MINUTES
Twin Falls City Planning & Zoning Commission
Tuesday, February 14, 2012-6:00 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

Rebecca Mills Sojka Jim Munn

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:	ABSENT:
Bohrn	Ihler
Cope	Jacobson
Derricott	
Schouten	
Sharp	

AREA OF IMPACT MEMBERS

PRESENT:	ABSENT:
	DeVore
	Mikesell

CITY COUNCIL MEMBERS PRESENT: Mills Sojka

CITY STAFF PRESENT: Reeder, Vitek, Weeks

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

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III. ITEMS OF CONSIDERATION:

1. Approval of Minutes from the following meeting(s): **January 24, 2012**
2. Approval of Findings of Fact and Conclusions of Law: **NONE**

IV. PUBLIC HEARING ITEMS

1. Request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD for 5.562 (+/-) acres to allow for a planned development consisting of a combination of neighborhood commercial uses and including a convenience store/gas station on property located at the northwest corner of Addison Avenue East and Eastland Drive North, c/o Todd Meyers, Maverik, Inc on behalf of Thomas J. Arledge and Cheryl A. Arledge (app. 2498)

2. Requests for a Special Use Permit to allow temporary recreational vehicle parking within an existing mobile home park on property located at 450 Pole Line Road c/o Lazy J Mobile Home Ranch & Canyon Vista Family Limited Partnership (app. 2499)

3. Request for a Special Use Permit to establish a chiropractic office with a residential apartment for the property owner or an employee of the chiropractic office on property located at 1015 Washington Street North c/o Spencer Williams (app. 2500)

4. Request for the Vacation of Pillar Falls Subdivision, a PUD, Phase I, consisting of 8.64 (+/-) acres located northwest of the intersection of Eastland Drive North and Pole Line Road East. c/o Sam Teyema, VP on behalf of UMPQUA Bank. (app. 2501)

I. CALL MEETING TO ORDER:

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

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **January 24, 2012**
2. Approval of Findings of Fact and Conclusions of Law: **NONE**

MOTION:

Commissioner Schouten made a motion to approve the consent calendar. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

III. ITEMS OF CONSIDERATION:

None

IV. PUBLIC HEARING ITEMS

1. Request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD for 5.562 (+/-) acres to allow for a planned development consisting of a combination of neighborhood commercial uses and including a convenience store/gas station on property located at the northwest corner of Addison Avenue East and Eastland Drive North, c/o Todd Meyers, Maverik, Inc on behalf of Thomas J. Arledge and Cheryl A. Arledge (app. 2498)

APPLICANT PRESENTATION:

Louise Ward presented the request on behalf of the property owners. All uses would comply with NCO code. The intent of the development is to provide a buffer around the exterior. The northern boundary butts up against the Hillcrest residential area. There will be a quiet office and landscape buffers. Land along Eastland Drive North was donated to the City to widen the road. They have sample elevations of the buildings. There will be a PUD Agreement and CC&R's that will provide for completion and maintenance of common areas and require compliance with the NCO.

Todd Meyers, Maverik Inc., stated that the company is looking to purchase the southern portion of the property; if their application is approved they would like to start construction as soon as possible. Access was determined by the City. To the southwest there is one access. There is a row of landscaping on west to allow for a future cross use access but they could widen the landscaping if they needed. The zoning requires 20% landscaping and they have just over 25%. They have provided the picnic amenity- a lot of City's have liked that. The sign will comply with the zone. The sign is 6' tall and the zone allow for up to 8'. The sign will go to the corner so that it will be visible from both streets. The store would operate 24-7 and the sign would be lit for those same hours. He would also like to have building elevations approved. They are proposing a stone and stucco building. There is not a hip roof as the zone requires but they would like an exception so they can hide all their mechanical units.

STAFF PRESENTATION:

Planner I Weeks stated this is a request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD for 5.562 (+/-) acres to allow for a planned development consisting of a combination of neighborhood commercial uses and including a convenience store/gas station on property located at the northwest corner of Addison Avenue East and Eastland Drive North

On May 27, 2009 On May 27, 2009 the Planning & Zoning Commission heard a preliminary presentation on a proposed zoning district change and zoning map amendment from R-2 to NCO PUD. The applicant withdrew their application before the June 9, 2009 public hearing. On January 24,

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2012, there was a preliminary presentation on this proposed Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD.

This request is to allow for a planned mix use development consisting of a combination of neighborhood commercial uses and including a Maverik convenience store/gas station on property located at the northwest corner of Addison Avenue E and Eastland Dr N. A preliminary presentation on this request was held on Tuesday, January 24, 2012. The project is proposed to be developed in phases, starting with the Maverik. The remainder of the property may be sold for development of the office/retail portion of the property. The applicant will have to go through the platting process before the property can be sold.

There was a question raised at the preliminary presentation regarding the comprehensive plan designation of this area. The future land use map for the subject properties is Neighborhood Center with the southwest corner being Residential Business. The intent was to create a buffer to residential properties. The proposed gas station is primarily on the NCO portion with some picnic areas and access on the residential business area. Some factors affecting the layout of the site are the narrow frontage along Addison Ave E, dedication of additional right-of-way for a right hand turn lane along Eastland Dr N, a flood plain which runs through the center of the properties and limits the areas where buildings can be placed, and the city's requirement that the Addison Ave E access be placed as far to the west as possible.

The master development plan indicates the Maverik will be constructed to resemble residential structures, Todd indicated some exceptions to that, as well as the office/retail buildings. The NCO requirements for development include no building height to exceed 25', a minimum of 20% of the site landscaped and parking rows to be separated by landscaping, landscaping of thirty feet (30') in depth behind the sidewalk or property line surrounding the entire project with fifty percent (50%) of the area bermed to a height of three feet (3'). Signage is limited to one free-standing monument sign not to exceed 50 sf for each street frontage with lighting limited to 6:00 am to 11:00 pm and one flush wall mounted sign per business, not to exceed 150 sf. Lighting is limited on the wall sign also. No other external advertising devices are allowed, such as banners, pennants, etc. Additional requirements include all buildings shall be of a residential architectural style, store hours shall be between 6:00 am and 11:00 pm, single occupancy buildings not to exceed 3,000 sf (in RB portion), no exterior display of merchandise, totally enclosed refuse containers and additional requirements as may be determined by the city council through the PUD process.

As part of the PUD process the Maverik is being proposed as a permitted use but the drive-thru for a fast food restaurant and any other uses in the other buildings would require a special use permit.

In conclusion staff recommends the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. 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 or change of use of the property.
3. Subject to development meeting or exceeding NCO standards unless otherwise approved by city Council.
4. Subject to the Maverik gasoline station/convenience store, as presented, being permitted without a special use permit through the PUD process.

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P&Z COMMENTS/QUESTIONS:

- No questions at this time.

PUBLIC HEARING: OPENED

- Chairman Bohrn read letter submitted by Catherine Curtis.
- Chairman Borhn read letter submitted by Paula Brown Sinclair.
- Paula Brown Sinclair, 2146 Addison Ave E- We are here to hear a zoning hearing but it is really review of a small truck stop. We do not oppose development. My understanding of the Comp Plan is that what is intended is more like the Zulu bagels development across the street from Smith's. She showed a picture of Addison Ave E facing east from Ms. Sinclair's property. She pointed out where the ingress and egress would be (Brizee property) and showed picture from her property to where the Maverik would be. She said that letters were submitted by Russ Lively and Sandra Stroud but were not read into the record- she asked that they are found and read into the record. The area should transition gracefully- to put in a gas station stabs the development in the heart.
- Mary Fort, 2133 Addison Ave E- She owns property just east of the subject property. She owns and runs a business there. She is not opposed to businesses going in but is opposed to the type of business going in. She would like comparable hours and customer traffic to other residential businesses. She has a letter from Bob Matsuoka who is in notice area but did not receive notice. Mary read letter from Bob into the record.
- Scott Peterson, 1109 Highview Lane. Also opposes the rezone application. More people may be here if it said gas station in the noticing. It seems like big money rolling over property owners. It was the promise that we had. They were going to keep the neighborhood looking like a neighborhood. Look at property west of Smith's, neighborhood is messed up and it brought down the value of the property. They don't want to end up looking like that. There are 3 gas stations in the area and they don't need more. He concurs with everything that has been said and hopes you turn them down.
- James Ricks, 2146 Addison Ave E- There are 3 gas stations in a close radius already. He opposes the planned unit development because there is no planned unit. One conceived business going in there. He was involved in trucking for many years. Drivers scout out places to park vehicles when they are home- this invites trucks to park there overnight. The coulee is a safety issue. He doesn't feel it is appropriate and doesn't support the change.
- Tina Brandt, 2150 Hillcrest Lane- Approval of this request will diminish property value and quality of life. Also she wants to bring up traffic safety. Anyone that lives in the area knows t is an accident prone intersection. There are two schools in the area which add to the pedestrian concerns. Please deny the request.
- Louise McManaman, 2196 Hillcrest Dr. This property will abut her property. She is concerned that there is no planned use of the extended property. Traffic is atrocious on Eastland and she can't think of a good thing about this.
- Kristy Webb, 2158 Addison Ave E- Our driveway is directly across from where the entrance on Addison would be. A gas station would make the intersection unsafe. It would cause congestion, location is bad, significant amount of pedestrian traffic, and the kids aren't always paying attention. It is a very busy intersection at all times of the day not just at peak times but all hours. The only next place to cross Addison is Locust Street. Addison and Eastland are intended to have high traffic. This business is particularly inappropriate because of the high traffic required to support it- say no to this proposal.
- Gary Fornshell, 855 Sunway N, area of impact. He is testifying on behalf of the Ascension Church, located at 371 Eastland Drive North. He concurs with previous points against proposal. Also have soccer fields. Recommend that you vote against the request.

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- Jim Fort, 2133 Addison Ave E- Showed image of Maverik at 275 N 16th St, Payette, Idaho, and asked Todd Meyers if it was typical to what they are proposing here. In the Comprehensive Plan meetings at the City Council, Mitch Humble presented that there would be buffer from NCO. Mr. Fort does not want to be buffer. He doesn't want a convenience store next to their bedroom. Need development in Twin but don't need this development.
- Dona Fuchs, 2148 Hillcrest Lane- The proposed area is in her backyard. She is in agreement with comments made in opposition to the Maverik development.
- Ed Fuchs, 2148 Hillcrest Lane. He has lived there 22 years now. When they sit on back patio they look at creek, barn, and would like to still have that. Know that we need to have progress. If it does happen to go through some mature landscaping would be nice. Wall, fence, landscaping would be great.
- Curtis Webb, 2158 Addison Ave E. His driveway is across the street from Addison exit/entry of Maverik gas station. When they refinanced a few years ago their property value was already reduced because of traffic. This project will create additional congestion. He understands that the rules require 30' of berm and landscaping all the way around property and they do not show that adjacent to the Fort boundary. The 24-7 operation is contrary to word and spirit of the law. Did staff review traffic safety? It can't be safe to have people turning left and right out of the property. This is not a community center, it is a stand-alone gas station that will become a stand-alone truck stop.
- Curtis Eaton, 2155 Hillcrest Dr. He'd like to talk about 2 or 3 points. Planning part- when plan was being developed a few years ago, section 10- this area was the area with the strongest sense of community. The Comp Plan map 2-4 shows housing with 2 exceptions. There could be a residential business- read from code, not envisioned and should not be supported. Second section says it should serve neighborhood. This is a drastic change that does not serve the adjacent community. The NCO does not permit this. Can you say no to the gas station that wants to build across the street from your house? The flood plain also precludes development.
- Deborah Silver, 2188 Addison Ave E. About 20 years ago the 2188 Addison Ave E office went in. They tried to blend into the neighborhood and people said that it just did that. This is a gross departure from where we are, ask to reject it.
- LeRoy Hayes, 1401 Poplar Ave. He is one of the accountants at the 2188 Addison Ave E office. When they went to meetings for their office building they had one concern- to keep the historical character of the neighborhood by putting parking lot in back and kept big pine trees.
- Doug Christensen, 2176 Addison Ave E- He agrees with all with additional emphasis on safety. Additional traffic will be an additional concern. So far they haven't had to worry about children. Will median be lengthened? He is concerned about eastbound turning into the station that is an accident waiting to happen.
- Patricia Curtis, 1104 Highview Ln. Listening to everyone she concurs with everything that has been said. She doesn't want her property values to go down. The easiest way to come to a decision is to think if I want this across the street from me. Has notes but can't see to read them. Asked Chairman Bohrn to read her notes. There are already 3 gas stations and we don't need another- don't need more lights and fumes. Please do not rezone this area.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

Mr. Meyers just spoke on the southern portion. Vapors- EPA has adopted strong standards and standards get tighter and tighter each year. The tanks are not the same as they were 10 years ago. He'll check Idaho law but money has to be put into a fund to remove tanks should they go out of business. They want to show it is a clean property. This is not a truck stop, do not allow for overnight parking. It deters property. We design our property for vehicles, UHauls but the only semis are the tankers- they don't pull up to gas. The semis generally go to other gas stations. To

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clarify the question on the acreage- 5.5 acres is including streets that have been dedicated. It was stated that this business will double traffic- it is a convenience business, traffic will be primarily from westbound traffic. Lighting is always an issue; they will comply with whatever standards the City has. Canopy lights are recessed. In terms of buffering the property to the west- it is still a convenience store but they can increase the buffering. The high traffic count is why they want to be there and why residential wouldn't want to be there.

Louise Ward addressed the remainder of the property. This property was designated NCO, we are not asking for rezone to be more than what is in the Comp Plan. In the NCO there are allowed a variety of things- fire station, police station, florists, public parks, professional offices, music stores. Our intent in rezoning to the NCO is to provide a number of services there. The first phase is the Maverik gas station store, there are a number of other businesses interested in the location. The flood plain is being engineered- there are some limitations because of flood plain. Coulee will go underground and won't remain an open ditch. Property will be developed and it will eventually happen. There are a number of fast food restaurants that are interested in the location. They have some ideas to work with the site. The parking is in the middle to be over the coulee. Water retention will be swapped to handle the coulee and flood plain. There was and has been a development agreement on the road, development of Addison and Eastland. In order for the City to make the adjustments for the corner, the owners, who have lived in the Brizee house part of the year and in Arizona part of the year, have dedicated the land to City. The ingress/egress was specified as part of that process. It will be in front of Brizee house, the house will go away at some point in time. That is the intent. That roadway will have to facilitate that. As far as the buildings, there are some intended types of buildings and they are intending for a variety.

DELIBERATIONS FOLLOWED:

- The Commission asked who would be doing the road construction? Assistant City Engineer Vitek said that the City will be constructing the roadway.
- Commissioner Derricott asked Planner I Weeks about a condition regulating hours or if it is necessary with condition 3?
- Planner I Weeks stated that there would need to be a separate condition if they wanted to allow hours of operation different then what was stated in the code- 6:00 am to 11:00 pm. Otherwise condition 3 would address hours.

MOTION:

Commissioner Derricott made a motion to approve the request with staff recommendations 1, 3, and 4.

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
3. Subject to development meeting or exceeding NCO standards unless otherwise approved by city Council.
4. Subject to the Maverik gasoline station/convenience store, as presented, being permitted without a special use permit through the PUD process.

Commissioner Cope seconded the motion. All members present voted against of the motion.

RECOMMENDED FOR DENIAL TO THE CITY COUNCIL

CITY COUNCIL PUBLIC HEARING SCHEDULED FOR MARCH 12, 2012

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2. Request for a Special Use Permit to allow temporary recreational vehicle parking within an existing mobile home park on property located at 450 Pole Line Road, c/o Lazy J Mobile Home Ranch & Canyon Vista Family Limited Partnership. (app. 2499)

APPLICANT PRESENTATION:
Gerald Martens is here representing the owners of the Lazy J mobile home park. Lazy J Mobile Home Park was built some 30 years ago. It has been a popular retirement option but is not as popular anymore. When the property came through for a rezone it was conditioned that for a minimum of five (5) years the mobile home park would remain. The park currently has 53 vacancies. Mr. Martens showed the park layout map on the overhead. The red and yellow spaces are currently vacant pads. The vacant sites are primarily on the easterly boundary and near the entrance. They would like to lease spaces from 30 days minimum to 6 months maximum. It would not be for permanent residences but any tenants would still have to maintain the rules of the property. They feel it would meet the need of people in town for medical purposes as St. Luke's is down the street, sunbirds, people with families in the area, and others who want to park it there on a seasonal basis. Additionally, it will increase the economic viability of the park. The development of property will start on Washington Street North side. It will provide additional revenue to maintain the facilities. Additional revenue is important and also the significant number of vacancies gives it a deserted feel.

STAFF PRESENTATION:
Planner I Weeks stated this is a request for a special use permit to allow temporary recreational vehicle parking within an existing mobile home park on property located at 450 Pole Line Rd. In March of 1973 the Lazy J Mobile Home Park Master Plan was approved by Twin Falls County and the City of Twin Falls. There have been several zoning actions taken on this property including a special use permit to expand, which did take place. On February 7, 2011 the Council approved the request for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 Business Park PUD. The applicant would like to allow temporary recreational vehicle parking within the existing mobile home park. This property is located in the C-1 Sun West PUD zone. A special use permit is required to operate RV and camping parks in this zone.

Due to the ultimate conversion of this property to commercial, the vacancy rate has steadily increased. A condition of the approved Sun West PUD Agreement is that the mobile home park remains in operation as a mobile home park for a minimum of 5 years from the date of rezone which was February 7, 2011. The applicants would like to lease any existing spaces to recreational vehicles. The maximum stay would be 6 months. City Code 10-2-1 defines "permanent" as not less than six months. The applicant stated in their narrative that the lease terms for the temporary recreational vehicle parking would be a minimum of 30 days and a maximum of 180 days. The special use permit would be for the property the existing mobile home park is located on only.

In conclusion the staff recommends that if the Commission grants approval of this request, as presented, it be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to the length of stay for recreational vehicles be a minimum of 30 days and maximum of 180 days.

P&Z COMMENTS/QUESTIONS:

- Gerald Martens clarified the the applicants concur with Staff recommendations. Red represents phase 1 where RV's would go initially and should demand increase they would go to phase 2.

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PUBLIC HEARING: OPENED

- No comments

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Schouten said this may be a good idea. There may be an added need for this kind of use and it would help with revenue at the property.

MOTION:

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

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to the length of stay for recreational vehicles be a minimum of 30 days and maximum of 180 days.

3. Request for a Special Use Permit to establish a chiropractic office with a residential apartment for the property owner or an employee of the chiropractic office on property located at 1015 Washington Street North, c/o Spencer Williams. (app. 2500)

APPLICANT PRESENTATION:

Dr. Spencer Williams presented the request. The conversion of the residence to an office and apartment would result in some increase in traffic. They plan to comply with landscaping issues, parking, drainage issues, buffer zone. He believes this would be a good use of the property. Zoning is correct for professional office. He does have one request- we would like to request a deferral of the berm requirement along corridor. If they comply they will be only property on west side with berm feature. They will be happy to comply in the future as other properties develop. The additional cost and change in landscaping and sprinkler system is the reason they would request deferral. As you look at other properties- house to the north would make a good professional office but other properties are mostly duplexes and don't lend themselves to professional office development.

STAFF PRESENTATION:

Planner I Weeks stated this is a request for a special use permit to establish a chiropractic office with residential apartment for employee or property owner of business on property located at 1015 Washington St North.

The City Council approved a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO on May 26, 2009. Ordinance #2971 was approved on June 8, 2009. The applicant would like to operate a Chiropractic Clinic at this location and include a residential apartment for use by the property owner or an employee of the business. The property is located in the R-4 PRO zone. A special use permit is required to operate a medical office with a residential apartment in this zone.

The applicant intends to have three employees and operate the business from 9:00 am to 6:00 pm on Monday, Wednesday and Friday and on Tuesdays from 3:00 pm to 6:00 pm. Traffic anticipated is thirty to fifty patients per day.

The change of space from a residence to a professional office is a change of use for building and planning & Zoning regulations. The applicant will have to apply for and receive a change of

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use/Certificate of Occupancy permit prior to operation of the facility. A change of use also requires review and compliance with applicable zoning regulations. Once a property is converted to a professional office use, it can't be used as a residence. A full review will be part of the permit review process.

In conclusion staff recommends the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to this special use permit being for the operation of a chiropractic Clinic, as presented.
3. Subject to the apartment being occupied by the owner of the chiropractic clinic or an employee.
4. Subject to a Certificate of Occupancy for a medical office being issued prior to operation of the business.

P&Z COMMENTS/QUESTIONS:

- Chairman Bohrn asked for clarification on the landscaped berm- is it a requirement of code?
- Planner I Weeks said the property is in the CSI landscaping zone and it is a code requirement.
- Commissioner Sharp asked if it can be deferred?
- Planner I Weeks said that it could be added as a condition.

PUBLIC HEARING: OPENED

- No comments.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Chairman Bohrn said that he hates to see them take out the fence and landscaping that is there and already looks nice.
- Planner I Weeks said that the applicants could ask for deferral.
- Chairman Bohrn commented that this is the first time this has happened on this side of the road, the south side of CSI was developed with businesses but there weren't many residences changed to offices.
- Commissioner Schouten asked why it is required on that side of road?
- Chairman Bohrn said it was applied to property adjacent to CSI.

MOTION:

Commissioner Sharp made a motion to approve the request, as presented, with a recommendation that the berm not be required until the property to the north was developed. Commissioner Schouten seconded the motion.

In discussion on the motion it was asked if the Commission could make a condition on the timeframe that the berm would have to be put in. It was clarified that Commission could not remove the requirement, only the City Council could change a code requirement. The applicant could request a deferral during the building permit review process.

An amendment to the motion was proposed by Commissioner Derricott to remove the recommendation that the berm not be required until the property to the north was developed. Commissioner Cope seconded the motion.

A role call vote on the original motion resulted in all members present voting in favor of the motion. A role call vote on the amendment to the motion showed all members present voting in favor.

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APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by building, engineering, fire and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to this special use permit being for the operation of a chiropractic Clinic, as presented.
3. Subject to the apartment being occupied by the owner of the chiropractic clinic or an employee.
4. Subject to a Certificate of Occupancy for a medical office being issued prior to operation of the business.

4. Request for the Vacation of Pillar Falls Subdivision, a PUD, Phase I, consisting of 8.64 (+/-) acres located northwest of the intersection of Eastland Drive North and Pole Line Road East, c/o Sam Teyema, VP on behalf of UMPQUA Bank. (app. 2501)

APPLICANT PRESENTATION:
Mike Bideganeta, of Grubb-Ellis, spoke on behalf of UMPQUA Bank. He stated that UMPQUA Bank acquired Pillar Falls by virtue of a nonjudicial foreclosure. Attempts to sale have not been successful. Umpqua's intent is to vacate the whole subdivision to make it easier to sell.

STAFF PRESENTATION:
Planner I Weeks gave history on the property. In June of 2006 the City Council approved a request for annexation of 25 acres with a zoning district change and zoning map amendment from SUI CRO to C-1 CRO PUD. In August of 2007 the preliminary plat for Pillar Falls PUD Subdivision was approved by the Planning & Zoning Commission. On July 22, 2008 the Planning & Zoning Commission granted a one year extension of the preliminary plat. The final plat for phase 1 of the subdivision was approved by the City Council on May 18, 2009 with bonding on the improvements. The improvements have not been completed.

The plat was recorded on June 29, 2009. The applicant is requesting to vacate recorded property lines for seven lots and three tracts. There have not been any improvements constructed or installed at this point by the following utility providers: Idaho Power, Cable One, Qwest/Century Link, and the Twin Falls Canal Company. Intermountain Gas has facilities in some of the designated public utility easements and requests that their easements be maintained. The Twin Falls Canal Company does not have any facilities but recommends that the water shares dedicated to the City be returned to the owner. The City Engineering Department will work with the owner on what the arrangement will be for the water shares. The lots and tracts as indicated are requested to be vacated but this would not affect the right-of-way of Pole Line Rd E. Right-of-way was dedicated concurrently with the platting process but is a separate action and would not be affected by the vacation request.

If approved, the area that has a final plat will be returned to one parcel with the full property and the preliminary plat will be void. This will not affect the zoning of the property, which is C-1 CRO PUD und the Pillar Falls PUD. The PUD Agreement still establishes the zoning and any future plats would have to be consistent with the zoning and approved Master Development Plan. If a different development concept was desired in the future the property would have to go through the process for a zoning district change or PUD amendment.

The vacation process requires a public hearing before the planning & zoning Commission. After receiving a recommendation from the Commission, the City Council holds an additional public hearing and if the request is approved an ordinance is adopted and published.

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In conclusion, staff recommends the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to letters of approval from each of the utility companies impacted by this vacation.
3. Subject to maintenance of a recorded easement for Intermountain Gas company facilities on the property.

P&Z COMMENTS/QUESTIONS:

none

PUBLIC HEARING: OPENED

- Rick Geisler, 2191 Pole Line Rd E. Mr. Geisler said that he lives immediately east of property. He has been cooperative, but the development has cut off irrigation water that is supposed to be flowing to his property and would like to get that matter resolved.
- David Sparks, 1999 Pole Line Rd E. His property is by the rim to the west of subject property. He has 6 or so acres. He is not concerned about change but has a question. Mr. Berg, who owned the property before kept cattle there in the summer and the grazing kept down the forage. The forage and weeds now get to 16"-2' high and dries out. Owners of the property to the south spray their weeds to keep them down but this property gets tall weeds.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

- Mr. Bideganeta asked if Twin Falls County have weed abatement requirements?
- Assistant City Engineer Vitek stated that they did.
- Mr. Bideganeta said that there was a lot of rock and previous developers moved a great amount of dirt onto the property. Umpqua Bank would address that. As for the water delivery, he doesn't know what intent was but thought that pressurized irrigation was being put in.
- Assistant City Engineer Vitek said that pressurized irrigation isn't free and is put in by the developer. Owners will have to resolve problem.
- Mr. Bideganeta said that the bank is not a landholder; their intent is to sell the property. They will work to resolve the issues. The road right-of-way will make sure access goes to the city.

DELIBERATIONS FOLLOWED:

- Commissioner Schouten said that a bare piece of property may be better to sell then a plot that may not work with what a prospective buyer wants to do.

MOTION:

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

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to letters of approval from each of the utility companies impacted by this vacation.
3. Subject to maintenance of a recorded easement for Intermountain Gas company facilities on the property.

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

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **Tuesday, February 28, 2012**

VII. ADJOURN MEETING:

Chairman Borhn adjourned the meeting at 8:30 pm.

Amber Reeder

Amber Reeder
Planner I
Community Development Department

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