



Twin Falls Planning & Zoning Commission Minutes

Tuesday, January 9, 2018, 6:00 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

Chairman Frank called the meeting to order and reviewed the public hearing procedure with the audience and introduced staff.

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

Staff Present: Carraway-Johnson, O'Connor, Spedlove, Strickland, Vitek, Wonderlich

2) Consideration of Amendments to Agenda

Chairman Frank asked staff if there are any requests to amend the agenda.

Zoning & Development Manager Carraway-Johnson stated staff would request that item 6-f be placed back on the agenda.

Motion:

Commissioner Musser made a motion to approve the amendment to the agenda. Commissioner Woods seconded the motion. All members present voted in favor of the motion.

Approved

3) General Public Input

None

4) Consent Calendar

a) Approval of Findings of Fact and Conclusions of Law for the following:

- Amazing Grace Fellowship (SUP Amend 01-03-18)

5) Items of Consideration

None

6) Public Hearings

- a) Request for a **Special Use Permit** to operate a professional office on property located at 2016 Addison Ave East. c/o Dave Thibault / EHM Engineers, Inc. on behalf of Janice Seagraves Family Foundation(app. 2905)

Applicant Presentation:

Dave Thibault representing the applicant stated he is here to request a Special Use Permit for property located at 2016 Addison Avenue East. They are proposing to remodel an existing residence into a professional office space for approximately 1100 sq. ft. They will have 6 parking stalls along the rear portion of the property and will be removing some of the older trees. The finished product will look very similar to the surrounding properties.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated this parcel is lot 2 of Block 1, in the Federico Subdivision recorded in 1947. Several properties along this corridor have been rezoned with the Professional Office Overlay and have been remodeled from a residence to a professional office. This property has been a residence since its construction in 1952.

In September of this year, this commission forwarded a positive recommendation for a rezone of this parcel from R-2 to R-2 PRO. City Council approved the rezone on October 16th, and Ordinance 2017-027 was adopted October 30th and published November 2nd.

This is a request for a Special Use Permit to establish a Professional Office, for the Seagrave Family Foundation, on property located at 2016 Addison Ave. E. The property is zoned R-2 with a Professional Office Overlay and it is currently being used as a residence. The code allows a professional office to be established by special use permit. The foundation wishes to establish their office at this location to conduct day-to-day operations with 2 full time employees as well as candidate interviews for scholarship awards. Generally, all business will be conducted during normal business hours Monday through Friday. All landscaping, property improvements, and parking requirements are met with the submitted site plan. The rear of the property will accommodate the required parking for the office, similar to the property to the east. There will also be two spaces in the front, one ADA and one non-ADA space.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Neighborhood Commercial." Neighborhood Commercial supports land uses, which are generally more intense than a home occupation, but less impactful than a strictly commercial use. A residence changing to a professional office is a natural and logical progression from strictly residential to a more commercial land use along an arterial road. Therefore, staff has determined this request complies with the 2016 comprehensive plan.

Per City Code 10-4-18:

An SUP is required to establish a Professional Office.

Per City Code 10-11-1 thru 8:

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

Possible Impacts:

Due to the location of this request along Addison Ave. E., and the contiguous properties being R-2 PRO, the applicant nor staff anticipate any increase in negative effects on the surrounding properties.

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

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

PZ Questions/Comments:

- Commissioner Woods asked about a property east of this location and the paving requirement for the alley.
- Planner I O'Connor explained the streets department prefers that if an alley is paved it fully paved from one end to the other and not in patches.
- Assistant City Engineer Vitek explained historically they use to require portions to be paved but the streets department has requested that stop unless the entire alley is going to be paved.

Public Hearing: Opened & Closed

Discussion Followed:

Mr. Thibault explained that the alley is currently gravel.

Motion:

Commissioner Musser made a motion to approve the request, as presented, with staff recommendations. Commissioner Higley 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.
- b) Request for a **Special Use Permit** to operate a beauty salon as a home occupation on property located at 1624 Kimes Avenue. c/o Paige Allred (app. 2907)

Applicant Presentation:

Paige Allred, the applicant, stated she is here to request a Special Use Permit for 1624 Kimes Avenue. She would like to operate a hair salon. There is a separate entrance from the backyard into the salon that her clients will use. She will not have more than one client at a time and will have two off street parking spaces available for her customers.

PZ Questions/Comments:

Commissioner Woods clarified that the parking will not be locking the garage.

Ms. Allred explained that the parking shown on the drawing is not correct and that the garage will not be blocked.

Staff Presentation:

Planner I O'Connor review the request on the overhead and stated records indicate this location has been a residence since at least 1960. This is a request to establish a beauty salon as a home occupation at 1624 Kimes Ave. A SUP is required to operate a Home Occupation in the R-4 district. The applicant states she will have one chair for one customer at a time. Since the salon is in the basement of the residence, it would be better for customers to access at the rear of the property off 8th Ave. East. There is no driveway provided for this property. The applicant's site plan shows two (2) paved off-site parking spaces on 8th Ave E RoW. The applicant was made aware she shall be required to provide two (2) on-site hard-surfaced parking spaces that are **not** located on Right of Way. No signage is allowed for a home occupation.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Town Neighborhood." As the request is not changing the primary function of the residence, Staff has determined this request complies with the 2016 comprehensive plan.

Per City Code 10-4-5:

An SUP is required to establish a Home Occupation in the R-4 zone.

Per City Code 10-11-1 thru 8:

Required improvements may include access, parking, drainage and storm water, etc... These required improvements will be evaluated and all applicable code requirements shall be in compliance prior to the operation of the home occupation and/or prior to issuance of a certificate of occupancy.

The applicant stated there are elements of a salon, which create fumes, however, since there will only be one customer at a time, the applicant and staff do not anticipate any adverse effects on surrounding properties.

Planner I O'Connor 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 two (2) hard surfaced on-site parking spaces available prior to operation.

PZ Questions/Comments:

- Commissioner Frank asked if the applicants parking plan meets code.
- Planner I O'Connor confirmed that it does.

Public Hearing: Opened

- Chairman Frank displayed a letter from a citizen on the overhead, this letter has been filed with the Planning & Zoning Application for the record.
- Annette McFarlin 1515 Kimes Avenue stated she submitted the letter and she is against this request because of the amount of traffic and street parking that already occurs along the street.
- Leandra Mix, 1537 Kimes Avenue explained there are restrictive conveniences for this subdivision that don't allow this type of business to occur. In addition there is not enough parking and the traffic is a concern, she is opposed to the request.
- Ms. Gee, 1603 Kimes Avenue stated that she is opposed to the request as well, because of the traffic and on street parking.
- Commissioner Frank clarified that the applicant has stated the customers will not be using Kimes Avenue to access the salon.

Public Hearing: Closed

Closing Statement:

- Mr. Allred explained that she is the only person that will be operating at this location. She has no plans to have more than one customer at a time and she will be providing off street parking from the back of the home, the customers will not be using Kimes Avenue.

Discussion Followed:

- Commissioner Frank asked how covenants works in a neighborhood.
- Planner I O'Connor explained city enforces code it does not enforce covenants.
- Commissioner Woods remind the neighbors that a request for revocation is with their power if the conditions are not followed by the applicant.
- Chairman Frank also stated that the applicant is aware of the concerns and knows that there will be neighbors watching.

Motion:

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

Approved, As Presented, With the Following Conditions

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to two (2) hard surfaced on-site parking spaces available prior to operation.

- c) Request for a **Special Use Permit** to remodel a main level garage/storage area into a residential

duplex for property located at 242 Main Avenue North. c/o Sid Lezamiz (app. 2913)

Applicant Presentation:

Sid Lezamiz, stated he is requesting a Special Use Permit to convert a garage into a residential duplex on property located at 242 Main Avenue North.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated this lot was part of the Original Townsite plat, dated 1904, and listed as a non-contributing building on the Twin Falls list of Historic Properties. A building does not appear at this location until the 1957 Aerial Photographs, which is listed as Bill's Hotpot Home Electrics and Appliances. The property is zoned CB with a P1 parking overlay and is located within the Historic Downtown District. This is a request to establish a residential duplex at 242 Main Ave N. A Special Use Permit is required per the CB zone. Currently there is a commercial retail business in the front portion of the main level of this property and a residential apartment upstairs. The main level has an empty unused garage/storage area in the rear of the building. The applicant wishes to convert this area as a new 1 bedroom dwelling unit thereby creating a residential duplex within an existing commercial building, a true mixed-use building. The code requires two (2) off-street parking spaces per dwelling; however, as this property is within a P-1 parking overlay there is no parking required. The applicant has submitted a letter from the owner of the adjacent parking lot allowing the residential tenants to use the parking lot.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Downtown." Downtown is described as an area that supports mixed commercial and high density residential. Staff has determined this request complies with the 2016 Comprehensive Plan; "Grow With Us".

Per City Code 10-4-7:

The CB Zone requires a Special Use Permit to establish a residential duplex.

Per City Code 10-11-1 thru 8:

Required improvements may include access, drainage, parking, landscaping, lighting and storm water, etc. Required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal.

Per City Code 10-13-1(C):

Requires a Certificate of Appropriateness to make any exterior changes, including signage, to any properties located within a historic district before applying for a building permit.

As this is already a commercial property with an apartment above, the impacts from adding an additional living space in the rear of the building will create minimal negative impacts. This is proposed to be a one-bedroom unit therefore additional vehicular traffic would likely be limited to 1 or 2 vehicles and noise would be of little impact. Staff does not anticipate an

increase of negative impacts to the area.

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

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

PZ Questions/Comments:

- Commissioner Higley asked if the front of the building will remain commercial.
- Mr. Lezamiz confirmed the front of the building will remain retail and further explained they have had many requests for living spaces in the downtown area so this is how he reached the decision to pursue this request.

Public Hearing: Opened & Closed

Discussion Followed:

- Commissioner Frank stated he was excited to see this request and he hopes to see more.
- Commissioner Higley agreed and said this is exactly what we need downtown.

Motion:

Commissioner Dawson made a motion to approve the request, as presented, with staff recommendations. Commissioner Musser 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 Certificate of Occupancy prior to use.
- d) Request for a **Special Use Permit** to allow a drive-thru window in conjunction with a restaurant on property located at the SE corner of Canyon Falls Drive & Harrison Street. c/o Ryan Bybee (app. 2914)

Applicant Presentation:

Ryan Bybee, the applicant explained they are not a sit-down restaurant, the people order online or call ahead and pick up at the window. There will not be any speakers or menus and it takes about 30 seconds for the transactions.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated these two parcels were at one point part of the larger Breckenridge Farm. The easterly long slim parcel was, according to the applicant, the old driveway to access the Breckenridge farm. The northerly small triangular tract was zoned C-1 PUD when the Northridge PUD was adopted in 1993. The old driveway was annexed in late 2016 as part of ITD negotiations with the applicant(s).

This is a request to establish a drive-thru window in conjunction with a restaurant on property located at the southeast corner of Canyon Falls Road and Harrison Street. The applicant has stated that the drive-thru window is not a typical drive-thru in that you do not place an order at a window or order board. It is strictly for call ahead orders and for pick-up only. Orders can only be taken from the counter in-person or over the phone/online. As per code, the applicant will be required to meet the stacking City Code 10-10-10;...Stacking Requirements. The narrative states the restaurant shall be open 7 days a week from 11am to 8pm. The applicant anticipates between 3 – 15 employees at any one time.

This Commission heard two (2) requests from this applicant on December 12, 2017; one (1) for a Zoning District Change (Rezone) from C-1 PUD to C-1 for the northerly small triangular tract and the other was for a request to vacate a utility easement. The Commission recommended both requests be approved, as presented. Both requests were scheduled for a Public Hearing in front of City Council on January 8, 2018. Both requests were approved.

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.

Per City Code 10-4-8:

A Special Use Permit is required to establish a drive-thru window on C-1 zoned property.

Per City Code 10-7-12:

The property has frontage on Pole Line Rd, which is a gateway arterial. The submitted site plan currently does not meet the gateway arterial landscape requirements.

Per City Code 10-11-1 thru 8:

Required improvements may include access, drainage, parking, stacking, landscaping, lighting, trash enclosure, storm water, etc. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal.

The applicant nor staff anticipate a significant increase in impacts to the surrounding properties from this request.

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

1. Subject to approval of the request for a Zoning District Change (Rezone) from C-1 PUD to C-1 for the northerly small triangular tract. **Public Hearing before the CC on 01-08-2018 (approved)**
2. Subject to approval of the request to vacate a utility easement. **Public Hearing before the CC on 01-08-2018 (approved)**
3. 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.

PZ Questions/Comments:

- Commissioner Frank asked if someone else moved into this space in the future and wanted to use the window like a regular drive through would that be possible.
- Zoning & Development Manager Carraway-Johnson explained that if the use is granted it shall operate as presented.

Public Hearing: Opened & Closed

Discussion Followed: None

Motion:

Commissioner Musser 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 approval of the request for a Zoning District Change (Rezone) from C-1 PUD to C-1 for the northerly small triangular tract. **Public Hearing before the CC on 01-08-2018 (approved)**
 2. Subject to approval of the request to vacate a utility easement. **Public Hearing before the CC on 01-08-2018 (approved)**
 3. 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.
- e) Request for a **Zoning District Change & Zoning Map Amendment** for one (1) +/- acre from C-1 to M-2 for property located at 1211 Addison Avenue West within the Area of Impact. c/o John M Lucas (app. 2915)

Applicant Presentation:

John Lucas, the applicant stated he is here to request a rezone for the property located at 1211 Addison Avenue West, aka John's U-Pick U-Save, the front of the property is currently zoned C-1 and he would like for the entire piece to be zoned M-2. With the M-2 zoning changing on the

front, will allow him to operate a used car dealership. He has installed some landscaping along the front and the property is surrounded by similar uses.

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated this parcel has been utilized as what appears to be a junk/auto salvage yard since at least the late 1960's according to aerial imagery. The applicant has owned this parcel since July 2017. The northern portion of the property was likely rezoned C-1, Commercial Highway District in 1981 with the adoption of Ordinance 2012 to acknowledge this corridor as the westerly gateway entrance into the city and to maintain separation from heavy industrial impacts along this major corridor.

The applicant owns a seven (7) +/- acre parcel at 1211 Addison Ave West. The property is zoned C-1 and M-2 within the Area of Impact. This is a request for a **Zoning District Change and Zoning Map Amendment** to rezone the northerly one (1) +/- acre of property located at 1211 Addison Ave W, from C-1 to M-2. If approved this would zone the owner's entire seven (7) +/- acre parcel owned by the applicant to M-2, Heavy Manufacturing District within the Area of Impact. Though most of the property is M-2, the portion directly abutting Addison Ave W, 171' x 245' +/- (41,895 sf) , is zoned C-1. The applicant stated in his narrative that he wishes to establish and utilize this portion of the property as an automobile sales business. The southerly six (6) +/- acres is currently a salvage yard.

The 2016 Comprehensive Plan indicates this corridor as appropriate for Industrial/Flex/Employment. 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 M-2 Zoning District prior to development.

There are some major differences for required site improvements between the C-1 zone and the M-2. The C-1 zone requires hard surfacing, paving or asphalt, for all parking and maneuvering areas while the M-2 zone does not.

The applicant states he wishes to establish an auto dealership along the frontage of this property. The C-1 zone requires a Special Use Permit to establish an automobile dealership while the M-2 zone outright permits this use.

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 Heavy Manufacturing District would allow land development that would be compatible with and not detract from the surrounding area.

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 Grey stated he understands that the M-2 zoning does not require paving but asked if that will change in the future.
- Senior Planner Spendlove explained staff doesn't like gravel to be carried out onto the roads, however this road is not within the City's jurisdiction.

Public Hearing: Opened & Closed

Closing Statement:

Mr. Lucas explained there has been some paving on the site, however over time the asphalt has deteriorated but both entrances onto the property are paved.

Discussion Followed:

- Commissioner Higley stated he has an issue with the site not being paved where the applicant plans to display vehicle.
- Senior Planner Spendlove explained that many times in the M-2 zone the businesses complain that if they asphalt the heavy equipment they use with their business will damage the asphalt and they will have continual upkeep to meet that requirement. The Comprehensive Plan identifies this area for industrial uses and the M-2 zone does not require paving, so the request is in compliance with the Comprehensive Plan.

Motion:

Commissioner Grey made a motion to recommend approval of the request, as presented., to City Council. Commissioner Woods seconded the motion. Members Frank, Grey, Dawson, Musser and Woods voted in favor of the motion while Commissioner Higley voted against the motion.

**Recommended for Approval, As Presented, To City Council
Scheduled for City Council February 5, 2018**

- f) Request for a **Variance** to allow an off premise sign on a separate parcel to advertise for property address as 825 North College Road. c/o Dave Thibault, EHM Engineers, Inc. on behalf of Loren Baker. (app. 2916)

Applicant Presentation:

Dave Thibault, EHM Engineers, Inc. representing the applicant stated that after review of the staff analysis and City Code the applicant would request that this item be withdrawn from the agenda.

- g) Request for a **Special Use Permit** to allow alcohol consumption on site in conjunction with a restaurant on property located at 1925 Fillmore Street Ste. 100. c/o Rachelle Fenderson dba Peace Love & Pizza, LLC (app. 2917)

Applicant Presentation:

Hao Ngo, representing the applicant, stated they would like to request a Special Use Permit to

allow them to serve alcohol at their restaurant. They do not anticipate any negative impacts to the surrounding properties.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated the aerial imagery has this site as agricultural and vacant land from 1950 to 2016. The Canyon Park West PUD's #219 & #264 were recorded in 2000 and 2012 respectively. A shell-building permit was issued earlier this year for 1925 Fillmore St. and then a building permit for Ste. 100 of the shell building was submitted in July of this year, and approved in August. The certificate of occupancy was issued in December 2017 and is currently operating as Blaze Pizza. The site is zoned C-1 CRO PUD and is located along Fillmore St. The applicant wishes to serve alcohol for consumption onsite in conjunction with a restaurant. This site is within the Canyon Rim Overlay. To serve alcohol for onsite consumption a Special Use Permit. The narrative states the restaurant shall operate from 11am to 9pm with 10-14 employees at any one time. There are no designated operating days of the week. The applicant has supplied a site plan showing the location of the restaurant within the shell building. Currently Blaze Pizza has their State and County license to sell beer and wine for consumption onsite. They need an SUP to sell alcohol for consumption on the premises in conjunction with the restaurant as they fall under the Canyon Rim Overlay.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Mixed Use." Mixed Use is a very broad category in uses and a restaurant fits into the category of Mixed Use. The request to sell beer and wine is a secondary use to a restaurant and therefore fits the future land use category. Therefore staff has determined this request complies with the 2016 comprehensive plan.

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

A Special Use Permit is required for the sale of Alcoholic beverages, when consumed on the premises where sold within the Canyon Rim Overlay.

Per City Code 10-11-1 thru 8:

Required improvements include may access, drainage, parking, landscaping, lighting, storm water, etc. Required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal.

The applicant nor staff anticipate any negative impact to the surrounding properties upon approval of this request, as there are generally intense commercial uses in the area.

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

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to compliance with all State, County and City licensing requirements prior to

issuance of the SUP.

Public Hearing: Opened & Closed

Discussion Followed:

- Commissioner Musser asked if staff understood why this was a requirement in the Canyon Rim Overlay.
- Senior Planner Spendlove explained he is unaware of the reason this is a requirement.

Motion:

Commissioner Musser made a motion to approve the request, as presented. Commissioner Higley 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 compliance with all State, County and City licensing requirements prior to issuance of the SUP.
- h) Request for a **Zoning District Change & Zoning Map Amendment** from C-1 PUD to C-1 ZDA for the 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 (app. 2919)

Applicant Presentation:

Brent White, representing the applicant, stated he is here to review the items and answer any questions the Commission may have. He explained that their business has to be very flexible and ever changing because the market changes quickly. Usually when they are approached by a business to open a space at the mall they are given a very small window of opportunity to respond to the request. Because the current PUD has had multiple amendments and is very specific to the site, it sometimes makes it very difficult to respond to these potential businesses. The mall would therefore like to move from a PUD zoning to a ZDA zoning to allow them more flexibility. Their business changes very rapidly and they need to be able to be responsive to the changes in the marketplace. In this request the ZDA will comply with the C-1 zone but does have a few exceptions listed. These exceptions are:

1. Alcoholic Beverages when consumed on the premises be an outright permitted use,
2. Parking Structures be an outright permitted use,
3. Drive-thru facilities be an outright permitted use,
4. Indoor recreations/entertainment facilities be an outright permitted use.
5. Setback adjustments as explained in the proposed agreement, and
6. Parking allowances as explained in the proposed agreement

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated 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 under one owner. Prior to that, it was agricultural land. Throughout the years, multiple plats, PUD's and amendments to PUD's took place, the latest occurring in 2014. These various PUD's added/platted additional pad sites, several have been sold to other businesses, made concessions to the Sign Code (the previous version), and enacted various other development requirements including landscaping, height limitations, land uses and other site criteria.

This is a request to rezone the "Original" Magic Valley Mall property from C-1 PUD 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, eliminating residential lot area and occupancy, reducing building setbacks, reducing centerline setbacks, modifying perimeter landscaping, modifying off street parking ratios, and signage allowances. The exceptions will be listed in the following analysis by identifying the **Code Section** – including any summarization of that code section, then followed by *Staff commentary on the possible impacts of these requested exceptions*.

Per City Code 10-4-8 C1 Zoning District:

Use Regulations: The following uses are being requested by the applicant to be permitted outright. These uses are not currently listed within the "Permitted" section and would either require a Special Use Permit; *alcohol consumption on premises, Drive-Thru Facilities, Indoor Recreation Facilities* or the uses are not currently identified in code; *Parking Structures, Entertainment Facilities*.

The requested exceptions to allow these types of Land Uses as an outright permitted use would remove any further public hearing process.

Property Development Standards: Residential Uses are required to adhere to certain property and development standards such as lot area, lot occupancy, building height, yards (setbacks), access, landscaping, off street parking ratios, and signs. Each area the applicant has requested a change will be addressed independently.

Lot Area and Lot Occupancy: The exception listed by the applicant is to remove the minimum lot area and maximum lot occupancy.

As the applicant has expressed a desire to venture into the possibility of housing options on the property, these exceptions seem reasonable. This will allow housing to be developed on the property without requiring separate

lots or larger lots of separate ownership to be created. This also creates a regulation whereby the owner can pursue different types of housing units that meet current market demand in a timely manner. Any developed housing cannot be sold separately unless platted on a separate lot.

Yards (Building Setbacks): The applicant has requested the setback section be modified to remove the arterial/collector roadway centerline building setback reference, and to be subject to only meeting the setback of thirty five (35') from property line along Pole Line Rd and Blue Lakes Boulevard North and fifteen (15') from property line along Bridgeview Blvd. Additionally they requested a section of Pole Line Road to be subject to a twenty (20') from property line setback.

Although the removal of the centerline building setback reference may appear to have an impact on future road widening, while reviewing this request it was reaffirmed we currently have 115 feet of right of way, and have only developed 75 feet (back of sidewalk to back of sidewalk). Removing the centerline building setback reference will not affect currently dedicated right of way, but it will allow the use of more property for buildings and uses by increasing the available land area for buildings.

Arterial Landscaping: The current code requires a minimum of 35' from back of sidewalk on arterials; Blue Lakes Blvd N and Pole Line Rd E. The requested change would permit an **average depth** of landscaping instead of a constant depth. The applicant has requested a minimum landscape strip of 15' from the back of sidewalk, so no portion of landscaping would be less than that in any one area on the perimeter of the MV Mall site.

Averaging the depth of gateway arterial landscaping is an innovative way of providing some relief to areas that are restricted by existing geography and restraints on properties while still providing the total landscaped area along major roadways. If the applicant needs to narrow the landscaping to accomplish a competing requirement, they will need to provide that loss in area in an adjacent location to average that loss out. The net result is the same, a landscaped area along our major arterials; BLBN and Poleline and the collector; Bridgeview, to provide a welcoming feel and aesthetically appealing (no sea of asphalt) in our community, which is the purpose of the gateway arterial landscaping requirement.

Off Street parking: The applicant has requested to modify the parking standard in order to accommodate more areas for buildings and increase the parking utilization of current facilities. The ratio they are requesting is 3.5 spaces per thousand square feet of building and/or utilized outside patio area. This is due to the volume of square footage they deal with. Our current code has a varied ratio based upon use but the average is 1 space per 250 sq ft (for general retail). To compare them equally, they are asking to be reviewed at 1 space per 285 sq ft. Additionally, they have requested to remove all "common areas" from the commercial parking calculation.

In addition the request also includes a modification is to allow a joint or shared use of the parking between residential and commercial uses. The way the modification is written, 1 of the residential spaces would be reserved exclusively for residential parking, the other space could be counted for or used by the surrounding or nearby commercial businesses.

The dual concept of reducing the parking requirement and allowing shared or joint use parking areas between residential and commercial entities within a single project is an established practice within the planning profession across the country. As large retailers move out or close, malls are looking to other models and modes of entertainment and commercial enterprises to keep these large properties productive. Part of this productivity is having mixed uses and a more compact/walkable development pattern. By reducing the parking requirement, it frees up some of the property to be used for other buildings and uses.

Signs: The applicant is requesting to be subject to the current sign code with one modification to allow the “pennant signs” currently installed. All future signs would need to follow current city code, or as modified by the city in the future.

The change to follow current city code will greatly help city staff review applications for sign permits at this location. Staff does believe this change will allow the mall to have more signage on the property, the total amount has not been calculated. However, we have done some preliminary research on large freestanding signs and we believe they may have a few more per current code, these would be primarily on Blue Lakes and Pole Line.

Future Buildings: The applicant has made it clear, they have not submitted a Master Development/Conceptual Plan. The conceptual plan submitted only shows existing buildings and previously approved pad sites. This does not portray where future buildings may be located. With the change to follow the C-1 Code, additional buildings will need to follow the development criteria of the C-1 Zone and this ZDA document in order to be constructed.

This is a crucial part of this ZDA, the MV Mall is seeking to be treated like any other C-1 property in regards to number of buildings on the property, and allowing different/mixed uses on the property which follow the base Zoning Code created and enforced by the City – with the exceptions they have requested. From a staff perspective, this type of development and agreement falls in-line with the Comprehensive Plan and its directives to have a Mixed Use type of land uses in this area.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; “Grow With Us” designates this area as appropriate for

“Mixed Use.” This designation is to be targeted at intersections of major arterials, anchored by commercial, civic, or entertainment uses and allows high-intensity mixed uses in compact pedestrian oriented environments. The types of commercial uses should be retail, office, restaurant, hotel, and mixes of residential land uses. Staff has determined this request complies with the 2016 comprehensive plan.

Senior Planner Spendlove stated upon conclusion the Commission may recommend to the City Council approval of this request as presented, recommend approval of this request subject to conditions you feel may mitigate possible impacts, or recommend denying this request.

PZ Questions/Comments:

- Commissioner Higley asked if the higher density would create an impact to the area that may trigger a signal at the Locust Street and Pole Line Road entrance.
- Senior Planner Spendlove explained that requests for a use that could have a large impact on the traffic in the area would generate discussion with the developer and may create the need for a signal or other traffic safety measures to be executed. A warrant for a signal can also be triggered by a serious accident or fatality occurring at this location.
- Commissioner Woods explained he appreciates the proactive approach the applicant is taking however he is concerned that if they are allowed to build closer to the property lines if that will have a negative impact on the long term care facility “Bridgeview” across the street.
- Senior Planner Spendlove explained that this document is trying to give the mall some flexibility for building area and if these changes occur this may become a more diverse and viable area which could impact the neighbors.
- Commissioner Grey explained the development planned to the east of ‘Bridgeview’ will probably have a bigger impact to the facility.
- Commissioner Higley asked about height restrictions in the C-1 zone.
- Senior Planner Spendlove explained the height limit is 50’ anything taller requires a public hearing.
- Commissioner Grey stated the point of the ZDA is so that people would know what the development is going to look like in the future and asked if the plan shown is what the applicant will have to comply with in the future.
- Senior Planner Spendlove explained that the mall is already built and any new buildings will follow the C-1 zoning code and as a commercial entity trying to be responsive to change, it would be in their best interest to build something attractive.
- Commissioner Grey explained he agrees however, there is nothing in the verbiage of the agreement that states the development will be harmonious with the surrounding area.
- Commissioner Woods agreed, stating that would address his concerns.
- Commissioner Frank explained a ZDA was to allow the community to know what is planned, and if this is approved as presented, it may set a precedent for other requests that may come forward.
- Senior Planner Spendlove explained that one of Woodbury’s values it to build malls of a first class nature, similar to those structures built across the country. This condition

can be added to the agreement.

- Mr. White explained he thinks this is appropriate verbiage for the document. He also stated that when you are looking at a vacant piece of property it is absolutely essential to see a master plan that calls out how the development will look. In this situation the property is already built. The values that Woodbury follows state that they will build using first class architecture, workmanship and materials.

Public Hearing: Opened & Closed

Closing Statement:

Mr. White explained that with all of the notifications and the signs related to this request they have not had any comments from the public, making him believe that the community is comfortable with the request. This request is different from most request but is vital to a business that needs to remain creative and responsive to what has become a digital marketplace. He asked that they recommend approval of the request.

Discussion Followed:

- Commissioner Dawson explained she is not concerned with justifying anything for the building because the purpose of this request is to stay ahead of the curve and revitalize the area making it useful moving forward. However because it could set a precedent for future request that may come before the Commission the verbiage should be in the agreement because it is not going to change the intent of the application.
- Commissioner Frank stated this is very important for the community and it is a sound plan for the future. He has been to other places and seen development like this and they become an urban center amongst themselves, it is very exciting.
- Commissioner Musser explained he is supportive of the request.
- Commissioner Higley stated he is in support of the request and the City has a great deal of trust in what they do and whatever happens it will be with the community in mind.

Motion:

Commissioner Dawson made a motion to recommend approval of the request, as presented, to City Council and subject to the additional condition listed. Commissioner Grey seconded the motion. All members present voted in favor of the motion.

1. Subject to all future building being designed with first class architecture, materials and workmanship and are to harmonious and appropriate in appearance with the existing characteristic of the surrounding area.

Recommend for Approval, As Presented, To the City Council Scheduled for City Council February 5, 2018

7) Upcoming Meeting(s)

Zoning & Development Manager Carraway explained the next meeting has four scheduled items. Staff has received seven applications for the Zoning Vacancies. The posting will be open until January 22, 2018 reviews will be completed and interviews will then be scheduled. She also

announced that she will be retiring and her last day will be April 20, 2018.

8) Adjournment

Chairman Frank adjourned the meeting at 7:56 pm.

Lisa A. Strickland, Administrative Assistant