



Twin Falls Planning & Zoning Commission Agenda

Wednesday, January 3, 2018, 12:00 PM

203 Main Ave E
Twin Falls, ID 83301

Members -

City Limits: Tom Frank, Chairman, Kevin Grey, Vice Chairman, Danielle Dawson, Craig Hawkins, Gerardo "Tato" Muñoz, Ed Musser

Area of Impact: Ryan Higley, Steve Woods

- 1) Confirmation of Quorum/Call Meeting to Order
- 2) Consideration of Amendments to Agenda
- 3) General Public Input
- 4) Consent Calendar
 - a) Approval of Minutes for the following meeting: 12-12-17 PH and 12-19-17 PH
 - b) Approval of Findings of Fact and Conclusions of Law for the following:
 - Scott, Brian (NCBE 12-19-17)
- 5) Items of Consideration
 - a) Preliminary Presentation for a request for a **Zoning District Change & Zoning Map Amendment** from C-1 PUD to C-1 ZDA for Magic Valley Mall approximately 58(+/-) acres on property located at 1485 Pole Line Road East c/o Brent White on behalf of Magic Valley Mall, LLC (app. 2919)
Purpose: Informational By: Jonathan Spendlove, Senior Planner
- 6) Public Hearings
 - a) Requests for an **Amendment to Special Use Permit #0885** to remove condition #2-No additional access to Eastland Drive North on property located at 1061 Eastland Drive North. c/o Amazing Grace Fellowship (app. 2918)

Purpose: Action By: Steve O'Connor, Senior Planner
- 7) Upcoming Meeting(s)
 - a) January 9, 2018 6:00 PM Public Hearing
- 8) Adjournment

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Lisa A. Strickland (208) 735-7267 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208) 735-7287.

CITY OF TWIN FALLS

PLANNING & ZONING COMMISSION

Public Hearing Procedures for Zoning Requests

1. Prior to opening the public meeting, the Chairman shall review the public hearing procedures, confirm a quorum is present and introduce staff present.
2. Individuals wishing to testify or speak before the Commission shall wait to be recognized by the Chairman, approach the microphone/podium, state their name, then commence with their comments. Following their statements, they shall write their name on the Sign-In record sheet(s) located on a separate table near the entrance of the chambers. The administrative assistant shall make an audio recording of each public meeting.
3. **The Applicant, or the spokesperson for the Applicant, shall make a presentation** on the application/request. No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing – WHICH IS A MINIMUM OF 15 DAYS PRIOR TO PUBLIC HEARING. **The applicant's 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.

The Applicant is limited to 15 minutes, unless a written request for additional time is received and granted by the Chairman prior to commencement of the public meeting.

4. Upon completion of the applicant's presentation City Staff will present a staff report which shall summarize the application/request, history of the property, if any, staff analysis of the request and any recommendations.
 - **The Commission may ask questions of staff or the applicant pertaining to the request at this time.**
5. The public will then be given the opportunity to provide public testimony/input/comments regarding the request.
 - **The Chairman may limit public testimony to no more than two (2) minutes per person.**
 - **Five (5) or more individuals, having received personal public notice of the application under consideration, may select a spokesperson by written petition. The spokesperson shall be limited to 15 minutes.**
 - **No written comments, including e-mail, received after 12:00 o'clock noon on the date of the hearing will be accepted for consideration by the hearing body. Written comments, including e-mail, received by 12:00 o'clock noon or before the date of the hearing shall be either read into the record or displayed on the overhead projector either during or upon the completion of public comment.**
 - **Following the Public Testimony, the applicant is permitted a maximum five (5) minutes rebuttal to respond to Public Testimony.**
6. Following the Public Testimony and Applicant's response, the Public Input portion of the public hearing shall be closed- **No further public testimony is permitted.** Commission Members, as recognized by the Chairman, shall be allowed to request clarification of any public testimony received of the Applicant, Staff or any person who has testified. The Chairman may again establish time limits.
7. The Chairman shall then close the Public Hearing. The Commission 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 Chairman.



Twin Falls Planning & Zoning Commission Minutes

Tuesday, December 12, 2017, 6:00 PM

305 3rd Avenue East
Twin Falls, ID 83301

Members -

City Limits: Tom Frank, Chairman, Kevin Grey, Vice Chairman, Danielle Dawson, Craig Hawkins, Gerardo "Tato" Muñoz, Ed Musser

Area of Impact: Ryan Higley, Steve Woods

1) Confirmation of Quorum/Call Meeting to Order

Members Present: Woods, Frank, Higley, Grey, Hawkins

Staff Present: Carraway-Johnson, Spendlove, Strickland, O'connor, Vitek, Wonderlich

2) Consideration of Amendments to Agenda

Staff Presentation:

Zoning & Development Manager Carraway-Johnson stated there was an amendment to the agenda, to withdraw agenda item 6e from the public hearings. She explained the Commission can take comments on this item during the General Public Input portion of the agenda if they choose.

Motion:

Commissioner Grey made a motion to approve the request to amend the agenda, Commissioner Hawkins seconded the motion. All members present voted in favor of the motion.

3) General Public Input

Senior Planner Spendlove explained that during the preparation of the staff report and consultation with City Attorney Wonderlich it was determined the request is premature. As a result of this determination the item needed to be removed from the public hearing portion of the agenda and moved to the general public input portion of the meeting. It is up to the Commission's discretion whether or not to allow public comment on the item and to offer input. However, no decision about the status of the permit can be made at this time.

City Attorney Wonderlich clarified the item that was removed from the public hearing section of the Agenda was request regarding the Acorn Learning Center. This item has been moved to the general public input portion of the agenda. There are a lot of people here tonight and they should be allowed to speak on this item.

Public Comment:

- Wali Fedaie, the applicant for this request, stated he does not understand why this was removed and why he was not notified.
- James Jolly, 473 Eastland Drive, explained that he and his wife support this school and are thankful the school is there.
- Rick Kuhn, 635 3rd Avenue East, and his home faces the Bickel School playground and he has never consider the noise from kids playing an issue. He has lived in his home for 30

years and Bickel School is much larger than Acorn Learning Center so he doesn't understand how the children could create enough noise to be disturbing.

- Heidi Campbell, 435 Hailee Avenue, stated she was the board president when the original special use permit was approved and they met the notification requirements for their request.
- Nancy Larson ,573 Eastland Drive, stated she doesn't think children playing is disruptive but the neighbors in the apartments that come in all hours of the night drunk and yelling at each other are much more disturbing.
- Teron Floyd, 667 Sunrise Boulevard North, stated they possibly have 20 kids max out at one time for 15 minutes twice a day.
- Laird Stone, kids were students at this school, he has taken the opportunity to take a look at the school and the distance between the playground and the apartments. The distance between the playground to the apartments is far enough there shouldn't be any impacts to the people that live in the apartments. There is a fence around the play area and he thinks it would be a travesty if their SUP was revoked.
- Wali Fedaie, stated he was not notified originally, the noise level is unbearable, the tenants work grave yard shift and it is unbearable for his tenants. They have armed security for the apartments and they don't allow a disruptive noise level. They have been managing these apartments about 14 years and have not had incidents at the apartments.

Closing Comments:

- Commissioner Frank reminded the people that spoke that this is not a public hearing but that if this item does get scheduled again for a public hearing he encourage them to come and speak at that meeting also.
- Senior Planner Spendlove explained while preparing for the hearing staff discovered that the Special Use Permit was not actually sent to the applicant because they have not yet fulfilled the conditions of the permit, for example blocking off the north access, parking lot striping. Because the conditions have not been completed the Special Use Permit has not been issued, therefore a revocation cannot occur on a Special Use Permit that has not been issued. Acorn Learning Center has been notified of this situation and they are working with staff to rectify the situation.

4) Consent Calendar

a) Approval of minutes from the following meeting:

- 11-14-17 Public Hearing Minutes
- 11-28-17 Public Hearing Minutes

b) Approval of Findings of Fact and Conclusions of Law for the following meeting: 11-04-17

- Temple View (pre-plat)
- Z Country (pre-plat)
- Yurivilca (SUP)
- Locust Grove North (pre-plat)

Motion:

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

Commissioner Higley seconded the motion.

Unanimously Approved

5) Items of Consideration

None

6) Public Hearings

- a) Request for consideration of **Revocation of Special Use Permit #1233**, granted to Afrim Hetemi on June 14, 2011 to allow an indoor recreation facility to operate in conjunction with an existing bar and grocery store outside the permitted retail hours of operation on property located at 139 Shoshone Street North. c/o City of Twin Falls (app. 2455)

Staff Presentation:

- Planner I O'Connor reviewed the request and stated there is no addition analysis from Staff for this item. However, Officer Loosli will be presenting more information as requested by the Commission in October of this year.
- Officer Loosli, stated that they have collected more data on calls for service though December 3, 2017. He explained there are some incidents that are specifically associated and some that are vehicle stops. He reviewed each call for service attributed to this 139 Shoshone Street North address. The calls are associated to the address whether they occur inside the business or outside the business, the majority of the issues occur in the parking lot, which is typical when they have to respond to a bar fight. The calls for service are associated to the business that is open and this is the only business open in this location at the times of the calls.
- Commissioner Frank asked if the issues are the same at this time or is it generally the same.
- Officer Loosli stated he can't say that it is worse.
- Commissioner Grey stated that the business being open is drawing the element, that is clear, however to he does want to recognize the business for reporting the disturbances in an area that he has no control over, but it is also attributed to the business address.
- Officer Loosli explained that there could be more research on the calls if he has the phone numbers of the business security he could narrow down how many calls they make to the police. In his experience they are not calling as often as has been lead to

believe. The calls don't appear to be from the business and if security is calling their names are put in the report. He is not familiar with the security at the business. Considering the weather, the numbers have dropped off a bit, however the real issue typically occur in the warmer months.

- Commissioner Woods reviewed the data and stated it appears the numbers are dropping.
- Commissioner Grey stated he is tempted to let it go for now.
- Commissioner Woods stated he would say let it go but to keep an eye on things, and he would also like to see the business owner install some more lighting.
- Officer Loosli clarified that the data for this time frame is very hard to interpret, he thinks that there will be better data when the weather starts to warm up again. His experience with businesses that cater to people that have consume a lot of alcohol throughout the evening and that come and hangout longer at a place that is open past 1:30 am they cause a lot of problems. He thinks the data is very difficult to use to determine if there has been an improvement. These issues have been going on at this establishment for many years. He would hope that things would change, he and several other officers have tried to speak with them and have been unsuccessful and getting things to change.
- Commissioner Frank asked about the conversations that have taken place.
- Officer Loosli explained they understand they have had problems in the parking lot outside their business. A appointment was set up after the last meeting to work with the owner and he never showed up for the appointment.
- Commissioner Woods asked if this revocation or amendment were to happen would the people just move to another location.
- Officer Loosli explained without other businesses like this operating he couldn't answer that question.
- Commissioner Grey suggested that the Commission follow-up on this situation again in the Spring and Summer. The concern he has is that with all the changes going on downtown and growth Twin Falls is having there are going to be others that want to be open as well which may decentralize the people. There here because its the only place open like this around town.
- Officer Loosli explained he has grown up here and never knew if the downtown plans would work and he is impressed with what has happened so far. The question he has is does this type of business fit into the downtown plans and he doesn't want to limit businesses, but his biggest concern is making it safe. The multiple fights and disturbances in a parking lot pulls the patrol units off the roads where they monitor for drunk drivers. He also knows from experience if there are more of these types of businesses operating this will continue to be a problem.
- Commissioner Woods asked how hard the data is to keep track of the calls for service month to month.
- Officer Loosli explained that pulling data by address is simple but looking at the data to provide more specific information takes a little extra time. He also thinks the data for this time frame is very hard to analyze.

Planner I O'Connor stated upon conclusion the commission is tasked to approve revocation, deny the revocation, or amend SUP #1233. Staff recommends amending the SUP per the Police Department's recommendation and subject to:

1. Subject to removal of condition #3 of SUP #1233
2. Subject to closing down the establishment to all uses and patrons at 1:30 am, with no patrons allowed within the premises beyond the 1:30 am closing time –the PD suggested time per normal bar operating hours.

Public Hearing:

- Berham Hetemi explained winter time is their busiest time of year, they don't have an outside area for people to sit and people want to be inside. His father installed a light on the back of the building shining towards the parking lot area. There have been zero fights in the bar and zero fights in the parking lot. He is not sure where the complaints are coming from, because the bar is dead until 11:30 or so and these calls are at 9:30. They use their addresses for cars that they pull over. They use to have officers come in and check the alcohol and have had several officer come in and stated that things have gotten better. They have been packed for the last few months, other businesses have not complained to them. The no loitering sign has made a difference for his security guards to warn the people they will call the police for hanging out or they need to come back in the building. The big brawls are not happening at their location.
- Commissioner Frank asked if the security is identified and with the light do they have cameras installed.
- Mr. Hetemi explained that he has just installed cameras and the security staff are identified with lime green t-shirts that glow in the dark. He is aware that the City is trying to renovate and revitalize downtown and if this is revoked this will send the wrong message, if we want it to be like Boise and keep people local.
- Commissioner Frank asked about the address association.
- Officer Loosli explained the business owner is correct the data could be calculated that way.

Discussion Followed:

- Commissioner Woods explained the business owner is convinced that he is making an attempt to improve and but monitoring should continue.
- Commissioner Higley agreed.
- Commissioner Frank stated Twin Falls is in transition and he has mixed feelings because the business does draw the people to this location, he is concerned that no other surrounding businesses came up to speak and the quality of the information provided is questionable.
- Commissioner Grey explained that we are focused on the incidences that happen after 1:30 am in comparison to the incidences that happen before 1:30 am at similar

establishments. The other question is how do we want Twin Falls to evolve, and do want to allow businesses to be open after 1:30 am.

- Commissioner Hawkins explained that this is difficult there is not a clear solution, it does sound like he is trying to improve, a lot of things are out of his control, but we should continue to monitor the progress.
- Commissioner Frank stated he also thinks the police department should continue monitoring and develop some strategies for dealing with this because this is something the community has not really had to deal with but it will have to eventually as the community grows. He would like more data and make sure the business understands they will be monitored closely.
- Zoning & Development Manager Carraway-Johnson explained that the Commission needs to make a motion on the request and the monitoring can continue.

Motion:

Commissioner Grey made a motion to approve the request, as presented, with staff recommendations. Commissioner Hawkins seconded the motion. Commissioner Hawkins voted in favor of the motion with Commissioners Woods, Frank, Higley & Grey voting against the motion.

Motion Failed

- b) Request for the Commission's **recommendation on a PUD Amendment** to the CSI PUD #262- Section 2, to allow residence halls and rooming houses as a permitted use and to raise the maximum building height from 35' to 50' on property located at 315 Falls Avenue. c/o Spencer Cutler on behalf of the College of Southern Idaho (app. 2906)

Applicant Presentation:

Jeff Harmon, explained they are here to request a PUD Amendment to #262 to allow the building height restriction to be raised to 50' so that they can construct residence halls/rooming houses on the campus.

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated CSI has a long history in the Magic Valley but has had a physical presence, at its current location, in Twin Falls since the early '60s. Prior to that, it was agricultural land. The campus has seen steady growth over the decades and has responded over time to such growth. The College of Southern Idaho-North Campus PUD Agreement #254 was adopted in 2008. This PUD rezoned the 87+/- acres north of North College Rd. In 2011 the current CSI PUD #262 was approved by the City Council. Currently the entire college grounds, referenced as Section 1; the campus north of North College Rd and Section 2; the campus south of North College Rd, are governed by PUD #262. This PUD was recorded in January 2012.

This is a request to amend CSI PUD #262. CSI PUD #262 is separated into two (2) sections; Section 1 is the campus north of North College Rd and Section 2 is the campus south of North College Rd. This proposed amendment is to amend Section 2; the campus south of North

College Rd. The proposed amendment is to allow residence halls and rooming houses as a permitted use and to raise the maximum building height from 35' to 50' which would allow for 3-story buildings within Section 2 of the CSI campus. The College has expanded over its existence and new residence halls are required now to meet current and future demands. PUD #262 prohibits building heights over thirty-five feet (35'), basically limiting buildings to no more than 2 stories high. PUD #262 allows residence halls or rooming houses by special use permit. The current PUD regulations met the code at the time of adoption. The College would like to update their PUD Covenants and to allow a new residential hall to proceed in a timelier manner. The allowance of additional building height from 35' to 50' matches the current commercial building heights and would allow for 3-story residence halls. The College stated they feel this is a reasonable request given the changes fit what the C-1 zone currently allow, and also outright permits residences halls on a college campus, rather than requiring an SUP.

The applicant is requesting the following changes to the PUD Agreement:

I. Increase the Allowable Building Height

- A. Under COVENANTS **2. Nature of Property Development** item **B. Building Height**. Revise "thirty- five feet (35') in height" to "fifty feet (50') in height or higher if City of Twin Falls C-I zones are amended higher".
- B. Under COVENANTS **4. Building/Structural Standards** item **B. Building Height**, revise "thirty-five feet (35') in height" to "fifty feet (50') in height or higher if City of Twin Falls C-I zones are amended higher".
- C. Under COVENANTS **4. Building/Structural Standards** item **C. Architectural Standards**, revise "two (2) stories" to "three (3) stories".

II. Change Residence Halls and Rooming Houses to be Permitted Uses

- A. Under **EXHIBIT "C", USE REGULATIONS, (A) Permitted Uses:**
Add a new item - "12. Residential:
 - a. Dwellings - multiple household (5 units or more)
 - b. Residence halls, residence hotels, rooming houses."
- B. **Under EXHIBIT "C", USE REGULATIONS, (B) Special Uses: 4. Residential**
Remove items - b. Dwellings - multiple household (5 units or more)
 - e. Residence halls, ~~residence hotels~~, rooming houses."

Senior Planner Spendlove stated upon conclusion should the Planning and Zoning Commission is tasked with forwarding a recommendation to the City Council. The Commission may recommend approving the request as presented, approving the request with conditions, or denying the request.

Public Hearing: Opened

- Senior Planner Spendlove read into the record a comment letter from a citizen that has been filed in the application packet.
- Heidi Cambell, 435 Hailey Avenue explained there are several potential student activities that could be provided during the summer and the dormatory space available now limits these opportunities.

Public Hearing: Closed

Discussion Followed: Without Concerns

Motion:

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

Recommended, Approval to City Council, As Presented

Scheduled for City Council Public Hearing January 8, 2018

- c) Request for the Commissions recommendation on a **Zoning District Change and Zoning Map Amendment** from C-1 PUD to C-1 for a .22 acre tract located at the south east corner of Canyon Falls Road and Harrison Street. c/o Ryan Bybee (app. 2908)

Public Hearing Items 6c & 6D will be presented together but will require separate motions.

- d) Request for **Vacation** of a 15' x 264', 3,960 sq ft, public utility easement to allow commercial development of property located at the southeast corner of Canyon Falls Drive and Harrison Street. c/o Ryan Bybee(app. 2909)

Applicant Presentation:

Ryan Bybee, the applicant explained he would like to rezone Tract A to C-1 and vacate an easement to allow him to build on the lot. He has received letters from all of the utilities in support of this request.

Staff Presentation:

Senior Planner Spendlove reviewed the request and stated There are two parcels the applicant has purchased. They were at one point part of the larger Breckenridge Farm. The slim long sliver parcel was, according to the applicant, the old driveway to access the Breckenridge farm. The Smaller triangular piece was zoned C-1 PUD when the Northbridge PUD was adopted in 1998. The old driveway was annexed as C-1 in late 2016.

This is a request for a Zoning District Change and Zoning Map Amendment to rezone .22 +/- acres located at the NE corner of Pole Line Rd. and Harrison St N. from C-1 PUD to C-1. The applicant has purchased this tract and wishes to develop a commercial business at this location. To do this the tract needs to be removed from the Northbridge PUD and be zoned to a C-1. 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.

The Comprehensive Plan indicates this corridor as appropriate for 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 Commercial Highway District would allow land development that would be compatible with and not detract from the surrounding area.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Mixed Use." Mixed use is a very broad category, which supports high density residential and commercial development. Staff has determined this request complies with the 2016 comprehensive plan.

Senior Planner Spendlove stated upon conclusion should the Commission is asked to make a recommendation to the City Council on this request

Senior Planner Spendlove stated the second portion of the request is to vacate a 15 foot public utility easement along the eastern boundary and a sign easement on a triangular parcel identified as Tract A. All other utility easements along Harrison St N. and Canyon Falls Dr. will remain in place. The applicant has purchased this tract and the adjacent 60' x 435' +/- parcel and wishes to develop a commercial business at this location. The purpose of vacating the easement is to allow a building to be constructed across the lot lines as seen in the applicant's site plan. The sign easement to be vacated is a private easement for a sign advertising the residential development which is currently not built. Staff has received all the required letters from the utility companies and governmental jurisdictions as well as the required letter for the sign easement, all in agreement for vacation thereof.

Senior Planner Spendlove stated upon conclusion should the Commission recommend to the City Council, this request be granted 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

Motion for 6c-ZDC

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

Recommended Approval to City Council, As Presented

Motion for 6d-VAC

Commissioner Hawkins made a motion to recommend approval of the request, as presented. Commissioner Hawkins seconded the motion. All members present voted in favor of the motion.

Recommended Approval to City Council, As Presented

Scheduled for City Council Public Hearing January 8, 2018

- e) Request for consideration of the **Revocation of Special Use Permit#1432**, granted to Acorn Learning Center on May 23, 2017 to operate a private school offering pre-school through 5th Grade in a portion of an existing professional office building on property located at 493 Eastland Drive. c/o Wali Fedaie (app. 2910)
This item was withdrawn and moved to general public input. See general public input for discussion related to this item

- f) Request for the Commission's recommendation on a **Zoning Title Amendment** to add "Wedding Chapel and Event Center" to the SUI Zoning District: 10-4-2.2 (B) 5, to allow by Special Use Permit and to add the definition of "Wedding Chapel and Event Center" to Title 10; Chapter 2; Definitions. c/o BB55, LLC(app. 2911)

Applicant Presentation:

Dave Thibault, EHM Engineer, Inc., representing the applicant, stated that the code presently identified uses allowed and permitted, however wedding chapel and event centers are not listed in the code. they would like to add this particular use to the code section as a special use item and they have seen these types of amendments have been made in other sections of the code and they ask for a positive recommendation for the request.

Staff Presentation:

Senior Planner Spendlove reviewed the request and stated the R-1 43,000/SUI zone is located within the Area of Impact. The purpose of this zoning district is intended to provide a transition district from agricultural land uses to residential land uses in the area of impact. This district is also intended as a holding zone for future higher density residential zones, to be annexed and developed when city water and sewer services become available.

This request is to amend City Code 10-4-2; SUI Zoning District, to allow by Special Permit, Wedding Chapels / Event Centers. The SUI Zone lists the following permitted uses: farming in the form of animals on pasture, trees and plants, and intense agriculture on parcels 5 acres or

larger. However, there are limited commercial uses listed under Special Uses, attachment #3.

The applicants state there are limited options for large gathering places for more than 200 people on properties located within this zoning district. This request looks to expand the special uses by adding Wedding Chapels/Event Centers, with a minimum of 3 acres, and meeting specific development standards with regards to fire, water, parking, landscaping, lighting, storm water retention, etc... Approval of this request would amend City Code 10-4-2 as listed below.

1. **10-4-2.1: PURPOSE:** This district is intended to preserve the rural integrity of areas adjacent to the city. (Ord. 2796, 6-14-2004)

10-4-1.2: USE REGULATIONS:

...

(B) Special Uses: A special use may be granted for a permanent use that is not in conflict with the Comprehensive Plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

...

1. Public Assembly:
 1. Auditoriums
 2. Religious facility.
 3. Schools – public.
 4. [Wedding Chapel/Event Center with 3 acres or more.](#)

The addition of Wedding Chapel/Event Center into the Special Use category for the SUI zone could have some detrimental effects across the Area of Impact. However, staff feels that since this request places the use into the Special Use section, each request will be scrutinized based on the conditions of the property, and the proposed development on a case by case basis. This process will place a burden on the Commission to evaluate each request consistently, and mitigate each request for those impacts which contribute to detrimental effects in those areas.

Lastly, if the Commission decides to approve the request, Staff recommends modifying the language to match the Use currently portrayed in City Code: [Wedding chapels and/or reception halls](#) this will alleviate some confusion within the code, and keep the land use consistent across Zoning Districts. Furthermore, a new definition would not need to be created at this time, as we would be using the terminology currently in use within City Code.

Senior Planner Spendlove stated upon conclusion the Commission may recommend the zoning title amendment as requested, recommend a modification of the amendment as presented (this may require another public hearing before the Commission), recommend with staff's modifications, or recommend the amendment be denied.

Public Hearing: Opened & Closed

Closing Statements:

Mr. Thibault explained he is in support of the Special Use Permit concept because there are some mitigating impacts to surrounding neighbors, and give the Commission some controls.

Discussion Followed: Without Concerns

Motion:

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

Recommended, Approval to City Council, As Presented

Scheduled for City Council Public Hearing January 8, 2018

7) Upcoming Meeting(s)

December 19, 2017 at 2:00 pm Work Session/Special Meeting for Public Hearing
January 3, 2018 12:00 pm Work Session/Special Meeting for Public Hearing

8) Adjournment

Lisa A. Strickland, Administrative Assistant



Twin Falls Planning & Zoning Commission Minutes

Tuesday, December 19, 2017, 2:00 PM

305 3rd Avenue East
Twin Falls, ID 8330

SPECIAL MEETING

Members -

City Limits: Tom Frank, Chairman, Kevin Grey, Vice Chairman, Danielle Dawson, Craig Hawkins, Gerardo "Tato" Muñoz, Ed Musser

Area of Impact: Ryan Higley, Steve Woods

1) Confirmation of Quorum/Call Meeting to Order

Members Present: Woods, Frank, Musser, Grey, Hawkins, Dawson

Staff Present: Carraway-Johnson, O'Connor, Spendlove, Strickland, Weeks

2) Consideration of Amendments to Agenda

None

3) General Public Input

None

4) Consent Calendar

None

5) Items of Consideration

None

6) Public Hearings

- a) Request for a **Non-Conforming Building Expansion** to add (66') Sixty Six square feet to a legal non-conforming building located at 1879 Addison Avenue East c/o Brian Scott (app. 2912)

Applicant Presentation:

Brian Scott, the applicant stated that drive thru in this location is not optimal for maneuvering through, so they are working on altering the drive thru for better maneuvering. The also plan to add 66 sq. ft. to the building that will be built to look like it is part of the original roof line.

Staff Presentation:

Planner I O'Connor, reviewed the request on the overhead and stated this is a request to expand a commercial building on property located at 1879 Addison Ave. E. by 66 sq. ft. The property is zoned C-1; Commercial. The C-1 zone allows a restaurant with a drive-thru window by Special Use Permit. The Special Use Permit was granted by the City Council in 1978. Currently, the structure is 67'+/- from the centerline of Addison Ave. E. City Code 10-7-6 requires a front yard building setback of 80' from the centerline of Addison Ave from Washington Street to Eastland Drive. As the building is not 80' from centerline yet built prior

to this regulation it is classified as a Legal Non-Conforming Building. City Code 10-3-4 allows a process where the Commission may grant an expansion of a legal non-conforming commercial building by public hearing. The expansion, if approved, would expand the west side of the build to allow for an easier and more efficient drive-thru experience. The proposed expansion, as presented, would not encroach further into the 80' centerline set back.

The current structure was built in 1979 according to Building Department records. It was Red Steer and then Taco John's for about 30 years. A Special Use Permit to allow a drive-thru window was granted in 1978 by the City Council by Ord 1891 for the building under construction. Burnt Lemon Grill was the most recent establishment to occupy this space until they moved to a new location earlier this year. The applicant wishes to utilize this space in the same manner as the previous occupants. This is a request to expand a commercial building on property located at 1879 Addison Ave. E. by 66 sq. ft. The property is zoned C-1; Commercial. The C-1 zone allows a restaurant with a drive-thru window by Special Use Permit. The Special Use Permit was granted by the City Council in 1978. Currently, the structure is 67'+/- from the centerline of Addison Ave. E. City Code 10-7-6 requires a front yard building setback of 80' from the centerline of Addison Ave from Washington Street to Eastland Drive. As the building is not 80' from centerline yet built prior to this regulation it is classified as a Legal Non-Conforming Building. City Code 10-3-4 allows a process where the Commission may grant an expansion of a legal non-conforming commercial building by public hearing. The expansion, if approved, would expand the west side of the build to allow for an easier and more efficient drive-thru experience. The proposed expansion, as presented, would not encroach further into the 80' centerline set back.

Staff has reviewed has reviewed this request and does not have issue with an expansion of the west side of the building, as presented.

Planner I O'Connor stated upon conclusion should the Commission grant the request, as presented, staff recommends the following condition:

1. Subject to Site Plan Amendments As Required By Building, Fire, Engineering, and Zoning Officials to Ensure Compliance with All Applicable City Code Requirements and Standard

Public Hearing: Opened & Closed

Closing Statements:

Mr. Scott stated that the business that will be occupying the space is Sips, they currently rent a operate of a building located along Blue Lakes Boulevard North. The plan to continue to operate at the current site on a year to year basis and will open at this new location as soon as they have completed their renovations.

Discussion Followed: Without Concerns

Motion:

Commissioner Musser made a motion to approve the request as presented with staff recommendations. Commissioner Grey seconded the motion. All member present voted in favor of the motion.

Approved, As Presented

1. Subject to Site Plan Amendments As Required By Building, Fire, Engineering, and Zoning Officials to Ensure Compliance with All Applicable City Code Requirements and Standard

7) Items for Discussion

- a) Signs (Flags)

Staff Presentation:

Zoning & Development Manager Carraway-Johnson explained this discussion is in regards to the flag signs and since the last discussion about these signs they seem to have proliferated. She displayed on the overhead the definition of flags. There was a discussion about this definition with Deputy City Manager Humble and at the time it was felt they met the flag description. She displayed on the overhead a definition for banners and explained that these flags are starting to be used in residential neighborhoods which crosses the line for a flag definition. The recommendation is to consider these signs as banners and require permits.

PZ Questions/Comment:

- Commissioner Frank explained he think that it would be a great way to manage the problem.
- Commissioner Grey asked about the square footage requirement.
- Zoning & Development Manager explained they would have to meet the square footage requirement for allowed signage.
- Commissioner Woods asked if they would be allowed in a residential area.
- Zoning & Development Manager stated they would not be allowed in residential area.
- Commissioner Grey asked if this would require a code change.
- Zoning & Development Manager Carraway-Johnson explained this is just a policy change for the interpretation of the code and would not require a code amendment. She also explained that years ago she and Deputy City Manager Humble came up with a list of various code amendments to work on. The current philosophy is that to do piecemeal code amendments is not really effective. The last time the Commission had a discussion about amendments the Comprehensive Plan Amendment was getting ready to begin and the expectation was that the Comprehensive Plan Amendment would make changes to the existing plan and the goal would be to update Title 10 so that it is complementary to the Comprehensive Plan. Until the update to the plan was complete code amendments were put on hold. The City Council is not supportive of doing piecemeal amendments. Now that the Comprehensive Plan update

has been completed and been active for approximately a year, staff is looking at totally eliminating Title 10 and replacing it completely. This will be a huge undertaking the current code is from 1978 and changing a few things at a time makes keeping track of the changes difficult.

- Commissioner Frank stated he thinks that is a great plan.
- Zoning & Development Manager Carraway-Johnson also stated that if the Commission is out and about and sees things that they feel needs to be addressed to please let staff know.
- Commissioner Grey explained that this will never be a perfect document it is a living and breathing document that has to continually try to keep up with changes and try to complement other plans that have been adopted by the City.

b) 2018 Planning & Zoning Draft Meeting Schedule:

- Zoning & Development Meeting Carraway-Johnson explained that the 2018 Planning & Zoning Schedule has been provided in the agenda packet, if there are not issues with the dates it will be posted for 2018.
- Commissioner Frank stated he has no issues with the calendar.
- Zoning & Development Manager Carraway-Johnson explained that in January the Planning & Zoning Commission vacancies will be advertised.

c) Special Use Permit Revocation Process 12:00 PM

Staff Presentation:

Zoning & Development Manager Carraway-Johnson reviewed City Code and the verbiage related to revocation of a Special Use Permit. The code section states if there are conditions specifically attached to a Special Use Permit the applicant is given 6 months to comply if the conditions are not met within that time frame the Special Use Permit is voided. Typically staff has not gone to that extent but has held on to the permit and currently have approximately 25 that have been approved by the Commission but have not been issued. Staff has made every effort to explain the process to the applicant but have not had a lot of success.

Discussion Followed:

- Commissioner Woods asked about timelines listed in the conditions by the Commission.
- Zoning & Development Manager Carraway-Johnson explained that the Commission can list specific timelines for completion on a Special Use Permit which may allow extra time for completion. Code allows for those types of conditions to be placed on a Special Use Permit. She wanted to make sure that the Commission was aware of the code and the process for revocation.
- Commissioner Woods clarified that the conditions need to be clear for the applicant.
- Zoning & Development Manager Carraway-Johnson explained that staff is also going to add some verbiage that is a little more clear to the applicant. She also asked that the Commission help by reminding the applicant that they have approved the special use

but that they will need to make contact with staff on how to proceed to get the permit issued.

- Commissioner Grey asked for clarification on the Charles Legg property located on Addison Avenue West and explained there is asphalt in the landscaping area with a tree planted in holes that have been cut out of the asphalt.
- Zoning & Development Manager Carraway-Johnson explained that technically the property is in violation of the code because the requirement is that there be 35' of landscaping from back of curb. The permit has not been issued.
- Commissioner Frank stated the problem is that the permit is not issued but they are operating.
- Zoning & Development Manager Carraway-Johnson stated that is why staff is trying to make the staff reports clearer and tries to continually educate the applicants. Another property that has had a Special Use Permit issued and met the conditions of their Special Use Permit but has created negative impacts on their neighbors is the Dutch Brothers Coffee on the Pole Line Road. Staff was asked to try and mediate the situation approximately a year ago by the City Manager. Staff has met with with Devita and Dutch Brothers to discuss the issues that are occurring. She explained that Dutch Brothers has a new owner and he has been trying to be proactive in trying to figure out the history of the property along with that issues that are still occurring. He has been able to get an Engineer hired to address parking and drive isles for the business. The plans have still not been submitted and Devita continues to have problems created by the Dutch Brothers business with safe for their patients being their main concern. At this point the issue is on hold with no resolution in site, it is great that Dutch Brothers has been successful but in their original presentation their plans showed 3 cars in the stacking queue for the drive-thru. It has been three years and the problem has not been resolved nor has it improved, staff is asking for direction from the Commission. The options are to schedule it as an item of consideration so that the discussion of pursuing revocation can occur, or it can be scheduled as a full public hearing for revocation, although revocation would be extreme.
- Commissioner Frank asked their engineer looking at the issue has any time rame been set for a resolution.
- Zoning & Development Manager Carraway-Johnson explained that there is not a timeline set.
- Commissioner Woods explained he would like to see it scheduled for discussion of revocation, the business has been very successful and the stacking they presented in the original request has been exceeded. He has heard numerous complaints about this situation and would like a discussion to take place in the near future.
- Commissioner Frank stated that had the Commission known that the actual stacking for the drive-thru was going to be 20 cars instead of an average of 3 the Commission would have reviewed the request closer.
- Zoning & Development Manager Carraway-Johnson explained that the stacking code was in the process of being amended when the Dutch Brother's request came through but it had not been codified yet.
- Commissioner Grey clarified that the stacking code was amended later but it still does

not require stacking for 15 cars at a time.

- Zoning & Development Manager Carraway-Johnson explained the new code does require stacking be addressed and an escape lane in place, which could have made a difference with this request.
- Commissioner Frank stated he would like for it to be scheduled as an Item for Consideration so a discussion can take place and possibly a timeline for resolution can be set.
- Zoning & Development Manager Carraway-Johnson stated it could be placed on the January 23, 2018 meeting.

Motion:

Commissioner Woods made a motion to add this as an Item of Consideration on the January 23, 2018 agenda. Commissioner Grey seconded the motion. All members present voted in favor.

Approved

8) Upcoming Meeting(s)

- a) January 3, 2018 Work Session/Public Hearing Special Meeting
- b) January 9, 2018 Public Hearing

9) Adjournment

Chairman Frank adjourned the meeting at 3:06 pm.

Lisa A. Strickland, Administrative Assistant



**CITY OF TWIN FALLS
PLANNING AND ZONING DEPARTMENT**

324 Hansen Street East
P.O. Box 1907
Twin Falls, Idaho 83303-1907

NON-CONFORMING BUILDING PERMIT

Permit No. 1458

Granted by the Twin Falls City Planning and Zoning Commission on December 19, 2017 to Brian Scott whose address is 2858 Sunray Loop Twin Falls, ID 83301 for the purpose of adding sixty-six (66 +/-) square feet to a legal non-conforming building on property located at 1879 Addison Avenue East and legally described as TWIN FALLS GLYNN'S ADDN S 86' LOT 3; S 86' LOT 4, EXC S 5' BLOCK 1 (10-10-17 SE) RPT2121001003

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

This permit corresponds to Application No. 2912

1. Subject to site plan amendments as required by Building, Fire, Engineering & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Chairman

This permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.

Please contact the Building Department at 735-7238 for further information.

cc: Building Inspection



BEFORE THE CITY COUNCIL OF THE CITY OF TWIN FALLS

In Re:	)	
	)	
<u>Non-conforming Building Expansion</u> , Application,	)	FINDINGS OF FACT,
	)	
	)	CONCLUSIONS OF LAW,
<u>Brian Scott</u>	)	
Applicant(s)	)	AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on December 19, 2017 for public hearing pursuant to public notice as required by law for a Non-Conforming Building Expansion Permit for the purpose of adding sixty-six (66 +/-) square feet to a legal non-conforming building on property located at 1879 Addison Avenue East , and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Non-Conforming Building Expansion Permit for the purpose of adding sixty-six (66 +/-) square feet to a legal non-conforming building on property located at 1879 Addison Avenue East
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: December 4, 2017
3. The property in question is zoned C-1 pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Neighborhood Commercial in the duly adopted Comprehensive Plan of the City of Twin Falls.

4. Relevant criteria and standards for consideration of this application are set forth in Sections 10-1-4, 10-1-5, 10-3-4(D), 10-4-8, 10-7-6, 10-10-3, 10-11-1 9 Twin Falls City Code.

5. The existing neighboring land uses in the immediate area of this property are: to the north, Parking Lot; to the south, Addison Avenue East; to the east, Morningside Drive; to the west, Retail/Office.

6. The proposed use is consistent with the purpose of the C-1 Zone and would not be detrimental to any outright permitted uses or existing special uses.

Based on the foregoing Findings of Fact, the Planning and Zoning Commission hereby makes the following

CONCLUSIONS OF LAW

1. The application for a Non-Conforming Building Expansion Permit for the purpose of adding sixty-six (66 +/-) square feet to a legal non-conforming building on property located at 1879 Addison Avenue East is consistent with the purpose of the C-1 Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed use is consistent with the provisions of the Comprehensive Plan and Zoning Ordinance of the City of Twin Falls, and in particular Sections 10-1-4, 10-1-5 & 10-3-4 Twin Falls City Code.

3. The proposed use is proper use in the C-1 Zone.

4. The application for a Non-Conforming Building Expansion Permit for the purpose of adding sixty-six (66 +/-) square feet to a legal non-conforming building on property located at 1879 Addison Avenue East should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City Code of the City of Twin Falls.

Based on the foregoing Conclusions of Law, the Twin Falls City Planning and Zoning Commission hereby enters the following

DECISION

1. The application for a Non-Conforming Building Expansion Permit for the purpose of adding sixty-six (66 +/-) square feet to a legal non-conforming building on property located at 1879 Addison Avenue East is hereby granted subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

3. The Non-Conforming Building Expansion Permit shall be issued.

CHAIRMAN-TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

"Exhibit A"

1. Subject to site plan amendments as required, by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Application # 2912
NCBE#



Preliminary Presentation: **Wednesday January 3, 2018**

Public Hearing: Tuesday, January 9th 2018

To: Planning and Zoning Commission

Presenter: Jonathan Spendlove, Senior Planner

Editor: Rene'e V. Carraway-Johnson, Zoning Administrator

Authors: Jonathan Spendlove

AGENDA ITEM 5a

Request: Preliminary Presentation for a request for a **Zoning District Change & Zoning Map Amendment** from C-1 PUD to C-1 ZDA for Magic Valley Mall approximately 58(+/-) acres on property located at 1485 Pole Line Road East c/o Brent White on behalf of Magic Valley Mall, LLC (app. 2919)

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff does not make a presentation at this time.

Background:

Applicant Magic Valley Mall LLC 1485 Poleline Road East Twin Falls, ID Representative Brent White 1485 Poleline Road East Twin Falls, ID 83301 Brent.white@woodburycorp.com	Status: Owner	Size: ~58 Acres
	Current Zoning: C-1 PUD #'s C-1243, C-1873, 215, 215 Amended, 242, 242 Amended	Requested Zoning: C-1 ZDA
	Comprehensive Plan: Mixed Use	Lot Count: 10 Lots
	Existing Land Use: Commercial/Retail	Proposed Land Use: No Change
	Zoning Designations & Surrounding Land Use(s)	
	North: Blue Lakes Blvd N & Bridgeview Blvd; C-1 PUD #219/264 & 223, Commercial/Retail	East: Bridgeview Blvd; C-1 Assisted Living Facility
	South: Poleline Road East; C-1 & C-1 PUD 212 & 213, Commercial/Retail	West: Blue Lakes Blvd N; C-1 PUD Blue Lakes Concept 91, Commercial/Retail
Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-6-1, 10-9-1 thru 16, 10-10-1 thru 12, 10-11-1 thru 8, 10-13-2, 10-14-1 thru 7, PUD #'s: C-1243, C-1873, 215, 215 Amended, 242, 242 Amended.		

Approval Process:

As per Twin Falls City Code 10-6-1.4(E) Approval of a ZDA Sub-District:

The applicant is required to do a preliminary presentation to the Planning and Zoning Commission and the Public with a preliminary overview of the proposed amendment. The Commission and Public are allowed to give suggestions and ask questions of the applicant about the proposed project. At a later date a public hearing shall be held before the Commission for a recommendation on the requested PUD Amendment.

Budget Impact:

No impact to budget from this presentation.

Regulatory Impact:

The Commission makes no decision at this time. After a public hearing, a recommendation from the Planning and Zoning Commission for the requested amendment will allow the request to proceed to the City Council for a decision.

History:

The Magic Valley Mall has a long history in Twin Falls. In the early 1980's zoning actions took place to establish a C-1 PUD on the original mall parcel. Prior to that, it was agricultural land. Throughout the years, multiple PUD's and amendments to PUD's took place, the latest occurring in 2014. These various PUD's added pad sites, made concessions to the Sign Code (the previous version), and enacted various other development requirements including landscaping, height limitations and other site criteria.

Analysis:

This is a preliminary presentation for a request to rezone the "Original" Magic Valley Mall property to C-1 ZDA. This rezone to ZDA would remove the restrictions and requirements of the previously enacted PUD's, although not entirely rescinding any Plat requirements found in those documents.

City Code requires the applicant to request a "Base" Zoning Code to apply to some or all areas as identified on the Conceptual Plan. The application has identified the C-1 Zone to apply to the entire area. Also as part of the ZDA, the applicant is requesting some exceptions to the C-1 Zone, these are outlined in the Written Commitment Document.

The main exceptions identified by the applicant are: adding some land uses into the permitted use section, residential lot area and occupancy, building setbacks, centerline setbacks, perimeter landscaping, off street parking, and signage allowances.

City Code requires the applicant to make a preliminary presentation to the Commission and to the public. This presentation allows the Commission and the public to become familiar with the proposed planned development project prior to the actual public hearing. The Commission can also give suggestions to the applicants on the project outside of the hearing process. No action is taken at the presentation meeting.

A public hearing regarding this request will be heard at the regularly scheduled Planning and Zoning Commission public meeting [Tuesday, January 9th, 2017](#). A complete staff report will be provided at that time.

Conclusion:

Staff makes no recommendation at this time.

Attachments:

1. Letter of request
2. Zoning Vicinity Map
3. Aerial Photo Map
4. Future Land Use Map
5. ZDA – Written Commitment
6. Conceptual and Sign Plan



1485 POLE LINE ROAD EAST, TWIN FALLS IDAHO 83301
+ 208 733 3000 + 208 733 3283 FAX

**Magic Valley Mall L.L.C.
1485 Poleline Rd. East
Twin Falls, Idaho 83301
Attn: Brent White C.S.M.**

**The Honorable Mayor Mr. Shawn Barigar
Members of the City Council
Members of The City Planning and Zoning Commission
Members of the City Staff
The City of Twin Falls 103 Main Ave. E
Twin Falls, Idaho 83301**

Re: Request for rezone – Magic Valley Mall

Dear Mr. Mayor,

Attached you will find the application of Magic Valley Mall L.L.C for request to rezone from C-1 PUD to C-1 ZDA for its owned property; Magic Valley Mall.

This application is submitted for consideration after extensive consultation with members of the City staff to accomplish three objectives as follows:

- a. The current development agreement with the City includes an original PUD dated 2/6/1984 and many subsequent modifications and amendments of that agreement. Plan review and other City staff duties related to the subject property are currently quite difficult due to the extensive nature of many agreements entered into with the City over multiple decades. The proposed ZDA will greatly simplify City staff review tasks as it will address most of the pertinent development requirements and specifics in a single document.**
- b. The proposed ZDA will permit mixed use development including retail, office and residential uses subject to applicable code and the terms of the proposed ZDA.**
- c. The needs of commercial enterprise change rapidly in the modern era. The proposed Agreement will allow within the terms of City code and the Agreement for adaptive development over time vital to ensuring that the subject property may continue to serve and enhance the nature of the community.**

The proposed zoning conforms to the City's Comprehensive Plan as the subject site is within the C-1 zone and otherwise meets related Plan provisions. The intended use of the subject property as retail, residential and office development is compatible in every respect to all surrounding



1485 POLE LINE ROAD EAST, TWIN FALLS IDAHO 83301
+ 208 733 3000 + 208 733 3283 FAX

properties. Included with this application is the proposed Mixed Use Residential and Commercial Zoning Development Agreement describing requested exceptions which are important due to specific characteristics of the site and for achieving the purposes described in this application. We thank all who will consider this application for your part in this process and look forward to responding to your concerns.

Best Regards,

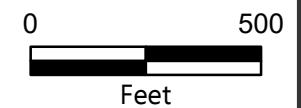
Brent White C.S.M.
Magic Valley Mall L.L.C.

Attached:

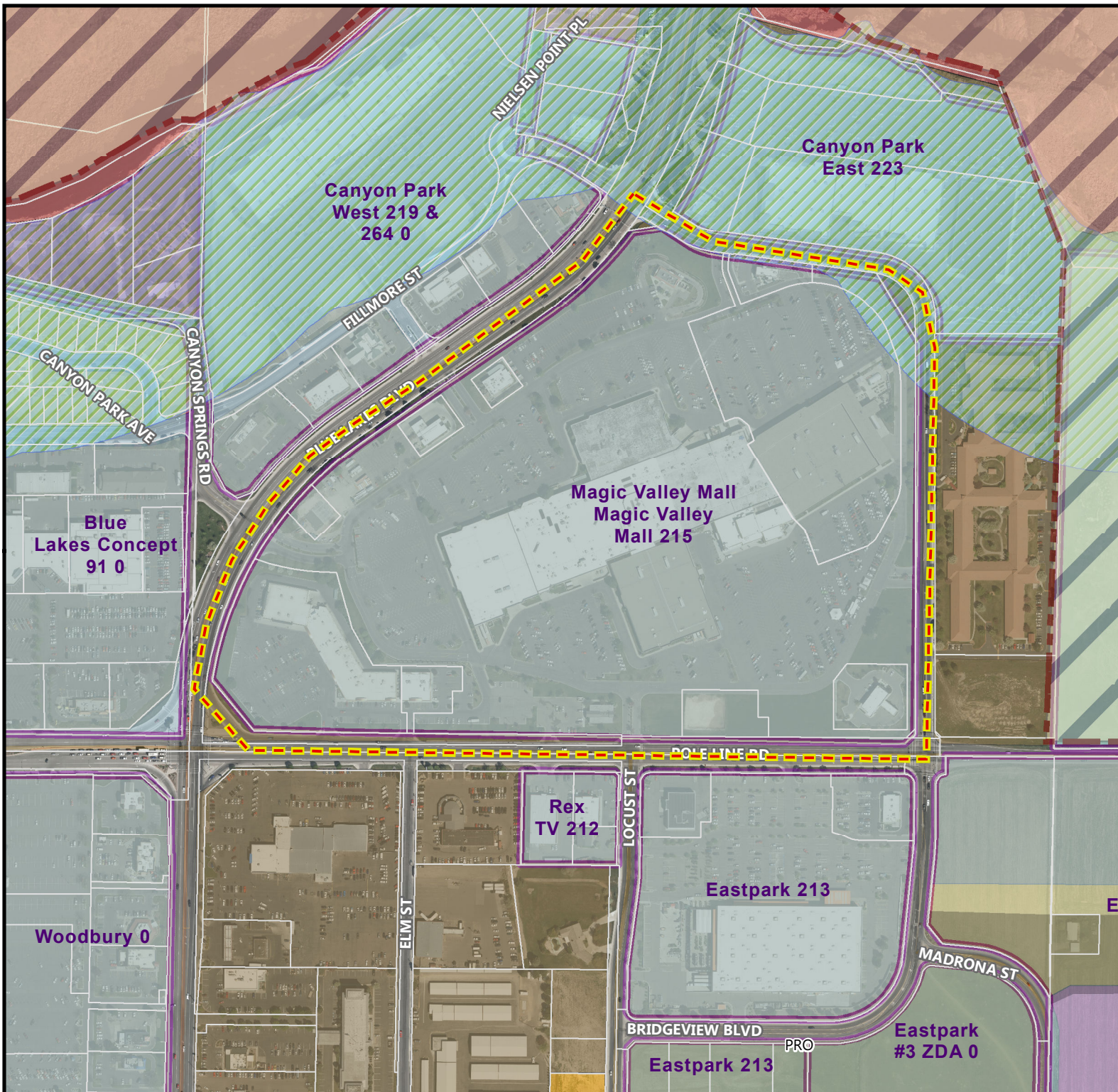
- Zoning District Change Application
- Subject property proof of ownership – deed
- Mixed Use Residential and Commercial Zoning Development Agreement
- Exhibit “A” – subject property Site Plan

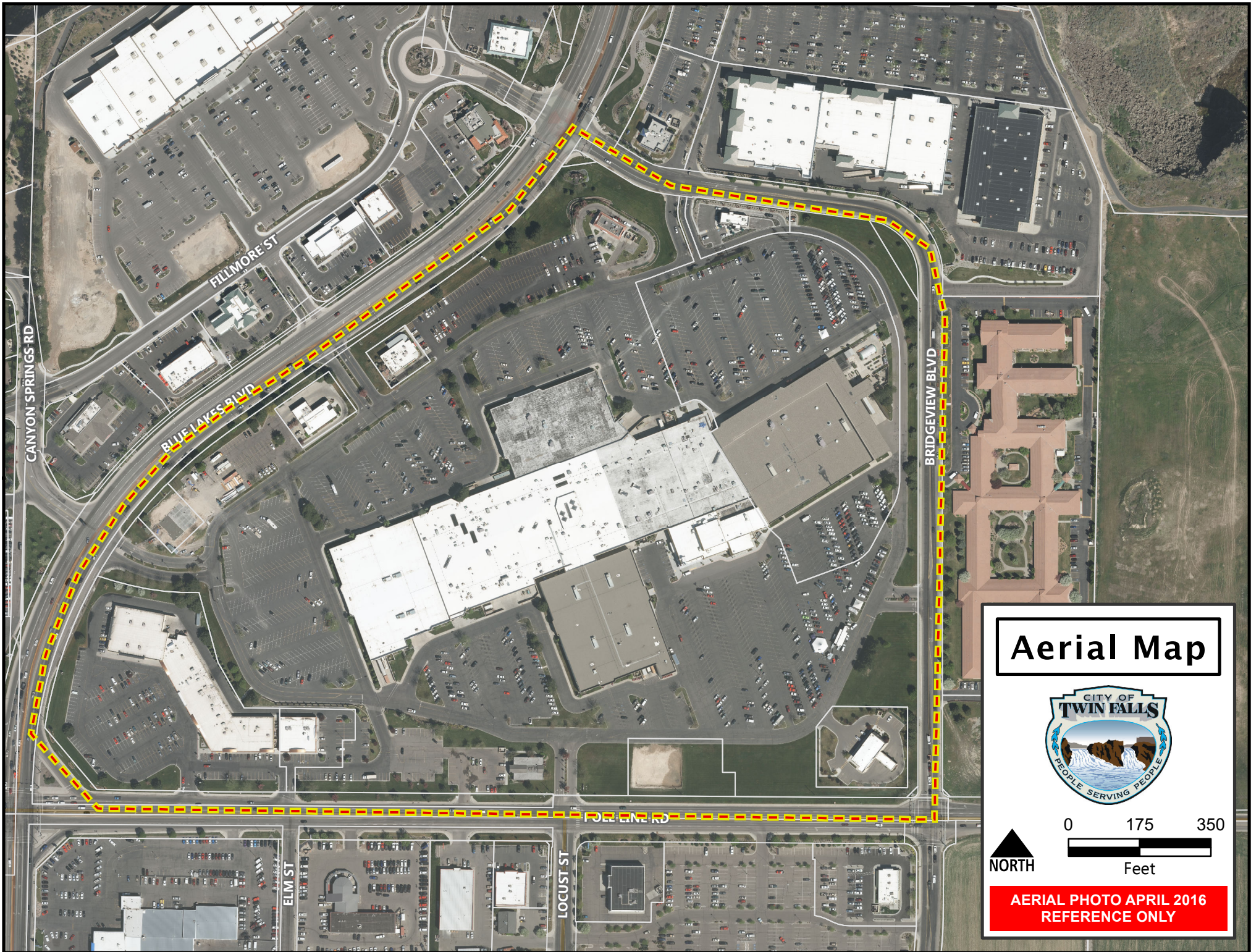
Zoning Vicinity Map

-  Area Of Impact
-  CRO
-  PRO
-  PUD
-  C-1
-  OS
-  R-1 VAR
-  R-2
-  R-4
-  SUI



**AERIAL PHOTO APRIL 2016
REFERENCE ONLY**





Aerial Map

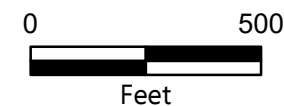


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Feet

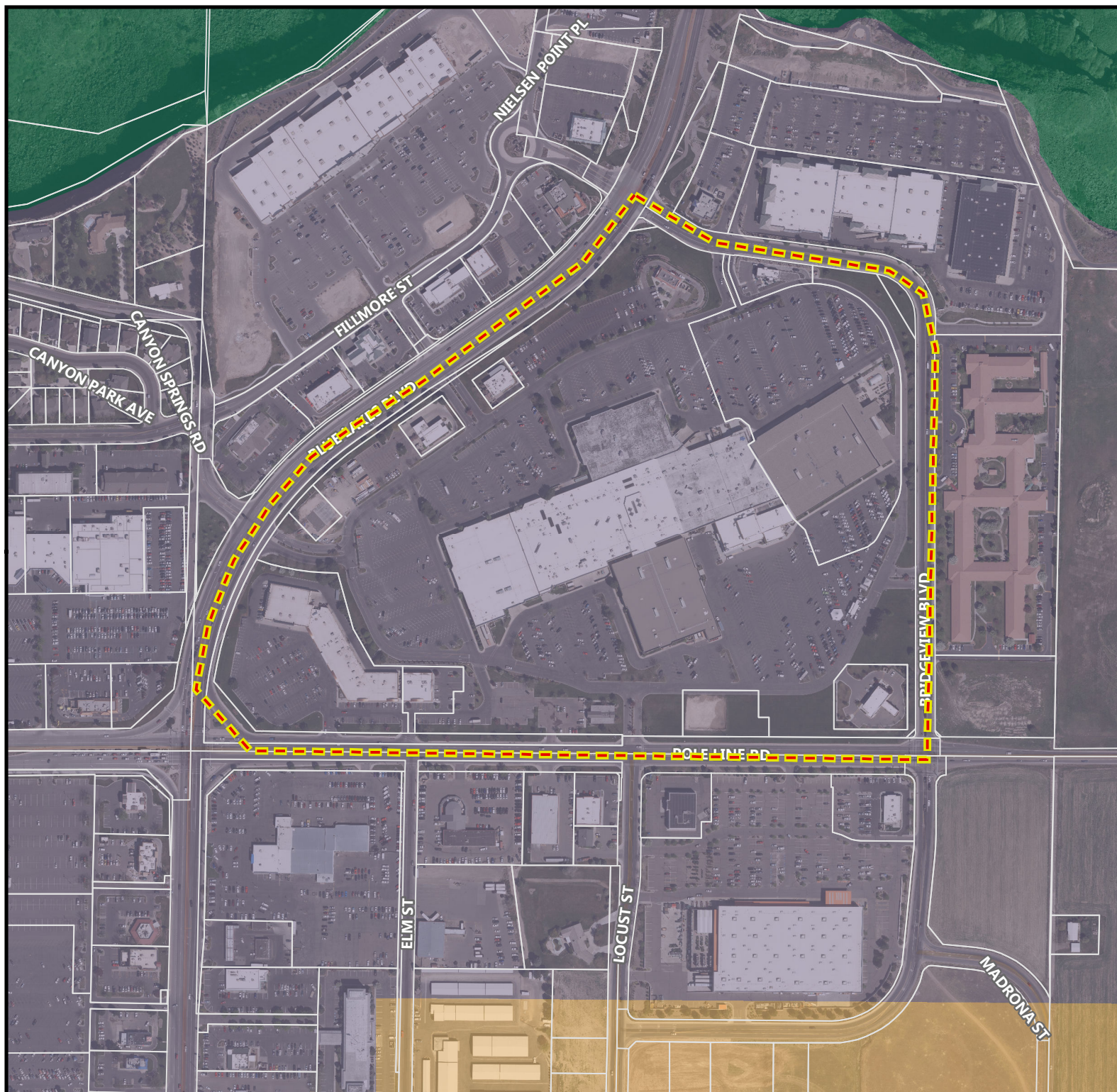
AERIAL PHOTO APRIL 2016
REFERENCE ONLY

Future Land Use Map

- Mixed Use
- Natural Areas
- Town Neighborhood



AERIAL PHOTO APRIL 2016
REFERENCE ONLY



Mixed Use Residential & Commercial Zoning Development Agreement

Written Commitment Document

This Zoning Development Agreement is entered into as of the ____ day of _____, 2018 by and between the City of Twin Falls, Idaho, a Municipal Corporation (hereinafter called "City") and Magic Valley Mall L.L.C., a Utah Limited Liability Company (hereinafter called "MVM") whose address is 2733 Parley's Way, Suite 300, Salt Lake City, Utah 84109

MVM is the developer of a regional shopping center in the City of Twin Falls on the land and as depicted in Exhibit "A", attached hereto developed in accordance with provisions of a PUD agreement dated February 6th, 1984 and subsequent amendments thereto between the City of Twin Falls and MVM and its predecessors in interest.

WHEREAS, the parties hereto now desire to enter into agreement of this written commitment document.

NOW THEREFORE:

1. All future development and improvements shall conform to the standards and regulations of the Twin Falls City Code Title 10 – Chapter 4 – Section 8, or as amended, and all references to other sections therein except for the following:
2. Use Regulations: Modified to include the following:
 - (A). Permitted Uses:
 1. Retail Trade: Alcoholic Beverages when consumed on the premises
 2. Transportation: Parking Structures
 3. Miscellaneous: Drive-Thru Facilities
 4. Indoor recreation/entertainment facilities
 - (B). Special Uses: No Change Requested
 - (C). Prohibited Uses: No Change Requested
4. Property Development Standards:
 - (A). Lot Area : Modified as follows:
 1. Residential Uses: No Minimum.
 - (B). Lot Occupancy: Modified as follows:
 1. Residential Uses: No Maximum.
 - (C). Building Height: No change requested.
 - (D). Yards: Replaced as follows:
 1. Commercial Uses And Residential Uses:
 - a. Front Yards: A building setback of thirty five feet (35') shall be maintained on major arterials and fifteen feet (15') on all other streets. The Poleline Road property



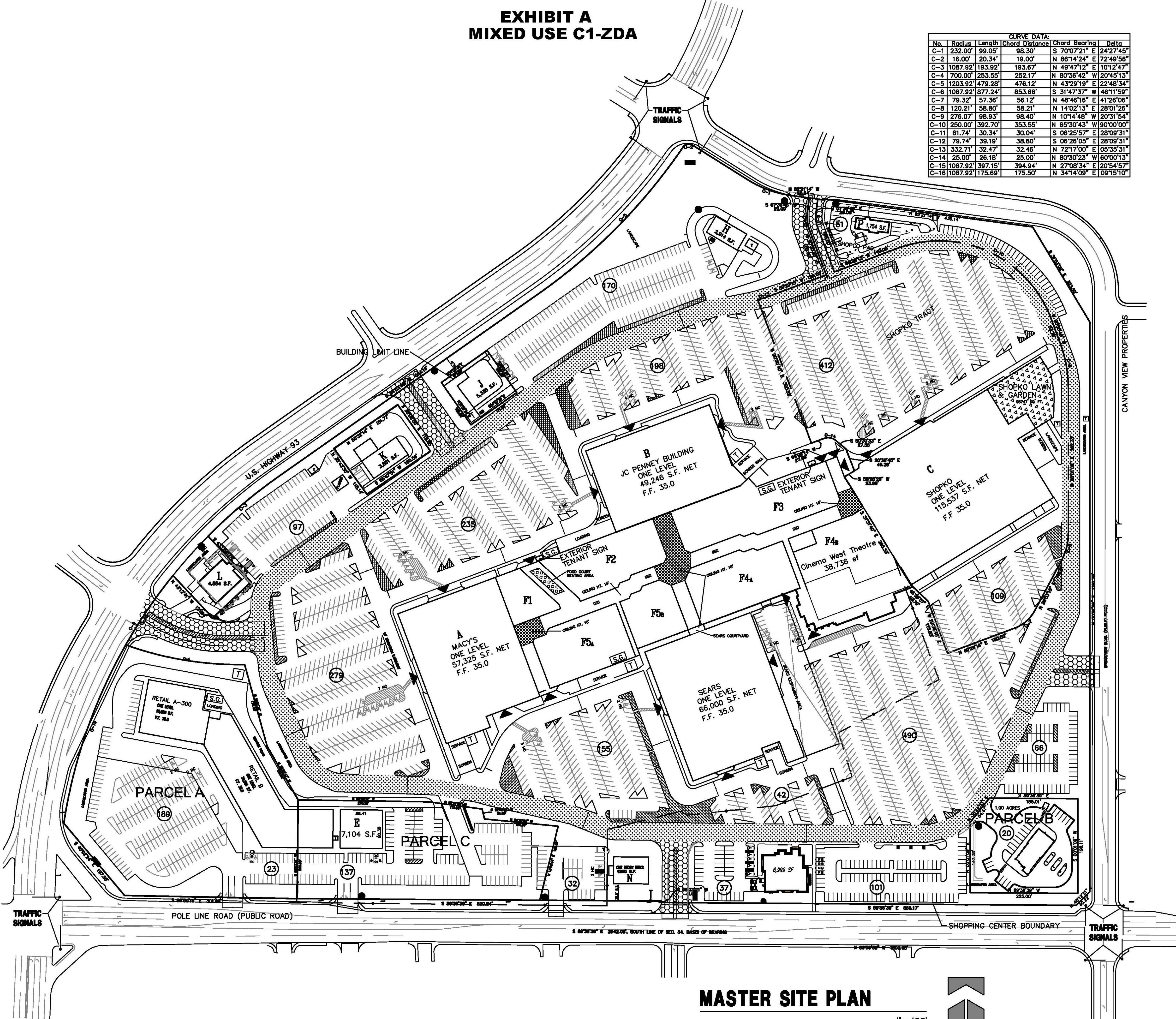
EXHIBIT A
MIXED USE C1-ZDA

CURVE DATA:					
No.	Radius	Length	Chord Distance	Chord Bearing	Delta
C-1	232.00'	99.05'	98.30'	S 70°07'21" E	24°27'45"
C-2	16.00'	20.34'	19.00'	N 86°14'24" E	72°49'56"
C-3	1087.92'	193.92'	193.67'	N 49°47'12" E	10°12'47"
C-4	700.00'	253.55'	252.17'	N 80°36'42" W	20°45'13"
C-5	1203.92'	479.28'	476.12'	N 43°29'19" E	22°48'34"
C-6	1087.92'	877.24'	853.66'	S 31°47'37" W	46°11'59"
C-7	79.32'	57.36'	56.12'	N 48°48'16" E	41°26'06"
C-8	120.21'	58.80'	58.21'	N 14°02'13" E	28°01'26"
C-9	276.07'	98.93'	98.40'	N 101°4'48" W	20°31'54"
C-10	250.00'	392.70'	353.55'	N 65°30'43" W	90°00'00"
C-11	61.74'	30.34'	30.04'	S 06°25'57" E	28°09'31"
C-12	79.74'	39.19'	38.80'	S 06°26'05" E	28°09'31"
C-13	332.71'	32.47'	32.46'	N 72°17'00" E	05°35'31"
C-14	25.00'	26.18'	25.00'	N 80°30'23" W	60°00'13"
C-15	1087.92'	397.15'	394.94'	N 27°08'34" E	20°54'57"
C-16	1087.92'	175.69'	175.50'	N 34°14'09" E	09°15'10"

- MAJOR'S COURTS
- FOODCOURT COURTYARD
- NON MALL MONUMENT SIGN
- MONUMENT SIGN
- ENTRY LOCATIONS
- PLANTED ISLAND (IN PARKING AREA)
- PAINTED ISLAND
- FUTURE PARKING
- FUTURE BUILDING/FUTURE EXPANSION
- SHOPPING CENTER BOUNDARY
- KIOSK (5' WIDE x 12' LONG) WITH 12' CLEARANCE
- S.G. SWITCH GEAR LOCATION
- B.S. BUILDING SET BACK
- T TRANSFORMER
- RING ROAD
- ACCESS ROAD

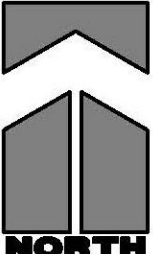
- 3.5/1,000 s.f Parking Ratio
Retail/Commercial
- 2.0/unit - Residential

- Drawing depicts site as of 1/1/18.
Subject to change according to ZDA terms.



MASTER SITE PLAN

1" = 100'



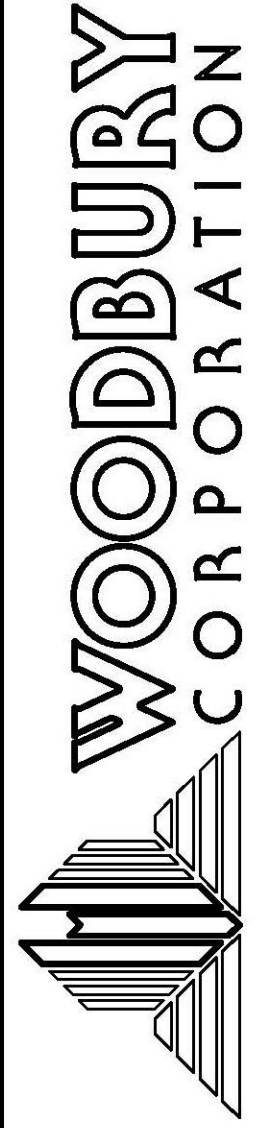
MAGIC VALLEY MALL
MASTER SITE PLAN

TWIN FALLS, IDAHO

DRAWING DATE:
NOVEMBER 30, 2011
REVISION DATE:

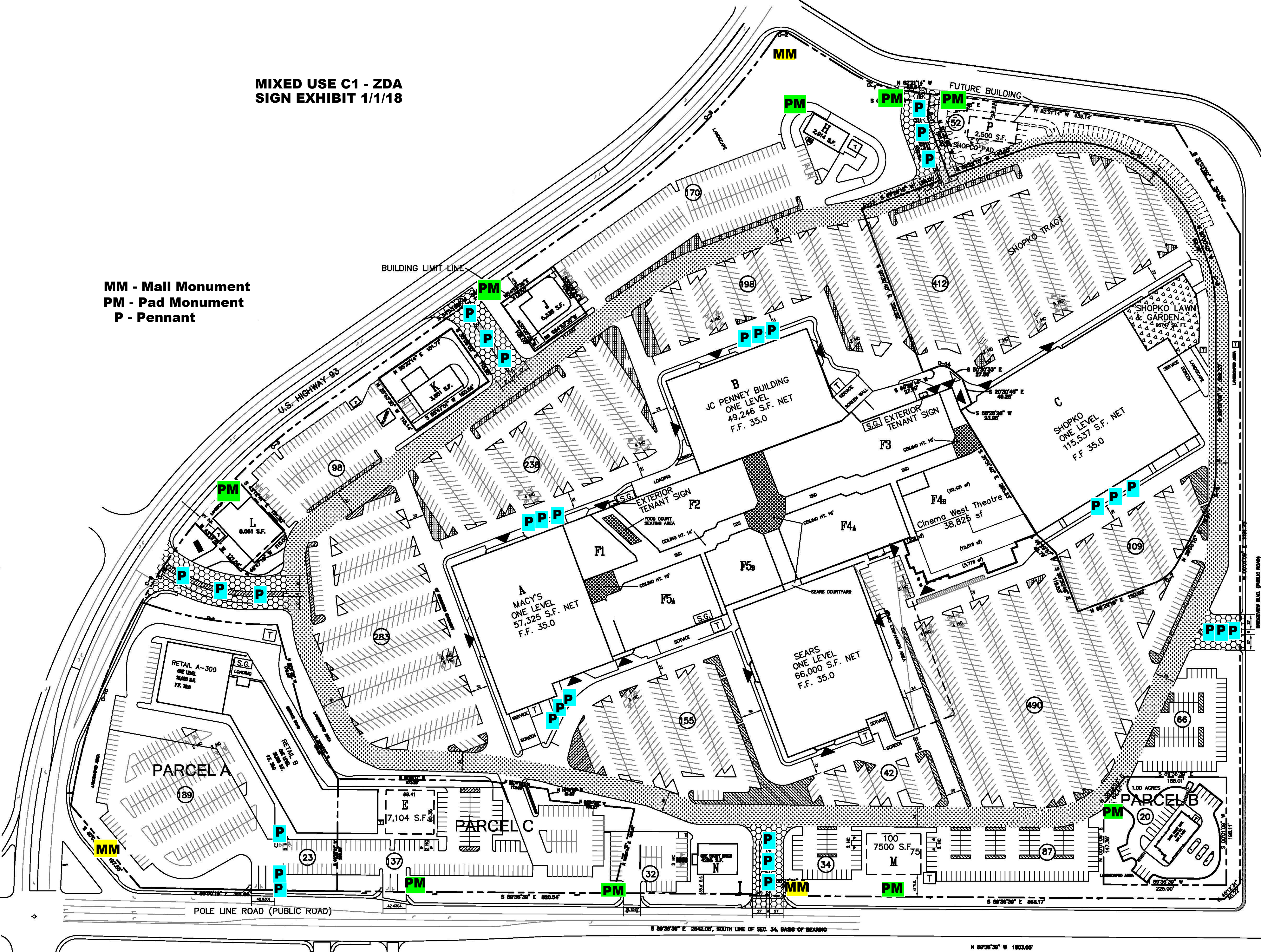
11111-MASTER SITE PLAN

SITE



LYNN S. WOODBURY AND ASSOCIATES, ARCHITECTS
2733 EAST PARLEY'S WAY, SUITE 300
SALT LAKE CITY, UTAH 84109
(801) 485-7770

MM - Mall Monument
PM - Pad Monument
P - Pennant





Public Hearing: **Tuesday, January 3rd, 2018**

To: Planning and Zoning Commission

Presenter: Steve O'Connor, Planner I

Editor: Renee V. Carraway-Johnson, Zoning Administrator

Authors: Jonathan Spendlove & Steve O'Connor

AGENDA ITEM 6a

Request: Request for an Amendment to Special Use Permit #0885 to remove condition #2- No additional access to Eastland Dr. N. on Property located at 1061 Eastland Dr. N. c/o Amazing Grace Fellowship. (app. 2918)

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant Amazing Grace Fellowship 1061 Eastland Dr. N. Twin Falls, ID 83301 208.731.4692 imc@agf.com	Status: Owner	Size: 8.4 (+/-) acres
	Current Zoning: R-2	Requested Zoning: Special Use permit
	Comprehensive Plan: Medium Density Residential	Lot Count: 3 lot
	Existing Land Use: Religious Facility	Proposed Land Use: Religious Facility with a Pre-school
	Zoning Designations & Surrounding Land Use(s)	
	North: R-1 VAR; residential	East: Eastland Drive N.; R-2 PRO PUD; Professional Office & Agricultural Use
	South: R-2; residential	West: R-1 VAR; residential
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-4, 10-11-1 thru 8, 10-13 SUPs #0324, #0885 & #1143	

Approval Process:

The Special Use Permit process requires a public hearing to be held in which interested persons have the opportunity to be heard with regards to the application.

Within thirty (30) days after the public hearing, the Commission shall approve, conditionally approve, or disapprove the application as presented during the hearing. If conditions are placed on the permit, the Administrator shall inform the applicant the special use permit was granted, however, cannot be issued until the specific conditions specified by the Commission are completed and/or the site has a certificate of occupancy. Conditions shall be met within 6 months of the public hearing or the permit may be voided.

If an applicant or interested party appeals the decision of the Commission with fifteen (15) days from the date of action (when the Findings of Fact are signed), the City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

Budget Impact:

Approval of this request will have a negligible impact on the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to develop property located at 1061 Eastland Dr. N. with an additional access point along Eastland Dr. N.

A special use permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations prior to operation.

History:

There are currently three (3) Special Use Permits for this property; #0324 allowed the applicant to establish a religious facility in 1992, #0885 allowed the applicant to expand the existing religious facility by more than 25% in 2004, and #1143 allowed for a public daycare facility to operate within the religious facility in 2009. Both SUP #0324 & #0885 preclude the applicant from developing a secondary access to the property from Eastland Dr. N. and #1143 referenced compliance with the conditions set forth in #0885.

Analysis:

This is a request to remove Condition #2 from SUP #0885 – “No additional access to Eastland Drive North is allowed” in order to allow for further development of property located at 1061 Eastland Dr. N. The applicant has intended to develop and or sell land to the south of the Church for further use and currently does not have the ability to access the lot separately. The Engineering Dept. reviewed the request and supports an additional access from Eastland Dr. N. A second access along Eastland Dr. N. at this point would allow vacant land to be developed.

Per City Code 10-11-1 thru 8:

Required improvements include access, drainage and storm water. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of development and/or building permit submittal.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; “Grow With Us” designates this Area as appropriate for “Town Neighborhood.” As this is a request to delete a condition from an established Special Use Permit there is no change in primary use of the land. Staff has determined this request is compliant with the 2016 comprehensive plan.

Special Use Permit Approval Process (10-13-2.2-K):

The Special Use Permit process requires a public hearing to be held in which interested persons have the opportunity to address the Commission about the request.

Within thirty (30) days after the public hearing, the Commission shall approve, conditionally approve, or disapprove the application as presented during the public hearing. If the special use permit is approved subject to conditions, the Administrator shall inform the applicant the special use permit shall not be issued until the specific conditions specified by the Commission are completed and/or the site has a certificate of occupancy. Compliance shall be met within six (6) months of approval or the special use permit shall be void.

Possible Impacts:

Staff nor the applicant anticipate any increase of negative impacts in this area from this request.

Conclusion:

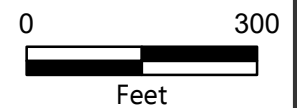
Staff concurs with the request.

Attachments:

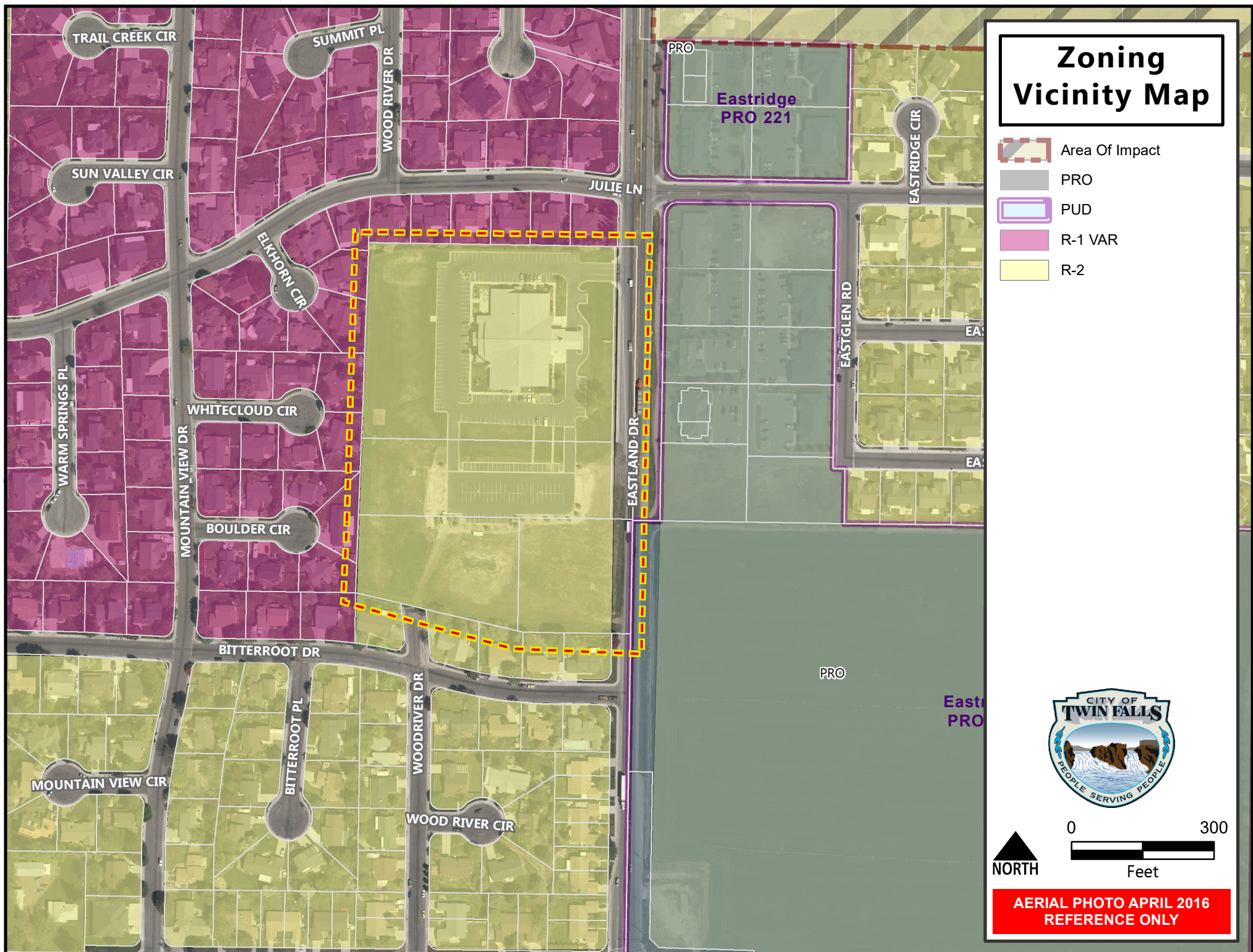
1. Zoning Vicinity Map
2. Aerial Photo Map
3. Future Land Use Map
4. Site Photos

Zoning Vicinity Map

-  Area Of Impact
-  PRO
-  PUD
-  R-1 VAR
-  R-2

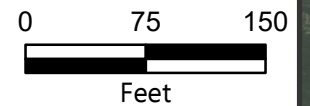


AERIAL PHOTO APRIL 2016
REFERENCE ONLY





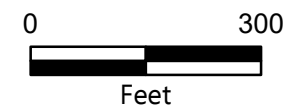
Aerial Map



AERIAL PHOTO APRIL 2016
REFERENCE ONLY

Future Land Use Map

- Neighborhood Commercial
- Town Neighborhood



AERIAL PHOTO APRIL 2016
REFERENCE ONLY

