

The development with the median strips on Larkspur Drive is called the Goertzen Vail subdivision and was approved in 1955. The City has been maintaining the four median strips on Larkspur Drive since the late 1970's. I was told by the former Parks & Recreation Director that several property owners asked the City Council if the City would maintain these medians. Someone in the Finance Department remembers billing the homeowners for maintenance of the median strip on Larkspur, they don't remember when it started or when the billing ended, but they think it was discontinued in the early to the mid 1980's. Researching the City Council minutes from 1975 to the end of 1981 did not reveal any information on this issue. Also staff has spoken with past staff members and others to try to dig up any information, research did not reveal any new information.

Staff has learned that the median strip on Sophomore Boulevard has two water taps that do not have meters or backflow prevention devices on them. They have been receiving free water for all these years. City crews disconnected the hook-ups to prevent any contamination to the City's potable water system. Attached is a letter that Water Superintendent Robert Bohling sent to the homeowner stating the reason for the disconnection of the water lines and offered three options for the homeowners to move forward on this median strip. Since this letter was mailed out, some Council members were contacted by one of the homeowners with their concerns on this median strip.

Fritz Wonderlich performed a title search to try and determine ownership on these median strips in both developments. From his search, he determined that no one owns the properties and it was probably intended to be "public" from the start.

Staff believes these medians in the two developments should be treated the same. There are several options to consider:

- 1) The City should maintain both of the median strips without billing the homeowners;
- 2) Replace the landscaping with no or low maintenance ground cover, like gravel;
- 3) Set these median strips up similar to the Common Area Maintenance landscaping tracts the City has in other subdivisions we contract out; or
- 4) Have the homeowners along the streets to maintain these median strips.

Approval Process:

To approve this request requires a majority vote of the City Council.

Budget Impact:

There are not any funds in this year's budget to maintain this median strip (\$1,000 per year) or installation of a water meter (\$600), backflow device (\$300), and an irrigation system (\$2,500) or the cost of the domestic water (\$600). The budget impact will be dependent upon the direction given by the Council. Staff will be able to discuss budget impacts of the options discussed at the meeting.

Regulatory Impact:

The Council's direction on this item will determine how maintenance of the Sophomore Boulevard median is maintained in the future.

Conclusion:

Staff recommends that the Council discuss and provide direction on the request from the homeowners on Sophomore Boulevard for the City to maintain the median strip in their street.

Attachment:

Letter to Homeowners

Photo of Median on Sophomore Blvd.



Office of
WATER SUPERINTENDENT

April 2, 2013

Marjorie Jackson
455 Sophomore Blvd.
Twin Falls, ID 83301

RE: Median Strip on Sophomore Blvd

Dear Ms. Jackson,

It has come to the City's attention that the median strip located in Sophomore Boulevard has been directly connected to the City's domestic water line without a meter or a backflow prevention device. It is against State code to have an irrigation system connected to a City's domestic water line without a backflow prevention device and the City cannot allow anyone to access domestic water without paying for it.

Before the City will allow this irrigation system to be connected to the City's domestic water line, it must have a water meter, a backflow prevention device and someone responsible for paying the domestic water bill for this new meter.

I know that you have been in contact with Dennis Bowyer, Parks & Recreation Director for the City of Twin Falls concerning if the City would be interested in maintaining this strip. For this scenario to occur, the following must happen:

1. All property owners on Sophomore Blvd. must sign an agreement stating they agree for the City to add on the water bills, for each residence, the improvements needed for the first year along with the maintenance cost and water cost. For the first year, the estimated costs for the improvements needed are:

\$600 - the installation of a water meter
\$300 - backflow prevention device
\$2,500 - installation of a new irrigation system

\$600 - domestic water cost, annual cost

\$1000 – yearly maintenance cost, annual cost

These costs are estimated at approximately \$5,000 for the first year, and \$1,600 for each year after. So, the cost for each property lot owner would be approximately \$45 per month for the first year and approximately \$15 per month the following years.

If the property owners do not decide to move forward with the option above and still want to have this median strip with manicured grass, the property owners could decide to have a water meter and a backflow prevention device installed at their cost and have someone responsible for the domestic water billing of this meter and contract with a third party to maintain the strip.

A third option is to let the median strip grass die and there is no cost to the property owners for a water meter, backflow prevention device, domestic water, and maintenance costs.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Robert Bohling
Water Superintendent
City of Twin Falls



Looking north toward Twin Falls High School



Date: Monday, October 14, 2013
To: Honorable Mayor and City Council
From: Troy Vitek, PE Assistant City Engineer

Request:

Consider a request to purchase property located at 245 Washington Street, Twin Falls.

Time Estimate:

The staff presentation will take approximately 10 minutes.

Background:

The parcel located at 245 Washington Street (identified as the JM Kitchens parcel) contained a building which was recently struck by a vehicle, and this building has been found to be unsuitable for occupation. Building code allows reconstruction of the building in the exact same location where it was previously located; however, if this building is reconstructed in the same footprint, it would be located inside the future City right of way for Washington Street. After the building was struck, the owner of JM Kitchens approached the City to see if the City has any interest in purchasing the property for future street widening. Knowing that the Council has discussed the possibility of relocating the 2nd Avenues to Minidoka via Washington Street, the Engineering Department felt it worth the effort to appraise the parcel at this time to determine the cost of acquiring future right of way. By acquiring the future right of way, the parcel would be unbuildable and would have to be adjoined with the adjacent parcel (also owned by JM Kitchens.) The acquisition of this parcel at this time may alleviate future right of way purchases if the Council chooses to widen Washington Street South. In summary, Western Appraisal and Investment Company provided an appraisal in the amount of \$40,000.00 to purchase the right of way, paying the owner for lost trees, fence remediation, site work, etc.

Approval Process:

If the Council feels this is worth investing in, the Council can approve the Engineering Department to proceed with closing on the property through a local title company.

Budget Impact:

The \$40,000 compensation was not budgeted and would have to be financed from reserves.

Conclusion:

Staff makes no recommendation and awaits the Council's decision as to how to proceed with the property.

Attachments:

1. Compensation Estimation breakdown.
2. Photos of impacted building
3. Site Map

With the previous information in mind, the subject is valued as follows:

COMPENSATION ESTIMATION

R/W Size		Supported Unit Price		Total
2,100.00	Sq. Ft.	\$ 6.74		\$ 14,154.00
Trees	2	\$ 800.00	Each	\$ 1,600.00
Fence:	100 L.F.	\$ 24.00	Per Foot	\$ 2,400.00
Building Demolition:				\$ 8,500.00
Site Work:				\$ 2,500.00
MISC. Fees:				\$ 1,400.00
Asphalt Parking Loss:				
2,100.00	Sq. Ft.	\$ 1.62		\$ 3,402.00
Asbestos Remediation:				<u>\$ 5,000.00</u>
Total:				\$ 38,956.00
Say:				\$ 40,000.00

CONCLUSION OF JUST COMPENSATION

The concluded just compensation for all aspects of acquiring the subject right of way is estimated to be:

FORTY THOUSAND DOLLARS
(\$40,000.00)

PHOTOGRAPHS OF SUBJECT PROPERTY



VIEW OF SUBJECT TO THE SOUTH



VIEW TO THE NORTH

