MINUTES
Twin Falls City Planning & Zoning Commission
June 12, 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 Suzanne Hawkins

CITY STAFF PRESENT: Reeder, Strickland, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to operate a civic center on property located at 314 2nd Avenue East c/o Selvedin Mustafic on behalf of the American Bosnian Herzegovinian Cultural Center, Inc. (app. 2516)

2. Request for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO for property located at 120 10th Avenue East c/o Roger Blades (app. 2517)

3. Request for a Special Use Permit to operate a shelter home on property located at 570 Shoup Avenue West c/o Pastor Tony Lopez on behalf of Victory Home of Idaho, Inc. (app. 2518)

4. Request for a Special Use Permit to allow extended hours of operation from 5:30 am to 11:30 pm Monday through Saturday on property located at 1631 Blue Lakes Boulevard North c/o Robert Lombardi on behalf of Chick-Fil-A. (app. 2519)

5. Request for a Zoning Title Amendment which would amend Twin Falls City Code 10-12-3.11; Parks and Storm Water Retention/Detention, by adding a new section (G), *In-Fill Contribution Reduction*, c/o City of Twin Falls Parks and Recreation / Dennis Bowyer, Director. (app. 2520X

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): **May 22, 2012**
2. Approval of Findings of Fact and Conclusions of Law:
   - Lin Gowan (SUP 05-22-12)
   - Pro Rentals & Sales (SUP 05-22-12)

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to operate a civic center on property located at 314 2nd Avenue East c/o Selvedin Mustafic on behalf of the American Bosnian Herzegovinian Cultural Center, Inc. (app. 2516)

APPLICANT PRESENTATION:

Selvedin Mustafic, the applicant state they are here to request a Special Use Permit for a cultural center to be located at 314 2nd Avenue East. The American Bosnian Herzogvinian Cultural Center is a non- profit facility the purpose of this facility will be to preserve and keep alive their culture and heritage and teach values. It would be a place where people form their community are welcome, they can come have coffee and juice in a relaxing environment where all people are welcome. Alcohol and smoking would not be allowed the place would be open to all ages. The intend to provide dance classes to young groups and to teach them Bosnian values. It will be a place that people can come and relax, play cards or pool and just visit. It will be beneficial to the community and it will help them to sustain their culture and possibly draw people to the downtown area.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for a special use permit to operate a cultural center. The property is located in the C-B P-1; commercial central business district with a parking overlay.

The P-1 parking overlay does not require parking for outright permitted uses but the Commission may require parking upon review of special uses. The property is not able to provide any on-site parking. Records indicate the property has been only used for a retail use. The property is fully developed with a 3,125 sq ft building on a 3, 125 sq ft lot. The current owner is only utilizing the back 2/3'rds of the building at this time.

The applicants wish to lease the remaining portion; 1,370 +/- sq ft (45%), to operate a civic center with dancing and pool tables for the Bosnian Community to preserve and promote their culture and heritage. City Code requires a Special Use Permit to operate a civic center with dancing and pool tables.

Mark Martin, owner of Old Town Gas & Go located at 303 Main Ave E has given permission to the proposed Civic Center to use the parking in the rear of his building after regular business hours. The parking is located to the south of the proposed American Bosnian Cultural Center. This parking lot is not paved. City Code 10-11-4(b) states that all parking and maneuvering areas shall be hard surfaced with Portland concrete or asphaltic concrete surface material. The

proposed parking will have to be paved and stripped before it can be used by the American Bosnian Cultural Center.

The applicant is anticipating the hours of operation to be 7 days a week, 9:00 am – 2:00 pm & 5:00 pm – 9:00 pm. The request is in compliance with the Comprehensive Plan which designates this area as Townsite and encourages a mix of uses.

Zoning & Development Manager Carraway stated should the Commission grant this request, as presented, staff recommends approval 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 parking lot located at 303 Main Avenue East being paved and stripped before use by the American Bosnian Cultural Center.
3. Subject to an approved alternative landscape plan, to be approved by staff prior to use of the facility.
4. Subject to a Certificate of Occupancy being issued prior to any use within the building.
5. Subject to operation of an American Bosnian Cultural Center - civic center facility including a dance floor and pool tables, as presented.

P&Z QUESTIONS/COMMMENTS:

- Commissioner Frank asked if the parking adjacent to this building is part of this property and if the parking lot behind City Hall allowed for public parking after hours.
- Zoning & Development Manager Carraway state the parking lot adjacent to this property belongs to the bowling alley as for the City Hall parking area it is used fully during the day but she is not aware of the use after hours. She also reviewed on the overhead and exhibit and stated there is a public parking lot approximately 275' to the west of the proposed facility.
- Mr. Mustafic stated most of these event will be small if it ever happens that there are more than 20 or so people it will occur from 5-9 on Friday or Saturday night and most of the businesses at this time are closed. There is parking available within walking distance and along the street that can be used. He has discussed it with the members and they don't have any issues with parking in these locations. He also worked with the bowling alley owner that if there are problems they will have the vehicles towed. As for paving of the available parking space we will not have the funds to pave so they will not be using this space.
- Commission Woods asked what the remainder of the building is used for.
- Mr. Mustafic explained it is a tile company.

PUBLIC HEARING: OPENED

- James Teffer, 2711 East 3700 North stated he owns his own business and works full time here in Twin Falls. He stated they will provide potted plants to assist with beautifying downtown and as for paving the other area for parking they will have the members use the existing paved public parking areas. He stated his wife is Bosnian and he thinks this would be a good opportunity to learn her culture and customs, and provide a place for them to take their two year old to learn about the Bosnian heritage.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Frank stated they have his full support.
- Commissioner Sharp stated the only concern that he has is the parking lot use on the adjacent property.
- Commissioner Woods stated that he is in full support of this request and asked that the landscaping requirement be taken into account because of the way the property is developed as for the parking he would have difficulty making someone pave a property they don't own. He feels they would police their own parking needs.
- Commissioner Grey stated as a non-profit facility that they could possibly do a fund raiser to pay for the paving.
- Commissioner Bohrn stated that if there is a problem the Special Use Permit can always be recommended for revocation. He has worked with a lot of Bosnians here in the community and he doesn't expect any issues.

MOTION:

Commissioner Woods made a motion to approve the request, with staff recommendations, excluding condition No. 2. Commissioner Grey seconded the motion.

DISCUSSION OF THE MOTION:

- Commissioner Frank clarified that the paving is code requirement.
- Zoning & Development Manager Carraway explained if they use this area for parking they will have to pave the space.
- Commissioner Frank explained if they don't use this area it won't be an issue.

ROLL CALL VOTE:

At the conclusion of the discussion roll call vote was taken and all members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING AMENDED 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 an approved alternative landscape plan, to be approved by staff prior to use of the facility.
3. Subject to a Certificate of Occupancy being issued prior to any use within the building.
4. Subject to operation of an American Bosnian Cultural Center - civic center facility including a dance floor and pool tables, as presented.

2. Request for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO for property located at 120 10th Avenue East c/o Roger Blades (app. 2517)

APPLICANT PRESENTATION:

Roger Blades owner of Jewels Home Care he has been in business since 1994 and they purchased this property in 2010 to make their office. He stated that there are several professional business located within approximately 300 feet and they were probably overly confident that they would be allowed this use at this property. The employ 2 people in the office and approximately 50 people out in the community taking care of people in their homes.

The hold training meetings for staff as required be Medicaid one in the morning and one in the afternoon. The employees have to drop off their paperwork weekly at the office. They would be willing to put a drop box at the back entrance to avoid having people parking along 10th Avenue East. All the employee are required to be fingerprinted and have a background check prior to

being employed by their company. The church adjacent to the property has told them they would allow his employees to use this parking lot, the employees could enter or exit from the rear of the building.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for a Zoning District Change and Zoning Map Amendment. In 2010 a permit was applied for to do a residential remodel which included some plumbing and electrical work at this site. The Building Department issued a residential Certificate of Occupancy on July 6, 2010. The applicant rented the property to a professional office and later applied for a rezone requesting a PRO Overlay to try to bring the property into conformance.

On March 22, 2011 the Commission recommended denial of a request for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO Overlay. This request was recommended for denial because the Commission felt it was not consistent with the existing residential character of the neighborhood, for properties that don't front on Shoshone Street or Blue Lakes Boulevard. On April 25, 2011 the City Council upheld the Commission's recommendation and denied the request by a vote of 4 to 2.

As per City Code [§10-14-8]: no application for a reclassification of any property which has been denied by the Council shall be resubmitted in either substantially the same form or with reference to substantially the same premises for the same purposes within a period of one year from the date of such final action; unless there is an amendment in a Comprehensive Plan which resulted from a change in conditions as applying to the specific property under consideration.

As it has been over a year the applicant has resubmitted the same request. This is a request for Zoning District Change and Zoning Map Amendment from an R-4; residential zoning designation to R-4 PRO; residential with a professional office Overlay, for property located at 120 10th avenue east. The property currently is developed with a single family home and the applicant is requesting a Zoning District Change to allow the property to be converted and used as a professional office.

The property is adjacent to the R-4 PRO zoning district on its northwest property line and is therefore able to request a zoning change to R-4 PRO. The property is surrounded by residential properties to the north and east. The property to the south and west is part of the First Baptist Church which fronts along Shoshone Street East.

When reviewing a request for a Zoning District Change the Commission has two (2) specific guidelines:
(a) *evaluate the request to determine the extent and nature of the amendment requested*;
(b) *determine if the request is in accordance with the Comprehensive Plan*, …[§10-14-4(a) and (b)

The extent and nature of the request is to change the residential use of property to allow for professional office use of a property. As per City Code §10-4-18.1, the stated purpose of the professional office overlay district is to *"provide for professional office uses along or near specifically designated major arterials where increased traffic has impacted residential uses."*

The uses outright allowed in a Professional Office Overlay are only the uses permitted in the R-4 residential zone. Any other uses would require a Special Use Permit process and are only allowed for service-based businesses such as employment, financial, professional, and medical offices. The property development standards of the Professional Office Overlay Zone provide for landscaping and screening between the professional use and residential property. The standards of the zone are to protect adjacent neighbors and residential areas.

Although the nature of the request is in conformance with a Professional Office Overlay use the extent of the zoning district request is a concern as the City's zoning map clearly shows the overlay on properties with direct access to Shoshone Street only. This property would be accessing the property from within the residential neighborhood on 10th Avenue East. The street has had professional and commercial uses surrounding it on properties fronting on to Blue Lakes Boulevard and Shoshone Street and if the request is granted would be a further encroachment into the existing residential neighborhood.

Should this application for Zoning Title Change and Zoning Map Amendment be approved, the applicant will have to apply for and be granted a Special Use Permit prior to operation of a professional office at this location.

The Comprehensive Plan designates this area as "town site" on the future land use map. The town site area is described as follows:

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

While the description is directed more towards the downtown corridor it does support redevelopment and includes professional and office uses as being appropriate as a vibrant part of a town site neighborhood. Technically the proposed Zoning District Change is in conformance with the Comprehensive Plan, however, the stated purpose of the Professional Office Overlay District is to *"provide for professional office uses along or near specifically designated major arterials where increased traffic has impacted residential uses."*

Zoning & Development Manager Carraway stated upon conclusion there has not been any significant changes in the neighborhood within the last 12 months. Staff concurs with the previous decision by both the Commission and the City Council - *conversion of this property from a residence to a professional office could negatively impact the existing residential neighborhood.*

PUBLIC HEARING: OPENED

- Dixie Garret, 127 10th Avenue East, she was here before and is not for this request. This is a family oriented neighborhood. She sees people coming and going to drop off payments and having employees coming in through the church parking lot will not solve the problem. This is a business and it will encroach on the residential area. There are businesses that front Shoshone Street and their customers encroach on the residential area. She requests that this be denied because it will impact the residence.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Frank stated he has not seen any change and would recommend denial.
- Commissioner Woods stated the impact to the area would be negative and he would agree with Commissioner Frank that he doesn't see any changes that would make the previous recommendation change.
- Commissioner Bohrn stated he doesn't see any changes either.

MOTION:

Commissioner Frank made a motion to approve the request, as presented. Commissioner Sharp seconded the motion. All members present voted against the motion.

RECOMMENDED FOR DENIAL TO THE CITY COUNCIL
CITY COUNCIL PUBLIC HEARING SCHEDULED FOR JULY 16, 2012

3. Request for a Special Use Permit to operate a shelter home on property located at 570 Shoup Avenue West c/o Pastor Tony Lopez on behalf of Victory Home of Idaho, Inc. (app. 2518)

APPLICANT PRESENTATION:

Pastor Tony Lopez, Director and Founder of Victory Home of Idaho, Inc, stated they are a non-profit organization that operates faith based spiritual growth center for men and women that struggle with homelessness, addictions, habits and hang-ups. They are modeled after the City of Lights Program with is a Boise Organization that has over 30 years of experience. This is not a program that was just created. The purpose is to provide a Victory Home Center at 570 Shoup Avenue West. They already provide their services at a property located at 450 3rd Avenue West which is also a church. Due to growth and an increased need for this type of program they are in need of a bigger facility. They have had discussions with the Twin Falls County and would like to propose opening a faith based therapeutic community center with services they already offer along with a dormitory to offer shelter to the homeless. The main point of the request is to move the existing program to this building. The maximum capacity would be for 112 people 64 of the beds would be for overnight guests 22 female 42 male. There are 24 first phase residential beds 12 male/12 female. Along with 24 transitional phase residential beds 18 men/16 women. There are residents that commit to the program for a minimum of 90 days and others that are in the overnight guest category. Residents must be accompanied by staff members or home leaders outside of the facility at all times. The home is operated as a functional family unit teaching, acceptance, awareness, accountability, self discipline , communication, leadership skills and above all love. They have staff members that are hired for different positions, they also have volunteers that help with the functions of the facility. The staff and volunteers are available on-site between 8am and 8pm and they have two home parents that are on-site 24 hours a day. The hours of operation will be 24 hours a day 7 days a week. They will function as a shelter home, traffic is anticipated to be minimal compared to what was previously at this location. Residents participating in the first phase of the program are not allowed vehicles within the first three to six months of the program. They have considered a lot of the concerns the community may have, and things that have already happened in the area, since the hospital relocated. This facility would not decrease the value of the neighborhood. There are already similar types of uses and facilities that provide care for similar types of people. The homeless shelter portion would have rules in place that would allow for a bed and a shower to the participants, they would be given breakfast a sack lunch, a list of places they could get dinner and would have to be leave the facility and be more than 2 miles away from the facility, they would not be allowed to loiter. If they are seen within 2 miles of the facility they would not be allowed back at the facility for 90 days. They provide classes and are willing to put a fence around the property if necessary. The other thing that was considered when picking this facility was that the old hospital facility is going to be used for

probation and parole along with the Mustard Tree Clinic using the old emergency room, so "those people" will already be in the area with or without this facility. He has a lot of support in the community for this and he is asking that this request be approved.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request to operate a shelter home on property located at 570 Shoup Avenue West. This property was rezoned from R-6 to R-6 PRO in 1985. Also in 1985 Special Use Permit # 0160 was granted to operate a medical facility as a professional office conditioned upon additional parking. The decision was appealed by a citizen to the City Council where the decision to approve the permit was upheld.

The R-6 PRO zone is a multi-family residential zone with a professional office overlay. There is a vacant medical office on site. The applicant is requesting to operate a shelter home on the property which requires a special use permit in the R-6 zone.

A shelter home is defined as a *"building or facility however named, operated on either a profit or nonprofit basis for the purpose of providing a home with necessary supervision for three (3) or more persons not related to the owner and who are unable to care for themselves".*

"Victory Home of Idaho", was granted a Special Use Permit in April 2009 to operate a 16-bed shelter home facility at 450 3rd Avenue West. The existing facility operates 24 hours a day, seven (7) days a week as is being proposed for this new facility. This proposed facility will have two (2) types of programs

a) individuals participating in the "Victory Home Program" approximately 60 beds;_ and
b) temporary housing for homeless persons approximately 40 beds.

You have just hear, by Pastor Tony, the specific details about each program, and that it will be approximately a 100 bed facility. The facility is committed to having staff on site at all times including security staff, there will be up to 12 staff members on-site at any one time. The applicant has already operated a 16 bed home facility for over 3 years and has received support from the Twin Falls County Administration who has felt that Victory Homes has been a good neighbor to the community thus far.

The site is developed and there is not a proposal for an expansion to the existing building at this time. The City Code does not specify a parking requirement for a shelter home but the American Planning Association recommends 1 parking space per employee plus 1 parking space for every 4 beds. At 100 beds and 12 employees that equates to 37 spaces. Upon initial review the site provides 94 parking spaces which would exceed the proposed parking demand and provide for ample visitor parking. There are occasional visitors to program individuals and professionals such as counselors coming to the site. There are bike racks on the north side of the building and there would be a provision for additional bike parking. There is a fence with screening slats surrounding the property.

The present Victory Home Facility at 450 3rd Avenue West has some unresolved issues with the Building Department and staff would recommend that these issues be resolved before a new facility is operated.

The conversion of this building and property from an office to a residential facility may require building permits for remodeling. As the use of the facility is changing the building may require compliance with current applicable codes. There will also be a full review of site requirements such as landscaping & on-site storm water retention.

Upon initial review there appears to be approximately 6770 sq ft of landscaping on the site. The minimum requirement is 10% of the site or 8370 sq ft. The site plan will have to verify the square footages and there will be a review to ensure full compliance.

At the Victory Home on 3rd Avenue West registered sex offenders were not eligible for housing due to the proximity of the location to a public school. Staff is not aware if this location does or does not have a proximity to locations that would preclude sex offenders from being able to reside at this facility. The applicant would like to have the facility available to such individuals because they feel there is a lack of facilities for them.

There are other transitional housing facilities in the area such as the Valley House, Valley House Apartments, and numerous motels currently filling some of the need. There is a clinic nearby that provides services at reduced and no-cost.

There have been concerns expressed from some surrounding properties about the introduction of this type of use to the area. There is a youth safe house in the vicinity and a lot of professional and medical offices and residences. A homeless shelter-type of residential use may bring concern for safety and security in the area. The applicant emphasized that this is not an open homeless shelter facility but a residential facility with specific program requirements for residents to be able to stay there. The residential use of a shelter home complies with the Comprehensive Plan.

Zoning and Development Manager Carraway stated upon conclusion should the Commission grant this request, as presented, staff recommends approval 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 City Code requirements and standards.
2. Subject to this “Victory Home” facility on Shoup Avenue West obtaining a Certificate of Occupancy for the facility through the building department prior to use.
3. Subject to the Victory Home at 450 3rd Avenue West receiving a Certificate of Occupancy prior to use at the new “Victory Home” facility on Shoup Avenue West.
4. The shelter home to be operated by Pastor Tony Lopez, the Victory Home Idaho, Inc., as presented. Any other entity shall require a new special use permit.

P&Z COMMENTS/QUESTIONS:

- Commissioner Woods stated that he believes there are certain traits in certain organizations that might continue, he would like to know what the issues are that has prevented them from obtaining their Certificate of Occupancy.
- Zoning & Development Manager stated there are building code issue they are dealing with, but if the are closing this facility it will not be an issue.
- Commissioner Woods asked if they have been forthright in getting these issues resolved.

- Zoning & Development Manager Carraway stated the applicant has been in trying to address the issue but that sometime when your specialty is not construction it can be difficult to resolve the issues and makes it more complicated. She stated she has not seen any indication that the organization is trying to get out of complying with the requirements.
- Commissioner Frank asked if it is fair to say that staying at this facility is a privilege and if they understand the agreement and that there are house rules that have to be followed to participate.
- Pastor Lopez explained that they do have requirements to meet to be able to stay at the facility, they do screen for substance abuse and if they don't pass the tests they forfeit their privilege. The homeless participants are usually alcoholics or drug users and if they don't want to use the services available and can't stay clean within a week of being offered services then they can't come back for 90 days. Anyone in the 30 day program that comes up dirty on their screens is not allowed back for 6 months. This will not be a place to come if they don't want to follow the rules.
- Commissioner Grey asked about the 2 mile distance from the facility and how that is enforced and what type of transportation is provided.
- Pastor Lopez and they give them information about where they can look for employment and get dinner, transportation is their own responsibility.

PUBLIC HEARING: OPENED

- Barry Knoblich, 1174 Skyline Dr, stated that he was not aware of any outstanding building violations at the current facility located at 450 3rd Avenue West. He would have to follow-up. He stated they had a community meeting to offer information to the public and quite a few people were in attendance. He is a jail Chaplin which is how he became involved with the program. This program is a faith based program and has been very successful. These people are taught how to handle finances, and how to work which is why they are successful. This location would be perfect for this use because there is a lot of support and lots of other similar uses in the area. He wishes there wasn't a need for this in the community but there is and he would like to have this approved.
- Phyllis Berg, 267 Filer Avenue stated she is with Safe Harbor at 260 Filer Avenue, she is in support of this request and she said this program is very successful and there is a great need for this type of shelter. There are approximately 1-6 homeless people picked up daily and taken to jail daily. This is problem is getting bigger and she is thrilled to see this request.
- Josue Mora, 532 Fillmore has been here in the US for 17 years and there is a large need for this type of facility, there are young people that are ending up in jail and are doing bad things. He said we have to open our eyes there are a lot of people in the younger generations that need help. In 3 years he has seen a successful program to help young kids and the parents of these children. This is not just a problem for poor families it is a problem that is also in the upper-class families, he is worried for the younger generations. He appreciates that the Commission is considering this request and hopes they approve the request so he has the opportunity to help the community.
- Cole Johnson, 536 Shoup Ave W Ste D, Family Practice Physician, he stated the location is a large issue for him, he doesn't disagree with the need for this type of facility. There have been multiple tenants that have chosen to stay in this area and maintain a professional office in this location. There are other businesses in this area not just business that cater to this type of use and he believes this is going to have a negative impact to the professional offices in the area. He doesn't understand how the facility is going to regulate the people and keep them from loitering.

- Evelene Bridger, 517 Heyburn Avenue West, stated she live adjacent to this location and she doesn't' want alcohol, drug abuser and sex offenders next to her back yard. The neighborhood consists of families and senior citizens and this proposal creates a fear and concern for safety and bringing the property values down. Do these people get drug screened before entering the facility and with the operating hours being 24 hours a day do they come and go all hours of the day. This facility will pose a threat to our personal safety and property, there are many empty building downtown that could be used without endangering a residential area. Please don't approve this request.
- Trisha Workman, stated they own property that is in the medical plaza, she stated that the property located in this area is zoned for medical office, and if the PRO overlay is what allows for this type of use. She doesn't have a problem with Victory Homes, it sounds like a wonderful program. Her concern is that there are 18 physicians located in this medical plaza and they care for elderly patients that will be impacted by this use because they will be traveling between the doctors' offices, the pharmacy and the laboratory around the corner, the Victory Home facility would be in the middle of all of this. The other problem she sees is putting people with addictions next to a pharmacy, she just doesn't think this is a good location.
- Zoning & Development Manager Carraway indicated PRO Overlay; professional offices are allowed with this zoning designation, the R-6 is residential and allows for multi-family residential/shelter homes by Special Use Permit.
- Joe Russell, 3411 Canyon Cove in Kimberly, he stated that when St. Lukes made the decision to move from this area it changed the viability of this entire area, for the types of businesses that have operated there for year. To call this area residential is a stretch and that 97% of the physicians that were in this area have moved away. He stated he has had experience with the Victory Home and his son who was a heroin addict has had his life turned around with this program. He has made a donation to assist with the purchase of the building and he is confident that Pastor Lopez will do what he says.
- Joseph Ippolito, Filer Idaho, stated he has an office in this location and this sounds like a good program, he has chosen to stay in this location because it cost less to operate at this location. He stated having this facility in this area is a concern for his business as well as his staff.
- Yvone Marvin, stated she understand the potential concerns because of the types of people that live there, Victory Home is everything that is says it is and there should not be a concern because this program is very good and successful. She stated she admires Pastor Lopez for trying to attempt this and offering this kind of help. It is a family oriented program and is very proactive in helping the people that are in need.
- Jennifer Dall, Eden Idaho, stated she manages Interpath Labortory located on Martin Street and has staff that enter her building at 3am and the area is not well lit and she thinks a medical plaza is not a location for this type of use.
- April Johnson, 527 Princeton Dr, she feels like this is a good program and there is a need for this facility but this is not a good location. There is a huge difference between maintaining and manage 16 people verses 112 people.
- Adriam Urmantrail, 807 Monroe Street, stated he has been helping over at Victory Home and told his girlfriend they are moving and she said she wouldn't want them to be near her home. He stated they are not criminals, they are the young high school and college kids with problems. What are we doing for those kids. The driveway into this facility doesn't share an entrance with the medical plaza. Pastor Lopez offering to put up a fence is him being nice, the property is isolated from this medical plaza and he doesn't see them having any problems. These are not convicted criminals and he is for this request. He understands how people feel these kids need help they are not criminals.

- Travis Thomas, 509 3rd Avenue West stated he didn't want them in this neighborhood three years ago when they came through to put their facility in his neighborhood. They have done so much for his neighborhood, it has reduced crime 45% since they have been in his neighborhood. He would have them in any of the neighborhoods he has lived in, they can stay in his neighborhood. He hasn't had any problems with noise, they haven't had to call the police. It is a wonderful program.
- Josue Mora, Jr., 532 Fillmore St, he stated he has gone through the program he has not done drugs but he has learned respect, he stated that this is a place where people can change and learn there are lots of ways to show people love, and he has had success it is the best thing he has ever done. There may not be people that want to change be we can change the way we treat them.
- Monica Guevara, 1983 Elizabeth Blvd, stated she met Pastor Lopez four years ago she does a variety of things for the facility. She has 3 childern ages 7, 5, 2 and her daughter has down syndrome she allows them to be taken care of by members of the Victory Home. They just need a chance to be shown love and an opportunity to part of the community. She has never had a concern that anything was going to happen to her children. She is for this program and this location.
- Vaughn Floyd, 497 Heyburn Avenue West he stated he is sure Pastor Lopez character is not in question but this is not a good location for this type of facility. A 16 bed facility is different from a 100 bed facility to help all kinds of people that need rehabilitation from addiction.
- Terry Candland, Rupert Id, stated she is a pastor and has counseled many people of many backgrounds. There is a lack of help for people that can't afford help, and she is grateful for the work that Pastor Lopez provides. They run a very tight ship and doesn't think there is a need for concerns. What she sees as a ministry it is growing and we all want the best, we need this to be successful. They will make sure that people are not a danger to themselves or others.
- Mark Lopshire, 2201 Selway, stated his background of healthcare a member of the advisory board with Victory Home, he respects the business owners questions and concerns, and would have the same concerns. He has a mental health background but there are indigent populations in this area and there are behavioral health centers already in this location. These members that come out of this program as productive individuals, tax payers and have great success. He is for this request.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

- Pastor Lopez stated he understands the concerns but crime can happen in any place at anytime. He does do drug testing on each individual, he is concerned about safety also, he is around the facility all the time. There is an accountability partner assigned to each participant, discipline is issued when the rules are not followed. The apartments across the street from this medical plaza already house people that are on probation and are placed there by Valley House or the court system. Canyon View discharges people every day that are in for different addiction issues that this facility will also deal with in the program. The new probation and parole office will be seeing people until 7pm at the old hospital building. He is willing to decline sex offenders if this is a condition for approval. He asked if this is not the location where is the location.
- Commissioner Frank asked if Pastor Lopez would be willing to reduce the number of people he would house, in case this is an issue for approval.

- Pastor Lopez stated he would be willing to reduce the number to half if that will help get the request approved.
- Commissioner Bohrn expressed a concern with limiting the number because this is a growing problem.

DELIBERATIONS FOLLOWED:

- Commissioner Frank stated he would be voting in favor of this request and there is recourse to revoke the permit. He does understand the real concern but he is going to support the request. There have been previous request for this type of facility and the same concerns were raised, which never came to pass. A special use permit is exactly that, a permit, what is issues can be revoked.
- Commissioner Woods stated he has a difficult time supporting the request, as present, because even though people may have the greatest intentions of controlling this thing there are no ridged controls, there are no fences, no lock down, no chains or anything like that, and he can see the concerns for the people that work and live in that area. On the other hand, the testimony for neighbors need by the existing facility shows there doesn't seem to be a problem but there is a big difference between taking care of 16 people versus 112 people. He could probably support the request if the growth of the facility were managed. For example in the beginning allow for 25-30 people for a period of time once they have opened to see if there are any issues for an increase. He understands the concerns for the people that have a pharmacy and who have drugs in their offices. Even though people want to do their best and try to do their best with self-control and control of others it's not always real, someone is going to get out and do something wrong and the Commission will be sorry that it was approved. It will adversely affect the image of this project. Managing the growth with maybe some additional lighting in the area he could support the request but as presented he could not.
- Commissioner Grey stated unfortunately with this type of facility it will always be not in my neighborhood, not in my back yard, however considering the existing facility and its location what it was once used for and what use is being proposed is something he could support. The building would house the number of people that the request has proposed, he would hope that that is not an immediate need and would hope that they don't have to ever fill the building. He thinks if the Commission put a condition for managed growth on the permit it would be difficult to approve more at a later date. He feels this is a good plan the way it is presented, he admires the willingness to put up a fence even though it is not required. He feels that the landscaping requirements could assist with making the property more appealing with a fence and additional landscaping. He thinks this is the appropriate neighborhood and is in support of the request.
- Commissioner Sharp stated his some of the same concerns that have been raised by the businesses and the neighbors in the area and they have been in this area for a long time, so he has to take their concerns into account.
- Commissioner Woods stated landscaping can be used to beautify but it can also hide people, someone jumping out of the shadows can be a safety issue.
- Commissioner Grey stated there has been testimony that this is not that type of facility and they do not have these issues, there is always that one case and he has to consider the testimony that has been presented and are true. Additional landscaping can include picnic tables and lawn not necessarily bushes for people to hide in.
- Commissioner Woods stated that at their current location they have a certain number of staff and they don't have these problems but they only have 16 people. If there was a way to set a ratio of staff to participants, it might also make this request easier to approve.

- Commissioner Grey stated that he would hope that Pastor Tony would be the best judge for determining staffing needs and if there is a need for additional staff, additional lighting, additional security or cameras, he would take that into account and address the problem. If there continues to be a problem the permit can be revoked.
- Commissioner Woods asked if there will be enough staff available to control safety and if it is possible to limit the number of residents to the number of staff.
- Commissioner Frank stated he is not an expert in this field and for him to make that type of determination for staff to patient ratios would be difficult.
- Commissioner Bohrn stated he doesn't think that the Commission has the authority to tell someone how many employees they should hire.
- City Attorney Fritz stated there has not been enough information provided for the Commission to make that type of determination.
- Commissioner Woods expressed concern that this is a situation where if the Commission approves the request they have to hope everything goes well at the expense of the nearby neighbors.
- Commissioner Bohrn explained that is a risk that is taken with the approval of all special use permits.
- Commissioner Frank stated you have to review the evidence presented and there has been no evidence that the existing facility has been an issue for the community you have to deal with facts as presented not fears and unknowns. You have to make a decision based on what you know not what you think.
- Commissioner Woods stated what we don't know is how the facility will function with 100 residents.
- Commissioner Frank stated he wants to caution against creating the fear that there will be a crime wave going through the area, had there been a crime wave with the other type facilities the Commission would have heard that type of testimony this evening.
- Commissioner Wood suggested that instead of throwing caution to the wind that we put a condition on the permit that would manage the growth, and if after 6 months there is a need for additional spaces, because they are at their limit, he can come in a request another hearing to see if he has kept up with what he has promised before we allow an increase in the number of residents.
- Commissioner Bohrn stated he has worked in the construction field along time so drug use is not foreign to him he has seen it quite a bit, if they want drugs they are going to get them and it is not going to be from the drugstore it will be just a call away. The drugs are readily available out on the streets anytime and probably more than we can imagine. He thinks having a facility like this will help manage the problem and the only way we are going to be able to get rid of the problem is to educate people. He is for this request and this is the right place the right time and he does not want to put a limit on this facility. It make take 20 years to fill it but Pastor Tony is going to fill it the proper way with the proper security and the proper staff. He has been a success and he believes he will continue to be a success.
- Commissioner Gray said he doesn't want him to have to fill it but at the same time he doesn't want him to not be able to help the people that need this service.

MOTION:
Commissioner Frank made a motion to approve the request, as presented, with staff recommendations. Commissioner Grey seconded the motion. Commissioner Grey, Frank, Bohrn voted in favor of the motion. Commissioner Sharp and Woods voted against 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 City Code requirements and standards.
2. Subject to this "Victory Home" facility on Shoup Avenue West obtaining a Certificate of Occupancy for the facility through the building department prior to use.
3. Subject to the Victory Home at 450 3rd Avenue West receiving a Certificate of Occupancy prior to use at the new "Victory Home" facility on Shoup Avenue West.
4. The shelter home to be operated by Pastor Tony Lopez, the Victory Home Idaho, Inc., as presented. Any other entity shall require a new special use permit.

4. Request for a Special Use Permit to allow extended hours of operation from 5:30 am to 11:30 pm Monday through Saturday on property located at 1631 Blue Lakes Boulevard North c/o Robert Lombardi on behalf of Chick-Fil-A. (app. 2519)

Commission recessed for 5 minutes.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the applicant had a conflict and were not able to be here this evening so staff will present this request. Typically staff would request the applicant to be present, however this project has been reviewed before by the Commission when they came through for a drive thru, the applicant neglected at the time to include the additional hours of operation in that request.

The Planning & Zoning Commission granted Special Use Permit #1262 on March 27, 2012, to Chick-Fil-A to construct and operate a restaurant with a drive-thru window subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to hours of operation being 7am to 10pm, as per code
3. Subject to development of the drive-through on the south side of the building and providing for a minimum of nine (9) stacking spaces
4. Subject to the menu board area adjacent to Blue Lakes Boulevard North and the development access include trees and shrubs to create a visual buffer from the roadway and access, to be approved by staff.
5. Subject to the east elevation of the restaurant building being appropriate in appearance as a building "front" in harmony with the existing character of the Blue Lakes Boulevard North Corridor

The applicant is now back requesting a Special Use Permit to allow their hours of operation to be from 5:30 am to 11:30 pm Monday thru Saturday, they will be closed on Sunday. To operate a retail business outside the hours of 7am to 10pm requires a Special Use Permit in the C-1 zone.

The site is located on a major gateway arterial in the city and is surrounded by commercial properties. There are other restaurants, drive-thru windows and businesses in the area that operate with extended hours and the city has not been made aware of any issues or complaints.

The request is in conformance with the Comprehensive Plan which designates this area as appropriate for retail uses. The property is under building permit review currently and is being reviewed for compliance with all applicable codes and conditions of approval.

Zoning & Development Manager Carraway stated should the commission grant this request, as presented, staff recommends approval 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 hours of operation being 5:30 a.m. To 11:30 p.m., Monday through Saturday.
3. Subject to compliance with conditions of Special Use Permit #1262**.**

PUBLIC HEARING: **OPENED & CLOSED WITHOUT CONCERNS**

DELIBERATIONS FOLLOWED: **WITHOUT CONCERNS**

MOTION:
Commissioner Woods made a motion to approve the request, as presented, with staff recommendations. 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 hours of operation being 5:30 a.m. To 11:30 p.m., Monday through Saturday.
3. Subject to compliance with conditions of Special Use Permit #1262**.**

5. Request for a Zoning Title Amendment which would amend Twin Falls City Code 10-12-3.11; Parks and Storm Water Retention/Detention, by adding a new section (G), *In-Fill Contribution Reduction***,** c/o City of Twin Falls Parks and Recreation / Dennis Bowyer, Director**.** (app. 2520)

APPLICANT PRESENTATION:
Parks & Recreation Director Dennis Bowyer explained that City Council asked staff to review the Parks in-lieu contribution requirements .
The ordinance states that if any new development occurs, the developer has to either give land to the City for a park or give money to help the City develop an existing park or a new park. The formula for this calculation is .01 per household units which determines the amount of land that has to be donated towards a park. If the development consists of 10 units that consists of .1 acre which is not large enough for a park. The minimum standard for a park is 3 acres, so when a large development occurs then a park would be required. Small developments would contribute money

instead of land. The formula for calculating the cash contribution is based on the value of the price per acre for the development plus the park development fee which would be multiplied by the .01 household unit. A recommendation is then made to City Council with the submittal of the park-in-lieu application. Since this requirement has been in place there have been 35 park-in-lieu applications. The concern was that the City didn't want to discourage development because of this requirement.

It was decided that a definition of what an infill project is, with this in mind the following criteria has been created:1) the development has to consist of 8 or less household units per acre, 2) it has to be in the City Limits, 3) it can't boarder and arterial street, 4) can't boarder the City Limits and 5) the development can't be converted from agricultural land.

With this criteria he reviewed the 35 applications that have been gone through the park-in-lieu process and based on this new criteria approximately seven would have qualified. This request tonight is to ask that the Commission recommend approval of the Zoning Title Amendment to amend Twin Falls City Code 10-12-3.11; Parks and Storm Water Retention/Detention, by adding a new section (G), *In-Fill Contribution Reduction.*

P&Z COMMENTS/QUESTIONS:

- Commissioner Frank asked is the cost per acre or lot mathematically the same as larger development contributions.
- Parks & Recreation Director Dennis Bowyer explained that when you look at development, within the City Limits for infill projects the land value goes up so the contributions are not equal to a large development going in an undeveloped area.
- Commissioner Woods asked what the reduced contribution will mean to the budget.
- Parks & Recreation Director Dennis Bowyer stated of the ones that have been through the process the seven that would have qualified for a reductions would have amounted to approximately $5,000.00-$6000.00. Currently the City has collected over $600,000.00 in fees and this has allowed for restrooms at the Sunway Soccer Field and the purchase of the LDS Softball Complex. This change will hopefully help to encourage development for some of the small vacant lots within the City.

PUBLIC HEARING: OPENED & CLOSED WITHOUT CONCERNS

DELIBERATIONS FOLLOWED:WITHOUT CONCERNS

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

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL
CITY COUNCIL PUBLIC HEARING SCHEDULED FOR JULY 16, 2012

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

Zoning & Development Manager Carraway stated she wanted reminder the Commission of the Jerry Mason training that will be provided June 18, 2012 from 1pm-4pm for the Commissioners. She has three commitments and if anyone else wants to attend please let her know.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **June 26, 2012**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 8:25 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department