



**Planning & Zoning Commission Minutes**

**August 9, 2016**

to be enlarged to accommodate the drive-ways. The builders were moved closer to the sidewalk making the backyards larger for the residents. There is an allowance with a ZDA to make minor changes to the master plan. Staff felt the determination on whether or not these changes would require additional public hearings should be made by the Commission.

**Staff Presentation:**

Planner I Spendlove stated the Valencia Park ZDA rezone request was approved on July 25, 2016. Shortly after the approval the applicant approached staff with the proposed changes. Changes to any of the following item: permitted uses, increase in density, increase in building height, increase in building coverage of the site, off street parking ratio, reducing building setbacks, reduction of any open space plans or the alteration of the overall design theme, primary architectural elements or building materials constitutes a departure from the conceptual development plan and/or development standards, thus changing the basic relationship of the proposed development to the adjacent property. After the applicant approached staff if it was determined the request needed to be reviewed by the Commission to make determination.

The commission is tasked with reviewing the facts and circumstance 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 public hearing process prior to development. If the Commission finds the amendments to be in substantial conformance with the approved ZDA plan staff recommends the Commission, make a motion to accept the revisions to the plan as presented. If the Commission, finds that the changes are a significant departure from the approved ZDA, staff recommends the Commission make a motion to have the amendment brought back through the public hearing process.

**PZ Questions/Comments:**

- Commissioner Munoz clarified with staff that the reason this item is on the agenda is to determine whether or not the changes are significant enough to require another public hearing.
- Planner I Spendlove confirmed that is why the item is on the agenda.

**Public Comment: [Opened and Closed Without Comment](#)**

**Deliberations Followed:**

Commissioner Grey asked if this item was published as public hearing item.

Planner I Spendlove explained this is a consideration item other than the posting of the agenda it did not get published like a public hearing item. This meeting is to discuss whether or not another public hearing is necessary because of the amendments.

Commissioner Munoz stated he thinks the changes are significant that the item should go through another public hearing process.

Commissioner Woods agreed the changes from no covered parking to garages, the buildings are bigger and one has been moved.

Commissioner Grey stated he thinks that the amendments have been in response to the citizen's input and to have another public hearing for the public to say they like the changes delays the project for no reason.

Commissioner Frank stated he agrees that the changes have been a reaction to the public input.

Commissioner Higley stated he agrees and the changes don't seem substantial enough to warrant another hearing.

**Planning & Zoning Commission Minutes**

**August 9, 2016**

Commissioner Munoz stated positive or negative he thinks the changes are substantial enough to warrant a hearing and not everything the public had concerns about were addressed for example the location of the dumpsters.

Commissioner Grey stated the dumpster locations were moved, adding the garages has to be a positive improvement, he doesn't see a reason to hold this up any longer.

Commissioner Woods explained that there is not a start date for construction and that a public hearing would not delay the project.

Commissioner Higley asked what the timeline would be if this had to go through another public hearing process.

Planner I Spendlove stated in order to meet the state statute this process would require a public hearing for Planning & Zoning and then move forward to City Council approximately 2-3 months.

Commissioner Musser stated the changes are not significant enough to create a negative impact on the neighbors.

Commissioner Higley agreed if this amendment created more buildings or changed the orientation of the buildings that would negatively impact the neighbors he would agree that another public hearing process would be warranted.

City Attorney Wonderlich stated the standard that should be applied in this instance is whether the proposal is in substantial conformance with the approved ZDA. If the changes are found to be in substantial conformance with no additional public hearing required, if you vote No then you want the applicant to come through for another public hearing.

Commissioner Tatum clarified if you vote Yes then you want the applicant to move forward without any additional hearings.

Commissioner Frank confirmed that is correct.

**Motion:**

Commissioner Grey made a motion to find that the amendments, as presented are in substantial conformance with the approved ZDA and no additional public hearing is required. Commissioner Tatum seconded the motion. Commissioner Musser, Tatum, Grey, Higley and Frank voted in favor of the motion, Commissioners Dawson, Munoz and Woods voted against the motion.

**Motion Passed 5-3**

**IV. PUBLIC HEARINGS:**

1. Request for a **Special Use Permit** to operate an automobile retail business on property located at 121 & 147 Aspenwood Drive. c/o Sid Lezamiz (app. 2801)

**Applicant Presentation:**

Sid Lezamiz, Lezamiz Realty, representing the applicant stated he is here to request a special use permit for property located at 121 & 147 Aspenwood Drive which currently is an office building and a vacant lot. Reconditioned/Used automobiles from the business across the street will be parked on this lot to try and address the traffic and congestion in this area.

**Staff Presentation:**

Planner I Spendlove reviewed the request on the overhead and stated the property was platted as the Phillips Commercial Subdivision #2 in 1997. The current building was placed on Lot 1C in 1999 and operated as an office. The northern Lot, 1B, has remained undeveloped/unpaved.

The Applicant has supplied a narrative detailing the operation of the proposed auto sales. The site is zoned C-1. To operate auto sales, service or repair requires a special use permit. Goode Motor Auto Sales, currently operates an office in the building on the south Lot. The request is to expand the operation of this business to include a vehicle sales lot to the north.

**Per City Code 10-4-8:**

The C-1 Commercial Highway Zoning District requires a Special Use Permit to operate an automobile and truck sales and/or rental businesses.

During the Special Use permit process, the Commission should look at all impacts the proposed land use will incur on the surrounding area.

**Per City Code 10-10:**

The retail use of an automobile sales site has a parking requirement of one (1) parking space per five hundred (500) square feet of the associated structure. The current office location has been previously constructed, and no further building permits are expected.

The commission may wish to evaluate the land use described by the applicant for any parking issues that could cause impacts to the area and address those appropriately.

**Per City Code 10-11-1 thru 8:**

Required improvements include landscaping, trash containers, streets, water and sewer, drainage and storm water. These required improvements would be evaluated and all applicable code requirements would be enforced at the time of building permit submittal.

This request does not require a building permit as a result, the commission may wish to evaluate this project for any improvements it feels are necessary to mitigate any impacts that could occur.

Particular note should be given to the site plan submitted by the applicant. It appears the applicant wishes to expand the parking area on the southern lot. This may be possible as long as the gateway arterial landscaping code section is complied with. Since we do not anticipate a Building Permit for this project, staff felt it necessary to address this issue individually in this report and include a condition so as to make sure the applicant is aware the Commission does not have the authority to grant Variances from the Code through the Special Use Permit Process.

Retail Vehicle Sales can have impacts on neighboring properties. A developed residential subdivision is within a short distance to the north. Typical impacts from this type of business may include increase in traffic, noise, and fumes from the increase in vehicles being delivered, and moved around on site. Lighting can have significant impacts to adjacent neighbors if the sales yard has lights that bleed into the neighborhood. All outside lighting shall be downward facing and in compliance with code should be a condition if approved.

**Planning & Zoning Commission Minutes  
August 9, 2016**

Planner I Spendlove stated upon conclusion should the Commission grant this request as presented; staff recommends approval be subject to 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.
2. Subject to no audio or announcement system being utilized on this property.
3. Subject to all outside lighting to be downward facing and meet the minimum code standards.
4. Subject to the gateway arterial landscaping requirement along Kimberly Road remaining in effect.

**PZ Questions/Comments:**

- Commissioner Grey asked about landscaping along Aspenwood Drive.
- Planner I Spendlove stated there is no landscaping requirements because there is not going to be a building permit.
- Commissioner Grey stated he understands that the site improvements are triggered by a building permit, however in this case there will not be building permit, and asked if the Commission could make landscaping a condition.
- Planner I Spendlove stated that if the Commission finds the need for landscaping they can add that as a condition of approval.
- Commissioner Higley clarified that the request is to expand the vehicle display to the vacant lot north of the office space they are using for the car dealership business, without a building permit is paving required?
- Planner I Spendlove stated that if the applicant wants to use this lot for their business to park vehicles on, they zone requires the lot to be paved. However, paving does not require the purchase of a permit, so the other site improvements like landscaping are not triggered.
- Commissioner Munoz asked about screening between the Cemetery and this business.
- Planner I Spendlove explained may be required with any special use permit.

**Public Hearing: [Opened](#)**

Darren Dryden, 2513 Alderwood Avenue, stated he is for this request and thinks this will be an improvement and will help with the congestion that has been created by the car dealership. He wanted to verify that the vacant lots further north along Aspenwood Drive were going to remain residential.

**Public Hearing: [Closed](#)**

**Closing Statement:**

Mr. Lezamiz stated that those lots will remain residential, he also explained that because there is so much congestion from the business across the street this lot was purchased as a way to address the problem.

**Deliberations Followed:**

- Commissioner Munoz stated with the commercial zoning designation of this property he could think of other things that could have a bigger impact to the area than a parking lot. He would personally

**Planning & Zoning Commission Minutes  
August 9, 2016**

like a fence between this property and the cemetery, to provide some privacy for the families visiting the cemetery.

- Commissioner Tatum stated she agrees with requiring a screening fence between this property and the cemetery.
- Commissioner Grey agreed with the screening requirement. Having the lot paved will be an improvement especially with the curb/gutter and sidewalk already installed.
- Planner I Spendlove stated the applicant will have to provide stormwater retention.
- Commissioner Woods asked the applicant if he had any objections to installing a fence between the cemetery and this property.
- Mr. Lezamiz stated he has no objection with installing a fence.

**Motion:**

Commissioner Woods made a motion to approve the request, as presented, with an additional condition that a screening fence be installed between this property and the cemetery. Commissioner Tatum seconded the motion. All members present voted in favor of the motion.

**Approved, As Presented, With 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.
  2. Subject to no audio or announcement system being utilized on this property.
  3. Subject to all outside lighting to be downward facing and meet the minimum code standards.
  4. Subject to the gateway arterial landscaping requirement along Kimberly Road remaining in effect.
  5. Subject to a screening fence being installed between this property and the cemetery.
- 
2. Request for a **Special Use Permit** to operate an indoor recreation facility specifically a cheer training facility on property located at 2342 Eldridge Avenue c/o Diana Anderson aka D&D Development. (app. 2802)

**Applicant Presentation:**

Diana Anderson, representing the applicant stated that she is requesting a special use permit for property located at 2342 Eldridge Avenue to be used by Xtreme Cheer. There is currently a 31800 sq. ft. building located on this property, 10,000 sq. ft. is leased to Cross Fit Gym, and 4800 is leased to Fierce Athletics, the applicant is looking at leasing a tenant space to teach cheerleading.

Juan Auguello, Xtreme Cheer, stated that this will be an afterschool program for cheer leading on a national level. He would like to give kids an opportunity to compete in sports against other teams in the nation. There will be approximately 15 students and he would be the coach, that is how they operate this same business in Boise, ID.

**Staff Presentation:**

Planner I Spendlove reviewed the request on the overhead and stated the location is Lot 9 of the Eastland Industrial Park Subdivision. This subdivision went through the public hearing process during 2002 and was recorded in September of that year. The building housing the proposed indoor recreation facility was constructed in 2006 as a shell warehouse building. Separate uses later came in for building permits for

**Planning & Zoning Commission Minutes  
August 9, 2016**

individual sections of the building. In March 2015 a similar Indoor Recreation facility was granted a Special Use Permit to operate in a nearby location. That SUP was granted with no additional conditions. The Applicant has supplied a narrative detailing the operation of this particular business. The applicant provides cheer training to groups of classes. The current clientele would be 20 individuals. The hours of operation would be 6PM – 9PM, and the owner would be the only employee at this time. The applicant does not believe they will have a negative impact on neighboring properties or uses.

**Per City Code 10-4-10:**

The M-2 Heavy Manufacturing Zoning District requires indoor recreation businesses to acquire a Special Use Permit prior to being legally established.

During the Special Use permit process, the Commission should look at all impacts the proposed land use will incur on the surrounding area.

**Per City Code 10-10:**

The parking requirement for Health Clubs or Exercise Gyms is one (1) parking space per two hundred fifty (250) square feet of exercise area. The leased space is approximately 2400 square feet which amounts to 10 required parking spaces. This business is located on a lot that provides a cross use agreement amongst the renters. Staff has received no complaints in regards to parking in this area and we believe the overall parking requirement for the entire property is being met.

This business offers a cheer training program that is similar to the nearby Cross-Fit Gym. These uses require large open spaces to accommodate the type of exercise they advertise. Staff does not feel there will be significant impacts on neighboring properties that require mitigating measures due to the limited hours, type of operation, and existing surrounding land uses.

Planner I Spendlove stated upon conclusion should the Commission grant this request as presented; staff recommends approval be subject to 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 Woods asked for clarification on how the property is accessed.
- Planner I Spendlove explained the property has an access easement from Eldridge Avenue.
- Commissioner Munoz asked if this special use permit would trigger building reviews/permits.
- Planner I Spendlove stated that the space will need to have the building occupancy designation changed, this will be done through a building permit process.
- Commissioner Munoz clarified that this special use permit would be limited to a cheer training business.
- Zoning & Development Manger Carraway-Johnson stated yes.

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

**Deliberations Followed: [Without Concerns](#)**

**Motion:**

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

**Approved, As Presented, With 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.
  
3. Request for the Commission's recommendation on an **Amendment to Latitude 42 PUD Agreement #272** to modify collector and arterial development requirements on Cheney Drive West between Field Stream Way and Creek Side Way. c/o Gerald Martens (app. 2803)

**Applicant Presentation:**

Gerald Martens, EHM Engineers, Inc. representing Latitude 42 development. The purpose of the request is to bring a PUD Agreement into conformance with agreements that have been developed between adjacent property owners and the City to facilitate the development of Cheney Drive West eastwards between Grandview Drive West and Creekside Way. Creekside Way currently does not exist however in the future it will be a north south connection to Pole Line Road West. Since 2011 there have been multiple meetings between a mobile home park that precluded the alignment of Cheney Drive West construction, the owner of the mobile home park, the Reform Church, Canyon Retirement, Fieldstone Subdivision and Latitude 42 have collectively been negotiating a way to develop Cheney Drive West. This negotiation included relocating a pump station to allow for roadway development. The roadway is currently under construction, portions of the road have been platted, portions have been developed and all of it is under agreement to be constructed and completed by the end of this year. Along the way property has been platted to the south and at the northwest corner of Cheney Drive West and Fieldstream Way. They have worked diligently with the Reform Church to relocate some irrigation. They believe that the end result is a roadway design that fits all of the restrictions and limitations but is somewhat less than what is required in the Master Transportation Plan. Cheney Drive West's terminus will be just east of Rock Creek Canyon. Creekside will be built to the width required in the Master Transportation Plan and will connect to Pole Line Road West. The uses that are planned for the area have for the most part been identified, some are under construction and most have turned out to be senior type housing, assisted living or other ancillary services due to the proximity of the hospital, and with these types of used the proposed roadway width is appropriate.

**PZ Questions/Comments:**

- Commissioner Woods asked what the paved width will be.
- Mr. Martens explained there will be a lane each way with a center turn lane in the middle of the 39 ft. width. The lane configuration is dictated by the Street Department or City Engineer this can change as development occurs and access to properties area designed. Ultimately there will be three through lanes.
- Commissioner Grey asked about access to the uses along this section of the road.
- Mr. Martens explained there could be some accesses on to Cheney Drive West from the surrounding developments. The building that is constructed now "Serenity Housing" access from Cheney Drive West.

**Staff Presentation:**

Planner I Spendlove reviewed the request and stated the history for this property is extensive starting in 2006 to just recently in July 2016. Originally it was annexed into the City as R-2 zoned property, later it was rezoned to C-1 PUD. The amendment request is specifically related to the second condition listed in the Latitude 42 PUD Agreement states "Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls, and to be rebuilt, or built, to current City standards upon development of the property". Staff has added a condition with this amendment will exclude the intersection of Cheney Drive West and Creekside Way.

**Per City Code 10-12-3-13: Right of Way Requirements:**

Collectors are identified as having sixty-four foot (64') right-of-way width. This width typically includes curb, gutter and sidewalk. The total pavement width ends up being forty-eight feet (48'). The applicant is proposing to allow this section of Cheney Drive to be fifty foot (50') wide, with a total pavement width of thirty-nine feet (39'). The end result is one lane traveling each way with a center turn lane and each lane being approximately 12 ft. wide.

**Per City Code 10-11-5: Streets:**

(A) Adequate Access: No building shall be constructed or erected on a lot in a zoning district unless adequate access to a fifty foot (50') wide minimum standard all weather public traffic way is provided.

*The request by the applicant does meet this minimum access requirement.*

City Staff is tasked with planning for the orderly and adequate growth of public infrastructure to accommodate the development of properties. It would be negligent for City Staff to ignore the possibility that the proposed fifty-foot ROW may be inadequate in the far future Staff does not have the luxury of ignoring future growth or possibilities which could happen twenty years from now.

However, the projects declared as of today will not constitute a need for a larger right of way, and it is not anticipated that projects in the near future will constitute a need for a larger right-of way. As such, Staff supports the right of way dedication of 50' (25' per side) for the currently proposed and approved projects along Cheney Drive. This support only extends to the beginning of the intersection at Creekside way, it does not include that intersection.

As a condition of support, and with the future in mind, staff requests a condition be added which would allow City Code 10-10-5 to remain in force for this PUD.

(A) In all districts building plans shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the city engineer or designated representative.

1. Where projected volumes of traffic entering or leaving the developments are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right of way and paving in the form of a deceleration lane or turn lane may be required to be furnished by the landowner in

**Planning & Zoning Commission Minutes  
August 9, 2016**

order to reduce such interference. Projections of traffic shall be based on analysis performed by the city engineer or designated official.

A public hearing regarding this request will be heard at a regularly scheduled City Council public meeting in the near future.

Planner I Spendlove stated upon conclusion should the Commission find the proposed request appropriate of a positive recommendation, staff proposes the following conditions:

1. Subject to the fifty (50) foot ROW width only being applied for that section of Cheney Drive from Field Stream way to Creekside way, not including any part of the intersection of Cheney and Creekside.
2. Subject to City Code 10-10-5 still being enforced on that smaller section of Cheney Drive as described above.

**PZ Questions/Comments:**

- Commissioner Higley asked if there are any physical limitation that would prevent the road from being built according to city standards.
- Planner I Spendlove stated the limitation currently is that the south side of the road has been platted but the north side of the road has not been platted.
- Commissioner Frank asked if this was platted as a collector.
- Zoning & Development Manager Carraway-Johnson explained there is long history along this corridor west of Grandview Drive West. There has been a lot of discussion with trying to bypass the mobile home park and trying to create a connection for the residential subdivision. Part of the final decision was that Cheney Drive West would be reduced in size to allow it to be built north of the residential subdivision through to Field Stream Way making the development consistent with what was agreed upon between the Fieldstone Suidivision, The Reform Church and the Mobile Home Park; this would just allow and extension of the agreement westward to allow for a consistent roadway.
- Commissioner Frank clarified that the consistency of the roadway would extend to Creekside Way. Looking 20 years down the line he is trying to prevent setting a precedence for the future development that could occur further west.
- Assistant City Engineer Vitek clarified that this request only applies to the section that extends to Creekside Way. He stated he believes the traffic maneuvers differently through this area and will go north on Creekside Way to Pole Line Road West or go south to North College Road West.
- Commissioner Higley asked again if there are any physical limitations that would prevent the road from being built according to city standards.
- Planner I Spendlove stated staff is not aware of any physical limitations.
- Commissioner Woods asked with this street being narrower by 9 ft. is on street parking allowed.
- Assistant City Engineer Vitek stated it will be signed no parking.
- Commissioner Musser asked if there is a provision in the future to widen the narrower portion of the road.
- Assistant City Engineer Vitek stated not the entirety of the road and it would require the City to acquire property from the Reform Church and go through the Mobile Home Park to widen that portion of Cheney Drive West. If these two properties were to develop or the plat that could be addressed, however until that occurs the roadway will remain narrower in this location.
- Commissioner Frank asked about a deceleration lane in the future and how would it be developed.
- Planner I Spendlove stated the condition siting 10-10-5 would allow this to be addressed in the future.

**Planning & Zoning Commission Minutes**

**August 9, 2016**

- Assistant City Engineer Vitek explained in the future if a big box type retail store went in at this location they would have to provide a means for uniform traffic movement and put in a deceleration lane.
- Commissioner Frank stated his concern for the future is that concessions will be made and the lane will not be installed because things are already built. It seems this should be addressed now instead of later.
- Commissioner Munoz asked what would trigger would be for City Code 10-10-5 to be enforced.
- Assistant City Engineer Vitek stated the use itself, when building plans are submitted staff would review for issues related to City Code 10-10-5.
- Planner I Spendlove stated the motivating factor is traffic volume and safety.
- Commissioner Munoz asked if a change of use would trigger this code.
- Planner I Spendlove explained a change of use would require a building permit/review and the impacts from the change would be reviewed to determine whether or not the deceleration lane would be required.

**Public Hearing: [Opened](#)**

John Kapeleris, 1231 Sunburst St, is on the Board of Directors for Xavier Charter School and they are concerned with public safety and would like for this street to be required width. Traffic patterns are going to change once Creekside Way is complete and would ask that the Commission vote in favor of a wider street.

**Public Hearing: [Closed](#)**

**Closing Statement:**

Mr. Martens responded to the question as to whether or not there are any physical limitations that would preclude the road from being built to the require width. He explained that the curb and gutter has been installed under an approved set of construction plans. The road is going to be built to that width all the way from Grandview Drive West past Serenity Assisted Living and on the south side of the road Canyon Retirement is under construction. There is a lot of investments and construction in progress, water lines, fire hydrants and other utilities in place. Turn lanes would be driven by a user and if a big box retail store went into this location they would want the turn lane for their business, it would be built as part of the permitting process in the right location to accommodate the traffic at the time it gets built. As for approaches into the developments they have already agreed and will work towards shared approaches. This is a piece of a large agreement and the developers on the west end have helped fund the improvements on the east end for the property owners who were not obligated to invest in developing the road, while the City has built a section also to assist in making this project possible. It is a big agreement with a lot of cost sharing worked out, they are too far in the process to stop construction on a set of plans that have been approved.

**Deliberations Followed:**

- Commissioner Higley clarified that water and sewer have already been constructed in the area.
- Mr. Martens explained that water and sewer lines are in, fire hydrants have been set, curb and gutter have been installed on both sides of the street, they stopped short of Creekside Way because it will be built to the full width. The south side is substantially done all the way through, the irrigation piping is being installed and all of this was based upon a street width that is driven near as much by the cost of asphalt as much as the availability of land. If this entire street were to be widened it would not happen this year.
- Commissioner Higley asked how all of this occurred and why is this being requested after the fact.

**Planning & Zoning Commission Minutes**

**August 9, 2016**

- Commissioner Munoz stated this area has a long history with regards to the church and the mobile home park. Having a road that is not consistent in width all the way through can create bigger issues.
- Commissioner Higley stated that is a different section of road then what is being discussed now. He thinks that screwing up in one spot and letting it continue to another section of road for consistency doesn't make sense.
- Commissioner Musser stated his concern is approving something that has already been done.
- Commissioner Frank asked why wasn't this addressed before infrastructure was constructed.
- Assistant City Engineer Vitek explained that everything east of Field Stream Way came about through and agreement between the City, the developers, the mobile home park and the church. The property on the west side of Field Stream Way and south of Cheney Drive West does have approved construction plans as part of the WS&V plat. A certain size roadway is needed to develop and provide for traffic to this property, the developer was required to construct 24 ft. and has over widened it to 39 ft. The north side of Cheney Drive West is a different part of the discussion, that property came through for platting with a reduced road section, which is why this discussion is occurring now. The entire south side of the road has been developed.
- Commissioner Grey stated that the applicant has indicated that the northeast corner has also been developed.
- Zoning & Development Manager Carraway-Johnson stated that corner is a recorded plat and development has begun.
- Commissioner Higley doesn't understand how this was approved to meet code and be 50 ft. wide but was built to 39 ft. If code says 50 ft. and things are platted per code how did it get built at 39 ft.
- Commissioner Frank stated that it was understood that things were platted according to code and now we are being told it is not being built to code.
- Commissioner Higley clarified the south side of Cheney Drive West is ready to be paved, however the north side of the road has not been developed.
- Mr. Martens stated no that is not correct both sides of the road have been developed with curb, gutter, and utilities.
- Commissioner Grey clarified the curb and gutter has been installed the entire length of the road all the way out to Creekside, he asked what portion of the north side of the road has been platted.
- Planner I Spendlove explained the northeast corner has been platted.
- Commissioner Woods asked if the work was done off of an approve permit from the City.
- Mr. Martens stated yes, approved plans, they do not have an approved plat, the right of way has not been dedicated, but it is again part of the agreement. They property owners to the south built their portion of the road out to 19 ft. and he built his portion of 19 ft. in cooperation with them otherwise the property owners to the south would have to build a 24 ft. portion which would have resulted in a 24 ft street. He thought he was doing a good thing by making it 39 ft. wide and having the road built with curb and gutter all at one time.
- Commissioner Grey clarified that an assumption was made by the applicant that this would be ok and that the requirement wouldn't be made beyond that point.
- Mr. Martens stated they submitted a set of plans and built according to an approved set of plans and the City has been out doing inspections.
- Commissioner Woods stated the logic in this is that the area east of Field Stream Way is built at 39 ft what is to be gained by redoing all of infrastructure to west of Field Stream Way just to get a little wider road for ¼ mile.
- Commissioner Grey stated his concern is that the east side of Field Stream Way set this in motion, but he doesn't want to see the assumption made again that the only thing that is important is the road is finished.

**Planning & Zoning Commission Minutes**

**August 9, 2016**

- Commissioner Munoz stated he understands both sides but it is already in place making it hard to change at this point. Is there any way to create a condition that City Code 10-10-5 will trigger a traffic evaluation once a building is already in place?
- Commissioner Frank asked if all of the roads in the Master Transportation Plan has to be built to certain city standards if the Commission approves this, because they have always been told they can't override City Code.
- City Attorney Wonderlich stated this is not an amendment to City Code this is an amendment to a PUD Agreement.
- Planner I Spendlove clarified that within City Code with PUD Zoning it allows the applicant to request variations from the code, including roads.
- Commissioner Grey stated he does understand the expense but was done knowing that it should have been done differently. This was not done correctly and he wants to make sure that this does not occur again.
- City Attorney Wonderlich stated that if you look at the map you can see where they were able to negotiate a 39 ft. road width east of Field Stream Way. The idea is that the property to the south is already developed so we will never get arterial width through on the west side of Field Stream Way. As for the deceleration lane, staff has already explained that traffic counts will be looked at if a big box building is built in this area or if there is a change of use with a different traffic pattern a deceleration lane will be required.

**Motion:**

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

**Recommended for Approval to City Council, As Presented, With Staff Recommendations**

1. Subject to the fifty (50) foot ROW width only being applied for that section of Cheney Drive from Field Stream way to Creekside way, not including any part of the intersection of Cheney and Creekside.
2. Subject to City Code 10-10-5 still being enforced on that smaller section of Cheney Drive as described above.

**Scheduled for City Council Public Hearing September 12, 2016**

**PAUSED FOR 5 MINUTE BREAK**

4. Request for the Commission's recommendation for an **Annexation with a Zoning District Change and Zoning Map Amendment** from SUI to R2, R6 and C-1 CRO ZDA (Zoning Development Agreement) to allow a planned multi-use development on 28.84 +/- acres located on the north side of the 1800 & 1900 blocks of Pole Line Road East. c/o EHM Engineers, Inc. on behalf of Notch Butte Farms, LLC (app. 2804)

**Applicant Presentation:**

David Thibault, EHM Engineers, Inc., representing the applicant Notch Butte Farms, LLC, stated this is a request for a rezone and annexation request with the ZDA process. The plan is to have a mixed use development with retail, restaurant, office, hotel and residential areas. He reviewed the master development plan on the overhead explain each designation on the plan. A portion of this property is in the Canyon Rim Overlay and has been shown on the plan. The property boundary line is roughly 125 ft. from the canyon rim to the northern most property line, 65 ft. on the east side and approximately 100 ft.

on the west side. This is relevant because they are asking for some consideration with the portion of the property that they anticipate to be a hotel or hotel type use (Area 4). They ask for some language within the ZDA to allow for a change in the height to be consistent with City Code 10-4-19.4 c 4. which allows for additional building height beyond one hundred feet from the canyon rim overlay within one thousand feet of state administered highways serving as gateway arterials and those properties that have a hotel/convention center designed to accommodate a minimum of five hundred convention attendees. This property is beyond the 1000 ft state administered highway. The canyon rim setback precludes anything from being built within 50 ft. of the rim, the property that lies between 50 ft. and 100 ft. of the rim has a height restriction of 25 ft. at the 50 ft. mark and rises evenly to 35 ft. at the 100 ft. mark. and is restricted to 35 ft. for the area behind the 100 ft. but still within the Canyon Rim Overlay. The distance adjustment would be for a specific use would be located within the Canyon Rim Overlay. Other buildings along the Canyon Rim range from 28 ft. to approximately 33 ft. with similar setback requirements. In order to proceed with development, the property needs to be annexed into the city limits. As part of the annexation a zoning designation is required and because of the Canyon Rim Overlay a ZDA process is required.

**PZ Questions/Comments:**

- Commissioner Woods asked if the amendment for additional height could be more specific, the request is fairly general.
- Mr. Thibault, explained buildings located within the CRO designated portion of property within the ZDA which are hotel/convention centers uses as defined in the city code shall be permitted height beyond 35' by request of special use permit and application to Planning & Zoning Commissions. In the event that an identified user would like to have a taller building he wants to provide language within the document that would allow that specific user to come back through and request additional building height through a Special Use Permit process.
- Commissioner Woods asked about the road issues going between this property and the Bridgeview Development to the west.
- Mr. Thibault explained they have to provide extension to their property along the west boundary, they have begun to have discussion with the property to the west and they anticipate that someday in the future there will be some connectivity, however the roadway alignment may not be exact depending on future development.
- Commissioner Woods asked about the sewer system options.
- Mr. Thibault stated they are trying to develop a plan for sewer and pressurized irrigation. Based on preliminary surveys a lift station is likely going to be required in order to discharge into the municipal system.
- Commissioner Grey asked how the approach east of Bridgeview would be designed.
- Mr. Thibault stated he would like to have the issue resolved prior to platting, currently he is showing a landscape buffer in this area and anticipates an easement will be extended along this area so that utilities can be connected.
- Commissioner Frank asked about access along Pole Line Road East.
- Mr. Thibault stated the property in front of the YMCA they do not own, but he is hopeful with the current directorship they can make some headway with the drop lanes listed in the conditions.
- Assistant City Engineer Vitek explained that Pole Line Road East is a two lane road along this section and exiting the YMCA is very difficult. The concern is traffic trying to stop immediately to enter the development.
- Commissioner Munoz asked about a deceleration lane along the frontage that they own on the east side of the Master Plan.

**Planning & Zoning Commission Minutes**

**August 9, 2016**

**Staff Presentation:**

Planner I Spendlove reviewed the request on the overhead and stated Ordinance 2012 was passed in 1981, it created the zoning districts we currently use, and zoned various properties within City Limits. The new zoning designations were assigned at that time, or when areas were annexed. In 2004 there was an amendment to the Area of Impact Agreement at which time the Rural Residential and the R-1 43,000 zoning districts became AG and SU1.

A preliminary presentation was conducted for the Planning and Zoning Commission on July 26, 2016. No one spoke during the public testimony portion of the meeting. During that meeting the Commission asked for additional information regarding a height analysis with other locations nearby. It was Staff's understanding this information was requested of the Applicant. As of the staff report publishing date, (Thursday August 4, 2016) this information has not been provided.

This is a request to make a recommendation on an appropriate Zoning Designation for property being requested to be Annexed. The requested Zoning is for a ZDA; Zoning Development Agreement consisting of various Residential and Commercial land uses identified on the submitted Rio Vista Conceptual Master Development Plan.

The applicant has supplied the required Written Commitments or Memorandum of Understanding for the Areas to be distinctly zoned. These Memorandum of Understanding detail the variants from the base zoning code they are requesting. It should be noted; the Canyon Rim Overlay applies to a large portion of this property as depicted on the Zoning Vicinity Map (Attachment #2 of this report).

**Per City Code 10-6: Zoning Development Agreements:**

The applicant is tasked with providing a Conceptual Development Plan, and associated written commitments to adequately describe the project. These items have been provided by the applicant.

The following items shall be included or addressed with the **Conceptual Development Plan (the Plan)** or associated text materials:

1. Land Use
  - a. *The proposed land uses have been identified into 4 Areas on the Plan and the specific land uses are described in detail within the written Text.*
2. Topography and Boundary
  - a. *The Boundary of the ZDA has been identified, the topography was not identified on the Conceptual Plan.*
3. Size, Type and location of buildings and sites
  - a. *The Plan does show some typical buildings and sites as a concept development pattern. All buildings are further regulated by the Zoning Development standards found in each base Zoning District assigned on the Plan. These specific locations and sizes can fluctuate as outlined in City Code 10-6-1.6.*
4. Proposed Ingress and Egress
  - a. *The Plan identifies public and private access into and out of the proposed property.*

5. Physical features
  - a. *The Plan has identified the major existing physical features.*
6. Existing streets
  - a. *The Plan shows Pole Line as the adjacent existing roadway to the south.*
7. Stormwater management
  - a. *The applicant is not requesting changes to the standards procedure found in current City Code.*
8. Alleys and easements
  - a. *No alleys are requested; the applicant is not requesting changes to the standard procedure for easement placement found in current City Code.*
9. Future public facilities
  - a. *The applicant is not requesting changes to the standard procedure for public facilities found in current City Code.*
10. Multi-use transportation access and pathways
  - a. *The plan shows access to the existing Canyon Rim Trail network. The appropriate areas for connection will be determined during the Platting Process.*
11. Density
  - a. *The applicant is not requesting changes to the permitted density listed in the identified base Zoning Districts shown on the Plan.*
12. Parking
  - a. *The applicant is not requesting changes to the standard Parking Requirements found in current City Code.*
13. Landscaping
  - a. *The applicant is not requesting changes to the standard Landscaping Requirements found in current City Code.*
14. Screening
  - a. *The applicant is not requesting changes to the standard Screening Requirements found in current City Code*
15. Project Scheduling
  - a. *The applicant lists a maximum five (5) year time limit between Final Plat Phases unless an extension of time is granted by the City Council.*
16. Preliminary Lot Arrangements
  - a. *The Plan shows preliminary arrangements for lots and uses. All the property will undergo Preliminary and Final Platting that may adjust these arrangements per City Code 10-6-1.6*
17. Parks and Open Space
  - a. *The Plan shows some potential parks and open space within the boundary. The applicant is not requesting changes to the standard procedure for dedicating Parks and Open Space.*
18. Other Standards
  - a. Hours of Operation: *The applicant has requested no limit for Areas 1 and 4. Areas 2 and 3 will be limited to 7:00 AM – 10:00 PM, extended hours may be granted through a Special Use Permit process.*

**Planning & Zoning Commission Minutes**

**August 9, 2016**

- b. Extra Height - Canyon Rim Overlay – Area #4: *The applicant is requesting a change to the CRO base code by introducing a mechanism to allow extra height within Area #4 through a Special Use Permit to the Planning and Zoning Commission. This extra height variant would be limited to “Hotel/Convention Centers” as defined within current City Code.*
- c. Architectural Standards: *The applicant has requested building faces include windows, awnings, parapet – material – color variations to break up large uniform spaces. The applicant has supplied some visual examples of materials and architectural features to be required within the development.*

**PZ Questions/Comments:**

- Commissioner Grey asked if the extra height provision overrides the CRO base code.
- Planner I Spendlove stated it is different from what is in the base code
- Commissioner Munoz asked if the Hotel could be moved closer to the residential area.
- Planner I Spendlove stated they can move things as long as it doesn't substantially change the Master Development Plan. They would develop per the zoning code and per the ZDA Master Development Plan.
- Commissioner Tatum asked if a recommendation of approval went forward to the City Council development of a Hotel could occur in this area without any other process.
- Planner I Spendlove explained that the Canyon Rim Overlay requires that a hotel be approved through a Special Use Permit process no matter the size.

**Staff Presentation Continued:**

Planner I Spendlove continued the presentation and stated the full impact of this project will not be immediately felt by the community. This size of project takes multiple years to fully construct and implement. As such, the impacts generally seep into the community over a period of time rather than abruptly show up on a pre-set date. Furthermore, since the time frame is over multiple years it can be difficult to discern if the impacts are occurring due to this one project or to an overall growth of the community. In any case, staff has attempted to address the most common and impactful items this project may produce.

The Conceptual Plan shows a Mixed Use Development complete with Commercial Zones and two types of Residential Zones. The Zoning along Pole Line and the Rim are proposed as C-1, with limitations. The actual users are not known at this time, but the potential Land Uses and development standards are no different from our current C-1 Zoning Code. *The CRO land uses are different than the C-1 and are not adhered to within the developers' proposal.*

The two residential areas are proposed to be R-2 and R-6 respectively. No deviations from current City Code are being sought for these residential areas. The end product could be a number of mixed housing types, (single family, duplex, apartments, etc.) as are permitted in the R-2, R-6, and CRO (if applicable) Zoning Districts or the end product could be a standard residential subdivision. These areas will be developed per the standards set forth in current City Code.

**Planning & Zoning Commission Minutes**

**August 9, 2016**

With the mixed use development pattern being a new concept to Twin Falls, it is difficult to identify potential impacts associated with the Land Use. In theory, mixed use developments provide an area where residents can live, work and play in the same vicinity without requiring them to travel long distances for necessities. Although, we do not have actual business names or building plans, these areas will be developed as permitted in current City Code. The impacts of this type of Land Use would generally be a positive one.

The Commission should review the proposed Zoning Designations and propose mitigating conditions to possible impacts if it deems necessary.

The Canyon Rim will be most impacted in a visual way by having new buildings on land previously used for pasture and fallow farm ground. The Conceptual Plan and the associated documents depict commercial type uses closest to the Rim. This is not unlike most other locations near the Rim that have developed Commercially. The request to deviate from the Canyon Rim Overlay Code for height should be considered carefully. The provision for additional height would only be permitted for a "Hotel/Convention Center" as defined in current City Code. This restriction would make every other commercial project follow the CRO as it is written in City Code.

Due to the location of this project along Pole Line and the proximity of Blue Lakes Blvd, this project will have an impact on the local road network. Due to the natural barrier of the Canyon Rim, access to the overall street network is limited to Pole Line Road. The proposal does not show access to Bridgeview Boulevard, or any other local roadway. This will funnel all traffic to Pole Line Road to the south.

With Pole Line being an overloaded arterial in its current underdeveloped state, the increased traffic and access to this particular stretch will create a large impact. As previously stated, this project is anticipated to be constructed over multiple years. So the full impact will not manifest immediately. However, it would be negligent for Staff to ignore the issues of the Future while discussing currently proposed projects. A widening of the roadway and potential drop lanes to service this project may be needed in order to mitigate the increase of traffic on an already congested roadway.

The Commission should review the proposed Zoning Designations and propose mitigating conditions to possible impacts if it deems necessary.

The Commission is tasked with making a recommendation on the Zoning Designation for this area being proposed for annexation.

Planner I Spendlove state upon conclusion if the Commission finds the Notch Butte-Rio Vista ZDA, as presented, is appropriate for the proposed Zoning Designation, Staff proposes the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to Pole Line Road widening and possible drop lanes being designed and constructed per City Engineer approval.
3. Subject to length of Public Roadway designated on Conceptual Development Plan to be determined by City Engineer.

**Planning & Zoning Commission Minutes  
August 9, 2016**

**Public Hearing: [Opened](#)**

David Sparks, 1999 Pole Line Road East, stated he owns the residential to the east of this proposed development. He has been in discussions with the applicants and as long as it is constructed and there is access to the canyon trail he has no issues. He explained there may be a need to have a sewer line that extends through his property and he has no issues with that either.

**Public Hearing: [Closed](#)**

**Closing Statements:**

David Thibault, explained they have hired a wetlands professional. He also clarified that the request for additional height is to allow an avenue to request it through a Special Use Permit for additional height. He is hopeful they will get a favorable recommendation.

**Deliberations Followed:**

- Commissioner Woods asked for clarification on the Notch Butte Farms, LLC and Rio Vista.
- Mr. Thibault explained Notch Butte Farms, LLC is the group of property owners, the ZDA will be called the Rio Vista.
- Commissioner Munoz asked about public access to the trail.
- Planner I Spendlove explained yes, there will be public access to the trail and coordinated with the Parks Director through the platting process.
- Commissioner Frank stated he is for the ZDA however traffic is still a concern. He predicts that the main entrance to this property is going to come from the Perrine Bridge down Bridgeview Boulevard and through the access between Bridgeview Care Center and Canyon Park East. He thinks that is where a GPS system will lead someone to enter.

**Motion:**

Commissioner Dawson made a motion to recommend approval of the request, as presented, to the City Council. Commissioner Musser seconded the motion. All members present voted in favor of the motion.

**[Recommended for Approval to City Council, As Presented, With Staff Recommendations](#)**

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to Pole Line Road widening and possible drop lanes being designed and constructed per City Engineer approval.
3. Subject to length of Public Roadway designated on Conceptual Development Plan to be determined by City Engineer.

**[Scheduled for City Council Public Hearing September 12, 2016](#)**

**V. GENERAL PUBLIC INPUT: [None](#)**

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

- Zoning & Development Manager Carraway-Johnson thanked everyone who attended the last Planning & Zoning Work Session. There will be updates made from that discussion and there will be a final draft review at the next Planning & Zoning Work Session on September 7, 2016 at 12:00 pm.

**Planning & Zoning Commission Minutes  
August 9, 2016**

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

1. Public Hearing- **August 23, 2016**
2. Work Session-**Wed, September 7, 2016**

**VIII. ADJOURN MEETING:**

Chairman Frank adjourned the meeting at 8:40 PM

Lisa A Strickland  
Administrative Assistant  
Planning & Zoning Department