MINUTES
PUBLIC MEETING/WORK SESSION
Twin Falls City Planning & Zoning Commission
Wednesday, August 6, 2014 12:00PM
Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS
CITY LIMITS:
Nikki Boyd Jason Derricott Tom Frank **Chairman** Kevin Grey **Vice-Chairman** Gerardo "Tato" Munoz Christopher Reid Jolinda Tatum

AREA OF IMPACT:
Ryan Higley Steve Woods

City Council Liaison
Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS		AREA OF IMPACT MEMBERS	
Present	Absent	Present	Absent
Boyd	Derricott	Higley	
Frank	Munoz	Woods	
Grey			
Reid			
Tatum			

CITY COUNCIL LIAISON(S): Mills Sojka
CITY STAFF: Carraway, Humble, Spendlove, Strickland, Wonderlich

I. CALL MEETING TO ORDER:

Chairman Frank called the meeting to order at 12:00 P.M.

II. GENERAL PUBLIC INPUT:

- Cheri Condie, 2135 Oakwood Court, Canyon Rim Overlay, after reviewing the ZDA conditions, she stated she is glad to see the proposed changes and she would like for the Commission to consider some recommendations she thinks would make things even better. She would like to request that pedestrian walkways and alternative transportation facilities as well as utilities be shown in the design. For example permanent bike racks and bus stops because it is easier to put these things in place before development occurs. Landscaping in areas like the Canyon Rim Overlay should have a 15% parking and 15% pedestrian walkways, keep considering the people on foot. Keep in mind that there will eventually busses in Twin Falls and it would be nice if they were planned for now or included as part of the design criteria before development occurs. As for the Canyon Rim Overlay she has a few recommendations for that zone that she feels would offer protection of the Canyon Rim. The canyon rim is an attraction for this area and she feels it should be protected from over development. She believes big buildings are inappropriate for the Canyon Rim and it is the job of the Commission to determine where these types of developments should be allowed. If you put big buildings on the canyon rim you won't have a canyon rim anymore. She would like to see Twin Falls move away from the usual strip mall concept and more towards something that combines the best of development and the natural features of our town to produce a better product. She requests that the Commission add her list of items to a future agenda for

further discussion. These items are as follows:

A. No big box buildings
B. Open spaces between buildings (100') to include a view-scape between buildings.
C. Orientation with short building sides towards the rim and not the building backs.
D. Pedestrian amenities (e.g. permanent bike racks, benches, shaded areas)
E. Art spaces

Discussion Followed:

- Commissioner Frank asked staff how someone could get these changes considered and possibly approved for the Canyon Rim Overlay District.
- Zoning & Development Manager Carraway explained that if there is an interest in amending the code a citizen can apply for the changes to be made and a public hearing process would take place.

III. DISCUSSION ITEMS FROM THE COMMUNITY DEVELOPMENT STAFF AND/OR THE PLANNING & ZONING COMMISSION:

1. Review proposed code amendment items update
   - Planner I Spendlove reviewed the recommendation for replacing the Planned Unit Development Agreement code section with a new Zoning Development Agreement code section. Currently if there is something not outright permitted in the C-1; Zone an applicant can make a request to rezone a property through the Planned Unit Development Agreement process that would allow things outright without any other zoning actions. It was discovered through some research that our PUD process does not match the state statute definition of a PUD; this change would bring the code into compliance with the state statute. He explained the major difference between the two code sections is that a Zoning Development Agreement shall include a conceptual development plan that illustrates the standards contained in this new code section; this requirement will provide a more solid example of what the applicant wants to do with the property. If it is determined that a proposed change does not conform to the conceptual development plan and or development standards the document will have to be amended through a public hearing process. A public hearing process shall be triggered with the following types of changes:
     A. the basic relationship of the proposed development to adjacent property
     B. the permitted uses
     C. increase in density
     D. increase in building height
     E. increase in building coverage of the site

F. reduction in the off-street parking ratio
G. reducing the building setback provided at the boundary of the site
H. significantly alter any open space plans, or
I. significantly alter the overall design theme, major architectural elements, or building materials

During the building permit review process the ZDA would be reviewed in conjunction with the building plans to determine if all of the criteria outlined in the agreement are in compliance, if it is determined that they are not being met or have been altered from the original conceptual development plan then amendments would have to be requested through a public hearing process. Another change that would occur with this amendment is that the ZDA Document would be reviewed and signed by the applicant prior to proceeding with the public hearing process. The documents will be complete and the zoning will become final once the zoning has approved by City Council.

Zoning & Development Manager Carraway stated the ZDA and PUD concept is that a developer is planning to take a large piece of property and develop or redevelop it under a certain plan that works within this community's goals and ideas. The property will have its own zoning district and upon approval shall be developed as presented.

Discussion Followed:

- Commissioner Grey stated he thinks this will address some of the items that were brought up with the Business Park District proposed at the last public hearing.
- Zoning & Development Manager Carraway explained the difference between a district and a ZDA is that the ZDA is specific to a piece of property and a development, whereas a zoning district is just a zoning that does not require conceptual plans.
- Planner I Spendlove explained the ZDA would provide an opportunity for an open dialogue and some give and take between the City and the developers.
- Commissioner Grey asked if the ZDA would be specific to the property or the property owner.
- Planner I Spendlove explained it will be specific to the ZDA, there will be timelines that drive the zoning and if things are not done within that time line the Planning & Zoning Commission can review the ZDA for its continued validity. If the circumstances have changed and the proposed plan no longer fits the area the City can initiate a process for changing the zoning classification. As for ownership, if it changes, the ZDA has to be followed based on the conceptual design presented.
- Community Development Director Humble stated the zoning follows the property no matter what however it doesn't mean that it can be changed by following the required steps and asking for changes. Conformance with the conceptual plan is not exact, but the final development plan will have to comply with the A-G under 10-6-1.1:

A. Foster and promote a variety of appropriate land-use combinations in a preplanned development pattern;
B. Encourage developers to use a creative approach in land development;
C. Retain and conserve natural land and topographic features;
D. Promote greater use of streetscape and pedestrian oriented aesthetics;
E. Promote the creation of efficient use of open spaces;
F. Create flexibility and variety in the location of improvements on lots; and
G. Provide flexibility in development standards to facilitate creative land development concepts.

- Commissioner Warren asked what would trigger a ZDA Amendment.
- Community Development Director Humble explained that the ZDA document will be specific to the development and if the plan submitted differs from the original conceptual plan based on the major elements listed an amendment would be required.
- Planner I Spendlove stated rearranging the location of uses specified in the conceptual plan would be enough of a change to require a request for an amendment.
- Zoning & Development Manager Carraway stated staff has encouraged the developers to speak to the public about the project and offer the public an opportunity to see what the plan is and allow for input.
- Commissioner Frank stated he would like to see some pedestrian oriented esthetics included in the language.
- Commissioner Reid asked who makes the decision that the change is significant. Can the word significant be defined more specifically, because different people may have a different opinion on what is significant?
- Community Development Director Humble stated that putting an exact number or percentage would be difficult however the text could be changed to make things clearer for example (a decrease in open space would require a ZDA Amendment).
- Council Liaison Mills Sojka said there have been many debates about the intent of certain code sections; she asked if examples could be listed to help direct people in the right direction. As for amendments she stated that in the past there have been huge parcels of land that have come through for a PUD Agreement with conditions of approval only to come back later down the line to have those conditions amended or removed by requesting an amendment. Some of the original conditions were created because of neighbor concerns, and is this still possible with the ZDA zone.
- Community Development Director Humble stated that any alteration that could impact the neighboring property should be reviewed more closely. He would also suggest that the wording for 10-6-1.6 (I) could be alter the overall design theme, primary architectural elements, or building materials. If an amendment is required or requested it still has to go through a public hearing process.

- Commissioner Frank asked for clarification, if an eighty acre parcel is being developed and the developer wants to make a change half-way through the project, a request for that change can be made.
- Community Development Director Humble stated that yes that is correct but it does not mean that we have to approve the amendment.
- Commissioner Boyd stated there needs to be some consideration for the developer; they are not going to develop something that is not going to make them money.
- Community Development Director Humble stated that planned developments is called out in the State Statutes, but is defined differently from what we currently do. The PUD process we use currently is more like a developer's agreement this change would bring our process more in line with the state. The other thing that was discussed during the course of reviewing the PUD section of the code is that there would be a long arduous process, all of the public hearings would be held, and the request would be approved and in the end a one of the property owners refused to sign the agreement. This requires a signed agreement before it goes to a hearing and it also clears up what is required up front.
- Council Liaison Mills Sojka asked again if some examples could be listed so that people have an idea of what they are trying to comply with during the process.
- Community Development Director Humble explained that in 10-6-1.7 (C) gives a list of items that need to be included in the application process this list is to ensure that the information is complete and things are ready on the forefront.

2. Identify upcoming P&Z agenda items
3. General Commission training

IV. UPCOMING PUBLIC MEETINGS (held at the City Council Chambers unless otherwise posted):

1. Public Hearing – Tuesday, **August 12, 2014**
    - Jill Skeem, lives in Kimberly and she has concerns with notifications. She feels like there should be some notification to the people that live in neighboring cities and that the signage should be better. She also stated that if ZOAC recommendations were made and moved forward through the process that those items should be reconsidered for review.
    - Community Development Director Humble stated that ZOAC complied at the time the work group was created. All of the recommendations that were made moved forward through a public hearing process and allowed for public input.
    - City Attorney Wonderlich explained property owners within 300' are notified by letter if the Zoning Administrator feels it is necessary to expand that 300' boundary, code does allow the City to require additional notification.

- Community Development Director Humble explained that the City can require more a larger notification boundary and larger signs or additional signs depending on the size of the property. This committee can initiate a change in the code or request that staff review this item. The state statute also states that if you have 200 people you have to notify by mail only a notice in the paper is required. Staff reviewed this with City Council and increasing the boundary could diminish the notice to the people.
- Commissioner Reid asked if there is a way to require a larger sign or multiple signs when there is more than one street frontage.
- Chairman Frank asked if staff would review this issue and bring back some information related to signage and public notice.
- Zoning & Development Manager Carraway stated staff would do some research and bring back some information related to public notification. She also reviewed the wireless communications facility code regarding administrative approval for co-location attachments on poles. She explained that the current code is not applicable to today's standards and staff would like the Commission to give them directives to make the appropriate changes.
- Chairman Frank asked staff to review this issue and bring back some information related to the co-location attachments on a mono-pole.
- Zoning & Development Manager Carraway stated that the 15 day appeal period from the Commission's action starts from the date the Findings of Fact are signed not from the date of the public hearing.
- City Attorney Wonderlich explained if he is the appellant disagrees with the decision that was made until the findings are complete addressing all of the appellants concerns could be an issue. The findings outline what the Commission did as a board and why the decision was made.
- Chairman Frank asked about proof of compliance within 6 months of approval and how that is enforced.
- Zoning & Development Manager Carraway explained that if an applicant has required improvements for the land use, the applicant is allowed to occupy subject to the improvements taking place within 6 months only if it doesn't require a building permit. Our Code Enforcement Coordinator is learning the zoning section of the code and is working on ensuring compliance. There is also a section in the code that says if the Special Use Permit has not been acted upon within a year that it will expire. If a Special Use Permit has expired it is possible to reactive the Special Use Permit if the Commission determines there have been no

major changes and the request is still the same. She stated there are five items on the next agenda; one is a preliminary PUD request, two are special use permits for detached accessory buildings, a Comprehensive Plan Amendment and a Vacation request.

V. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 1:30 P.M.

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department