



MINUTES
Twin Falls City Planning & Zoning
Commission
February 26, 2013-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Jason Derricott Tom Frank Kevin Grey Terry Ihler V. Lane Jacobson Chuck Sharp
Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods

CITY COUNCIL LIAISON

Rebecca Mills Sojka Suzanne Hawkins

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Derricott
Frank
Grey
Jacobson

ABSENT:

Ihler
Sharp

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Woods

ABSENT:

CITY COUNCIL MEMBERS PRESENT: Hawkins, Mills-Sojka

CITY STAFF PRESENT: Carraway, Spendlove, Strickland, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. City of Twin Falls Strategic Plan Presentation c/o City Manager Rothweiler and Mike Williams
2. Request for consideration for the placement of a canopy or covering at a food service establishment providing for an outdoor seating area on property located at 705 Blue Lakes Boulevard North, c/o Sizzler Restaurant #650 (app 2555)

IV. PUBLIC HEARING ITEMS:

1. Request for the Vacation of 50' x 293' dedicated public right of way, aka Desert Rose Drive located north of Ramblin Rose Way in the City's Area of Impact c/o Ken Mulberry, Robert E. Dickerson, Jr. & Rocky B. & LeeAnn Hagan (app. 2544)

I. CALL MEETING TO ORDER:

Chairman Bohrn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **February 12, 2013**
2. Approval of Findings of Fact and Conclusions of Law: **NONE**

MOTION:

Commissioner DeVore made a motion to approve the consent calendar as presented. Commissioner Frank seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. City of Twin Falls Strategic Plan Presentation c/o City Manager Rothweiler and Mike Williams

STAFF PRESENTATION:

City Manager Rothweiler stated the City has been undergoing a process to develop a City Strategic Plan and that the staff has been working with a local company. The representative for this company has a history as a City Manager and is from this area. As a City we don't focus on profit, but the goal is to provide services to the community. There are several services that we provide and each one is required to function like an independent company. The ability for the city to align and move in one direction to achieve the goals set forth. The strategic plan helps define the path towards achieving the goals. The long term vision will drive the fiscal priorities and those things will be included in the strategic plan. We want to make sure that we internally we are structurally aligned so we can be affective as a team. The time line shows the goals and requires many partnerships. The plan is fairly ambitious and if the vision of the City is to be realized it will require public partnership, and non-profit facilities and other private sector groups. Accountability, transparency and a vision for the City. There are departments with goals and objectives driven by budget and assessment. Performance management to evaluate the department and find ways to improve internally. There have been numerous meetings and public input has been gathered throughout the process. The Community Vision was created from these meetings.

City Manager Rothweiler stated there would be a public meeting to introduce the Strategic Plan to the public in April.

Discussion ensued between City Manager Rothweiler and the Commission. The Commission thanked City Manager Rothweiler for the presentation.

2. Request for consideration for the placement of a canopy or covering at a food service establishment providing for an outdoor seating area on property located at 705 Blue Lakes Boulevard North c/o Sizzler Restaurant #650 (app 2555)

APPLICANT PRESENTATION:

Buster Menchue, representing the applicant, stated they are here to be able to move forward with their building permit. The plan is to provide an outdoor seating area for customers to gather while waiting to be seated inside the restaurant.

STAFF PRESENTATION:

Planner I Spendlove stated that the property is located in C-1 Zoning District and the request is to add an outdoor bench seating area. This area will be at the front door and will provide a place for customers to gather while waiting for service. The building is at the required 35' front yard setback. The request is to allow the seating area to encroach into the 35' front yard setback. City Code 10-4-8.3(D)1 allows for outdoor patio or seating including associated canopies and coverings within the setback if it does not exceed the property line setback of 20' or encroach into the minimum required arterial landscaping. Any outdoor patio or seating area proposed within a required setback must be approved the Planning & Zoning Commission.

Planner I Spendlove stated upon conclusion the applicant are requesting the Planning & Zoning Commissions approval to construct an outdoor seating area with a metal canopy structure within the front setback of their food service establishment. The existing building meets the 35' front yard setback requirement and the proposed outdoor seating area would encroach into this 35' front yard setback but will not be closer than 20' from the property line setback. In addition, the patio area will be connected to the main structure and will require an building permit. It will be considered a permanent accessory structure within 10' of the main building. Should the Commission approve the request, as presented, staff recommends the following conditions:

1. Subject to amendments as required by Buiding, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the applicant obtaining a building permit for construction of the exterior improvements submitted with building permit application #13-37 including the proposed outdoor patio seating and metal covering.

COMMISSION QUESTIONS/COMMENTS:

- Commissioner Frank asked if for clarification as to whether or not this area will be in the arterial landscaping area.
- Planner I Spendlove stated no it will not encroach into this area.
- Commissioner Frank asked the applicant if food will be served in this area or if it is just a waiting area for customers.
- Mr. Menchue stated no it is for an overflow or gathering area for the customers.
- Commissioner Woods asked if there is any concerns with traffic interference if this is approved to be in the setback.
- Planner I Spendlove stated no it will not be a sight obstruction or create any traffic interference.

PUBLIC HEARING: OPEN & CLOSED WITHOUT CONCERNS

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Frank made a motion to approve the request, as presented, with staff recommendations. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED, WITH THE FOLLOWING CONDITIONS.

1. Subject to amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the applicant obtaining a building permit for construction of the exterior improvements submitted with building permit application #13-37 including the proposed outdoor patio seating and metal covering.

IV. PUBLIC HEARING ITEMS

1. Request for the Vacation of 50' x 293' dedicated public right of way, aka Desert Rose Drive located north of Ramblin Rose Way in the City's Area of Impact c/o Ken Mulberry, Robert E. Dickerson, Jr. & Rocky B. & LeeAnn Hagan (app. 2544)

APPLICANT PRESENTATION:

Lance LeBaron stated that about 4 years ago he submitted for building permit and recently after closing on the house the property was surveyed and found the house was too close to the undeveloped dedicated right-of-way. Because of this a vacation of this road is being requested. The road was not put in at the time of development

but was designed to provide access to the property to the north of the lot, for any future development.

The property owner to the north, Ken Mulberry, has no desire to develop at this time, and stated that if he chooses to develop he would provide access. He is not sure there are any other ways to resolve this issue, without vacating the road.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Bohrn clarified with the applicant that the property to the north would not be landlocked if this vacation were approved.
- Mr. LeBaron stated that is correct and explained again that the property owner of the acreage to the north has stated if he decided to develop he would provide access to the property. Everyone is willing to vacate the road.

STAFF PRESENTATION:

Planner I Spendlove reviewed the exhibit on the overhead and reviewed the history of the property. The road that was not improved at the time of development and has not been accepted by the Twin Falls Highway District, the final acceptance of the plat occurred in July of 2007. The request is to vacate a platted road and a dedicate portion of what is called Desert Rose Drive, located in the Wild Rose Estates Subdivision. As the right-of-way is undeveloped and the City has no plans to improve the roadway the adjacent property owners are requesting to vacate the property. Originally it was platted in order to provide access to the property to the north, that is owned by Ken Mulberry. An agreement has been reached where by in the case where development occurs access to the property to the north will be gained via an alternative route to the east of Wild Rose Estates from 3400 Road East. This agreement satisfies the concern for access. Letters have been received from the following utility companies: Intermountain Gas, Cableone, Quest/Centurylink, & the Twin Falls Canal Company, each of these entities have agreed to the vacation with the condition that a 15' utility easement be maintained across the vacated roadway that fronts Rambling Rose Way. Idaho Power has not responded to the request. Typically if the vacation is approved the land is split evenly between the adjacent property owners, however in this case the property owners to the east Mr. & Mrs. Dickerson have provided a notarized copy of a 15' public utility easement to be placed on the proposed vacated roadway closest to their current westerly property line.

The vacation process requires a public hearing process with the Planning & Zoning Commission making a recommendation to the City Council. A public hearing will be scheduled for City Council at which time a recommendation will be made by City Council to the Twin Falls Board of County Commissioners who make the final decision, for this vacation because it is in the Area of Impact.

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

1. Subject to amendments as required by Building, Engineering, Fire & Zoning Officials ensure compliance with all applicable City Code requirements and standards.
2. Subject to receiving a letter of approval from Idaho Power, and any conditions that may be placed on their approval.
3. Subject to a fifteen foot (15') wide utility easement being recorded for the area of the vacated roadway that fronts Ramblin Rose Way (aka 4050 North)

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Woods asked about the agreement with the owners to east and north if it is transferable. He is asking because future property owner may not want to provide access.
- City Attorney explained that the property will be sold with access or it won't be developed, because in order for development to occur access has to be provided.

PUBLIC HEARING: OPENED

- Jeff Rolig, representing Mr. & Mrs. Hagan, the individuals that purchased the home. He stated the reason this issue was discovered was when the Mr. & Mrs. Hagan, new property owners began to plant trees and were informed by the neighbor that a roadway is planned where the trees were being planted. At one point on the property the roadway is platted approximately one foot from the house. The problem was discussed without resolution, a lawsuit is pending. This request is really to bail out the builder. His clients are not applicants, but because they are the owners of the property they had to give consent for this process to move forward. Mr. Rolig state he spoke with the adjacent property owner's to the east and neither party are aware of the recorded easement mentioned in the staff report for a 15' public utility easement. Typically when a roadway is vacated the land is deeded and split evenly between the adjoining property owners.
- Planner I Spendlove clarified the 15' easement for the utilities would be for property along the front of the two parcels and the vacated road between the two parcels. The document referred to by Mr. Rolig is attached in the staff report as attachment #9.
- Jeff Stoker, representing Lance LeBaron, stated this situation evolved from a combination of errors. The home ended up close to the easement and everyone thought it was correctly located. It wasn't until the property was sold that this problem was discovered. The situation can be rectified with this vacation approval. There has not been any suggestion that anyone is wanting to develop the roadway. All of the property owners involved have all agreed they don't want the road developed. Approval of this vacation would be a benefit to everyone involved.

PUBLIC HEARING: CLOSED

CLOSING STATEMENT:

- Mr. LeBaron stated that he would never build a house in the wrong location on purpose. He has been working to resolve this issue and he asked that the Commission recommend approval.
- City Attorney stated that the ordinance vacating the right of way would deed one half of the road to the property owners on each side of the road.

DELIBERATIONS FOLLOWED:

- Commissioner Frank stated this request ,as presented, on how to deal with this request is fairly straight forward.
- City Attorney explained that this will be a recommendation to City Council, City Council will then make a recommendation to County and they will make a recommendation to the Twin Falls Highway District who makes the final approval.

MOTION:

Commissioner Frank made a motion to recommend approval of the request to the City Council, as presented. Commissioner Woods seconded the motion. All members present voted in favor of the motion. (Commissioner Bohrn abstained from the vote.)

RECOMMENDED FOR APPROVAL, AS PRESENTED, TO THE CITY COUNCIL

1. Subject to amendments as required by Building, Engineering, Fire & Zoning Officials ensure compliance with all applicable City Code requirements and standards.
2. Subject to receiving a letter of approval from Idaho Power, and any conditions that may be placed on their approval.
3. Subject to a fifteen foot (15') wide utility easement being recorded for the area of the vacated roadway that fronts Ramblin Rose Way (aka 4050 North)

PUBLIC HEARING BEFORE THE CITY COUNCIL IS

SCHEDULED APRIL 1, 2013

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

- Zoning & Development Manager Carraway stated she would like to thank Commissioner Jacobson & Commissioner Bohrn for their service. There will be a recommendation to the City Council for the two new Commissioners and reappointment of Commissioner Derricott.

- Commissioner Frank stated he would like to thank Commissioner Bohrn for the many years of dedicated service.
- City Council Mill Sojka stated she would like to thank the Commissioners for their service also.

VI. UPCOMING MEETINGS:

Planning & Zoning Commission Work Session is scheduled for **March 7, 2013**
Planning & Zoning Commission Public Meeting is scheduled for **March 12, 2012**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 7:15 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department