DATE:	**MONDAY, APRIL 25, 2011**
To:	Honorable Mayor and *City Council*
From:	Mitch Humble, Community Development Department

ITEM IV-

Request: for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO on property located at 120 10th Avenue East, c/o Roger L. Blades dba Jewel's Home Care Service. (app. 2435)

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. Staff's presentation may be approximately five (5) minutes.

Background:

Applicant:	**Status:** Owner	**Size:** 6250 sf (+/-)
Roger Blades 2770 Cochise Circle Twin Falls, ID 83301 733-6849 270-9944	**Current Zoning:** R-4	**Requested Zoning:** R-4 PRO
	Comprehensive Plan: Town Site	**Lot Count:** 1 lot
	Existing Land Use: Residential	**Proposed Land Use:** professional office
Representative:	**Zoning Designations & Surrounding Land Use(s)**	
	North: R-4; 10th Ave E, residential	**East:** R-4; residential
	South: R-4, R-4 PRO P-3; alley, church	**West:** R-4 PRO P-3; church parking lot
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-5, 10-4-18, 10-7-6, 10-14-1 thru 6	

APPROVAL PROCESS:--

As per TF City Code: 10-14-5 ZONING AMENDMENT

The Commission shall hold a public hearing and make recommendations on proposed zoning amendments. Zoning amendments may consist of text or map revisions.

Zoning Map Amendment: The Commission, prior to recommending a Zoning Map Amendment that is in accordance with a comprehensive plan to the Council, shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of time and place and the amendment shall be published in the official newspaper or paper of general circulation within the jurisdiction of this City. Additional notice shall be provided by mail to property owners and residents within the land being considered; three hundred feet (300') of the external boundaries of the land being considered; and any additional area that may be impacted by the proposed change as determined by the Zoning Administrator.

As per TF City Code: 10-14-6: APPROVAL OR DENIAL OF AMENDMENT:

Within sixty (60) days from the receipt of the proposed amendment, the Commission shall transmit its recommendation to the Council. The Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied. The Commission shall ensure that any favorable recommendations for amendments are in accordance with a comprehensive plan and established goals and objectives. (Ord. 2012, 7-6-1981)

As per TF City Code: 10-14-7: ACTION BY COUNCIL:

The Council, prior to adopting, revising or rejecting the amendment to this Title as recommended by the Commission shall conduct at least one public hearing using the same notice and hearing procedures as the Commission. Following the Council hearing, if said Council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided before the Council adopts the amendment.

Upon granting or denying an application to amend this Title, the Council shall specify:

(A) The regulations and standards used in evaluating the application.
(B) The reasons for approval or denial.
(C) The actions, if any, that the applicant could take to obtain a permit.

In the event the Council shall approve an amendment, such amendment shall thereafter be made a part of this Title upon the preparation and passage of an ordinance. (Ord. 2012, 7-6-1981)

Budget Impact:

Approval may impact the City budget as non-residential property is assessed at a higher value than residential property.

Regulatory Impact:

Approval will allow the applicant to develop the property in compliance with R-4 PRO land use regulations and property development standards.

History:

In 2010 there was a permit issued for a residential remodel which included some plumbing and electrical work. A Residential Certificate of Occupancy was issued on July 6, 2010. In September 2010 the P&Z Dept received a complaint the residence was operating a professional office.

Analysis:

This is a request for Zoning District Change and Zoning Map Amendment from an R-4 residential zoning designation to R-4 PRO, residential with a professional office overlay, for property located at 120 10th Avenue East. The property currently is classified as a single family home and the applicant is requesting a zoning district change to allow the property to be converted and used as a professional office.

The property is adjacent to the R-4 PRO zoning district on its northwest property line and is therefore able to request a zoning change to R-4 PRO. The properties surrounding the existing residence both to the north, south and east are single family residences that are residentially zoned. The property to the west is part of the First Baptist Church and is zone R-4 PRO.

When reviewing a request for a zoning district change there are two (2) specific guidelines:

(A) evaluate the request to determine the extent and nature of the amendment requested;

(B) determine if the request is in compliance with the Comprehensive Plan

The extent and nature of the request is to change the residential use of a specific property to allow for professional office use.

The purpose statement of the Professional Office Overlay District is to *"provide for professional office uses along or near specifically designated major arterials where increased traffic has impacted residential uses."* (§10-4-18.1)

If this request is approved the only uses that would be outright allowed are the uses permitted in the R-4 Residential District. Any other uses would require a Special Use Permit process and those uses are limited to service-based businesses such as employment, financial, professional, and medical offices.

The property development standards of the professional office overlay zone are intended to provide for landscaping and screening fence between the professional use and residential property. The standards of the zone are to protect adjacent residential neighbors and residential areas from commercial encroachment. The nature of the request is in conformance with a professional office overlay use, however, it could be considered an encroachment into the residential neighborhood as there is no professional uses within the block and therefore this request may not be consistent with the "*Purpose*" of the professional office overlay zone as the access is within the block and not on the arterial streets; Shoshone St or Blue Lakes Boulevard.

The extent of this rezone request is a concern as existing properties with the professional overlay are generally on properties with direct access to Shoshone Street and/or Blue Lakes Blvd. If the request is approved this property would be accessing the property from 10th Avenue East – which is encroaching into the residential neighborhood. Shoshone St & Blue Lakes have professional and commercial uses however this would be an encroachment into the residential area.

The Comprehensive Plan designates this area as "Town Site" on the Future Land Use Map.

While the description is directed more towards the downtown corridor of Shoshone St & Main Ave areas it does support redevelopment and includes professional and office uses as being appropriate as a vibrant part of the Town Site neighborhood. The proposed zoning district change is in conformance with the Comprehensive Plan.

UPON CONCLUSION:

On March 22, 2011 the Commission unanimously recommended denial of the request subject to the following concerns: The Commission determined that the extent and nature of changing the zoning of this property from R-4 TO R-4 PRO was not in conformance with the purpose of the professional office overlay in that it would not be harmonious with the surrounding residential neighborhood and would detract from the surrounding residential area.

Attachments:

1. Reason for Request
2. Vicinity Map
3. Area Zoning Map
4. Aerial Map(2)
5. Site Plan
6. Site Photos
7. Portion of minutes from the March 22, 2011 P&Z public meeting.

Jewel's Home Care

"Home Care With A Personal Touch"

January 31, 2011

To whom it may concern

The reason for the zoning change request is the location. The office will have two office personnel working from 8 a.m. to 5 p.m. closed on most holidays. Traffic will be practically none. No noise, glare, odor etc.

We feel it would be very compatible with the Baptist Church and other small businesses in the surrounding area.

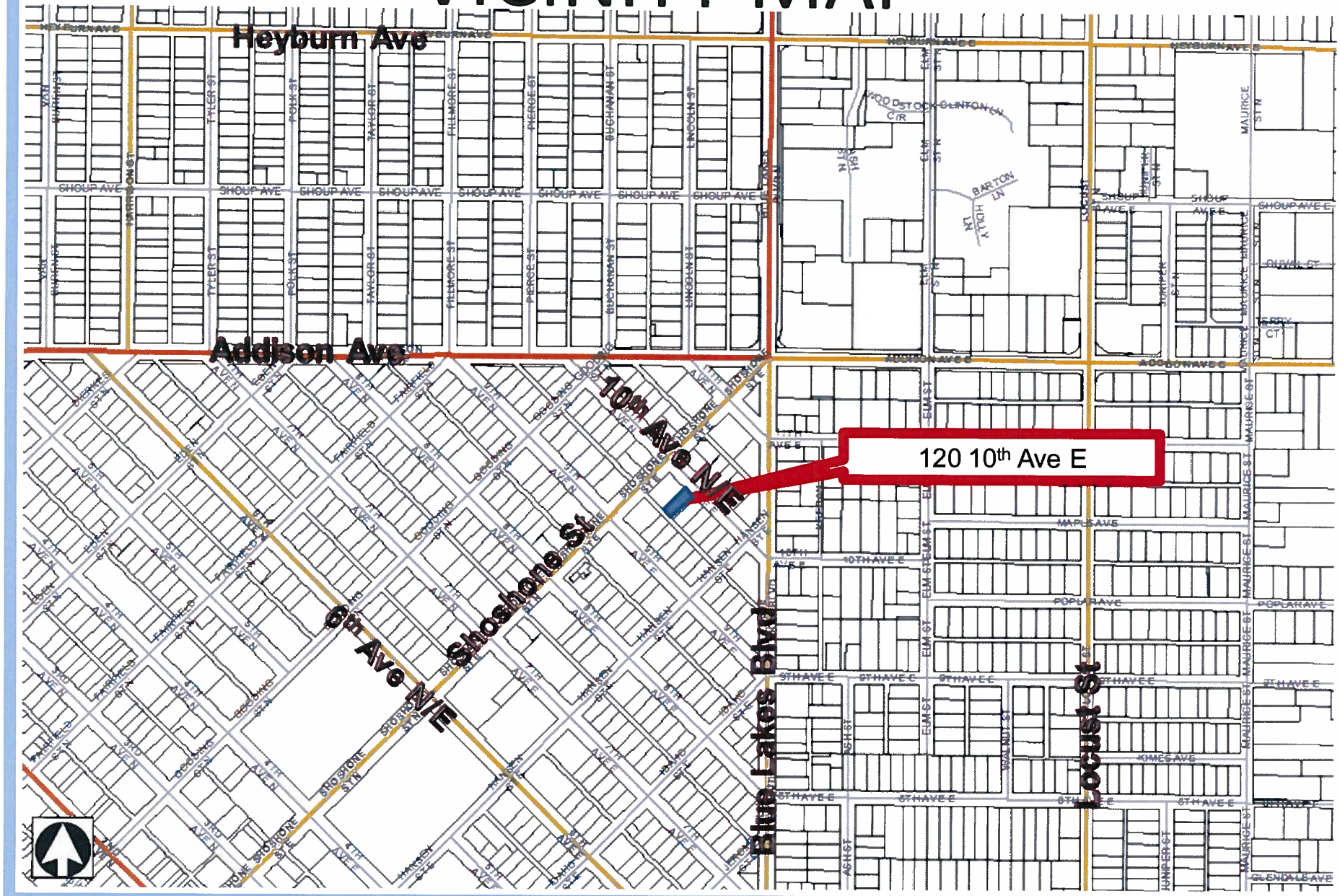
Thank you,

Roger Blades - Owner

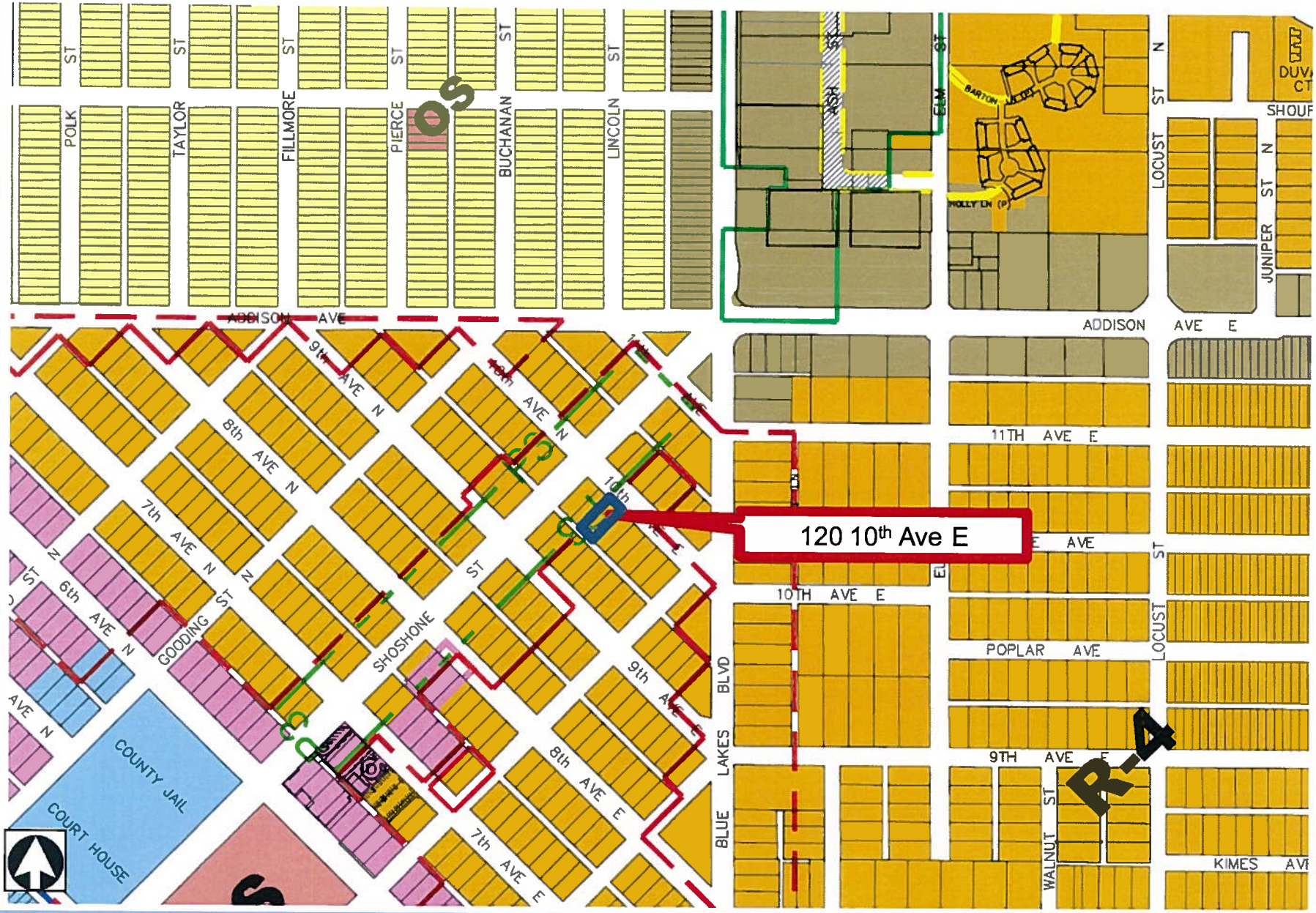
Roger Blades
President

1139 Falls East, Suite A, PO Box 344, Twin Falls, Idaho 83303 208-733-6849

VICINITY MAP



ZONING MAP

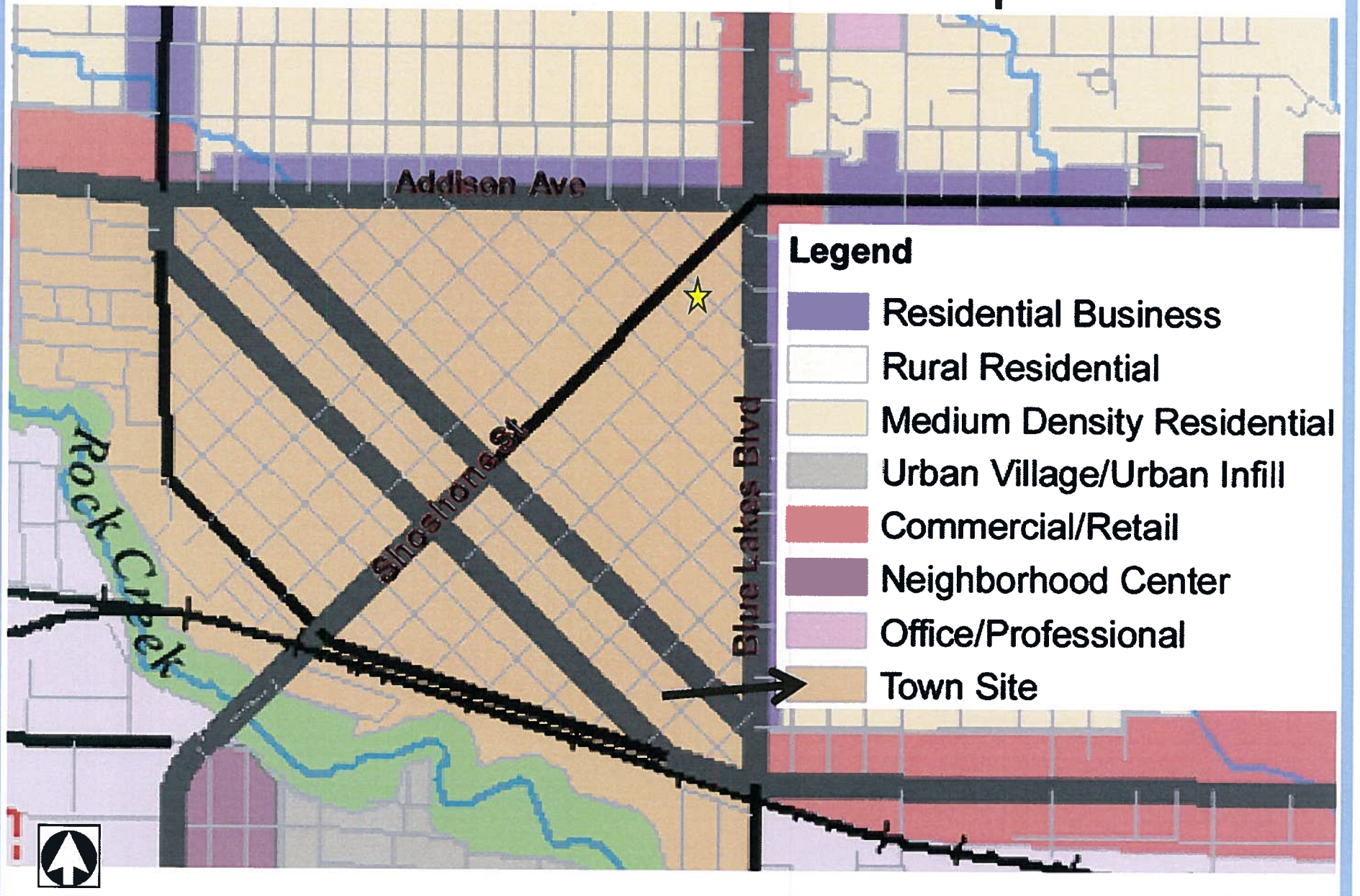

POLK ST
TAYLOR ST
FILLMORE ST
PIERCE ST
BUCHANAN ST
LINCOLN ST
OS
ADDISON AVE
9th AVE N
8th AVE N
7th AVE N
6th AVE N
GOODING ST
SHOSHONE ST
COUNTY JAIL
COURT HOUSE
10th AVE E
9th AVE E
8th AVE E
7th AVE E
BLUE LAKES BLVD
ASH ST
ELM ST
BARTON ALLEY
HOLLY LN (P)
LOCUST ST N
JUNIPER ST N
DUVA CT
SHOUF
ADDISON AVE E
11TH AVE E
10TH AVE E
POPLAR AVE
9TH AVE E
WALNUT ST
KIMES AVE
R-4
120 10th Ave E

AERIAL MAP

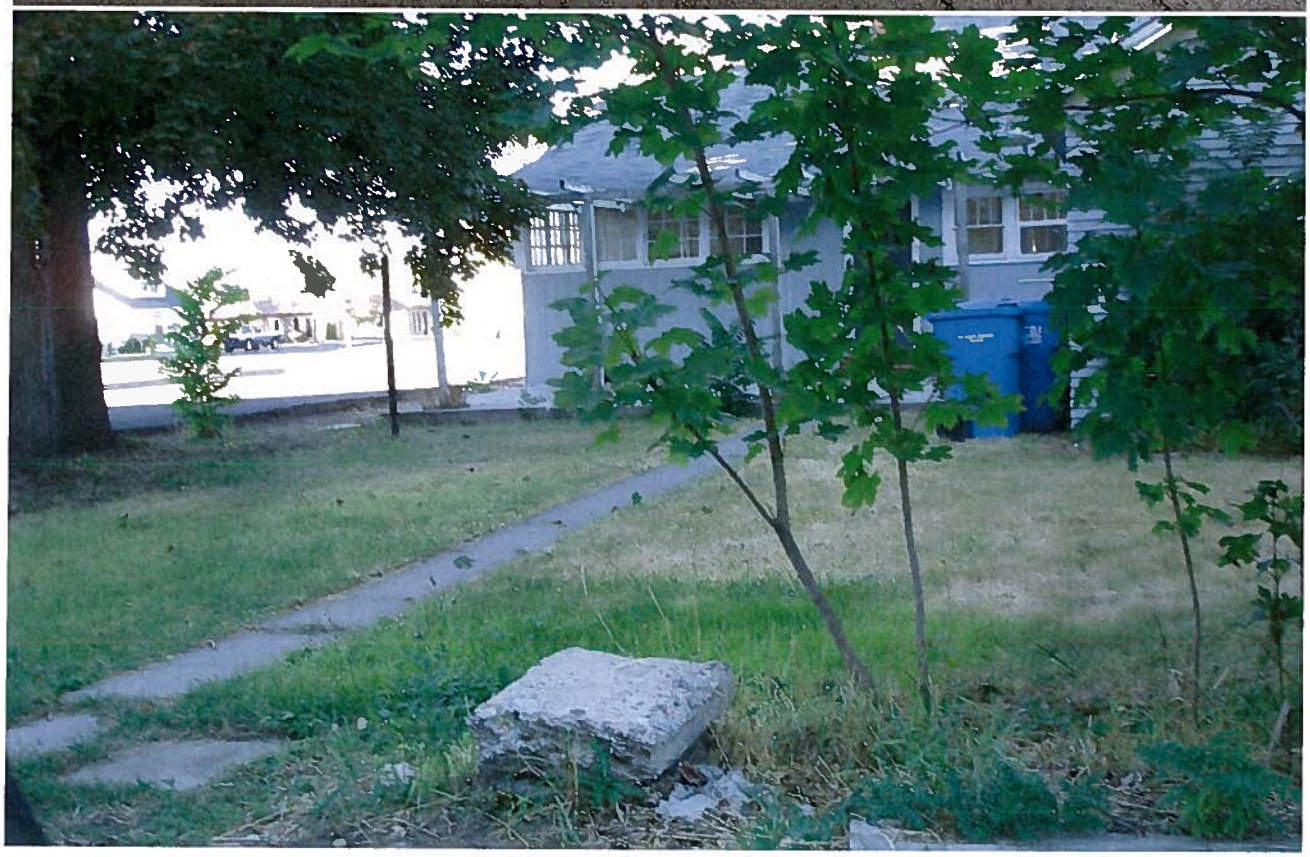
925 SHOSHO
1002 SHOSH
121 10TH A
10th Ave E
127 10TH A
Shoshone St
SHOSHONE SHOSHONE
135 10TH A
alley
120 10th Ave E
130 10TH A
136 10TH A
119 9TH AV
131 9TH AV

ADDISON AVE
ADDISON AVE E
LINCOLN ST
BUCHANAN ST
SHOSHONE ST E
SHOSHONE ST N
BLUE LAKES BLVD
HANSEN ST E
KEEGAN LN
9TH AVE
10TH AVE E
106 BUCHAN
104 LINCOL
0 BLUE LAK
1122 ADDIS
1136 ADDIS
1150 ADDIS
1040 SHOSH
1016 SHOSH
1002 SHOSH
121 10TH A
1027 BLUE
119 9TH AV
131 9TH AV
150 10TH A
160 10TH A
963 BLUE L
1052 KEEGA
1038 KEEGA
1138 10TH

Future Land Use Map



SEP 11 2010



MINUTES
Twin Falls City Planning & Zoning Commission
March 22, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn **Chairman** Kevin Cope **Vice-Chairman** Jason Derricott Terry Ihler V. Lane Jacobson Jim Schouten Chuck Sharp

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

CITY COUNCIL LIAISON

Lee Heider

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:	ABSENT:
Wayne Bohrn	Chuck Sharp
Kevin Cope	Jason Derricott
Terry Ihler	Lane Jacobson
Jim Schouten	

AREA OF IMPACT MEMBERS

PRESENT:	ABSENT:
Lee Devore	
R. Erick Mikesell	

CITY COUNCIL MEMBERS PRESENT: Rebecca Mills Sojka

CITY STAFF PRESENT: Rene'e V. Carraway, Leila A. Sanchez, Troy Vitek

III. ITEMS OF CONSIDERATION:

1. Consideration for the Commission's approval for a wall-mounted sign on property located at the Chamber of Commerce Visitor's Center, west of Blue Lakes Boulevard North and adjacent to the Snake River Canyon rim, c/o Shawn Barigar on behalf of the Twin Falls Chamber of Commerce. (app. 2438)

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate a religious facility on property located at 204 Main Avenue North, c/o Greg "Bear" Morton on behalf of Magic Valley Bible Church. (app. 2431)
2. Request for a Zoning District Change and Zoning Map Amendment from R-2 and R-4 to CSI PUD for 365.89 (+/-) acres to allow for college related uses and future expansions on property located east of the 900 to 1500 blocks of Washington Street North, south of the 100 thru 600 blocks of Cheney Drive West extended, west of the 1100 thru 1200 blocks of Lincoln Street and north of the 100 thru 600 blocks of Fall Avenue, c/o Mike Mason on behalf of the College of Southern Idaho. (app. 2433)
3. Request for a Special Use Permit to operate an equipment rental business on property located at 1550 Kimberly Road, c/o Kim L. Mason/Darsi Miller-Mason dba Party Center, LLC. (app. 2434)
4. Request for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO on property located at 120 10th Avenue East, c/o Roger L. Blades dba Jewel's Home Care Service. (app. 2435)
5. Request for a Special Use Permit to operate a professional office on property located at 686 Addison Avenue, c/o Stan Haye dba Snake River Management. (app. 2437)

IV. PUBLIC HEARING:

4. Request for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO on property located at 120 10th Avenue East, c/o Roger L. Blades dba Jewel's Home Care Service. (app. 2435)

APPLICANT PRESENTATION:

Roger Blades, the applicant, stated he is the owner of Jewels Home Care a business that sends people out to assist elderly and sick people in their homes. They have two secretaries at the location with an occasional visit from him to the property. There will be no changes to the outside of the building, no additional light, but they would be adding a sign with the company name and logo to the front yard. They plan on doing some remodeling in the back area and clean up the property with a vinyl fence around it with no additional traffic. The property is located next to a church adjacent to their parking lot and one house close to the property on the south side. He stated this property has damage from a tree that he is willing to take care of if the tree is on his property. They do have meetings at this location twice a month on paydays for educational purposes.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the this is a request for Zoning District Change and Zoning Map Amendment from an R-4 residential zoning designation to R-4 PRO, residential with a professional office overlay, for property located at 120 10th Avenue East. The property currently is developed with a single family home.

The applicant is requesting a Zoning District Change to allow the property to be converted and used as a professional office. This property is adjacent to the R-4 PRO Zoning District on its westerly property line and is therefore able to request a zoning change to R-4 PRO. The property is surrounded by residential properties to the north and east with the south and west sides adjacent to the First Baptist Church.

In reviewing a request for a Zoning District Change and Zoning Map Amendment the Commission has two (2) main tasks:

- to determine whether the request is in conformance with the Comprehensive Plan the Comprehensive Plan's Future Land Use Map 2-4 designates this area as "Townsite".
- to evaluate the request to determine the *extent and nature* of the amendment being requested.

This land use designation was established in February 2009 –by adoption of the current Comprehensive Plan. At this time there is not a "Townsite" zoning district. The Comprehensive Plan designates this area as "town site" on the Future Land Use Map. The townsite area is described as follows:

> *"the greater downtown area should encourage new development that recognizes existing uses and patterns, while allowing for positive redevelopment opportunities. The types of uses which are envisioned are broad, including high density residential, commercial, hotels and hospitality uses, professional and office uses, mixed use, cottage industries, and craftsman-type developments."*

While the description is directed more towards the downtown corridor it does support redevelopment and includes professional and office uses as being appropriate as a vibrant part of the townsite neighborhood.

The extent and nature of this request is to change the residential use of this property to allow for professional office use of this property.

City code (§10-4-18.1) states the purpose of the Professional Office Overlay District is to "provide for professional office uses along or near specifically designated major arterials where increased traffic has impacted residential uses."

The uses that would be outright allowed are only the uses permitted in the R-4 residential zone. Other uses such as medical offices, commercial day care facilities and service-based businesses such as banks, title companies, real estate offices, accountant offices and professional services would only be allowed upon approval of a special use permit.

While the nature of the request is in conformance with the professional office overlay uses the extent of this Zoning District Change request is a concern as the Professional Office Overlay is generally on properties with direct access to Shoshone Street, Addison Ave or Blue Lakes Boulevard. This potential professional office would be accessing the property from 10th Avenue East. The street has had professional and commercial uses surrounding it and this would be a further encroachment into the established residential area. However this property is already adjacent to a large parking lot and is affected by the adjacent non-residential uses and may be appropriate for conversion to a non-residential use.

If this request is approved conversion of this residential property to a professional office shall require approval through the special use permit process.

Zoning & Development Manger Carraway stated upon conclusion if the Commission determines that the request is in conformance with the Comprehensive Plan and the extent and nature of changing the zoning of this property from R-4 to R-4 PRO would be harmonious and would not detract from the surrounding area then staff recommends the Commission recommend approval of this request, as presented, to the City Council.

PUBLIC HEARING: OPENED

- Dixie Garrett, , stated her concern is an increase of traffic. The business already exists. The church parking lot is adjacent to the home and the home does not have direct access. One employee parks there. On Shoshone Street 1002 the home faces Shoshone and was turned into a business. The customers park on the street. And there is a concern with the lack of parking because all of the customers. Suite A, on the sign indicates a plan for another suite. If he decides to sale the property this change is to the property. She doesn't understand why Mr. Blades wants to come into a strictly residential area, there are tons of other places on the mains streets around town that are for sale or lease. She also has concerns with Mr. Blades plan to have a sign posted in the front yard as well as safety concern by bringing strangers into the neighborhood because of a business.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

Mr. Blades, stated he bought the property because of its affordability and it has been remodeled. He stated that he sent out letters to the addresses within a 300' radius and eight of those were businesses in that area. Parking is not an issue and there are other businesses along that street.

DELIBERATIONS:

- Commissioner Bohrn believes this area is purely residential.
- Commissioner Devore stated it is purely residential.
- Commissioner Ihler stated there are designated streets for professional offices in the plan and there is a reason for that, he can't support this request.

MOTION:

Commissioner Mikesell made a motion to recommend approval of this request to the City Council, as presented, Commissioner Schouten seconded the motion. Roll call voted showed all members present voted against the motion. The motion was unanimously denied.

UNANIMOUSLY DENIED

RECOMMENDED FOR DENIAL TO THE CITY COUNCIL

CITY COUNCIL PUBLIC HEARING SCHEDULED FOR APRIL 25, 2011