



Twin Falls Planning & Zoning Commission Agenda

Wednesday, May 1, 2019, 12:00 PM

203 Main Ave E.
Twin Falls, ID 83301

AMENDED

Members -

City Limits: Danielle Titus, Chairperson; Craig Kelley, Vice-Chair; Craig Hawkins; Ed Musser; Carolyn Bolton; Curtis Hansen; Marilu Perez

Area of Impact: Ryan Higley; David Detweiler

- 1) Confirmation of Quorum/Call Meeting to Order
- 2) Consent Calendar
 - a) **ACTION ITEM:** Approval of Minutes from the following meeting: April 23, 2019
 - b) **ACTION ITEM:** Approval of Findings of Fact and Conclusions of Law:
 - Preliminary Plat for the Fieldwood Subdivision
- 3) Items of Consideration
 - a) **ACTION ITEM:** Landscape Island Grouping for the Twin Falls City Pool at property located at 756 Locust St. N(PZ19-0051)
By: Jonathan Spendlove, PZ Director
- 4) General Training
 - a) **DISCUSSION:** Zoning Code; PUD/ZDA vs Variances
By: Jonathan Spendlove, PZ Director
- 5) Upcoming Meeting(s)
 - a) Tuesday, May 14, 2019
- 6) Adjournment

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Kelli Ebersole (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 first Public Hearing of the session, the Mayor or Chair shall review the public hearing procedures.
 2. Individuals wishing to testify or speak before the City Council or Planning & Zoning Commission shall wait to be recognized by the Mayor or Chair, approach the microphone/podium, state their name, and then proceed with their comments. Following their statements, they shall write their name and address on the record sheet(s) provided by the staff. The staff shall make an audio recording of the Public Hearing.
 3. A City Staff Report shall summarize the application and history of the request.
 4. The Applicant, or the spokesperson for the Applicant, will make a presentation on the application/request (request). No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing. The presentation should include the following:
 - **A complete explanation and description of the request.**
 - **Why the request is being made.**
 - **Location of the Property.**
 - **Impacts on the surrounding properties and efforts to mitigate those impacts.**
 5. Applicant is limited to 15 minutes, unless a written request for additional time is received, at least 72 hours prior to the hearing, and granted by the Mayor or Chairman.
 6. The City Council or Planning & Zoning Commission may ask questions of staff or the applicant pertaining to the request.
 7. The general public will then be given the opportunity to provide their testimony regarding the request. The Mayor or Chair may limit public testimony to no less than two (2) minutes per person.
 - **Individuals are not permitted to give their time to other speakers.**
 - **However, five (5) or more individuals that received written notice of the public hearing may appoint, by written petition, a spokesperson. The written petition must be received at least 72 hours prior to the hearing and must be granted by the Mayor or Chair. The spokesperson shall be limited to 15 minutes.**
 - **Written comments, including e-mail, received by 12:00 p.m. on the date of the hearing shall be either read into the record or displayed to the public on the overhead projector.**
 8. Following the Public Testimony, the applicant is permitted five (5) minutes to respond.
 9. Following the Public Testimony and Applicant's response, Council or Commission members, as recognized by the Mayor or Chair, shall be allowed to question the Applicant, Staff or anyone who has testified. Responses shall be limited to answering the questions asked. The Mayor or Chair may limit the time permitted for the answer.
 10. The Mayor or Chair shall close the Public Hearing. The City Council or Planning & Zoning 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 Mayor or Chairman.



Twin Falls Planning & Zoning Commission Minutes

Tuesday, April 23, 2019, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

Members -

City Limits: Danielle Titus, Chairperson; Craig Kelley, Vice-Chair; Craig Hawkins; Ed Musser; Carolyn Bolton; Curtis Hansen; Marilu Perez

Area of Impact: Ryan Higley; David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Chairperson Titus called the meeting to order at 6:01 pm and confirmed a quorum.

Members Attending: Titus, Hawkins, Musser, Bolton, Hansen, Perez

Staff Attending: Spendlove, Strickland, Vitek, Nope

2) Consent Calendar

- a) Approval of Minutes from the following meeting: April 9, 2019
- b) Approval of Findings of Fact and Conclusions of Law:
 - SUP for Believers Church
 - SUP for Jay and Shelly Fort

Commissioner Bolton made a motion to approve the consent calendar, as presented. Commissioner Hansen seconded the motion.

Unanimously approved

3) Items of Consideration

- a) Request for consideration of a preliminary plat for the Fieldwood Professional Subdivision, located at the 1000 Block of Cheney Drive West, on behalf of Brad Wills c/o EHM Engineers, Inc. (PZ19-0035)

Staff Presentation:

Planning & Zoning Director Spendlove stated this is a request for consideration of a preliminary plat for the Fieldwood Professional Subdivision, located at the 1000 Block of Cheney Drive West.

As per Twin Falls City Code 10-12-2.3:

The Commission may approve, conditionally approve, deny or table for additional information when acting on the preliminary plat. If tabled, approval or denial shall occur at the regular meeting following the meeting at which the plat is first considered by the Commission. The action and the reasons for such action shall be stated in writing by the Administrator and forwarded to the applicant. The administrator shall also forward a statement of the action taken and the reasons for such action together with a copy of the approved preliminary plat to the Council for its information and record.

There have been several plats of this property, most recently in 2015. Fieldstone Professional Subdivision in conjunction with the PUD #271 modified the western half of the original Fieldstone Subdivision. That original subdivision was platted as single family homes with the layout similar to what is constructed on the eastern half. Over the course of a few years the owner has applied for various changes to the zoning/layout of the property through PUD amendments and the Platting Process. Staff has reviewed the Preliminary Plat and found it has followed the requirements in City Code per the applicable subdivision regulations.

Staff recommends the Commission approve this request as presented, subject to the following conditions:

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.

PZ/Questions & Comments:

- Commissioner Bolton clarified that what is to be considered, is related to lot size, access, and sidewalks.
- PZ Director Spendlove explained the commission should also consider possible impacts to surrounding area

Applicant Presentation:

Dave Thibault, EHM Engineers, Inc. representing the applicant, presented the applicant's request. He gave a brief history of the Fieldstone subdivision. The property was originally approximately 40 acres and subdivided for single family homes. Recorded in 2015, the addition of Fieldstone Professional Office PUD #271 was later added. There have been approximately five (5) R-4 professional office overlay lots available for sale and there has not been any interest as of today. The applicant's desire is to re-plat the property into fourteen (14) lots, some are proposed to be develop into duplexes. Duplexes are permitted in this PUD. They are seeking approval of the preliminary plat of the Fieldwood Professional Subdivision.

PZ Questions/Comments:

- Commissioner Perez asked for clarification for park dedication vs a parks in lieu.
- Mr. Thibault explained the process this subdivision went through and stated that City Council has approved a parks in lieu contribution.
- Commissioner Titus clarified that Cheney has been extended as well as Fieldstream Way. She also asked about the sidewalk within the Fieldstone subdivision and asked for clarification on access to the lots along the southern portion of the proposed preliminary plat.
- Mr. Thibault explained there would be shared private drives accessed from Cheney Drive.
- Commissioner Bolton asked where the single family homes and duplex will be located.
- Mr. Thibault explained the planned locations.

Public Hearing: Opened

- Citizen Gary Kavender, 941 River Mist Path, asked if the turn around on River Mist Path will be completed as part of this project. He also asked if there will be a fence between the properties.
- Citizen Megan Humble, 1027 Misty Meadows Trail, stated she moved into this subdivision with a recorded plat, reasonably assuming they knew what they were getting. This has not been the case, as it has become a parcel subdivision. The development was a platted and recorded plat which has changed again. This has changed the desirability of the original subdivision.
- Citizen Clint Hales, 1378 Misty Meadows Court, stated he moved into the subdivision in 2014. He is upset that the developer keeps changing the plan for the original subdivision. He is also upset that the developer has not cleaned up the lots in the past two years and has not fulfilled the promises as originally presented and has not upheld the subdivision's CC&R's. He would like developers to be held accountable by the city.
- Citizen Karen Palmer, 1006 Cobble Creek Rd, explained if the project meets the PUD Agreement, then they do not object to the development of the duplexes, but asked that the developer complete the stone wall or a composite to the maximum height allowed by City Code.

Public Hearing: Closed**Applicant Closing Statement**

Mr. Thibault stated that the cul de sac on River Mist Path is planned to be constructed as part of this phase. He stated that four-plexes are permitted with approval of Special Use Permit, and there is a due process to follow for things to develop.

Applicant Brad Wills answered some of the questions of the citizens. He explained the office buildings did not work on those lots, so they are asking for residential use of those lots. He is conscious of the density of the subdivision. Four-plexes are not part of this plan. He explained where the construction area is, the cul de sac will be finished and the RV storage area will be reconstructed. He explained the wall will be completed in April and May. Once wall is constructed, the cottages and duplexes will not have access to Fieldstone.

PZ Comments/Questions:

- Commissioner Bolton asked what the material of the wall be made of.
- Applicant Wills stated the wall will be made of white vinyl.
- Commissioner Perez asked if there is anything that can be done in the future to prevent four-plexes from being built.
- PZ Director Spendlove state that the decision would lie with the Planning and Zoning Commission if a Special Use Permit is brought before the commission.
- Chairperson Titus asked if fencing is required around each lot.
- Applicant Wills stated the first phase was required to use rod iron, but has since been changed to vinyl fencing around back yards.
- Commissioner Higley asked the intention for the large lot to the south and the reason for the corner cut of the lot.

- Applicant Wills stated it is for a nursing home use and stated the angle cut is for a retention pond for Fieldstream Way.

Discussions Followed:

- Commissioner Bolton clarified if the initial development was in 2003 there have been changes in the economy over the years, community needs have changed and believes this is a good use of this property.
- Chairperson Titus asked for clarification on the R-4 zoning of the lots and what could be built on those lots now.
- PZ Director Spendlove stated that four-plexes could be built with an approved SUP.
- Commissioner Perez asked for clarification on the fencing.
- PZ Director stated the applicant is saying he is planning to build a fence.
- Commissioner Perez asked if this commission could enforce anything regarding the debris on the properties.
- PZ Director Spendlove stated that the debris is a code enforcement issue, and this commission cannot do anything, but it can be noted.
- Commissioner Higley asked for clarification if a condition for fencing and cul-de-sac completion could be put on the preliminary plat.
- PZ Director Spendlove stated this commission could add conditions to the preliminary plat.
- Commissioner Hawkins stated he appreciates the concerns and that they can be rectified and he has no problem with the request.
- Commissioner Hansen stated the request makes sense to split into smaller lots.
- Commissioner Higley would like the motion to include conditions for the cul-de-sac and fencing to be complete.
- Commissioner Bolton asked if there could be a completion date on the conditions.
- PZ Director Spendlove stated yes, the commission could put a completion date on the conditions.
- Chairperson Titus asked for clarification on the turnaround on River Ridge that it does not have access to this part of the subdivision.
- Commissioner Higley stated he does not want to put condition on materials used, just that the fencing and cul-de-sac completion.
- Commissioner Musser stated he did not see the reason to put a condition in requiring fencing.
- Applicant Wills stated he will have the fence complete by June 1, if the commission would like to add that condition.
- Commissioner Higley stated he believes the cul-de-sac completion should be a condition to the approval of the preliminary plat.

Motion:

Commissioner Hansen made a motion to add Condition #2 that before any building permit is issued for the Fieldwood Subdivision, the cul-de-sac at end of River Mist Path is completed, according to city code. Commissioner Musser seconded the motion.

Unanimously approved

Commissioner Hansen made a motion to add Condition #3 that the fencing be completed along the southern border of lots #5, 6, 9, 10, and 14 by June 1, 2019 or before any building permit is issued, whichever comes first. Commissioner Hawkins seconded the motion.

Motion approved by a vote of 5 – 2.

Commissioner Bolton made a motion approval of the Preliminary Plat for the Fieldwood Professional Subdivision, located at the 1000 Block of Cheney Drive West, with staff recommendations, with Conditions #2 and #3 added as approved. Commissioner Perez seconded the motion.

Unanimously approved

4) Public Hearings

- a) Request for a Zoning Map Amendment from R-4 to R-6 ZDA on property located at the 100 & 200 blocks of Caswell Avenue West on behalf of Dr. David Kemp c/o EHM Engineers, Inc. (PZ18-0097)

Staff Presentation:

Planning & Zoning Director Spendlove stated this is a request for a Zoning Map Amendment from R-4 to R-6 ZDA on property located at the 100 & 200 blocks of Caswell Avenue West. The applicant is required to present a preliminary review to the Planning and Zoning Commission in which the commission may give suggestions and ask questions of the applicant about the proposed ZDA. A public hearing shall be held before the Commission for a recommendation to City Council to; amend the zoning district and the zoning map, amend with recommendations or deny the request.

This property has been part of multiple subdivisions over the years and has been vacant and underutilized for some time.

This is a request to rezone, with a Zoning Development Agreement, property located in the vicinity of the 100 & 200 blocks North of Caswell Ave W, from R-4 to R-6 ZDA.

The ZDA is proposing a base zone of R-6, with a few deviations from the development standards. If approved the ZDA would allow multiple dwelling structures with multiple dwelling units per structure, on one lot. The applicant is also requesting to reduce the rear yard setback from fifteen feet (15') to ten feet (10') as denoted on the conceptual Master Development Plan. Building height is also requested to be forty feet (40'), up from thirty-five feet (35').

If the Commission determines the proposed request appropriate, you may recommend approval to the City Council, as presented, subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to comply with applicable City Codes and standards.

Applicant Presentation:

Dave Thibault, EHM Engineers, Inc., presented the applicant's request. He stated the applicant is not planning to use brick in his design. The four-plexes will be three (3) story units. He stated that the units will match the other buildings in the area. The applicant is requesting the ZDA to use this land as an in fill project that fits with the neighborhood on this long, narrow lot. This development will blend into the neighborhood.

PZ/Questions & Comments:

- Commissioner Perez asked if the green space would ever be built on or would the applicant have to come back to the commission for approval.
- PZ Director Spendlove stated that if the applicant wanted to build on the green space shown, he would have to come back to the commission for approval as it deviates from the plan shown today.

Public Hearing: Opened and Closed without input

Applicant Closing Statement:

Mr. Thibault stated the green space will have some storm water retention use.

Discussions Followed: without concerns

Motion:

Commissioner Hansen made a motion to recommend approval to the City Council of the request for a Zoning Map Amendment from R-4 to R-6 ZDA on property located at the 100 & 200 blocks of Caswell Avenue West on behalf of Dr. David Kemp c/o EHM Engineers, Inc. (PZ18-0097), as presented, with staff recommendations. Commissioner Higley seconded the motion.

Unanimously approved

5) Upcoming Meeting(s)

- a) Worksession: Wednesday, May 1, 2019
- b) Tuesday, May 14, 2019

6) Adjournment

The meeting was adjourned at 7:26 pm.

Lisa A. Strickland/Kelli Ebersole,
Administrative Assistant



BEFORE THE PLANNING & ZONING COMMISSION OF THE CITY OF TWIN FALLS

In Re:)
)
Preliminary Plat Application,) FINDINGS OF FACT,
)
Brad Wills, Wills Inc,) CONCLUSIONS OF LAW,
c/o EHM Engineers, Inc.)
Applicant(s)) AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho at the **April 23, 2019** hearing for consideration of the preliminary plat of **Fieldwood** Subdivision, a re-plat of Fieldstone Professional Subdivision, a PUD, to develop **fourteen (14)** lots located **at the 1000 block of Cheney Drive West**, 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 requested approval of the preliminary plat of **Fieldwood** Subdivision, a re-plat of Fieldstone Professional Subdivision, a PUD, to develop **fourteen (14)** lots located **at the 1000 block of Cheney Drive West**
2. The property in question is zoned **R-2 PRO PUD** pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as **Town Neighborhood** in the duly adopted Comprehensive Plan of the City of Twin Falls.
3. The existing neighboring land uses in the immediate area of this property are: to the north, **Cheney Dr. W/Residential and Religious Facility**; to the south, **Residential**; to the east, **Residential**; to the west, **Fieldstream Way/Multi Family**.
4. The City Engineering Office has reviewed the preliminary plat and has approved the proposed street accesses and public utility extensions, subject to availability of such services at the time of development. The developer will pay all costs of public improvements, including but not limited to streets, curb, gutter and sidewalks, sewer, water and pressurized irrigation systems. The proposed development includes dedication of additional right-of-way in compliance with the Master Street Plan.
5. Any detrimental effects on the neighborhood would be ameliorated by observance of the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Findings of Fact and the regulations and standards set forth below, the Planning and Zoning Commission hereby makes the following

CONCLUSIONS OF LAW

1. The preliminary plat of the **Fieldwood** Subdivision, a re-plat of Fieldstone Professional Subdivision, a PUD, to develop **fourteen (14)** lots located **at the 1000 block of Cheney Drive West** is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water, sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.

2. The preliminary plat is in conformance with the Comprehensive Plan as required by Twin Falls City Code §10-12-2.3(H) (2) (a).

3. Public services are currently available to accommodate the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (b). Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity.

4. The development of streets, sewer, water, irrigation, dedication of park land and other public improvements at the cost of the developer will not adversely affect any capital improvement plan and will integrate with existing public facilities, as required by Twin Falls City Code §10-12-2.3(H)(2)(c).

5. There is sufficient public financial capability of supporting services for the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (d).

6. There are no other health, safety or environmental problems associated with the proposed development that were brought to the Commission's attention, per Twin Falls City Code §10-12-2.3(H)(2)(e).

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

DECISION

The request for approval of the preliminary plat of **Fieldwood** Subdivision, a re-plat of Fieldstone Professional Subdivision, a PUD, to develop **fourteen (14)** lots located **at the 1000 block of Cheney Drive West** is hereby granted, subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein. 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.

CHAIRMAN-TWIN FALLS CITY PLANNING & ZONING
COMMISSION

DATE

"EXHIBIT NO. A"

1. **Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all ensure compliance with all applicable city code requirements and standards.**
2. **Subject to the Cul-de-Sac at the north end of River Mist Path to be completed prior to building permits being issued for any lots within the subdivision.**
3. **Subject to fencing being installed along the southern boundary of lots 5, 6, 9, 10, and 14 by June 1, 2019 or prior to building permits being issued, whichever occurs first.**