MINUTES
Twin Falls City Planning & Zoning Commission
April 24, 2012-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Jason Derricott Tom Frank Kevin Grey Terry Ihler V. Lane Jacobson Chuck Sharp

Chairman **Vice-Chairman**

AREA OF IMPACT:

Lee DeVore Steve Woods

CITY COUNCIL LIAISON

Rebecca Mills Sojka Jim Munn

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:	ABSENT:
Bohrn	Derricott
Frank	Ihler
Grey	
Jacobson	
Sharp	

AREA OF IMPACT MEMBERS

PRESENT:	ABSENT:
Woods	DeVore

CITY COUNCIL MEMBERS PRESENT: Mills Sojka

CITY STAFF PRESENT: Carraway, Strickland, Vitek,

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Request for approval of Eastland Height Amended preliminary plat, 1.34 (+/-) acres consisting of 2 lots located at 870 Eastland Drive c/o Mike Lee, EHM Engineer, Inc on behalf of Gary Thietten.

2. Request for the reinstatement of Special Use Permit #1102 granted on July 8, 2008 to the Church of Jesus Christ of Latter Day Saints for the purpose of constructing a religious facility on five (5) acres located at the northwest corner of Field Stream Way, extended and North College Road West, extended c/o Church of Jesus Christ of Latter Day Saints c/o Jim Lystrup

IV. PUBLIC HEARING ITEMS: NONE

I. CALL MEETING TO ORDER:

Chairman Bohrn 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): April 10, 2012
2. Approval of Findings of Fact and Conclusions of Law:
   - Canyon Park Amended (pre-plat 04-10-12)

Motion:

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

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. Request for approval of Eastland Height Amended preliminary plat, 1.34 (+/-) acres consisting of 2 lots located at 870 Eastland Drive c/o Mike Lee, EHM Engineers, Inc on behalf of Gary Thietten.

APPLICANT PRESENTATION:

Dave Thibault, EHM Engineers, Inc, representing the applicant state he is here to request approval of the Eastland Heights Amended preliminary plat. The plat is approximately 1.34 acres and consist of 2 lots. This subdivision was a condition of approval for a special use permit on November 8, 2011. This is a lot spit that will allow the applicant to construct an assisted living facility. The only request that the applicant has is that the deferral to construct curb, gutter and sidewall be waived as a condition of the preliminary plat approval because the improvements already exist. The standard specifications for the improvements have changed since they were constructed and if constructed under today's standards would have to be widened out 6 inches. His client has had conversations with the Engineering Department regarding this requirement and they have agreed the reconstruction of the existing curb, gutter and sidewalk would not be necessary at this time, so he asked that the Commission remove this condition.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for a preliminary plat approval. In December of 2003 this property was rezoned from R-2 PRO to R-6 PRO and a Special Use Permit was granted to allow the property to be developed with a professional office complex along with a 5 bed hospice facility. There is no specific lot size in a professional office overlay but it does require that all site development meet code and only allows for one building per lot, which is the reason for this subdivision. The applicant would like to construct an assisted living facility on the second lot. All of the existing structures on the property would have to be removed prior to development.

Zoning & Development Manager Carraway stated the plat is consistent with zoning and the Comprehensive Plan. It is consistent with the uses and staff recommends approval subject to the following conditions:

1. Subject to final technical review and amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to a recorded Cross-Use Agreement being provided prior to recordation of final plat.

3. Subject to a deferral agreement for the development of curb, gutter, sidewalk and road improvements being executed before recordation of final plat.

Zoning & Development Manager Carraway explained that staff had discussed the third condition and staff does agree that it doesn't make a lot of since to require the improvement currently however waiving a deferral is not something that the Commission can approve. It will go to the City Council for final plat approval and the a request to waive the deferral can be requested by the applicant at this time.

Assistant City Engineer explained that in this instance standards changed after the work had been completed and to have them replace the existing curb and gutter to meet the current standards staff would not be in support of at this time, however the decision to waive the deferral entirely has to be made by the City Council.

P&Z COMMENTS/QUESTIONS:

- Commissioner Woods asked from a planning perspective if there are any parking considerations that are made based on the fact that this will be an assisted living facility and that it may require more than one handicapped parking space. Currently the plans only show one handicapped space and having an elderly parent that lives in an assisted living facility he has become more aware of the need for more than one handicap space at these types of facilities.
- Assistant City Engineer Vitek explained that the parking design would be need to be based on the current City Code requirements and would be looked at during the plan review process at the time the building permit is submitted for approval. ADA approaches along Eastland Drive and 9th Avenue will be constructed to meet current requirements, and as for parking the ADA code and Zoning code dictate the number of spaces required a recommendation could be made that additional spaces be constructed but minimum standard are all that we require.
- Commissioner Jacobson clarified that the request to waive the deferral agreement requirement from the conditions of approval would be presented at the final plat approval stage but that the Commission could recommend this be considered.
- Zoning & Development Management Carraway explained code requires a deferral as part of the preliminary plat approval conditions but the Commission can make a recommendation to consider a waiver if they feel it is appropriate.

PUBLIC Comments: OPENED

- Gary Thietten, applicant requested that the Commission recommend that the deferral waiver be considered. This is and will continue to be a nice development with landscaping and it would be nice if he didn't have to replace the existing curb, gutter and sidewalk.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Woods made a motion to approve the request, as presented, with the recommendation that the City Council consider deferring the curb, gutter and sidewalk reconstruction. Commissioner Jacobson seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS & RECOMMENDATION

1. Subject to final technical review and amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to a recorded Cross-Use Agreement being provided prior to recordation of final plat.
3. Subject to a deferral agreement for the development of curb, gutter, sidewalk and road improvements being executed before recordation of final plat. (The Commission recommends the City Council consider approving the deferral agreement)

2. Request for the reinstatement of Special Use Permit #1102 granted on July 8, 2008 to the Church of Jesus Christ of Latter Day Saints for the purpose of constructing a religious facility on five (5) acres located at the northwest corner of Field Stream Way, extended and North College Road West, extended c/o Church of Jesus Christ of Latter Day Saints c/o Jim Lystrup

APPLICANT PRESENTATION:
Jim Lystrup, representing the applicant stated this request is for the Commission to reinstated an Special Use Permit that was approved in July 2008 for the Church of Jesus Christ of Latter Day Saints to construct a religious facility at the northwest corner of Field Stream Way and North College Road West. He stated that due to the recent economy this project had been put on hold but that there is now a need for the facility and he asked that the Commission approve the request to reinstate the Special Use Permit.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for a reinstatement of Special Use Permit #1102 granted on July 8, 2008. This property came through for annexation with an existing R-2 zoning in November of 2006. The property was annexed and a special use permit was granted in July of 2008 to allow for the construction of a religious facility. There were four conditions of approval for this permit and they are as follows:

1. Development of the site shall be 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 dedication of additional road right-of-way along Field Stream Way and North College Road West, extended to current R-O-W.
3. 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.
4. Subject to the applicant providing a warranty deed indicating the lot line adjustment has been recorded.

City code section 10-13-2.2(i) states "...special uses which have not been established within one year of the date of issuance of the special use permit, may be reviewed by the commission to determine if the facts and circumstances have changed." If the commission determines there has been substantial changes they may call for a new special use permit application. If the commission determines that the surrounding area and/or facts and circumstances have not changed since the special use permit was approved they may reactivate the expired special use permit by motion and a majority vote -subject to the same conditions of approval.

The applicant has requested the Commission's consideration for the reactivation of Special Use Permit #1102, to allow them to proceed with construction of a religious facility on the site. The Special Use Permit is considered void as plans were not submitted and conditions were not completed within a year of approval. Conditions of approval #1 and #3 are associated with the building permit and construction process and have not been completed but would be applicable to any construction on the site. Conditions #2 and #4 have been completed as the lot line adjustment was recorded in 2009 and adjacent property was subdivided. A right-of-way dedication also took place in 2009 and the width of those dedications will be verified with requirements for current right-of-way standards.

There have been changes and proposed changes to adjacent properties but all those have been reviewed with the consideration that there would be a church constructed on this property. It appears that the facts and circumstances have not changed to the extent that the use of this property as a religious facility would no longer be appropriate.

Zoning & Development Manager Carraway stated upon conclusion staff recommends the Commission reactivate Special Use Permit #1102, as presented, subject to the original four (4) conditions of approval.

PUBLIC COMMENT: **OPENED & CLOSED WITHOUT PUBLIC CONCERN**

DELIBERATIONS FOLLOWED: **WITHOUT CONCERNS**

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

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Development of the site shall be 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 dedication of additional road right-of-way along Field Stream Way and North College Road West, extended to current R-O-W.
3. 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.
4. Subject to the applicant providing a warranty deed indicating the lot line adjustment has been recorded.

IV. PUBLIC HEARING ITEMS: NONE

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 **May 8, 2012**

VII. ADJOURN MEETING:
Chairman Bohrn adjourned the meeting at 6:23 pm

RE-OPENING OF MEETING FOR PUBLIC COMMENT:

Chairman Borh was asked to re-open the meeting for public comment at 6:24 pm, he did so with unanimous approval from the Commissioners.

PUBLIC COMMENT:

Cheri Condie, stated she appreciates this opportunity to speak, and that she was going to appeal the Planning & Zoning Commissions decision to approve the Canyon Park Amended preliminary plat, but it appears that it would only be accepted if she had an economic interest near the area being affected by the development, it's the money that counts. She stated she would like to offer advice on how the Commission could better represent her as a citizen. She explained that there was an article in the AARP magazine about the Perrine Bridge giving Twin Falls national media attention. She feels like the Commission doesn't take pride in how the community looks, she wondered when she reviewed the request for the Canyon Park Development what happened to the original plan that was approved five years ago. She had hoped that the Commission would hold out for a better application. Kohls could go to a more appropriate location, and if the Commission had upheld their bylaws Article 1-8 consideration of land development compatible with land characteristics, Kohls wouldn't be on the canyon rim. She wants the Commission to understand that they are the first line of defense against poor planning and development. The Commission has now and will continue to be dealing with commercial real-estate broker who have only their own greed in mind, the want to flip property, get their cut and move on to their next project. If they have their way Twin Falls will be Urban Sprawl and will look like any other backward town in a potato patch. She asked if the Commission sees all of the for sale vacancies and for lease properties that are on the market now, she blames this on the Commissions decisions. If the Commission would hold fast to the codes and safeguard the land that we have those buildings will get tenants. If the plans are just rubber stamped we will get sprawl and development in inappropriate places, places that could have been beautiful. She asked that the Commission in the future always ask for alternatives, retailers have plan B's and if we stand up to them we can have better plans, better designs and a better future for Twin Falls. She asks that inconsistencies be watched for these are red flags, if the Commission stands up to them we can get better plans. Question authority, get credential, she ask that a geological study be done for the Canyon Park property, is it safe. She asked how to go about tightening up the Canyon Rim Overlay district so that a Citizen Design Review committee is always called into place, and not when exceptions are made.

Zoning & Development Manager Carraway explained that this can be accomplished by applying for a code amendment change through the Planning & Zoning Development Department.

Chairman Bohrn stated he explained that when a preliminary plat comes to the Planning & Zoning Commission there are very narrow guidelines that the Commission has to follow. Does it meet the

criteria that has been outlined in City Code for the Commission and if it meets that criteria they have no choice but to approve the preliminary plat. If there is a concern related to the type of development that will occur once the plat is approved that needs to go to the City Council. The City Council makes the final decision on the development and final plat approval. The Planning & Zoning Commission hears the request and makes a recommendation to the Council, once Council hears the final request they make the final decision.

Chairman Bohrn adjourned the meeting at 6:30 pm.

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department