



MINUTES
TWIN FALLS CITY PLANNING & ZONING
COMMISSION
February 25, 2014 6:00PM
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

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

Present Absent

Boyd
Derricott
Frank
Grey
Munoz
Sharp
Tatum

AREA OF IMPACT MEMBERS

Present Absent

DeVore
Woods

CITY COUNCIL LIAISON(S): Mill Sojka

CITY STAFF: 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.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **February 5, 2014 Work Session**
February 11, 2014 Public Hearing
2. Approval of Findings of Fact and Conclusions of Law:
 - Fieldstone Professional (pre-plat 02-11-14)
 - Crandall (SUP 02-11-14)
 - TF Chamber of Commerce (SUP 02-11-14)

Motion:

Commissioner Woods made a motion to approve the consent calendar, as presented.
Commissioner Munoz seconded the motion. Commissioner Woods abstained.

Approved

III. ITEMS OF CONSIDERATION:

1. Request for approval of the preliminary plat for the Sun West Subdivision-No. 1, A PUD consisting of 31 (+/-) acres with 20 lots for a planned commercial development on property located at the southeast corner of Pole Line Road and Washington Street North **BLM& W, KLS&W & Canyon Vista Family LTD, Lazy J Ranch c/o Dave Thibault / EHM Engineers, Inc.**

Applicant Presentation:

Gerald Martens, EHM Engineers, Inc., representing the applicants stated the property is located at the southeast corner of Pole Line Road and Washington Street North. The property has a fairly lengthy history it has gone through a PUD process and the undeveloped portion is suitable for development, the mobile home property still has a time restriction before it can move forward. They are platting at this time because of drive factor that involves a federally funded project for extending Cheney Drive. This extension will provide a great east to west connection and they would like to make sure that right-of-way is accounted for as well as access, utilities and easements. The property has a main east to west road through the property and there will be one north to south road through the property. The preliminary plat is conceptual and designed for commercial development. They ask that the Commission approve the request.

Staff Analysis:

Planner I Spendlove displayed the exhibits on the overhead and presented the staff analysis of the request. He stated the history is lengthy for this property and he will summarize a few of the highlights. In 1973 the Lazy J Mobile Home Park Master Plan was approved. In 1985 City Council approved an ordinance to amend the zoning or portions of the property with other changes from 2004 to 2010 when City Council approved the annexation and zoning change to C-1 Business Park PUD with conditions. The time restriction referred to in the representatives presentation states no development of the area designated on the Master Development Plan as Lazy J Mobile Home Park shall be developed for a period of 5 years following the date of rezoning to C-1, annexation and PUD approval along with other conditions. The most recent approval was on February 14, 2012 Planning & Zoning approved a Special Use Permit #1258 to allow temporary recreational vehicle parking within the existing mobile home park.

The request is for the consideration of a Preliminary Plat for the Sun West Subdivision-A PUD, includes 30.98 (+/-) acres and is zoned C-1 Business Park PUD (Planned Unit Development) zone. The request is to plat twenty (20) lots. The site is located south of Pole Line Road and east of Washington Street North.

The proposed plat will allow for a planned mixed use development consisting of commercial retail and light industrial uses. The minimum lot area for a commercial or industrial use is to be of sufficient size to provide for the building, required setbacks, required landscaping and required off-street parking.

This is the first phase of platting the Sun West Subdivision, A PUD. A revised Master Development Plan and a revised PUD Agreement must be brought before Planning and Zoning and City Council before any development of the area designated as Lazy J Mobile Home Park can be developed as commercial uses.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls

water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed. It is also indicated on the Preliminary Plat that the site will be on a pressure irrigation (P.I.) system. This request is in conformance with the Comprehensive Plan which designates this area as appropriate for commercial/retail 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 and the Sun West/Lazy J PUD Agreement #259.
2. Subject to changing the name on the preliminary and final plat to Sun West Subdivision-No. 1, A PUD.

Commissioner Questions/Comments:

- Commissioner Munoz asked about the mobile homes located in the northeast corner of the property proposed for subdivision.
- Mr. Martens explained that when development of the road occurs it has been approved to relocate these homes. Prior to any development occurring in this development there will be a screening fence installed to prevent the commercial development from impacting the residential mobile home park.
- Commissioner Frank asked if there is a business park overlay on this property.
- Mr. Martens explained that this does have a business park overlay.
- Commissioner Frank asked what the plans are for the landscaping along the arterials.
- Mr. Martens stated that Pole Line Road is a gateway arterial requiring 35' of landscaping from the back of the curb. Washington Street North will meet the gateway arterial requirement also of 35' of landscaping.

Public Hearing: [Opened](#)

Public Hearing: [Closed](#)

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Derricott made a motion to approve the request, as presented. Commissioner Grey 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 and the Sun West/Lazy J PUD Agreement #259.
 2. Subject to changing the name on the preliminary and final plat to Sun West Subdivision-No. 1, A PUD.
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2. Request for approval of the preliminary plat for the Westpark Commercial #8 Subdivision, A PUD consisting of 2.03 (+/-) acres with 2 lots and 1 tract for commercial development on property located west of Pole Line Road & Canyon Crest Road **Westpark Partners, LLC c/o Gerald Martens / EHM Engineers, Inc.**

Applicant Presentation:

Gerald Martens, EHM Engineers, Inc., representing the applicant, stated that this property is located on the north side of Pole line Road and west of Canyon Crest Road. This property is a 2 lot and 1 tract development, it is being handled similar to the one lot plat where the hotel is being constructed to the north of Walgreens. This is basically a re-plat of an existing larger plat. One of the lots will accommodate a restaurant and the other lot will be for a commercial building once a user has been identified. The tract is going to accommodate a private drive and access for the bank and loop around behind Walgreens. This is a C-1 zoned plat the restaurant will go in on the corner and the other lot when developed will be in compliance with the C-1 zoning uses. There are water rights for this property there are agreements with the hotel for a private pressurized irrigation system that will be installed to provide water for the landscaping.

Staff Analysis:

Planner I Spendlove displayed the exhibits on the overhead and presented the staff analysis of the request. He summarized the history for this property it was approved to be rezoned as C-1 & R-4 PRO PUD in 1993 with conditions. In the conditions lot 6 is referenced that lot eventually became the Walgreens and Culvers Lots. Since that time there were other portions that were separated from the original plat with modifications.

This Preliminary Plat for the Westpark Commercial Subdivision #8 – a PUD includes 2.03 (+/-) acres and consists of two (2) lots. The proposed subdivision is zoned C-1 PUD. The site is located north of Pole Line Road and west of Canyon Crest Drive. The property is currently vacant. It is located in Lot 4; Block 2 of the Westpark Commercial Subdivision #3. The proposed lots are covered under the Northbridge PUD. This proposed subdivision will conform to the uses and development standards stated in the Northbridge PUD.

The intended use for the Westpark Commercial Subdivision #8 – a PUD is to allow the commercial development of a restaurant in one lot and unknown commercial use in the other. There is not a minimum lot square footage requirement in the C-1 zone for commercial uses; the lot is required to be of “sufficient size to provide for the building, the required setbacks, off street parking and landscaping”. 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.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed. It is also indicated on the Preliminary Plat that the site will be on a pressure irrigation (P.I.) system. The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for commercial/retail 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 arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.
3. Subject to compliance with Northbridge PUD.
4. Subject to the deed being revised in Westpark Commercial Subdivision #3, Lot 4 to exclude this subdivision, if approved.

Commissioner Questions/Comments:

- Commissioner Woods stated the private drive will remain a private drive and asked how condition #2 applies.
- Planner I Spendlove explained this is a standard note to address any public streets adjacent to the property.
- Mr. Martens stated that is correct and Pole Line Road would be the only arterial adjacent to the property.

Public Hearing: [Opened](#)

Public Hearing: [Closed](#)

Deliberations Followed: [Without Concerns](#)

- Commissioner Sharp asked about PI for the remainder of the property since there is nothing in the PUD that requires the Pressurized Irrigation.
- Planner I Spendlove stated that the developer has been working this out with the property owners and the City as development occurs it will be something that will be needed in the future.
- Zoning & Development Manager Carraway stated the PUD was a zoning action that took place in 1993 the verbiage within the document states that development will occur per City Code requirements. In this case any platting that occurs has to meet today's standards.

Motion:

Commissioner Woods made a motion to approve the request, as presented. Commissioner DeVore 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 arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.
3. Subject to compliance with Northbridge PUD.
4. Subject to the deed being revised in Westpark Commercial Subdivision #3, Lot 4 to exclude this subdivision, if approved.

IV. PUBLIC HEARINGS:

1. Request for the Commission's recommendation on a Zoning District Change and Zoning Map Amendment for .5 (+/-) acres from R-6 PRO to C-1 for property located at 580 Addison Avenue West **ProWest Engineering c/o Dan Thiel / Mtn. Sun Construction, LLC.** (app.2619)

Applicant Presentation:

Dan Thiel, Mountain Sun Construction, LLC, representing the applicant, stated that he was here at an early hearing for a Special Use Permit to use of this shop for the ProWest business. This request is to have the entire property that the shop is on rezoned to a commercial zone. The property is currently split into two different zones R-6 PRO and C-1. He asked that the Commission recommend approval.

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Staff Analysis:

Planner I Spendlove displayed the exhibits on the overhead and presented the staff analysis of the request. He summarized the history of the property and stated this property came through in December for a Special Use Permit. In 1986 a Special Use Permit was granted for an Auction House. Later the building changes hands and in May of 2012 the County sold the property to ProWest Engineering. Since the applicant purchased the building they have been operating an Electrical Engineering Firm, they have leased a space to the Vendor Blender and have been using this shop. . In December 2013, ProWest applied for a Special Use Permit to replace an existing non-conforming use with another non-conforming use for their electrical cabinet assembly. This Special Use Permit was approved by the Commission with conditions.

He stated this request is to move the R-6 PRO zoning boundary so that it coincides with the property line to the north making the whole building and parking area C-1; commercially zoned. The property is Lot 6 of the Holohan Addition; and the request is to rezoned it from

R-6 PRO (Residential Multi-Household Professional Office Overlay) to C-1 (Highway Commercial). There is an existing building on site that is zoned both C-1 and R-6 PRO. The Official Zoning Districts Map has the boundary line bisecting the building itself into two (2) differing zones.

The use of the property, and the building, will not change with this application. The applicant has expressed that the rezone request stems from wanting to clean up the zoning issues with the property, and remove possible encumbrances on the property if sold or if buildings were possibly expanded.

The Comprehensive Plan and Future Land Use Map designate the particular area wishing to be rezoned as Commercial/Retail. The area immediately to the East, South, and West are currently C-1 and have Commercial and Government uses established. The area to the north is zoned R-6 PRO and is currently a multi-family housing project. This proposed rezone would be compatible with the adjacent land uses in the area and does follow the Future Land Use Map and goals of the Comprehensive plan.

In reviewing a request for a Zoning District Change and Zoning Map Amendment the Commission has two (2) main tasks: **1-** to determine whether the request is in conformance with the Comprehensive Plan and **2-** to evaluate the request to determine the extent and nature of the amendment requested.

The Commission is asked to make a recommendation on this request which automatically is scheduled for a public hearing before the City Council. The Commission's recommendation may be to deny the request, approve the request as presented or they may table the request and ask that additional information be provided for their review.

To make a positive recommendation to the City Council the Commission must determine that **1-** the request is in conformance with the Comprehensive Plan and **2-** the extent and nature of changing the zoning of this property to R-4 PRO would be compatible with and not detract from the surrounding area.

Planner I Spendlove stated upon conclusion if the Commission finds that 1 & 2 have been met then Staff recommends the Commission recommend approval of this request, as presented.

Commissioner Questions/Comments:

Public Hearing: [Opened](#)

Public Hearing: [Closed](#)

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Munoz made a motion to recommend approval of the request, as presented.

Commissioner Tatum seconded the motion. All members present voted in favor of the motion.

[Recommended For Approval, As Presented](#)

[Scheduled For City Council March 31, 2014](#)

2. Request the Commission's recommendation on a request to vacate a portion of a 23' +/- platted utility, drainage, access and irrigation easement on property located at 1662 Park View Drive Castle Twin Falls, LLC c/o Gerald Martens/EHM Engineers, Inc. (app. 2620)

Applicant Presentation:

Gerald Martens, EHM Engineers, Inc. stated he is representing the applicant and requesting a vacation of an easement. Whenever a project is designed a standard policy is to have easements along the perimeter of the property to allow for utilities. This property is fully developed and the utilities are available to the property. The fuel tank location was designed for unloading without encroaching on the drive isles; when installed they a portion of the tanks encroached into easement. The vacation is to accommodate the tanks and to allow the remaining portion of the easement to remain intact. He has all the letters from the utility companies but has not had any response from the Canal Company for approval of the vacation as soon as he receives the remaining letters they will be provide for the record.

Staff Analysis:

Planner I Spendlove displayed the exhibits on the overhead and presented the staff analysis of the request. He summarized the history for this property and stated the site was annexed on June 14, 2004. Between 2004 and 2009 there were multiple PUD's, subdivisions, modifications and re-plats that included more lots. The most recent approval was for a Special Use Permit #1309 in December 2013 for the construction and operation of a convenience store/gas station that would be open twenty-four (24) hours a day, seven (7) days a week.

This is a request to vacate a utility, drainage, access and irrigation easement located along Pole Line Road West. This request to vacate a portion of the easement is for the installation of fuel storage tanks. The existing easement is 22.97 +/- feet in width. The 6' vacation will leave an easement width of 16.97', which exceeds the standard 15' easement normally placed on commercial subdivision boundaries.

We have not received all the required letters from the applicable utility companies stating their approval of the vacation of the easement. Staff recommends the Commission place a condition on this proposed vacation subject to requirements recommended by the applicable utility companies.

The applicant has stated in its narrative that all utilities for the North Haven Subdivision are in place. City of Twin Falls has a sanitary sewer line located in the easement east of the proposed vacation.

The vacation process requires a public hearing before the Planning and Zoning Commission.

After receiving a recommendation from the Commission, the City Council holds an additional public hearing and if the request is approved an ordinance is adopted and published.

Planner I Spendlove states upon conclusion should the Commission recommend approval of the request to the City Council as presented, staff recommends the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to requirements recommended by applicable utility companies.

Commissioner Questions/Comments:

- Commissioner Frank asked what was located on top of the easement.
- Planner I Spendlove stated there will be landscaping in this area.
- Mr. Martens stated some of the vehicle maneuvering area is in the space however 98% of it is landscaping.
- Commissioner Woods asked how far the fuel tanks encroach into the current easement.
- Mr. Martens stated that the actual tank was placed approximately 3' within the easement and the underlayment for the tank extends 5' into the easement. The tank doesn't run the full length it is only a small portion but there is a sewer line in the area that stop short of the easement and there is a service line that goes over to the building which is why the request doesn't include the entire easement. The tanks run parallel to Pole Line Road.

- Commissioner Munoz asked about landscaping in the area and compliance requirements.
- Mr. Martens stated that there is going to be ample landscaping in the area to meet any requirements.

Public Hearing: [Opened](#)

Public Hearing: [Closed](#)

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Boyd made a motion to recommend approval of the request, as presented.

Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

[Recommended For Approval, As Presented, With The Following Conditions](#)

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to requirements recommended by applicable utility companies.

[Scheduled For City Council March 31, 2014](#)

3. Request for a Special Use Permit to serve alcohol for consumption on site as an accessory to the operation of a restaurant on property located at 1007 Blue Lakes Boulevard North [c/o Kathryn Aitchison dba KIWI's Fish-N-Chips](#) (app.2621)

Applicant Presentation:

Kathy Aitchison, the applicant stated she is the owner of the Kiwi Fish-N-Chips restaurant and is requesting a Special Use Permit to serve alcohol in conjunction with the restaurant. She had a Special Use Permit at her previous location for the same use but it could not be transferred to this location. She would like the business to be family oriented and asked for approval of this request.

Staff Analysis:

Planner I Spendlove displayed the exhibits on the overhead and presented the staff analysis of the request. He stated in 1981 Twin Falls city instigated a Zoning District and Zoning Map amendment that rezoned various properties throughout the city. It is believed this property was zoned C-1 at that time, or when it was annexed into the City Limits. There is no other known zoning history for this property. Twin Falls building files show various remodels taking place on the premises, but the original building existed prior to our records. It is known that the Oasis Tavern/Lounge was previously located on this property.

The applicants have supplied narrative outlining their request. They have moved their restaurant, "Kiwi's Fish-N-Chips & Meat Pies", from Falls Ave near the Turf Club to 1007 Blue Lakes Blvd for increased space and visibility reasons. They would like to start selling beer and wine by the drink for consumption on site. The hours of operation are 10:00 am to 10:00 pm. They have ten (10) employees currently. The applicants indicate that they don't anticipate any noise, glare, odor, fumes, or vibrations that would make this facility incompatible with the surrounding area.

Per City Code 10-4-8: This site is zoned C-1, Highway Commercial zoning designation. In the C-1 zone, a Special Use Permit is required for alcohol sales if the subject property is less than 300' from residential property. There are residences to the west of this site, across the alley, within the 300' radius and so a Special Use Permit is required for this location.

Per City Code 10-7-6, 10-7-12, 10-11-1 thru 8: Site improvements are required at the time of new development or extensive remodel of existing structures. This special use permit is for the allowance of serving alcohol for onsite consumption. The applicant has not applied for an extensive remodel, or adding square footage to the existing building. If a substantial amount of remodeling or addition of square footage is done on the premises, plans will be reviewed and site improvements will be required per applicable City Codes and Standards.

Per City Code 10-10: As there are no improvements to the site no review of parking standards are required.

As this site is a restaurant, the impacts of serving alcohol are different from that of a bar-type establishment. Special Use Permits are for the property and stay with the property. The Commission may want to place a condition on the permit that it is only for a restaurant and would not be valid for a bar at this location.

The properties immediately adjacent to the north and south are commercial in nature. There are no residential approaches on Falls Ave that immediately face the subject property. The property to the west is residential. There is an alley between the two properties. There are other restaurants, eating establishments and commercial uses nearby. The impact of serving alcohol in this restaurant is not expected to have a significant impact on the surrounding area.

Planner I Spendlove state upon conclusion that conditions 3 & 4 have been met after the staff analysis was completed and prior to the meeting. Should the Commission grant this request as presented; staff recommends approval 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 serving alcohol for consumption on site being permitted as an accessory to the operation of a restaurant.
- ~~3. Subject to receipt of the property owner's written consent to allow alcohol sales/consumption onsite prior to issuance of the Special Use Permit.~~
- ~~4. Subject to receipt of a recorded Cross Use Parking Agreement with land owner to the North in order to accommodate parking and access requirements.~~

Commissioner Questions/Comments:

- Commissioner Munoz asked about any complaints from previous location and if it had full liquor license or was it just for beer and wine.
- Planner I Spendlove explained that staff has not had any complaints regarding the applicant's prior establishment and that he is not sure what type of license was in effect at the previous location.

Public Hearing: [Opened](#)

Public Hearing: [Closed](#)

Deliberations Followed: [Without Concerns](#)

- Commissioner Boyd asked if this will make it so that a bar cannot operate at this location.
- Planner I Spendlove explained that this will make it so that if someone wants to establish a bar at this location they will have to come back through for another Special Use Permit.

Motion:

Commissioner Tatum made a motion to approve the request, as presented. 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.
 2. Subject to serving alcohol for consumption on site being permitted as an accessory to the operation of a restaurant.
4. Request for the Commission's recommendation on a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO for property located at 708 Washington Street South [c/o Judith Rayborn](#) (app.2622)

Applicant Presentation:

Judith Rayborn, the applicant, stated she owns the property in question. The property has been used as a rental since they purchased it in 1994. The lot is very large and with the addition to Washington and increased traffic it is not very good for a rental. There is access to the property from Osterloh Avenue West which would be able to be used for parking. She thinks it would be great for a professional office and would meet the intent for the area. The property is zoned R-4

now and is across the street from M-2 zoned property to the north. It is located south of the old Jayco building. This change would not disrupt the area if this rezone was to be approved. It would make a great office property and she would like to be able to utilize the property better.

Carolyn Cutler, Gem State Realty, stated she has been asked by the applicant to help her find a use for the property and make it more marketable. The surrounding area has M-1, Manufacturing and a variety of uses. The area is changing and the R-4 PRO zoning would offer an opportunity for the area to change and fit the comprehensive plan goals. The population density has increased tremendously in this area and having a professional overlay type of business would make this property more marketable.

Staff Analysis:

Planner I Spendlove displayed the exhibits on the overhead and presented the staff analysis of the request. He stated The Farmstead Plat was recorded around 1937, this plat created the lot applying for the rezone. The City of Twin Falls does not have any history on the building that resides on the lot. In 1981 Twin Falls City adopted an amended Title 10; Zoning & Subdivision Regulations and amended the Area of Impact and Zoning Districts Map.

This is a request for a Zoning District Change and Zoning Map Amendment to rezone a single parcel from R-4; Residential Medium Density to R-4 PRO; Residential Medium Density with a Professional Office Overlay. The parcel, located at 708 Washington Street South, is 15,454 sf/0.35 +/- acres, with a legal description of NE 66.9' X 231' of Lot A, Farmstead Subdivision-A Survey. There is an existing single family residence on the parcel.

The surrounding neighbors are primarily single family residences and agricultural. Along the northern boundary of this property is an undeveloped minor collector street; Osterloh Ave W. North of Osterloh Avenue West the property is zoned M-1; light manufacturing with a small single family residence and agricultural farm land. That residence is in city limits and the farm ground is outside city limits. To the east of 708 Washington St S is a residential subdivision zoned R-2 developed with single family residences. To the south and west of 708 Washington St S the property is zoned R-4 with developed single family residences. Kitty-corner of 708 Washington St S across Washington St S to the north and east is a manufacturing plant zoned M-1; Light Manufacturing. There are established commercial and light manufacturing businesses located in this plant.

The applicant has expressed in her narrative that the rezone request stems from the desire to sell this property and to be able to market it other than just as a residence. With the current zoning of R-4, commercial/professional/service oriented businesses are not allowed. The rezone may allow the applicant to market the property as a possible future professional office subject to full compliance with city codes and development standards. Within the R-4 PRO zoning code, in order to convert a residence to professional office, a Special Use Permit and a building permit for a change of use would be required.

The 2009 Comprehensive Plan and Future Land Use Map designates this portion of Washington Street South corridor as appropriate for Urban Village/Urban Infill development. The Comprehensive Plan outlines the desired type of uses in the following description: *“Urban Village/ Urban Infill uses are proposed within the existing City Limits on sites that are surrounded by built-up areas and which are generally smaller than land located on the outskirts of the community. Instead of being developed with single-family homes or similar homogenous uses, a mixed-use profile is envisioned; incorporating a range of residential uses and densities, in addition to commercial and community uses which support urban lifestyles. Mixed uses would be both vertical and horizontal, depending on the design qualities of each specific project.”*

Since the adoption of the Comprehensive Plan in 2009 this land use designation of Urban Village/Urban Infill has not been adopted in Title 10 as a zoning district. The intent of the Urban Village/ Urban Infill is to allow for infill development of light commercial/professional uses in established areas specifically along major arterials such as Washington Street South. Under staff review we determined a professional office overlay may accomplish the intent of the Urban Village/ Urban Infill description of utilizing this lot other than as a single family residence. A Home Occupation could still be operated by SUP at this site under the current zone of R-4.

If the request is approved by the City Council, development of the site would require a Special Use Permit and development of site improvements which may include paving, landscaping, storm water retention, curb/gutter/sidewalk, development of Osterloh Avenue Wes, compliance with building codes to change the use from a residence to a professional office and review for compliance of Engineering and Fire codes.

If approved this would be the first zoning amendment to allow a professional office along this section of Washington St S for property currently zoned/developed/used as residential.

In reviewing a request for a Zoning District Change and Zoning Map Amendment the Commission has two (2) main tasks: **1-** to determine whether the request is in conformance with the Comprehensive Plan and **2-** to evaluate the request to determine the extent and nature of the amendment requested.

The Commission is asked to make a recommendation on this request which automatically is scheduled for a public hearing before the City Council. The Commission's recommendation may be to deny the request, approve the request as presented or they may table the request and ask that additional information be provided for their review.

To make a positive recommendation to the City Council the Commission must determine that **1-** the request is in conformance with the Comprehensive Plan and **2-** the extent and nature of changing the zoning of this property to R-4 PRO would be compatible with and not detract from the surrounding area.

Planner I Spendlove stated upon conclusion if the Commission finds that 1 & 2 have been met then Staff recommends the Commission recommend approval of this request, as presented.

Commissioner Questions/Comments:

- Commissioner Grey asked if the egress onto Osterloh Avenue West would be allowed.
- Planner I Spendlove stated that the Engineering Department would have to determine the location for the egress and if it would be feasible. Without a design for the property it would be hard to determine, however it would be reviewed by Engineering at the time of submittal.

Public Hearing: [Opened](#)

Public Hearing: [Closed](#)

Closing Statement:

Mrs. Rayborn explained because of the traffic in this location the rental status is very short term. It would be nice to have a family rent the home long term but the property is not conducive for a family.

Deliberations Followed:

- Commissioner DeVore asked staff if this request complies with the Comprehensive Plan.
- Planner I Spendlove stated staff did not address this in the staff report and has left this decision up to the Planning & Zoning Commission.
- Commissioner Sharp stated he has lived in this area before and feels the change would meet the goals of the Comprehensive Plan.
- Commissioner Munoz stated he thinks this would be a good transition and this is in line with the Comprehensive Plan.
- Commissioner Frank stated this would be positive, it is unsafe for a residential use and recommending approval would allow them to move forward through the process.
- Commissioner Grey stated this would help get the ball rolling for this type of change in the area.

Motion:

Commissioner Sharp made a motion to recommend approval of the request, as presented.

Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

[Recommended For Approval, As Presented](#)

[Scheduled For City Council March 31, 2014](#)

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

Chairman Frank stated this was the last meeting Commissioner Devore and Commissioner Sharp. Commissioner DeVore's second term has expired and Commissioner Sharp is unable to serve another term. Chairman Frank thanked Commissioner DeVore and Sharp for their service on the Commission.

Planning & Zoning Commission

February 25, 2014 Minutes

Zoning & Development Manager Carraway stated she wanted to remind the Commission that there will be four items from this meeting that will move forward to the City Council.

VI. UPCOMING PUBLIC MEETINGS: (held at the City Council Chamber)

1. **Work Session-March 5, 2014 -- 12:00PM-1:00PM**
2. **Public Hearing-March 11, 2014 -- 6:00PM-9:00PM**

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:30 pm.

Lisa A. Strickland
Administrative Assistant
Planning & Zoning Department