



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
November 10, 2015 6:00PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo “Tato” Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

PRESENT

Boyd
 Frank
 Grey
 Muñoz
 Reid
 Tatum

ABSENT

Derricott

AREA OF IMPACT MEMBERS

PRESENT

Higley
 Woods

ABSENT

CITY COUNCIL LIAISON(S): Mills Sojka

CITY STAFF: Spendlove, Strickland, Vitek, Wonderlich

I. CALL MEETING TO ORDER:

Chairman Frank 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.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **October 27, 2015 PH**
2. Approval of Findings of Fact and Conclusions of Law:
 - Nagel-All State Auto Sales (SUP 10-27-15)

Motion:

Commissioner Grey made a motion to approve the consent calendar, as presented. Commissioner Woods seconded the motion.

Unanimously Approved

Chairman Frank thanked Boy Scout Troop 243 for attending the meeting.

III. ITEMS OF CONSIDERATION:

1. Request for consideration to **revise the development plan as approved for Special Use Permit #1322**, granted June 24, 2014 and reactivated June 23, 2015 to allow development of the Canyon Retirement Community, a multi-staged, multi-phased retirement community on property located south and west of the intersection of Cheney Drive West, undeveloped and Fieldstream Way, undeveloped. c/o Richard Pogue on behalf of Canyons Retirement Community, LLC

Applicant Presentation:

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Tim Vawser, EHM Engineers, Inc., representing the applicant stated the initial development plan for this property was slated for lots 2, 3 & 4 of the WS&V Amended Subdivision. Originally there were independent units fronting Fieldstream Way and Cheney Drive West. The independent units were planned for the second phase of construction with the major development occurring on lots 3 & 4 of the WS&V Amended Subdivision. The layout of the project has changed from the previous plan, as of now they are planning for a 40 unit assisted living facility and 20 memory care units with a separate office facility. The plan is to begin construction on this portion of the development with the office and phase 2 will follow with independent units. This plan is much more consolidated making it easier to care for the residents. The independent living will get auxiliary uses out of the main facility because they will be allowed to get dinner and medical care as needed from the assisted living facility as needed. If this goes and if necessary they will come back through to amend the Special Use Permit to move forward with the plans for Lot 4.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated the original Special Use Permit #1322 was granted on June 24, 2014. In June 2015, a reactivation of this same Special Use Permit was approved by the Planning and Zoning Commission. In October of this year, staff was approached by Mr. Pogue and his representatives from EHM Engineers, Inc. regarding a change in the site plan of the retirement facility. After a general review by Staff, it was determined the revision was a significant enough change it should be presented to the commission during a public meeting.

The commission is tasked with reviewing the facts and circumstances of this case, along with the surrounding area, and determine if there have been substantial changes to the site plan which would require a new Special Use Permit prior to development.

Planner I Spendlove stated upon conclusion if the Commission finds the revised site plan to be in substantial conformance to the original plan, staff recommends the Commission accept the revised plan, as presented.

PZ Questions & Comments:

- Commissioner Grey asked for size difference for the Assisted Living now as to what it was previously.
- Mr. Vawser explained it is the same size.
- Commissioner Grey asked about parking spaces shown on the rendering provided on the overhead.
- Mr. Vawser explained the area on the southern portion of this rendering will be used for staff.
- Commissioner Woods asked about the memory unit and fencing to keep patients from wandering.
- Mr. Pogue, explained that the memory care area will be isolated within the facility for their safety and the outside area they have access to will be fenced for their safety.

Public Hearing: [Opened & Closed Without Comments](#)

Deliberations Followed:

- Commissioner Munoz explained that this is a much better layout and there is not a significant enough change to need a new special use permit.
- Commissioner Grey stated originally he was concerned with the size but after some explanation he is not concerned.
- Commissioner Tatum stated she likes the new plan and the walking paths throughout the development.

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Motion:

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

Approved Revised Site Plan, As Presented

IV. PUBLIC HEARINGS:

1. Request for a **Special Use Permit** to serve alcohol for consumption on-site in conjunction with a restaurant operating outside the permitted hours of operation on property located at 565 Washington Street North c/o Jovita Ocampo Hernandez dba Jarritos Mexican Restaurant (app. 2753)

Commissioner Munoz stepped down for this item.

• Applicant Presentation:

- Jovita Ocampo Hernandez, introduced herself and asked for translation assistance from Commissioner Munoz.
- Commissioner Munoz explained the applicant is here to request a Special Use Permit so that she can serve beer and wine at her restaurant. She has customers that have asked for this service so she is here to make the request. She has had this dream for a long time and would like to have this approved.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated this property was granted Special Use Permit #1020 to operate a drive-thru window with extended hours of operation. In 2010, Java Jungle was given Special Use Permit #1211 to serve alcohol for consumption on-site in conjunction with a restaurant. The owner of that restaurant chose not to renew their alcohol license in 2012. Since that time no alcohol has been served at this location. The drive-through window has not been utilized since 2012. Both Special Use Permits have expired. The applicant has indicated they do not plan on using the drive-through window. If they choose to do so in the future they will need to come back to the commission for a special use permit. This is a request to allow the sale of alcoholic beverages for consumption on-site within the Jarrito's Mexican Restaurant.

Per City Code 10-4-7: Alcohol Sales for consumption on site requires a special use permit prior to being legally established when it is located within 300' of residential property.

It is not anticipated the added function of serving alcohol will have any significant impacts to the area. The base use of the property as a restaurant is permitted. This was designed, built, and operated as a restaurant with an alcohol license in the past. It is not anticipated allowing a beer and wine license to be issued will significantly increase impacts in the area.

Planner I Spendlove stated upon conclusion should the Commission grant this request, as presented, staff recommends 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 Grey asked about hours of operation.
- Planner I Spendlove explained the hours of operation have always been in effect, the only thing that has not continued is the use of the drive through and the serving of alcohol with the restaurant.
- Commissioner Woods asked if the previous owner that had this type of Special Use Permit had any issues.

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- Planner I Spendlove stated this has not been an issue in the past.

Public Hearing: [Opened & Close Without Comments](#)

Deliberations Followed: [Without Concerns](#)

Motion:

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

Commissioner Munoz returned to his seat.

2. Request for a [Zoning District Change and Zoning Map Amendment](#) from R-2 and R-2 PRO to RB; Residential Business, for property located at 2176 and 2188 Addison Avenue East [c/o Doug & Arlene Christensen](#) (app. 2754)

Applicant Presentation:

Tim Vawser, EHM Engineers, Inc. representing the applicant, explained this property is located on the southwest corner of Addison Avenue and Eastland Drive. He stated the 2188 Addison Avenue East address is zoned R-2 PRO and the property located at 2176 Addison Avenue East is zoned R-2. The applicants are in need of marketing this property and would like to have both properties rezoned to RB; residential business. The Residential Business zone gives a good transition for the neighbors and has some fairly restrictive development guidelines but would still allow some flexibility for a buyer.

PZ Questions/Comments:

- Commissioner Woods asked what type of construction restrictions would be placed on a development under the RB; residential business zone.
- Mr. Vawser explained the building foot print, parking requirements and landscaping requirements are much more restrictive in this zone. There are special use permit requirements in this zone that also make uses more restrictive.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated the Future Land Use Map and Comprehensive Plan identify this area as being designated as Residential Business which is how this request can move forward as a rezone. In reviewing a request for a Zoning District Change and Zoning Map Amendment the Commission has two (2) main tasks: **1-** to determine whether the request is in conformance with the Comprehensive Plan and **2-** the extent and nature of changing the zoning of this property to the Residential Business Zone would allow land development that would be compatible with and not detract from the surrounding area. The Comprehensive Plan indicates this corridor as appropriate for Residential Business uses. There is no development plan to evaluate at this time. 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 Residential Business Zoning District prior to development.

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The Commission is asked to make a recommendation on this request which automatically is scheduled for a public hearing before the City Council. The Commission's recommendation may be to deny the request, approve the request as presented or they may table the request and ask that additional information be provided for their review.

To make a positive recommendation to the City Council 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 Residential Business Zone would allow land development that would be compatible with and not detract from the surrounding area.

Planner I Spendlove stated if the Commission finds that items 1 & 2 listed above have been met, Staff proposes the Commission recommend approval of this request, as presented.

PZ Questions & Comments:

- Commissioner Frank read into record a citizen letter that has been filed with the application packet.
- Commissioner Higley asked if there are any properties located in the City that have been developed under the RB; Residential Business District guidelines.
- Planner I Spendlove stated there is one property located along Filer Avenue that has been developed under these standards.
- Commissioner Grey asked that staff review some uses that could possibly be seen within this zone.
- Planner I Spendlove reviewed the design restrictions for the zone and displayed and reviewed a list of uses that could be considered. The zone however does have restrictions that can make it difficult for some uses to meet the requirements.
- Commissioner Woods asked if extended hours of operation requires a Special Use Permit.
- Planner I Spendlove stated that extended hours would require a Special Use Permit.
- Commissioner Boyd asked if there is a minimum setback for the rear yard in this district and if these are two individual lots.
- Planner I Spendlove explained the setback on the rear yard is 5' and these are two separate lots.
- Commissioner Munoz asked if each lot could be developed separately and if so the 24 park spaces is limited to each lot.
- Planner I Spendlove explained that each lot could be developed under these standards or the lots could be developed together. Currently they do not have anyone interested in the lots and there is no development plan to review. This request is strictly to rezone the property.
- Commissioner Munoz asked what the minimum lot size is for a PUD/ZDA.
- Planner I Spendlove stated it is a minimum of 2 acres.
- Commissioner Frank read into the record a letter that was submitted by a citizen that has been filed in the request packet.

Public Hearing: Opened

- Scott Peterson, 1109 Highview Lane, explained that this is currently a private residential property that the owner currently wants to rezone and sell to make the maximum amount of money for his property. He understands this, however it would be a detriment to the surrounding neighbors to change the zone. There are already two other properties located adjacent to the residential piece that are going to consider rezoning their property if this get approved which will encroach more into

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the residential area. He has no issue with the zoning of the property directly on the corner but he is against the residential property being rezoned.

- Paula Brown-Sinclair 2146 Addison Avenue East property owner to the west of this property and she expects to live at this location for quite a while. Years ago there were discussions about turning Addison Avenue to entirely commercial. The neighborhood tried very hard to prevent this from happening made a stand against this change. The arguments that were made against this change to commercial generated the residential business zone. She is in support of this rezone.
- Patricia Curtis, 1054 Highview lane, she has lived at this location for 45 years. This is not the zoning the neighbors have in mind. She would prefer that the zoning on the corner remain the same and she does not want commercial business up against the residential properties. They don't want to be part of the parking lots.
- Catherine Curtis, 1109 Highwview Lane, she explained she has lived in this area all her life, the property values will change, it will change the aesthetics of this neighborhood. She doesn't want the mature vegetation and the homes to be removed. She would like this area to be protected.
- Richard White, 2144 Maple Avenue, he has concerns about the Comprehensive Plan designation as Commercial along Highview Lane.
- Planner I Spendlove explained this map is a possibility of what a property owner can ask for if they want to rezone, it is not what the property is currently zoned. Every property is considered individually.
- Curtis Webb, 2158 Addison Ave East, has questions about parking requirements, and if the 24 parking space is per business or per development; it can make a difference in how something moves forward. He explained they have a private access adjacent to this property which makes this change unattractive. He has some concerns with development of this property.
- Christy Webb, 2158 Addison Avenue East, asked for clarification on the size of the property in question. She explained she has concerns because they are in an odd location so they are not sure if they are for or against the request.

Deliberations Followed:

- Planner I Spendlove stated that any use that has a parking requirement that requires more than 24 spaces is prohibited, whether that is on one lot or multiple lots. This restriction would then impact the size of the building, the design of the development or eliminate the project completely.
- Commissioner Higley stated that the requirements make it so that when the property is developed it looks like what is already at this location.
- Commissioner Woods asked what the setback are for the R-2 zone.
- Planner I Spendlove explained the front yard setback is 20 ft, the rear yard setback is 20' and the side yard setback is 7 ft.
- Commissioner Munoz asked for clarification on rezoning properties.
- Planner I Spendlove explained the City does not rezone property. The property owner has to make a request for a rezone.
- Commissioner Tatum asked how the driveway access is designated for the property.
- Assistant City Engineer Vitek explained this driveway is an access to their property and is defined on the property owner's deed. It is their only access to their property.
- Commissioner Woods asked how the rear setback could be increased.
- Planner I Spendlove explained that would require a code change.
- Commissioner Higley asked for clarification on the current zoning.
- Planner I Spendlove explained that the west property is zoned R-2 and the other piece to the east is zoned R-2 PRO.

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- Commissioner Higley asked about other properties along Addison Avenue and if they have a Professional Office Overlay.
- Planner I Spendlove explained which properties are zoned R-2 and which properties are R-2 PRO.
- Commissioner Higley clarified that if they requested R-2 Pro for this property also and asked if the RB zone would have less impacts.
- Planner I Spendlove explained that the RB zone is more restrictive it does allow for a few more uses other than just professional but the development standards can make certain uses more difficult to develop in this zone.
- Mr. Vawser explained that this zone was developed for areas such as this, it would provide a good transition for the neighbors. This zone does not allow outright commercial development in this zone because of the development restrictions. A ZDA would require a plan be provided and would be necessary if there was a desire to do something out of the ordinary which the neighbors would not be willing to allow. This seemed to be the most reasonable choice with the least amount of impacts to the neighbors. This property has a lot of constraints already with regards to setbacks, arterial landscaping requirements on both frontages and limited access. A development that will fit this property will take a lot of planning.
- Commissioner Boyd stated that this is an arterial intersection and in the economic life of a neighborhood there is going to be a corner that is no longer going to support a residential use. From the testimony she understands that the corner lot is fine however there is always going to be someone that lives next door and in this case both pieces of property are owned by the same person. As a property owner they have rights to make this type of request, it is difficult because that is a major intersection and something is going to happen at this location. Currently the discussion is a zone change and this is inevitable for this location.
- Commissioner Munoz explained that at this time the Commission makes a recommendation and the property is in compliance with the Comprehensive Plan and if developed following the RB; Residential Business District if it would be cohesive with the area. The RB Zone is much more restrictive than some other zones and he thinks this will provide a good transition for this area. People generally don't want to live in homes on arterial corners which eventually changes ~~the~~ way the property is developed.
- Commissioner Frank stated this zone was designed to provide protection for the neighborhood and also provide a transition.
- Commissioner Grey stated that he has some concern with where the RB designation is located on the Comprehensive Plan.
- Commissioner Munoz explained that a road was a better transitional point rather than a fence or a portion of a piece of property or property line.
- Commissioner Reid thanked the citizens for coming and speaking about this request.
- Commissioner Munoz reminded the citizens that the city is reviewing the Comprehensive Plan and citizen input is what drives changes to the map and the direction of the city as it grows. He asked that people participate in this process as much as possible.

Motion:

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

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[Recommended, Approval to the City Council, As presented](#)
[Scheduled for December 14, 2015](#)

V. GENERAL PUBLIC INPUT: None

VI. ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

Planner I Spendlove reminded the Commission that there will not be a meeting the week of Thanksgiving so the next meeting will be the December 2, 2015 work session, staff is trying to coordinate a joint meeting with the Planning & Zoning Commission and the Comprehensive Plan Update Advisory Group to have some information reported from the Logan-Simpson Consultants.

VII. UPCOMING PUBLIC MEETINGS: (held at the City Council Chamber unless otherwise posted)

1. Work Session- **December 2, 2015**
2. Public Hearing-**December 8, 2015**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:39pm

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department