

COUNCIL MEMBERS:

Suzanne Hawkins	Jim Munn	Shawn Barigar	Chris Talkington	Gregory Lanting	Don Hall	Rebecca Mills Sojka
Vice Mayor					Mayor	



MINUTES

**Meeting of the Twin Falls City Council
Monday, March 30, 2015
City Council Chambers - 305 3rd Avenue East -Twin Falls, Idaho**

PLEDGE OF ALLEGIANCE TO THE FLAG
CONFIRMATION OF QUORUM
CONSIDERATION OF THE AMENDMENTS TO THE AGENDA
PROCLAMATIONS: Organ, Eye, and Tissue Donation Month – Stephanie Buckley, Public Educator
Fair Housing Month - Mandi Thompson, Grant Writer

GENERAL PUBLIC INPUT

AGENDA ITEMS

	<u>Purpose:</u>	<u>By:</u>
<p>I. <u>CONSENT CALENDAR:</u></p> <p>1. Request to approve the Accounts Payable for: March 17-30, 2015, \$2,952,095.36, March 19, 2015, Prepay: \$26,368.50, March 2, 2015, Payroll: \$131,928.35, March 30, 2015, Prepay: \$70,266.66, Mastercard, January, 2015, Mastercard, February 2015.</p> <p>2. Request to approve the March 9th and 16th, 2015, City Council Minutes.</p> <p>3. Request to approve a Curb, Gutter, and Approach Improvement Deferral Agreement for Justin and Bobbi Bohrn for property located at 347 Locust Street South.</p> <p>4. Request to approve a final plat for Sackett Farms Subdivision No. 2 on property located at the 600 block of Hankins Road North on behalf of Twin Falls School District #411.</p> <p>5. Request to approve a final plat for Wild Rose Subdivision No. 4 on property located one-half mile north and east of the intersection of Falls Avenue East and 3300 East Road on behalf of Wild Rose Land Holdings, LLC/Jerry Moore.</p> <p>6. Request to approve the following Findings of Fact, Conclusions of Law and Decision for:</p> <p>a. Zoning District Change & Zoning Map Amendment for the Twin Falls School District #411</p> <p>b. Final Plat for Benno’s Point Subdivision # 2</p> <p>c. Final Plat for Northern Passage Subdivision #5</p> <p>d. Conveyance Plat for Sunway Conveyance</p> <p>e. Vacation for Northern Passage #3 and #4</p> <p>f. Final Plat for Morning Sun Subdivision #8</p>	<p>Action</p> <p>Action</p> <p>Action</p> <p>Action</p> <p>Action</p> <p>Action</p>	<p>Sharon Bryan</p> <p>Leila A. Sanchez</p> <p>Troy Vitek</p> <p>Renee Carraway-Johnson</p> <p>Renee Carraway-Johnson</p> <p>Renee Carraway-Johnson</p>
<p>II. <u>ITEMS FOR CONSIDERATION:</u></p> <p>1. Request to reappoint Calvin Palmer as a continuing board member for the Twin Falls Housing Authority.</p> <p>2. Request to confirm the appointments of Colby Ricks, Scott McClure and Sean Knutz to the Building Department Advisory Committee.</p> <p>3. Request to waive the non-conforming building expansion permit process for Chris Binford for a home located at 728 Locust Street.</p> <p>4. Request to approve a resolution to destroy semipermanent and temporary records.</p> <p>5. Request to approve the Twin Falls City Youth Council’s “Take a Stand with Your Local Policeman” concept.</p>	<p>Action</p> <p>Action</p> <p>Action</p> <p>Action</p> <p>Action</p>	<p>Penny Earl</p> <p>Mayor Don Hall</p> <p>Jonathan Spendlove Chris Binford</p> <p>Sharon Bryan</p> <p>Jonah Ruf TF Youth Council</p>

<ul style="list-style-type: none"> 6. Update on Main Avenue Redesign progress by Mandi Roberts, Otak. 7. Request to approve First Amendment to the Clif Bar Development Agreement. 8. Request to approve conveying 90 acres of Twin Falls Urban Renewal Agency property located at 556 Champlin Way South to Clif Bar. 9. Public input and/or items from the City Manager and City Council. 	<p>Update Action</p> <p>Action</p>	<p>Mandi Roberts Melinda Anderson</p> <p>Melinda Anderson Fritz Wonderlich</p>
<p>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></p>		
<p>IV. <u>PUBLIC HEARINGS:</u> <u>6:00 P.M.</u></p>		
<ul style="list-style-type: none"> 1. Request for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 for 7.5 (+/-) acres of undeveloped land located on the north side of the 2400 block of Addison Avenue East c/o Dave Thibault on behalf of Joe Russell. 2. Request to Vacate a 15' x 128' platted but undeveloped Drainage and Non-Vehicular (Ped Path) Access Easement located between Lots 41 & 42, Block 1 of Settler's Ridge Subdivision No. 3 c/o Lance Fish on behalf of Settler's Ridge, LLC. 	<p>PH/Action</p> <p>PH/Action</p>	<p>Joe Russell</p> <p>Lance Fish</p>
<p>V. <u>ADJOURNMENT:</u></p>		

Any person(s) needing special accommodations to participate in the above noticed meeting could contact Leila Sanchez at (208) 735-7287 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208)735-7287.

Present: Shawn Barigar, Don Hall, Suzanne Hawkins, Greg Lanting, Jim Munn via Telephone, Chris Talkington, Rebecca Mills Sojka

Absent: None

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Deputy City Attorney Shayne Nope, Deputy City Manager Mitchel Humble, Economic Development Director Melinda Anderson, Planner 1 Jonathan Spendlove, Zoning & Development Manager Rene'e V. Carraway-Johnson, Deputy City Clerk Sharon Bryan, Deputy City Clerk/Recording Secretary Leila A. Sanchez

Mayor Hall called the meeting to order at 5:00 P.M. He then invited all present, who wished to, to recite the pledge of Allegiance to the Flag with him. A quorum is present.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA:

PROCLAMATIONS: Organ, Eye, and Tissue Donation Month – Stephanie Buckley, Public Educator

Mayor Hall read the proclamation and presented it to Stephanie Buckley.

Fair Housing Month - Mandi Thompson, Grant Writer

Mayor Hall read the proclamation. Deputy City Manager Humble explained the purpose of the proclamation.

GENERAL PUBLIC INPUT: None

AGENDA ITEMS

I. CONSENT CALENDAR:

1. Request to approve the Accounts Payable for: March 17-30, 2015, \$2,952,095.36, March 19, 2015, Prepay: \$26,368.50, March 27, 2015, Payroll: \$131,928.35.
2. Request to approve the March 9th and 16th, 2015, City Council Minutes.
3. Request to approve a Curb, Gutter, and Approach Improvement Deferral Agreement for Justin and Bobbi Bohrn for property located at 347 Locust Street South.
4. Request to approve a final plat for Sackett Farms Subdivision No. 2 on property located at the 600 block of Hankins Road North on behalf of Twin Falls School District #411.
5. Request to approve a final plat for Wild Rose Subdivision No. 4 on property located one-half mile north and east of the intersection of Falls Avenue East and 3300 East Road on behalf of Wild Rose Land Holdings, LLC/Jerry Moore.
6. Request to approve the following Findings of Fact, Conclusions of Law and Decision for:
 - a. Zoning District Change & Zoning Map Amendment for the Twin Falls School District #411
 - b. Final Plat for Benno's Point Subdivision # 2
 - c. Final Plat for Northern Passage Subdivision #5
 - d. Conveyance Plat for Sunway Conveyance
 - e. Vacation for Northern Passage #3 and #4
 - f. Final Plat for Morning Sun Subdivision #8

MOTION:

Vice Mayor Hawkins moved to approve the Consent Calendar as presented. The motion was seconded by Councilmember Barigar.

Councilmember Talkington spoke on the following:

- Referenced the March 9, 2015, Council Minutes, *Item for Consideration I.6. Consideration of a request to approve the Final Plat for the Bennos Point Subdivision* and stated the subdivision lacks enforcement of conditions and restrictive covenants (CC&R's). Clarification was received from City Attorney Wonderlich and it is the developer and not the builder within the homeowner's association that is responsible for enforcement.
- The Accounts Payable shows money has been spent locally for the benefit of taxpayers.
- The Dierkes Lake Stairs project appears to be underway or nearly completed for \$155,000. That pales in comparison to the \$2.2 million for the Waste Water Treatment Plant. This project appears to be under budget and on schedule.
- Requested an update on Clif Bar and status of the completion time for the storm water canal lateral from Economic Development Director Melinda Anderson

Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

II. ITEMS FOR CONSIDERATION:

1. Request to reappoint Calvin Palmer as a continuing board member for the Twin Falls Housing Authority.
Rescheduled to be heard on April 6, 2015.
2. Update on Main Avenue Redesign progress by Mandi Roberts, Oak.

Economic Development Director Anderson stated the City Council will be requested to accept all the various improvements that the Urban Renewal Agency will be constructing for the Main Avenue Redesign project. Decisions have been made on infrastructure and now Mandi Roberts will focus on what is above ground.

Mandi Roberts stated she would present an update on the design concepts that have been developed to date, a summary of comments and input received, construction staging options, communications program, and review the schedule and upcoming activities.

In February several stakeholder meetings were held during the course of a week including a public workshop held at the Ballroom. The following topics were discussed:

Parking

Option 1 – Straight Alignment – Parallel Parking on Both Sides of Street

Option 2 - Alternating Angled Parking and Parallel Parking on Both Sides

Option 3 - Meandering Street Alignment: Alternating Angled Parking and Parallel Parking on Both Sides (Fairfield to Jerome). Option 3 appeared to be the preferred option.

Councilmember Mills Sojka asked how Otak would apply the concept of placing angle parking versus the placement of parallel parking and if merchants would be involved in the decision process. Mandi Roberts stated this would be determined by the outcome of the meetings to be conducted. Otak has scheduled two meetings per day to meet with property owners and merchants to receive input on their parking preferences. Meetings have been scheduled with those who are unable to attend the scheduled meetings. All parking options will be discussed at the meetings.

Street Furnishings –Custom Metal – Surrounding Nature Theme

Interest has been shown in using the Perrine Bridge as a theme. At previous workshops, attendees stated the Perrine Bridge theme represents an iconic element of Twin Falls and does not draw attention away from the beauty of the architecture and other elements of Main Avenue. Another element that was preferred was a gateway arch located on Shoshone coming down on Second Avenue North. Other items discussed included benches, chairs, trash receptacles, light fixtures and kiosks.

Downtown Commons

The Downtown Commons project was previously proposed in the current fountain location on Hansen Street. There is an opportunity to move the Downtown Commons to the Rogerson site. Another concept for the eastern end of the former Rogerson building included concert space in combination with a building with restrooms and storage for chairs and tables. Support was shown for this concept.

Presented in the past to the City Council was for some areas of the streetscape being raised and curb less. Festival streets are areas that would be open to traffic on a normal day but during an event or festival could be closed to traffic.

Workshop attendees liked the idea of the meandering street and mid-block crossings on all five blocks of the project area, the festival streets concept, and the idea of furnishings inspired by the Perrine Bridge. Workshop attendees also like the existing lamp posts downtown; however, there are concerns in regards to non-efficient light and structural challenges. Otak is looking at costs for replacing the existing street lights.

Workshop attendees discussed parking options. Overall, attendees understand the safety and visibility benefits with providing back-in angled parking or reverse angle parking. Otak is suggesting a demonstration event where an area is stripped and motorists can try it to understand the benefits.

The four key items that the URA Board has reached consensus on to date include:

- 1) To keep all utilities in the alleyways to avoid the necessity for individual property owners to reconnect to water;
- 2) To move the Downtown Commons to the former Rogerson building site;
- 3) To open up Hansen Street; and
- 4) To keep the same amount of parking on Main Avenue.

Otak is on schedule to complete the preliminary design work by the end of May. The project will then forward to final design of construction documents with the hope construction would start early next year.

Councilmember Lanting stated that doing the alleys first will allow businesses to refresh and make their rear entrances attractive for customers when Main Street is closed. He also spoke in favor of reverse angle parking because of safety reasons. He suggested working with the State to discuss eliminating one of the lanes on each of the two one way Second Avenues. This will allow reverse angle parking on the side streets towards Main Street adding a considerable amount of parking for downtown.

Councilmember Talkington presented archival visuals of Main Street in 1948 and Main Street between 1965-67, courtesy of Bill Nichols of Blip Printing.

Councilperson Mills Sojka stated that at a public meeting, the concept of an ice skating rink at the Downtown Commons site was presented. She asked if this remains part of the plan and if it would be a private or public enterprise. Mandi Roberts stated the concept for the skating rink to date has been as a portable ice skating rink that is installed and erected each holiday season for two to three months. This would be similar to what is located at The Village in Meridian. Who would actually purchase or rent and run the rink is yet to be determined. Councilmember Mills Sojka stated her concern of presenting an idea to the public that cannot be funded and where a private partner is not involved.

Councilmember Mills Sojka asked how to prevent the Downtown Commons from becoming an empty space throughout the rest of the year. She heard the concept of having a row of small shops which the URA could rent out at an affordable cost to bring some sort of commerce/business. She asked how a protective buffer could be designed between a crowd gathering space and parking lot and a highway next to it. Mandi Roberts explained

the concept of the placement of a building. The building could be a place to rent ice skates, vendors to sell hot chocolate, and restrooms and permanent storage space. The concept is to have a splash park and in the winter place a portable skating rink in that space. In terms of concerts and seating space, the concert series attracts 300 people who will sit and watch the concert with another 1,000 that might be shopping or strolling. The splash park could be turned off to accommodate more seating space.

Councilmember Mills Sojka suggested that the clock by the School District remain because of the historic elements. Mandi Roberts stated that she spoke with the pastor of Magic Valley Bible Church and he stated it currently is not working. The concept is to keep the clock at the location and get it in working condition.

Councilmember Lanting explained the possibility of the existing building located northwest of the proposed plaza, where doors could open out into the plaza to three businesses with a sidewalk café on the corner to help prolong the life and use of the plaza.

Mayor Hall stated he is a proponent of backup parking because of safety reasons. He asked about lighting pollution. Mandi Roberts stated there is a concern of lighting pollution with the current LED lighting. The plan is to find lantern type lighting that directs light downward. Once options are found Otak will bring them in for demonstration.

3. Request to confirm the appointments of Colby Ricks, Scott McClure and Sean Knutz to the Building Department Advisory Committee.

Mayor Hall explained the request. Approval of this request will maintain full membership on the Building Department Advisory Committee.

Discussion followed.

Councilmember Mills Sojka asked if the public was notified of the openings and if this was posted on the City's website.

Building Official Bordi explained that each member must meet certain criteria and this vacancy was the architectural seat. Local architects were contacted regarding the vacancy. Colby Ricks, Laughlin Ricks Architecture, showed interest in the vacancy. The vacancy was not posted on the website.

Council Mills Sojka recommended the posting of vacancies on the City's website.

MOTION:

Councilmember Barigar motioned to confirm the appointments Colby Ricks, Scott McClure and Sean Knutz to the Building Department Advisory Committees. The motion was seconded by Councilmember Talkington. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

4. Request to waive the non-conforming building expansion permit process for Chris Binford for a home located at 728 Locust Street.

Planner 1 Spendlove explained the request. The home is located in the R-4 Zoning District. Locust Street is identified as a major collector and has a minimum building setback of 62' from centerline. The existing home is located within the centerline setback. Per City Code the current structure is nonconforming as it stands. City Code Section 10-3-4 deals with non-confirming buildings and uses and states..."The requirements of this section may be waived for residences and residential uses by motion and minute entry of the City Council." Staff recommends approval of the request.

MOTION:

Councilmember Talkington motioned to approve to waive the non-conforming building expansion permit process for Chris Binford for a home located at 728 Locust Street. The motion was seconded by Councilmember Lanting. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

5. Request to approve a resolution to destroy semipermanent and temporary records.

Deputy City Clerk Bryan explained the request.

The Council's approval of this request will comply with Idaho State Code 50-907. Prior to destroying any semipermanent or temporary records, City Attorney, City Council and the Idaho State Historical Society approval is required.

Discussion followed.

Councilmember Lanting stated that at the AIC Board Meeting it was discussed that the Idaho State Historical Society is not accepting permanent records. Deputy City Clerk Bryan stated the City is archiving the City's permanent records and not storing files with the State.

Vice Mayor Hawkins asked for clarification of state code that semi temporary records shall be retained for not less than two (2) years. Listed are records two to three years old. Deputy City Clerk Bryan clarified that items listed are temporary records.

Councilmember Mills Sojka asked if the City keeps a digital copy of the paper copy and of personnel records. Deputy City Clerk Bryan stated that the records listed will be destroyed. Personnel records destroyed are from former employees.

Councilmember Talkington recommended recycling all shredded documents.

City Attorney Wonderlich explained that the state legislature defined permanent, semipermanent, and temporary records and categories. The City has adopted the same categories as the state.

MOTION:

Councilmember Lanting moved to approve Resolution 1943. The motion was seconded by Vice Mayor Hawkins. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

6. Request to approve the Twin Falls City Youth Council's "Take a Stand with Your Local Policeman" concept.

Jonah Ruf explained the request. The members of the Youth Council have recognized the active role they can play in educating the youth of the community on the positive impact of law enforcement officers. To encourage teens and officers to approach and develop relationships with each other, the Youth Council has developed the "Take a Stand with Your Local Policeman" program and is requesting approval from the City Council.

Discussion followed:

Mayor Hall asked Captain Matt Hicks how the program will work with the Police Officers. Captain Hicks stated that the program is completely voluntary. Captain Hicks stated that the department is behind the program.

MOTION:

Vice Mayor Hawkins motioned to accept the proposal of the Twin Falls City Youth Council's "Take a Stand with Your Local Policeman" concept with selfies as explained and to allow the Youth Council to invite other Youth Councils across the state to join in on this campaign. The motion was seconded by Councilmember Lanting. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Jonah Ruf introduced the Youth Council present and stated that the 4th Annual Community Kite Days will be held the last weekend of April.

7. Request to approve First Amendment to the Clif Bar Development Agreement.

Economic Development Director Anderson explained the request. On October 17, 2013, the City Council, along with the Twin Falls URA, approved a development agreement with Clif Bar & Co. to build a new bakery in Twin Falls. The development agreement included a timeline and a deal sheet. The deal sheet showed estimated costs for infrastructure, land acquisition, and site development work to be paid for through various local and state funds.

Infrastructure and site development costs have been refined to provide more accurate costs; and timelines have been changed to reflect reality as well. TIF financing has increased from \$18.9 million to \$21.3 million.

As Clif Bar would like to have tax exempt financing for the long-term debt (pay off the line of credit) Sect 2.5 has been changed to show that TFURA will be limited to paying the annual bond debt only to the amount of property tax income it receives from RAA 4-4.

At their March 18, 2015 meeting, TFURA Board approved this development agreement amendment and their financing documents. She further explained Section 2.5 Urban Renewal and Transfers, tax exempt financing, tax payment and bond payment.

Discussion followed.

Councilperson Mills Sojka asked why changes were made to: *6.7 Easements. Upon completion of the Plant, Clif Bar shall convey to City and URA such easements as are necessary to provide City and URA access to on-site utilities.* Economic Development Director Anderson stated this was for clarification purposes.

Councilperson Mills Sojka referred to: *6.2.4. Mechanical Equipment Yard. URA shall install a masonry screen wall to enclosed mechanical easements.* She asked if this could be considered public infrastructure. Economic Development Director Anderson stated this is considered infrastructure eligible for TIF financing.

MOTION:

Councilmember Barigar moved to approve the First Amendment to the Clif Bar Development Agreement as presented. The motion was seconded by Councilmember Talkington.

City Manager Rothweiler explained that the screening wall would generally fall under site improvements, making it eligible for TIF funds.

Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Economic Development Director Anderson gave an update on Clif Bar. Late last year a contractor finished rerouting the Twin Falls Canal Company lateral that has been relocated. There is a City irrigation project on Hankins Road that should be finished. The storm water retention will be part of the site improvements that the URA will be making on the site itself. Assistant City Engineer Vitek explained that ponds will be placed to handle storm water.

8. Request to approve conveying 90 acres of Twin Falls Urban Renewal Agency property located at 556 Champlin Way South to Clif Bar.

Economic Development Director Anderson explained the request. As part of the development agreement with Clif Bar, the City, and Twin Falls Urban Renewal Agency, will convey 90 acres of the former Jayco Industrial Park (generally located on 3300 Road East south of the railroad right of way) to Clif Bar in order for them to build their bakery. The transfer is expected to happen this week and the new Revenue Allocation Area 4-4 will not be established for another 6-8 weeks. As RAA 4-4 has yet to be created, and the City Council as the local governing body must approve the conveyance to Clif Bar of the property.

Discussion followed.

Councilmember Mills Sojka asked what needs to happen for the creation of the allocation. Economic Development Director Anderson explained the process.

Councilmember Mills Sojka asked the benefit or the importance of conveying the land early. City Code states the risk of giving the land and not having the creation of the allocation. This is highly unlikely but a risk.

Economic Development Director Anderson stated that conveying the land to Clif Bar is adhering to the Developer Agreement and First Amendment. Clif Bar is expected to start construction in a few weeks and they would like to construct on their own property.

City Attorney Wonderich stated the procedure for conveyance of land by the URA. This is the exact process the City used for Chobani. The City Council approved this in the original developer's agreement. It was always contemplated that this would be transferred to Clif Bar for the development.

Councilmember Mills Sojka asked that after going through public hearings and reviews by all the other entities, and if objections are received, is there any value if the City has conveyed the land.

City Attorney Wonderich stated that currently Clif Bar is at risk because they have provided for the financing for everything that has been completed.

MOTION:

Councilmember Lanting made a motion to approve conveying 90 acres of Twin Falls Urban Renewal Agency property located at 556 Champlin Way South to Clif Bar. Vice Mayor Hawkins seconded the motion. Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0

Councilmember Lanting gave an update on his visit to Clif Bar's corporate offices in Napa Valley.

9. Public input and/or items from the City Manager and City Council.

Councilmember Lanting stated John Alexander, Times News opinion editor, would be relocating to Illinois and thanked him for his service.

Recess at 6:35 p.m.
Reconvened at 6:43 p.m.

III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

IV. PUBLIC HEARINGS: **6:00 P.M.**

1. Request for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 for 7.5 (+/-) acres of undeveloped land located on the north side of the 2400 block of Addison Avenue East c/o Dave Thibault on behalf of Joe Russell.

Dave Thibault, EHM Engineers, Inc. explained the request. The current C-1 PUD designated for a car sales lot was never finalized and remains in an unfinished state. Joe Russell would like to clear the property of past zoning and clearly designate the property back to the previous C-1 zone. Mr. Russell is working on a residential apartment complex layout which is consistent with neighboring property and is permitted use within the C-1 zone. The property is for sale and the zone designation of the property is important to the marketability of the property.

Planner 1 Spendlove explained the request. This is a request for a Zoning District Change and Zoning Map Amendment for approximately 7.5 +/- Acres. The Comprehensive Plan and Future Land Use Map designate this area as appropriate for Commercial/Retail uses. The areas immediately surrounding this parcel are currently zoned C-1 and C-1 PUD along Addison Ave East, with R-2 and R-4 to the north and west.

With the current zoning of C-1 PUD and no PUD Agreement in place, the applicant has requested a zoning change to remove the "Planned Unit Development" limited development. If approved a C-1 zoning designation would allow for development to occur in accordance with C-1 Zoning District Standards as outlined in current city code. Developments that meet the minimum zoning code would simply apply for building permits and be reviewed for compliance with minimum codes and requirements.

On February 24, 2015, the Commission held a public hearing and was asked to make a recommendation to the City Council on this request. There was no public comment and after deliberation the Commission determined that (1) the request is in conformance with the Comprehensive Plan designation of Commercial/Retail for this site; and (2) the extent and nature of changing the zoning of this property to C-1 would be compatible with and not detract from the surrounding area.

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

Discussion followed.

Councilmember Talkington stated his concern that the proposed land use is a residential apartment complex and yet if the C-1 PUD is dropped, under the C-1, it could potentially become an unregulated business allowing a convenience store and a 24 hour operation on the northern terminus directly adjacent to residential property. He has no reason to believe that a residential complex will not be placed, but under the law of C-1 anything allowed in that use could be placed at considerable risk to property owners in direct proximity. He asked for the applicant to comment.

Dave Thibault stated that his client disclosed his plans to him and currently this property is for sale. The intent is to market the property as a multi-family apartment residential complex. Preliminary designs have been discussed with Rene'e V. Carraway-Johnson. The intent is to develop and market the property as an apartment complex.

Councilmember Mills Sojka stated that a 24 hour convenience store would have to go through the Special Use Permit process requiring a public hearing. She asked what type of buffer is required between the commercial and residential use for a C-1 zone.

Planner I Spendlove stated that the City Code requires a screening fence or screening material outlined with certain criteria when it abuts against the residential zones.

Councilmember Mills Sojka asked for buffer, fencing, berm and landscape requirements.

Dave Thibault stated his client has developed the Rocket Express Car Wash that abuts directly to some R-2 single family residential homes and this particular issue on the buffer and screening against residential was brought up at the time of that development. Mr. Russell did install landscaping and fencing to meet the requirements. Positive comments and remarks have been received for that particular development.

Planner I Spendlove explained City Code Title 10- Chapter 11-Section 3: Screening (A) Screening Required and (B) Minimum Standards. The building setback from any residential property line is 25'.

Councilmember Lanting asked if the applicant could have asked for a C-1 PUD that closely matched their use of the property.

Planner I Spendlove stated the applicant could have asked to change the PUD, propose a new PUD, ZDA or a rezone.

City Attorney Wonderlich stated that the only two options are a PUD or ZDA because the property is planned for commercial and will need to conform to the comprehensive plan.

Councilmember Lanting stated a PUD allows the City more control than a C-1 zone. He is concerned of what may be placed next to an R-2 zone.

Vice Mayor Hawkins stated everything west of the property is zoned C-1 and abutting next to it is zoned R-2. She does not see a C-1 zone as an issue because it matches the zoning along that stretch of the road.

Mayor Hall opened the public testimony portion of the hearing.

Mayor Hall closed the public testimony portion of the hearing.

Dave Thibault stated that notification of the public hearings was given to all property owners within 300' for the Planning & Zoning Commission and the Council meeting, in which no public testimony was received. He met with Rene'e V. Carraway-Johnson to examine the possibility of a PUD in November 2014; she recommended proceeding with a PUD application. Mr. Russell has spent significant money in preparing the application. He then met with Rene'e V. Carraway-Johnson to submit his application in January and at that time was told the City adopted the ZDA Ordinance. Rather than spend additional money on the ZDA ordinance application process, Rene'e V. Carraway-Johnson recommended a straight C-1 zone.

Mayor Hall closed the public hearing.

Councilmember Mills Sojka requested the developer take into consideration the residences in the R-2 zone. The C-1 zone complies with the comprehensive plan and is compatible with the surrounding uses. The 24-hour uses and higher traffic uses require a Special Use Permit. She prefers the traditional zonings because they are clear setbacks, buffers, standards, that the developer has to comply with. The PUDs she has seen are used to circumvent those setbacks and end up being higher density and greatly impact the neighborhood. A PUD that recently went through the process was on the backside of an R-2 neighborhood. The setback was 10' and allowed operation from 7:00 a.m. to 10:00 p.m.

MOTION:

Councilmember Mills Sojka moved approval for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 for 7.5 (+/-) acres of undeveloped land located on the north side of the 2400 block of Addison Avenue East. The motion was seconded by Vice Mayor Hawkins.

Councilmember Talkington stated he will more than likely vote in favor of the motion and clarified that his concerns are not based on the applicant and his purchase or the marketing of the ground, but his concern is of the encroachment of a C-1 development on an existing residential property. He asked if the setback is 25' on the northern terminus of the building.

Planner I Spendlove stated that any development adjacent to a residential property or future residential development is required to have a 25' building setback from property lines.

Roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

3. Request to Vacate a 15' x 128' platted but undeveloped Drainage and Non-Vehicular (Ped Path) Access Easement located between Lots 41 & 42, Block 1 of Settler's Ridge Subdivision No. 3 c/o Lance Fish on behalf of Settler's Ridge, LLC.

Lance Fish, 2904 N. Brumby Lane, Kuna, ID, stated he is in agreement with the staff report provided to the City Council.

Tim Vawser, EHM Engineers, representing the applicant, clarified this is a request to vacate the path portion of an easement. The bulk of the easement for drainage and utilities will stay in place.

Planner I Spendlove reviewed the request.

In December 2004, the Planning and Zoning Commission heard a request for the Settler's Ridge Preliminary Plat. During that public hearing it was stated by City Staff that the plat needed to reflect this new requirement of connecting cul-de-sacs with surrounding pathways. During the platting process this pedestrian pathway was placed in its current location and eventually the Final Plat for Settlers Ridge #3 was recorded.

The owners of the property are ready to construct this final phase of this development. This last phase of Settler's Ridge Subdivision includes completing construction of Park View Drive North and the reconstruction of the portion of vacated Canyon Rim Road along the easterly boundary of the Snake River Canyon into a pedestrian

walking path. After completion of this section, Canyon Rim Road will be closed for vehicle traffic at the intersection of Federation Road (near the gun club), and will turn into the pedestrian walking path.

The code section referenced by City Staff in 2004 is City Code 10-12-3-7: Pedestrian Walkways:

“Right of way for pedestrian walkways in the middle of long blocks may be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas; the pedestrian easement shall be in accordance with section 10-12-3-13 of this chapter. Cul-de-sacs will be connected to other adjacent streets with cul-de-sacs within the proposed subdivision or existing subdivisions and to adjacent arterial or collector streets with paved pedestrian walkways at least ten feet (10') wide within fifteen foot (15') easements. (Ord. 2798, 8-2-2004)”

The vacation process requires a public hearing before the Planning and 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, published and recorded.

On February 24, 2015 the Commission held a public hearing and was asked to make a recommendation to the City Council on this request. There was no public comment and after deliberation Commissioner Woods made a motion to recommend approval of the request to the City Council, as presented, with staff recommendations. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

Should the City Council approve the request to vacate a 15' x 128' platted but undeveloped Drainage and Non-Vehicular (ped path) Access Easement located between Lots 41 & 42, Block 1 of Settler's Ridge Subdivision No. 3, as presented, staff recommends approval be subject to the following condition: 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.

Councilmember Mills Sojka asked for the length of the stretch of trail from the northeast pedestrian connection on the development to the southwest park connection. Planner I Spendlove stated that the distance is approximately 1,400 sq. ft. or one-fourth of a mile.

Public testimony portion of the hearing.

Julie Davis, 596 Northfork Road, asked for the distance of a long block as per City Code 10-12-3-7: Pedestrian Walkway, why the developers are requesting the vacation and if the vacation is a cost issue would the developer be willing to give the cost of eliminating the path or putting it in.

Mayor Hall closed the public testimony portion.

Deputy City Manager Humble stated City Code does not define the distance of a long block.

Tim Vawser stated the cost is minimal compared to the cost of the subdivision phase. The bid for the current phase was over a \$1 million. A large part of that cost was turning a full roadway into a walkable path on the Canyon Rim. Approximately in 2004 or 2005, LaMar Orton, the former Community Development Director, was hopeful that the developer would work with the City to create Canyon Rim Road as a pedestrian easement path along with being wide enough for emergency vehicles, which the developer worked with the City at that time and did. Currently there is one way traffic while the remainder of the development is being done on Park View. Costs incurred are for fencing and the ability to sell lots with a pathway going down between two lots. This creates a lack of privacy and security for potential buyers.

Councilmember Lanting asked if a current city block is approximately one-eighth of a mile on president streets. Deputy City Manager Humble stated that this varies dramatically from location to location. Assistant City Engineer Vitek stated that 10 lots in the Northern Passage subdivision are approximately 80' wide lots. An average block is 800' to 1,000' sq. ft. The City has requirements for city roads to be in place approximately every quarter mile

Councilmember Mills Sojka asked if it is correct to say that the final plat went through the process in December 2004, and the Planning & Zoning Commission and the Council at that time felt this was a long block and required the path. Community Development Director Humble stated he was not a City employee at that time but it appears that the requirement was placed in the preliminary plat process. Assistant City Engineer Vitek stated he was involved in the final plat process and believes LaMar Orton placed the condition to make the connection more linear to access the park in the area.

Councilmember Lanting stated that he was serving on the Planning & Zoning Commission and the intent for the condition was to connect the canyon trail to the park, and to allow for parking access and trailhead. He believes there was a trade off with the developer for the placement of the path.

Mayor Hall closed the public hearing.

MOTION:

Councilmember Talkington moved to approve the vacation of the non-vehicular uses of the 15' x 128' platted but undeveloped Drainage and Non-Vehicular (Ped Path) Access Easement located between Lots 41 & 42, Block 1 of Settler's Ridge Subdivision No. 3. The motion was seconded by Councilmember Barigar.

Councilmember Lanting stated he will be voting against the vacation because this meets the code requirement of a long block and the P & Z Commission and Commission saw the importance of placing the condition on the preliminary plat.

Councilmember Mills Sojka stated testimony was heard on the value of the connection of the trail. Allowing the request would be in violation of several objectives of the city's strategic plan. She has never been in favor of giving away public right of way unless there are valid reasons. The canyon rim is a community asset.

Councilmember Barigar referred to the Planning & Zoning Commission's comments concerning subdivisions that end up with a short trail connection and are not maintained. This is not one of his concerns. Buffers can be created to address the privacy and security issues discussed. Having connectivity across the community is important.

Councilmember Lanting stated that the path was placed during the preliminary plat to create a linear connection to the restrooms at the park.

Vice Mayor Hawkins stated that this seems like an appropriate place for a trailhead connection and is a great asset to the community.

Roll call vote showed Councilmember Talkington voted in favor of the motion. Councilmembers Hawkins, Munn, Barigar, Lanting, Hall, and Mills Sojka voted against the motion. Failed 1 to 6.

Mayor Hall asked the process of placing fences along the trail at the time of development. Deputy City Manager Humble stated that the City does not have requirements for fencing along the canyon rim trail unless there is a safety hazard.

Mayor Hall asked if the City requires the placement of fencing along the canyon rim for safety reasons. Fencing has to meet City requirements. Deputy City Manager Humble answered in the affirmative.

Councilmember Talkington stated he walks along the canyon rim and the fencing went up at Pole Line and Eastland. Proceeding to the west of this location and on either side of the bridge there are sections that are very close to the rim that do not have fencing. He does not see the consistency in how and when the City requires fencing.

Mayor Hall asked how staff determines if a fence should go up. Deputy City Manager Humble stated determination is based on how close the development is next to the rim.

Councilmember Talkington suggested staff look at the section between the bridge heading west behind Canyon Park West. This section appears to be a safety hazard. Mayor Hall asked Deputy City Manager Humble to take a look at this area and come back to Council with an update.

V. ADJOURNMENT: The meeting adjourned 7:36 p.m.

Leila A. Sanchez
Deputy City Clerk/Recording Secretary