



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
February 28, 2017 6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Danielle Dawson Tom Frank Kevin Grey Gerardo "Tato" Muñoz Ed Musser **Vacancy** Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

ATTENDANCE

CITY LIMIT MEMBERS

PRESENT

Dawson
Frank
Grey
Muñoz
Tatum

ABSENT

Musser

AREA OF IMPACT MEMBERS

PRESENT

Higley

ABSENT

Woods

CITY STAFF: Carraway-Johnson, O'Connor, 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 1, 2017 WS**
2. Approval of Findings of Fact and Conclusions of Law: **None**

Motion:

Commissioner Grey made a motion to approve the consent calendar, as presented. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

Unanimously Approved

III. ITEMS OF CONSIDERATION: **None**

IV. PUBLIC HEARINGS:

1. Request for the Commission's recommendation on the **Zoning Designation** for a request to **Annex 7.5 +/- acres with a Zoning District Change & Zoning Map Amendment** from R-4 & R-4 CRO Aol to M-1 CRO ZDA to allow a Storage Unit Rental Facility, Truck Rentals (U-Haul), two (2) truck rental display pads, and designated outdoor and/or indoor storage yard(s) for automobiles/pickups and recreational vehicles on property located at 403 Grandview Drive. c/o Scott Allen/JUB Engineers on behalf of Mojo, LLC-Gregg Olsen (app. 2836)

Applicant Presentation:

Scott Allen, JUB Engineers, Inc., representing the applicant stated they are here to request a zoning district change. He showed on the overhead the location of the property and explained the surrounding uses. This is an expansion of the muni storage business, however the buildings will be larger. There is no PI available and to meet the landscape requirements they would like to install xeriscape for the development. This facility will be approximately 50' wide and will be either enclosed or open for people

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to store their boats and RV's. There will be outdoor open parking placed along the east end of the facility. They have addressed screening and security fencing, the property to the south is commercial the east property line abuts the lateral open space, and the north portion has the Jubilee House with open area. They would like to have enough material to provide flat surfacing for parking and retaining storm water above ground to avoid having to dig a large hole.

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated 403 Grandview Dr. was Grand-Vu theater from 1952 to 2013, when the drive in closed permanently. Ordinance 2012 was passed in 1981, creating the zoning districts we currently use, and zoned various properties within City Limits. Zoning designations were assigned at that time, or when areas were annexed or became part of the Area of Impact Agreement with the county. The applicant purchased and annexed/rezoned to a C-1 PUD the Muni Storage Facility adjacent on the south side of this property in 2007. He later purchased the old Grand-Vu theater property in March of 2016, and is applying to expand his current storage business that is just south of this property.

This is a request for Annexation with a Zoning District Change and Zoning Map Amendment from R-4 & R-4 CRO (AOI) to M-1 CRO ZDA for 7.57(+/-) acres to allow for the development of a Storage Unit Rental Facility, Truck Rentals (U-Haul), two (2) truck rental display pads, and designated outdoor and/or enclosed/covered storage yard(s) for automobiles, pickups and Recreational Vehicles on property located at 403 Grandview Drive.

Per City Code 10-6: Zoning Development Agreements:

Development of a ZDA shall conform to all sections of Title 10 unless specifically addressed within the written zoning development agreement and approved by the City. The document shall list all requested variations from standard code requirement. The council may add other requirements they deem appropriate.

The applicant shall provide a written zoning development agreement identifying land uses and development that is contrary to minimum zoning code requirements. The agreement shall also include phasing and specific criteria for the project. The Written Zoning Development Agreement may include, building heights-if greater than allowed by code, building materials, master landscaping plan, specific land uses-if not permitted by code, a lighting plan, parking requirements, pathways, and other items.

The applicant shall also provide a color Master Development Plan that illustrates the phasing and specific development criteria as outlined in the written Zoning Development Agreement.

The applicant has provided a written zoning development agreement (Zoning Development Agreement) and Master Development Plan, including the phasing of the development. These plans indicate the underlying Zoning District to be M-1: Light Manufacturing District with the easterly portion within the Canyon Rim Overlay (200' depth from Rock Creek Canyon Rim).

Per City Code: 10-4-9 M-1, Light Manufacturing

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The M-1 zone allows, through a Special Use Permit, an automobile and a recreational vehicle rental/storage yard. There is no indication the plan includes recreational vehicle rentals. The applicant has requested storage of automobiles and recreational vehicles be outright permitted, as well as 24-hour operation of the facility and an office, which would be ancillary to the use.

Per City Code: 10-4-19 CRO, Canyon Rim Overlay

The CRO along Rock Creek is two hundred feet from the canyon rim out. The building setback is 100' from the designated canyon rim. The base Canyon Rim Overlay Zone does not permit a storage unit rental facility nor automobile or R.V. storage areas. The applicant is requesting all these uses be outright permitted within the CRO Zone.

Per City Code 10-7-9: Filling of Canyons

Filling of Canyons is prohibited and a special use permit is required for filling within one hundred (100) feet of the canyon rims.

The applicant is asking for the special use permit requirement to be waved for this project. Specifically, they are showing plans to fill an area in order to gain a somewhat flat surface for Vehicle and RV Storage. Also, they are looking to use fill to design a storm water facility within 100' of the Rock Creek Canyon Rim.

The applicant has listed this concession within the Development Standards; staff would propose creating a different section within the ZDA to handle this request if it is determined appropriate by the Commission and Council.

Per City Code 10-15-1: ANNEXATION-Commission Recommendation Required:

The Commission's role in an annexation request is to make a recommendation to the City Council on the proposed zoning designation and master development plan only not on the requested area proposed for annexation. Upon receipt of the commission's recommendation on the zoning and the master development plan, including any conditions, the City Council will hold a public hearing on the request to annex the proposed area with the recommendation by the commission on the zoning and the master development plan as presented and subject to any recommended conditions.

Twin Falls "Grow With Us" 2016 Comprehensive Plan identified this area as Industrial/Employment/Flex and Natural Area. The proposed rezone of the property complies with the 2016 Future Land Use Map.

HOWEVER, the 2016 Comprehensive Plan addresses concerns throughout the document several times the need and desire to Protect The Canyon Rim. In what appears to be a possible conflict with the plan, the applicant is showing a future storm water facility and the automobile and recreational vehicle storage yards constructed within feet of the Canyon Rim. There is no current City Code prohibiting the construction of the facility near the rim- the building setback is 100' from the designated canyon rim. The Plan is not a directly enforceable document in the same way the City Code is. Conversely, the document is meant to be a guide, or reference, for the Commission and the Council when faced with decisions such as this.

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When reviewing applications such as this it is best practice to examine the surrounding area to ensure a good transition between and among different land uses. As the area to the south is currently used as storage rentals and this application is an expansion of that facility. It would be appropriate to place some conditions that make the transition between properties seamless. The landscaping along Grandview can and should be of similar depth and quality to be consistent along this entire frontage. The applicant currently has fencing on the southern property that includes screening material. It may be appropriate to have this new area match that screening fence as well.

The applicant has written a few other items within the document that pertain to and depart from City development requirements. Particularly, the following items listed in the Written Commitment under Section (2):

- b. "...vehicle storage structures shall be permitted to be fully enclosed or constructed with only a roof."*
- f. "irrigation water for plants....shall be provided by the city potable water system."*
- g. "Security fencing....without view obscuring slats..."*

Staff wishes to clarify the vehicle storage area on the east side of the property should not have buildings/covering constructed as it would be within the 100' building setback as required in the Canyon Rim Overlay.

Staff does not support bypassing current city code requirements for irrigation water and the development process involved with Building Permit approval. The applicant should proceed through the process for irrigation water as stated within current city code.

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-** evaluate the request to determine the extent and nature of the amendment requested.

Senior Planner Spendlove stated upon conclusion if the Commission determines the proposed request, as proposed, meets the two criteria as stated above and is an appropriate zoning designation and development plan then they may make a positive recommendation to the City Council, subject to the following Staff recommended conditions.

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to ROW dedication for that portion of Grandview fronting this project occurring prior to issuance of any Building Permit. Width of ROW to be determined by City Engineer.
3. Subject to no building being constructed within the "outdoor storage" area identified on the Master Development Plan.
4. Subject to removal of Section (2) – f – "Irrigation water...by potable water system." From the ZDA Document.
5. Subject to replacement of Section (2) – h – "Placement of fill material...", with appropriate language asking for concession to City Code 10-7-9, said language to be determined by City Staff.

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6. Subject to a Master Landscape Plan as per the Master Development Plan, submitted and approved by Staff prior to recordation of the ZDA.
7. Subject to a Master Lighting Plan submitted and approved by Staff prior to recordation of the ZDA.
8. Subject to a Master Sign Plan submitted and approved by staff prior to recordation of the ZDA.

PZ Questions/Comments:

- Commissioner Munoz asked for clarification about the fill, is there any other portions of the development that fall within the 100' of the Canyon Rim.
- Senior Planner Spendlove explained which portion of the development falls into the 100' setback from the canyon rim.
- Commissioner Grey asked about the storm water retention requirement.
- Senior Planner Spendlove explained storm water retention is required by code for any commercial development.
- Commissioner Higley asked for clarification between the canyon rim and the canyon rim overlay.
- Mr. Allen explained there is property owned by someone else between the property and the canyon rim. If someone had a canyon rim study of the property they could possibly build on it. According to the code the edge of their property does not meet the canyon rim definition but is still part of the Canyon Rim Overlay. The applicant owns the property all the way to the lateral and they plan to preserve that area because there is a lot of natural vegetation and provides a good buffer from the golf course. He has a liability to the canal company if he were to sluff off the property. Mr. Allen also clarified that he had City Engineer Glaeseman come out to help them determine where the rock creek canyon rim is located. This property is not part of the canyon rim however they were able to determine where development could safely occur near the lateral.

Public Hearing: [Opened](#)

- Ray Wiman, 975 Welch Lane, explained that the applicant has already done this and feels like they are just going through the process to have the City okay for what has been done. He doesn't believe that is the way the law is written nor should it be allowed. You don't rob a bank and then ask for a withdrawal. The other concern he has is for the women seeking help at the Jubilee House, they don't need the added traffic and stress this development will create.
- Floyd Miller, 1050 Welch Lane stated he owns the property across the street, he is very opposed to this because his property is residential. He also stated that muni storage has been operating like this for over a year and now the property in question has vehicles parked on it. You are supposed to ask permission first. He stated he feels they do it first and then ask the City for forgiveness because they know that the City is not going to tell them no when they have already made a large investment in their property. People should have to go through the process before they begin development.

Public Hearing: [Closed](#)

Closing Statement:

Mr. Olsen 485 Grandview Drive, he is using this area for a construction staging area so that he could complete the paving of the area on the original muni storage site.

Deliberations Followed:

- Commissioner Frank asked what can be built using this current zoning.
- Senior Planner Spendlove explained it is currently zoned residential.

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- Commissioner Munoz he is just concerned with development along the open space but he also understands that this is in the canyon rim overlay not necessarily on the canyon rim.
- Commissioner Frank explained that the use for this property could easily be temporary; it could become homes eventually by removing the buildings. There could be other higher impact uses that go in the proposed zone however, a ZDA is very precise and outlines what is allowed.
- Commissioner Munoz explained that the ZDA is limiting to how the property develops.
- Commissioner Higley explained it is not uncommon to see mini storage near residential areas.

Motion:

Commissioner Tatum made a motion to recommend approval of the request, as presented, with staff recommendations. Commissioner Higley seconded the motion. All members present voted in favor of the motion.

Recommended Approval, As Presented, With the Following Conditions

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to ROW dedication for that portion of Grandview fronting this project occurring prior to issuance of any Building Permit. Width of ROW to be determined by City Engineer.
3. Subject to no building being constructed within the “outdoor storage” area identified on the Master Development Plan.
4. Subject to removal of Section (2) – f – “Irrigation water...by potable water system.” From the ZDA Document.
5. Subject to replacement of Section (2) – h – “Placement of fill material...”, with appropriate language asking for concession to City Code 10-7-9, said language to be determined by City Staff.
6. Subject to a Master Landscape Plan as per the Master Development Plan, submitted and approved by Staff prior to recordation of the ZDA.
7. Subject to a Master Lighting Plan submitted and approved by Staff prior to recordation of the ZDA.
8. Subject to a Master Sign Plan submitted and approved by staff prior to recordation of the ZDA.

**Scheduled for City Council Public Hearing
March 27, 2017**

2. Request for the Commission’s recommendation on a **Zoning District Change & Zoning Map Amendment** from R-2 to RB for property located at 838 Filer Avenue c/o Ladeen Dane (app. 2838)

Applicant Presentation:

Ladeen Dane, the applicant, explained that she is make a request to rezone her property. The development that has occurred recently in this area has prompted this request. She has attorneys, Star Bucks and an O’Reilly near by.

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated 838 Filer Ave is the western most portion of Lot 20 in the Garden Homes Subdivision recorded in June 1919. 838 Filer Ave first appeared in the Polk Directory in 1957 listed as a residential property. County Parcel records for this parcel dates back to 1960, with the ownership by the applicant since at least 1994. Ordinance 2012 was recorded in 1981, it created the zoning districts we currently use, and zoned various properties within City Limits. Zoning designations were

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assigned at that time, or as areas were annexed. This is a request for a **Zoning District Change and Zoning Map Amendment** to rezone one (1) parcel from R-2; Low Density Residential to RB; Residential Business. The property is 0.212 +/- acres and is located west of the C-1 zone at the intersection of Blue lakes Blvd North and Filer Ave.

The applicant states in the narrative that the rezone request stems from *the desire to get the most value out of the property being that they have taken great care of and have great pride in the property and do not wish to see it fall in to disrepair.*

The Comprehensive Plan indicates this corridor as appropriate for Residential Business or Mixed Uses. There is no development plan to evaluate as this request is to only rezone the property. Any changes will require a full review by staff to determine the extent and nature of the changes. Any change shall comply with the purpose, uses and development standards of the RB Zoning District prior to development.

To make a positive recommendation, 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 the Residential Business District would allow land development that would be compatible with and not detract from the surrounding area.

Senior Planner Spendlove stated upon conclusion the Commission is asked to make a recommendation to the City Council on this request. The Commission's decision may be to deny the request, approve the request as presented or request additional information be provided.

PZ Questions/Comments:

- Commissioner Dawson asked what uses can be allowed in this zone without a special use permit process.
- Senior Planner Spendlove explained the land uses that could be possible under the RB zoning and reviewed the land development restrictions.

Public Hearing: **Opened & Closed Without Comment**

Deliberations: **Without Concerns**

Motion:

Commissioner Tatum made a motion to recommend approval of the request, as presented, with staff recommendations. Commissioner Grey seconded the motion. All members present voted in favor of the motion.

Recommended Approval, As Presented
Scheduled for City Council Public Hearing
March 27, 2017

3. Request for a **Special Use Permit** to operate a Botanical Garden on approximately 5.6(+/-) acres located at 821 & 867 Filer Avenue West. c/o LaMar & Rosalie Orton (app. 2839)

Applicant Presentation:

Lamar Orton, the applicant, stated this is an application for a Special Use Permit to allow a Botanical Garden at 821 & 867 Filer Avenue West in an R-2 Zoning District. He stated he and his wife have developed a private garden on their approximately 5.6 acre property. The garden is intended to demonstrate drought tolerant

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plants that include many cold hardy cacti, yuccas and Idaho native plants. The garden currently is open on an appointment basis except for two weekends in May when a plant sale and open house is held and at Christmas time when the public is invited to view approximately 150,000 Christmas lights placed throughout the garden. Over the years they have people from all over the country and place from around the world visit the garden.

In an effort to allow the garden to continue to exist in the future, they wish to donate the existing planted garden area to the 501(c)(3) non-profit corporation known as Orton Botanical Garden, Inc. If the special use permit is approved the garden will ultimately have regular hours of operation to the public. Plant sales will also continue on the property to respond to public demand and as a revenue source for the garden. There have been requests for wedding and wedding receptions at the garden, so these may also occur at times. There will also be occasional classes on plants. The change from private property to a non-profit Botanical Garden will take place in three phases, if the special use permit is granted.

They have laid out a long range plan for the garden which may take several years to complete. He explained that they will donate the garden area to the 501(c)(3) corporation immediately after receipt of the special use permit. The garden will operate on an appointment basis, and offer plants for sale and have an annual open house as in the past. When staff is available, the garden will have regular business hours.

Phase II-The home at 821 Filer Avenue West will be acquired by the 501(c)(3) corporation and converted into an office, meeting place and information center for the garden. There could be a small gift shop and display area also in the building. When this conversion takes place, all building codes and parking requirements will be met. The home has a main floor area of 1808 sq. ft. basement 480 sq. ft. garage.

Phase III-Their residence at 867 Filer Avenue West could be acquired by the 501(c)(3) corporation and ultimately house employees or researchers working at the garden. It would remain a residence. The home is a total 2400 sq. ft. with two storage sheds with a greenhouse located on the property.

Hours of Operation will be within the hours of 8:00am to 6:00pm 7 days a week, except for an occasional botanical event or wedding or reception running later into the evening. None of these events would ever occur past 10:00 pm. The Christmas light hours are from 6:00pm to 10:00pm.

Traffic anticipated during regular hours would probably not exceed more than 4-6 cars with often not more than one or two cars. On occasion larger groups may visit the garden for a guided tour. Such groups in the past have included CSI and High School classes, BLM, Fish & Game, Forest Service employees, Idaho Native Plant Society groups, Master Gardeners, Summer Youth programs, garden clubs and other similar groups. These larger groups rarely stay longer than a couple of hours and are usually not larger than 30 people.

The number of employees would probably never be more than six and most likely not more than one or two for some time. There have been groups of volunteers in the past of up to 15 people but such groups come only for a couple of days per year.

They would like to have a free standing sign along the Filer Avenue frontage. The sign will not exceed 60 sq. ft. and will not be over 8 ft. high as provided by City Code 10-9-8(G)2b(5). There would also be one "Garden Office" wall sign, not over 25 sq. ft. placed on the office whenever the home 821 Filer Avenue West is converted to an office.

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Effects on surrounding properties should be minimal with some increase in traffic whenever regular visitor hours begin. There will be minimal increase of noise coming from the property and there will be no increase in glare, odors, fumes, vibrations or other negative impacts.

Such gardens are considered a visual asset to residential areas and a positive asset for community residents and tourists who may visit the community in which the gardens are located. Botanical Gardens often have fewer impacts than a residential subdivision of similar size or than other uses allowed in residential zones such as churches or schools.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated 867 Filer Ave W has been a residential lot since 1955 when it first appeared in the Polk Directories, and the zoning has been in place since 1981 when the current zones were established. The applicant has used the property as a private garden for a number of years.

If the SUP is granted, the Botanical Garden will open up to the public, possibly increasing the amount of visitors and vehicular traffic. This increase is not anticipated to be such that the impacts are overly burdensome, but still may be occasionally impactful. There is limited parking as is and the applicant has submitted plans to provide approximately 5 or 6 spaces at the north end of the gardens with access from Filer and some additional parking with access from Grandview.

Twin Falls "Grow With Us" 2016 Comprehensive Plan identifies this area as appropriate as Town Neighborhood and Neighborhood Commercial. A Botanical Garden fits with in both of the future land use designations, providing a park and recreation use as well as a civic and community amenity.

Due to the nature of a Botanical Garden there is no anticipated negative noise or glare impacts. However, due to the limited space available, parking could become an issue especially during events, as stated by the applicant, which could draw large crowds. During these times, parking congestion could create issues with the neighbors and emergency response if ever needed. It may be appropriate to require designated and signed parking areas from both Filer Ave and Grandview Drive.

In order to best mitigate possible impacts given the unknown of possible future operations, Staff proposes a few conditions. Current Parking Code does not list Botanical Garden as a use with a required number of spaces. Staff proposes a minimum of ten (10) Parking spaces be provided. This number was determined partially due to the number of employees, volunteers and visitors the applicant declared would attend regularly, and partially due to it being the base number required for semi-public learning centers (museum, library, art gallery). It may be appropriate to require designated and signed parking areas from both Filer Ave and Grandview Drive.

This parking number does not address the events and parking demand they bring. It may be reasonable to accept events will not take place every day, and the property will behave more like a private garden for the majority of the time. However, given the opportunity, it is possible the location could become popular for weekend events during certain times of the year. This could become intrusive to neighboring property

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owners. In light of the limited parking area, and untested nature of the new business being available for events, we propose limiting the number of events on the property to one (1) per month.

Planner I O'Connor stated upon conclusions 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 a designated signed parking plan to include Filer Ave and Grandview Drive showing a minimum of ten (10) spaces being installed per City Codes and Standards. Required when 821 is converted to office.
3. Subject to the events being limited to one (1) per month.

PZ Questions/Comments:

- Commissioner Grey asked about landscaping requirements along the corridor and curb gutter and sidewalk.
- Planner I O'Connor explained this is not designated, as a gateway arterial so landscaping is not required, the sidewalk, curb and gutter would be completed when the building permit comes through the process.

Public Hearing: [Opened](#)

- Anne Debolt, strongly supports this request and read into the record her letter that was submitted prior to the meeting and is filed with the record.
- Commissioner Frank explained that there were several letters of support submitted prior to the meeting and have been filed with the record.
- Carlos Ramos explained that he would like to thank the residence for the work they have done and having the botanical garden will help the community. He is in support of the request. His children love to visit the site at Christmas and can be a very educational site for future developments.
- Kathleen Harpor, 410 Grandview Drive North, the botanical garden has made their back yard very relaxing. The concern for the future is parking and there is not any sidewalk, curb and gutter install along Grandview Drive
- Lisa Detweiler, 189 Lincoln St stated she is here to support the request, because water is a precious resource and it would be a great way to educate the public on cold hardy and drought tolerant plants. They have done a tremendous job in cultivating this garden and demonstrates how attractive xeriscaping can be. As an operational public garden would be a benefit to the public. Green spaces are needed to enrich people's lives and cultural experiences. This is a wonderful garden.
- Randy Harper, 410 Grandview Drive North, he is not opposed and thinks the spring is the most beautiful time of the year. He had a record of survey pulled by a title company and is not sure that they can have parking on public right of way.
- Caroline Morris, Boise, Idaho is in support of this request and read into the record a letter that was submitted prior to the meeting and is filed with the record.
- Marie Fuller, 374 Grandview Drive North, she has no objection to the botanical garden and she only has a concern about the irrigation canal and parking.
- Commissioner Frank explained that the Commission has to review the request based on certain criteria and the irrigation canal is not part of the request.
- Rosalie Orton, explained it is important to have trails, gardens and open spaces in a community. Walking around the garden allows people to see several species of birds and plants.

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- Jeff Ruprecht, 841 Rim View Lane East is in support of the request and wants to make sure that this will ensure that it remains a botanical garden into the future.

Public Hearing: **Closed**

Closing Statement:

Mr. Orton, explained that he is concerned about Grandview Drive North and they have had only one or two events with a dinner on the property and allowed people to tour which was approximately 90 people. He explained to everyone not to park in front of anyone's home and to park in front of the garden and then if necessary he would open the gates along Grandview for people to park. They hope never to have that many people again and they have planted plants over the area where the pipe runs to try and prevent people from parking on the irrigation ditch.

Deliberations Followed:

- Commissioner Grey stated he is excited about this request and drawing people to the botanical gardens. He has concerns about limiting the number of events.
- Zoning & Development Manager Carraway-Johnson explained that the applicant is comfortable with the condition and has explained that if there is a need for an event that may cause additional traffic he will make contact with the City. When the property at 821 Filer Avenue West comes through to be converted to an office the site improvements will be required.
- Commissioner Munoz explained this will be a great educational opportunity for developers and determining what can be planted in the area that pose minimal demand on water resources.
- Commissioner Frank explained that his spouse has removed some of his portions of the property to have this type of landscape and it has been a really nice change. He thinks this meets the code requirements for approving a special use permit.
- Commissioner Munoz explained that he agrees.

Motion:

Commissioner Tatum made a motion to approve the request, as presented, with staff recommendations. Commissioner Dawson 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 a designated signed parking plan to include Filer Ave and Grandview Drive showing a minimum of ten (10) spaces being installed per City Codes and Standards. Required when 821 is converted to office.
3. Subject to the events being limited to one (1) per month.

Chairman Frank paused the meeting for 5 minute break.

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4. Request for the Commission's recommendation on a **Zoning District Change & Zoning Map Amendment** from R-4 to R-4 PRO for Lot 22 Block 4 of the Golden Rule Subdivision, located north an east of the intersection of Addison Ave and Jackson St. c/o Lynn Dunlap (app. 2840)

Applicant Presentation:

Lynn Dunlap, the applicant, stated he purchased this property a while ago and was not aware of any zoning issued. The request is for the parking lot located north of the existing building be rezoned to R-4 PRO. This request should not have any impact on the surrounding area it will just clean up the zoning issues.

Staff Presentation:

Senior Planner Spendlove reviewed the request and stated this is a request for a Zoning District Change and Zoning Map Amendment to rezone one (1) property from R-4; Residential to R-4 with Professional Office overlay. The lot is .143(+/-) acres and is located just north of the Office building at 415 Addison Ave.

The applicant stated in the narrative that the rezone request stems from the fact the current use of the parcel is not in line with the City's zoning map. Despite parking lots being a prohibited use in the R-4 zone, the parcel acts as a parking lot for the office building to the south. Therefore, it is the applicant's desire to bring the land into compliance with city code.

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 Comprehensive Plan indicates this corridor as appropriate for Neighborhood Commercial uses. There is no development plan associated with the request. Any future changes will require a full review by staff to determine the extent and nature of the changes. Any change shall comply with the purpose, uses and development standards of the Professional Office Overlay prior to development and/or approval.

To make a positive recommendation, 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 allow land development that would be compatible with and not detract from the surrounding area.

Senior Planner I Spendlove stated upon conclusion the Commission is tasked with making a recommendation on this request; the recommendation will then be forwarded to the City Council for a final decision.

PZ Questions/Comments:

- Commissioner Munoz asked about storm water retention.
- Senior Planner I Spendlove explained that this is reviewed however, it has not been the city's practice to change the retention when it's already impervious.

Public Hearing: **Opened and Closed Without Comment**

Deliberations Followed: **Without Concerns**

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Motion:

Commissioner Tatum made a motion to recommend approval of the request, as presented, with staff recommendations. Commissioner Grey seconded the motion. All members present voted in favor of the motion.

**Recommended Approval, As Presented
Scheduled for City Council Public Hearing
March 27, 2017**

5. Request for the Commission's recommendation for a **Zoning District Change & Zoning Map Amendment** from R-2 PRO PUD and R-1 VAR PUD to R-2 PRO ZDA for 7.74 (+/-) acres, a portion of the Eastpark PUD #213, to develop a planned commercial development consisting of retail and professional office uses for property located at the northwest corner of Cheney Drive and Madrona Street North c/o EHM Engineers, Inc. on behalf of Andrew Jarvis (app.2841)

Applicant Presentation:

David Thibault, EHM Engineers, Inc., representing the applicant stated they would like to rezone an existing piece of property that has two zones under a PUD. Because the PUD process has been replaced with the ZDA process in the code they would like to rezone the property using the ZDA process so that they can develop a retail/office development.

Staff Presentation:

Senior Planner Spendlove reviewed the request and stated the subject property is part of the Eastpark PUD #213, which was recorded in September 1998. That PUD originally encompassed eighty (80) acres. Various portions of the original PUD have been platted when development occurred. This property, Lot 1; Interstate Amusement Conveyance Plat, was recorded in November 2007. Recently, some development has occurred to the West with various Professional and Medical Offices being constructed in compliance with the Eastpark PUD #213.

This is a request to rezone a 7.75 +/- acre portion of the Eastpark PUD #213 to allow for retail and professional development. The request is generated in part due to the southeast corner; 3 +/- acres, being zoned R-1 VAR under the Eastpark PUD #213 and the remaining 4.75 +/- acres zoned as R-2 PRO. These zoning designations only allow single-family homes and limited professional offices by sup.

The applicant is requesting a rezone from R-2 PRO PUD and R-1 VAR PUD to R-2 PRO ZDA for approximately 7.74 (+/-) acres (a portion of the Eastpark PUD #213) to develop a planned retail and professional office development for property located on the northwest corner of Cheney Drive and Madrona Street North.

Per City Code 10-6: Zoning Development Agreements:

Development of a ZDA shall conform to all sections of Title 10 unless specifically addressed within the written zoning development agreement and approved by the City. The agreement shall list ALL requested variations from standard code requirements. The council may add other requirements they deem appropriate.

The applicant shall provide a written zoning development agreement identifying land uses and development that are variations to minimum zoning code requirements. The agreement shall also include phasing and

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specific development criteria desired for this project. The Written Commitment may include, building heights-if greater than allowed by code, building materials, master landscaping plan, specific land uses-if not permitted by code, a lighting plan, parking plan, pathways, and other items.

The applicant shall also provide a color Master Development Plan that illustrates the phasing and specific development criteria as outlined in the commitment document.

*The applicant has provided a draft of a written zoning development agreement and a master development plan. These plans indicate the underlying Zoning District to be R-2: Residential Low Density District with a PRO overlay. The Conceptual Development Plan indicates no planned residential use. The entire project is planned to be Retail & Professional in nature. Furthermore, the Written Document proposes to move several uses from the Special Use classification to outright Permitted classification. Both the written Zoning Development Agreement and the Master Development Plan references these documents as "Eastpark Commercial Subdivision No. 3". These documents are not part of a **subdivision/plat** but are the Zoning Documents for this planned development. Reference to subdivision to be removed from the titles. It would be appropriate to add a condition for a Master Landscaping, Lighting and Sign plan to be provided for this development prior to final approval.*

Per City Code: 10-4-18 PRO, Professional Office Overlay:

Any use permitted in the underlying zone, in this case R-2 is the underlying zone, is also permitted in the PRO.

The currently codified PRO Office Overlay does not have any "Permitted" uses. Any professional uses require a Special Use Permit- no retail is permitted in the PRO Overlay. The applicant is requesting to include commercial/retail uses and professional uses within this R-2 PRO ZDA. The written zoning document has proposed specific commercial/retail and professional uses they wish to be allowed as outright Permitted within this planned development. Additionally, the applicant has listed other "Land Uses" which they request to be allowed via Special Use Permit on specific lots within the Master Development Plan. Except for Hobby and Toy Stores (allowed along Addison proper and BLB proper by sup ONLY), the applicants list of Special Uses is a departure from the current PRO Office Overlay land uses.

Per currently enacted Eastpark PUD (#213)

The current governing **Eastpark PUD (#213)** requires any non-residential use may be granted only by special use permit. The PUD also regulates building size, limiting all buildings to be one story, maximum 6,000 sf with an exception buildings within 350' of Locust St N may be ten thousand (10,000) sf per building. The applicant is requesting a departure from the current PUD to allow a maximum size of ten thousand (10,000) sf per building on Lots 1, 2, 3, 4, and 5, as shown on the MDP, along Madrona and Bridgeview. All other buildings within the project may be a maximum of six thousand (6,000) sf per building.

Comprehensive Plan Assessment:

Twin Falls "Grow With Us" 2016 Comprehensive Plan identified this area as Mixed Use and Town Neighborhood. The applicants parcel is in a transitional zone of the Future Land Use map from Town

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Neighborhood on the south, to Mixed Use on the north. A transitional development from the residential zone (south) to the commercial zone (Home Depot to the north) would greatly benefit this area and will help mitigate the impacts of the major arterial; Highway Commercial designation along Pole Line Rd E. The applicant is requesting the possibility of a more commercially focused development with a quasi-residential scale and look. Staff believes the intent of the applicants requested development would be appropriate for this transitional area and furthers the goals of the City's 2016 comprehensive plan.

The applicant is proposing a more commercially/retail & professional permissive development than what the current governing PUD allows. Staff expects, due to this increase in commercial; retail and professional uses, an increase in vehicle trips to the area especially at full build out from the proposed uses of the development. Also expected are increased noise impacts due to the ancillary activity that comes with delivery of goods, wares, and supplies. Expected impacts will be more adverse on the residential neighborhoods to the east and south. However, the buildings that front Cheney Dr. and Madrona St. N, will act as a buffer to the internal activity of the development once built. The land to the northeast is as yet developed and Home Depot is directly north of Bridgeview Blvd.

Senior Planner Spendlove stated upon conclusion if the Commission determines the proposed request appropriate, you may recommend approval to the City Council, as presented, subject to the following conditions.

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to the written Zoning Development Agreement being modified as follows:
 - a. Modify Section (s) as follows: "Additional Land Uses upon Lots 2, 3, 4 and 5 (as shown on Master Development Plan), which require Special Use Permits:"
 - b. Remove all reference to "Eastpark Commercial Subdivision No. 3".
3. Subject to a Master Landscape Plan as per the Master Development Plan, submitted and approved by Staff prior to recordation of the ZDA.
4. Subject to a Master Lighting Plan submitted and approved by Staff prior to recordation of the ZDA.
5. Subject to a Master Sign Plan submitted and approved by staff prior to recordation of the ZDA.
6. Subject to the Master Development Plan removing all references to "Eastpark Commercial Subdivision No. 3".

PZ Questions/Comments:

- Commissioner Frank asked about the improvements.
- Mr. Thibault explained that they will be platting the property in the future and as for phasing of the improvements, the intent is not to piece mill the project, because it is more cost effective to do it all at one time.

Public Hearing: [Opened and Closed Without Comment](#)

Deliberations Followed: [Without Concerns](#)

Motion:

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Commissioner Tatum made a motion to recommend approval of the request, as presented, with staff recommendations. Commissioner Higley seconded the motion. All members present voted in favor of the motion.

Recommended Approval, As Presented, With the Following Conditions

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to the written Zoning Development Agreement being modified as follows:
 - a. Modify Section (s) as follows: "Additional Land Uses upon Lots 2, 3, 4 and 5 (as shown on Master Development Plan), which require Special Use Permits:"
 - b. Remove all reference to "Eastpark Commercial Subdivision No. 3".
3. Subject to a Master Landscape Plan as per the Master Development Plan, submitted and approved by Staff prior to recordation of the ZDA.
4. Subject to a Master Lighting Plan submitted and approved by Staff prior to recordation of the ZDA.
5. Subject to a Master Sign Plan submitted and approved by staff prior to recordation of the ZDA.
6. Subject to the Master Development Plan removing all references to "Eastpark Commercial Subdivision No. 3".

**Scheduled for City Council Public Hearing
April 3, 2017**

6. Request for the Commission's recommendation on the **Zoning Designation** for a request to **Annex 1.3 (+/-) acres** currently zone M-2 located at 305/307/309 Hankins Road South c/o Nolan Watte (app. 2842)

Application Presentation:

Nolan Watte, the applicant, stated he is here to make a request to annex a property that he owns. The business that is operating from this location would like to be absorbed into the City Limits so that they will have access to City services.

Staff Presentation:

Senior Planner Spendlove reviewed the request and stated the property has been zoned M-2 at least as far back as the 1980's when the new zoning designations took effect. There are currently four structures on this parcel, a shop, a residential duplex, a single-family dwelling and a detached garage. County Records show a structure was constructed in 1920. This location is in the Area of Impact and the City does not have any building records on file for any other structures on this property. In April 2016, the Commission granted a Special Use Permit for an Auto Repair Business. During the building permit process it was discovered this property was receiving City Sewer Service. Since then the Applicant has been working with City Staff to make application for Annexation.

The request is to annex the 1.2 Acres under the current M-2 Zoning District. Currently the property is developed with multiple dwellings, a detached garage, and a commercial shop. Please see the attached maps for current and future zoning designations.

Twin Falls City Code sections 10-15-1 and 10-15-2 require a hearing and recommendations from the Commission on planning and zoning designations for areas proposed to be annexed.

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Section 10-15-2(A) states: "The Commission hearing shall not consider comments on annexation and **shall be limited to the proposed development plan and zoning changes.**" The City Council shall then hold an additional public hearing to determine whether the designated area should be annexed and if so what the zoning designation shall be. If approved, an ordinance is prepared and at a later public meeting is adopted by the City Council. Once the ordinance is published it is sent to the State and the official zoning map is officially amended.

Senior Planner Spendlove stated upon conclusion should the Commission find the M-2 Zoning Designation appropriate, they should forward a positive recommendation to the City Council for the entire 1.268 (+/-) acre site.

Public Hearing: **Opened and Closed Without Comment**

Deliberations Followed: **Without Concerns**

Motion:

Commissioner Tatum made a motion to recommend approval of the request, as presented, with staff recommendations. Commissioner Grey seconded the motion. All members present voted in favor of the motion.

Recommended Approval, As Presented
Scheduled for City Council Public Hearing
April 3, 2017

V. GENERAL PUBLIC INPUT: **None**

VI. ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

Zoning & Development Manager Carraway-Johnson thanked Commissioner Tatum for her being a member of the Planning & Zoning Commission. On Monday, March 6, 2017 the City Council will be presenting a Certification of Appreciation to Commissioner Tatum and Councilman Reid for their service on the Planning & Zoning Commission.

VII. UPCOMING PUBLIC MEETINGS: (held at the City Council Chamber unless otherwise posted)

1. Work Session- **March 1, 2017**
2. Public Hearing- **March 14, 2017**

VIII. ADJOURN MEETING:

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department