

COUNCIL MEMBERS:

SHAWN	LANCE	DON	GREGORY	JIM	REBECCA	CHRIS
BARIGAR	CLOW	HALL	LANTING	MUNN, JR.	MILLS SOJKA	TALKINGTON
		<i>Vice Mayor</i>	<i>Mayor</i>			



**MINUTES**  
Meeting of the Twin Falls City Council  
**April 2, 2012**  
City Council Chambers  
305 3<sup>rd</sup> Avenue East - Twin Falls, Idaho

**4:00 P.M.**

4:00 P.M. Present: Lance Clow, Gregory Lanting, Jim Munn, Jr., Chris Talkington

5: 45 P.M. Present Shawn Barigar and Don Hall

Absent: Rebecca Mills Sojka

Staff Present: City Manager Travis Rothweiler, City Attorney Fritz Wonderlich, Chief Financial Officer Lorie Race, Parks & Recreation Director Dennis Bowyer, Assistant to the City Manager Mike Williams, Deputy City Clerk Sharon Bryan, Deputy City Clerk/Recording Secretary Leila A. Sanchez

Mayor Lanting called the meeting to order at 4:00 P.M. A quorum was present. Mayor Lanting introduced staff.

Presentations by eligible applicants for Municipal Powers Outsource Grant (MPOG) funding.

Art Hoag, Programs Director of the Art Guild of Magic Valley, 646 2nd Avenue North, explained his request of \$5,000.

Tahna Cooper, Executive Director of the Fifth Judicial District Casa Program, Inc., 716 Bridge Street, explained her request of \$5,512.

Stan Crowley, Representative of the Magic Valley Fellowship Hall, 801 2nd Avenue North, explained his request of \$18,000.

Steve Everton, President of the Magic Valley Tennis Association, P.O. Box 5724, explained his request of \$7,000.

Kathryn Bausman, Executive Director of Jubilee House, Inc, 315 Grandview Drive, explained her request of \$7,000.

Debbie Dane, Executive Director of Southern Idaho Tourism, 315 Falls Avenue, explained her request of \$4,000.

Lynn Baird, Director of the Trans IV Buses, 496 Madrona, explained his request of \$40,000.

Jonie Benson, Administrator of the Mustard Tree Community Wellness Clinic, 570 Shoup Avenue West, explained her request of \$10,000.

Dale R. Metzger, Director of Eye Screening, Twin Falls Lions Club, explained his request of \$4,000.

Lisa Douda, Community Resource Director of the Twin Falls Senior Center, 530 Shoshone Street West, explained her request of \$10,000.

Pattie Lopshire, representing the Magic Valley Arts Council, 195 River Vista Place, Suite #100, explained her request of \$9,000.

Sandy Hacking, President of The Twin Falls Municipal Band, Twin Falls City Park Bandshell, explained her request of \$21,161.

Sam Fowler, Executive Director of the Boys & Girls Club of Magic Valley, 999 Frontier Road, explained his request of \$25,500.

Deborah Gabardi, Executive Director of the Crisis Center of Magic Valley, Inc., P.O. Box 2444, explained her request of \$15,000.

Pam Gore, Harmony PSR Services/Twin Falls Health Advocates, 420 Main Avenue South, explained her request of \$5,000.

Recess: 5:36 P.M.

Mayor Lanting reconvened the meeting at 5:52 P.M.

CONSIDERATION OF THE AMENDMENTS TO THE AGENDA: None.  
PROCLAMATIONS: None.

**AGENDA ITEMS**

**I. CONSENT CALENDAR:**

1. Consideration of accounts payable for March 27 – April 2, 2012, \$294,873.77  
March 30, 2012, Fire Payroll \$48,445.33  
March 30, 2012, Payroll, 20,589.42
2. Consideration of the March 26, 2012, City Council Minutes.

**MOTION:**

Vice Mayor Hall made the motion to approve the Consent Calendar as presented. The motion was seconded by Councilperson Barigar and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

**II. ITEMS FOR CONSIDERATION:**

1. Consideration of a proposed land exchange with the County of Twin Falls.

Parks & Recreation Director Dennis Bowyer explained the request.

Staff recommends to the City Council to allow staff to proceed with the proposed land exchange with Twin Falls County.

Discussion followed:

-McCoy Contract

County Commissioner Mills explained that Doug McCoy pays the County a dollar per cubic yard of gravel. In October 2011, approximately \$800 was received from Doug McCoy for the year.

-Land swap be in equal value of the property swapping.

**MOTION:**

Councilperson Talkington made a motion to move that, in recognition of the property being underutilized, the Council proceed with discussion with the County for an exchange of the property and proceed to set up a public hearing, subsequent to any preliminary agreements between the parties and to not establish a minimum value, but rather exchange the property for another of equal value. The motion was seconded by Vice Mayor Hall and roll call vote showed all members present voted in favor of the motion. Approved 6 to 0.

2. Public input and/or items from the City Manager and City Council. None.
3. Continue presentations by eligible applicants for Municipal Powers Outsource Grant (MPOG) funding.

**III. ADVISORY BOARD REPORTS/ANNOUNCEMENTS: None.**

Mayor Lanting reviewed the Public Hearing Procedures.

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

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

Gary Slette, Robertson & Slette, P.O. Box 1906, Twin Falls, Idaho, representing Tom and Cheryl Arledge, explained the request. The request is to rezone from R-2 to R-2 NCO PUD. The request is consistent with the comprehensive plan and the comprehensive plan land use. He explained the plans on the Maverik Store. On February 14, 2012, the Planning & Zoning Commission held a public hearing and the request was denied. The request is for a favorable action on the rezone to an R-2 NCO PUD and approval of Phase

1 of the development which would contemplate the development of the Maverik C Store and gas station. The owner is agreeable to staff's recommendations in the staff report, if the request is approved.

Issues such as signage, landscaping, parking are all site specific. The Maverik Phase 1 has been designed to meet every facet of the standards articulated in the ordinance. Phase 2 would come back to the Council as individual development was proposed on the property. The Phase 2 plan was shown on overhead projection.

On overhead projection he showed a development agreement between the City of Twin Falls and Tom and Cheryl Arledge and explained his interpretation of the agreement, in regards to the full access approach.

Community Development Director Humble explained the request.

On February 14, 2012 the Planning & Zoning Commission held a public hearing on this request and unanimously recommended denial of this request as presented.

Staff does not concur with the Commission's recommendation. The Comprehensive Plan indicates this intersection as appropriate for commercial/retail uses on the east and neighborhood commercial uses on the west recognizing the existing high traffic volumes along both major arterials; Eastland Drive and Addison Avenue East, and recognizing the changing residential neighborhood from single family to professional office and light commercial along the western corridor of the intersection of Addison Avenue East and Eastland Drive. This proposal is consistent with the intent and direction of the Comprehensive Plan. The land use designations as shown on the Future Land Use Map are not specific to property lines/boundary lines but may, as determined by the City Council, be used as a guide for future growth and development.

Should the City Council approve this request as presented staff recommends the following conditions:

- 1) Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
- 2) Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.
- 3) Subject to development meeting or exceeding NCO standards unless otherwise approved by City Council.
- 4) Subject the Maverik gasoline station/convenience store, as presented, being permitted without a special use permit, as approved through this PUD process.
- 5) Subject to approval & recordation of a PUD Agreement prior to development of the site.

Council discussion followed:

-Flood plain area.

Community Development Director Humble stated that the site plan shows that the retention area will be located under the parking lot.

-Left turn access on Eastland and Addison causing a disruption in traffic flows and a safety hazard.

-Medians

Community Development Director Humble stated that the Council could make a condition that there shall be no left turns and right in and right out only. Troy Vitek, the City Assistant Engineer, is designing the intersection project.

-Enforcement of NCO Signage

Community Development Director Humble stated that NCO zone allows wall signs and one free standing per standing street front.

Gary Slette stated that in regards to the flood plain related issue, the owner is aware of the engineering standards requirements in regards to the retention area. In regards to access, the development agreement between the City and the owners, states what the city mandated. He asked if the accesses are being debated. He stated that the City required the accesses in November 2011. He read paragraph 4. of the development agreement.

-Lighting.

-Landscaping buffer

Todd Meyers, 880 W. Center, North Salt Lake, UT, representing Maverik, Inc, stated that typically in the general parking the plan is to have 3' to 5' candles of light, the residential area will drop down to a .5, lower light pole, lights will be placed inside the canopies, parking lot light is typically 25' in height and will drop down to 15' near the Fort residence. Marverik will adopt the city standards. In regards to the landscaping buffers, the plan is to increase the number of trees on the property. He stated that Maverik would like to be a 24 hour store. He discussed the plans for the building and signage.

Community Development Director Humble stated for correction to his earlier statement that a recent code amendment allows NCO allows external advertising. The sign code applies to the NCO property as the sign code is written.

Letters from Richard Kelley, John Kelly, Gary Stewart, Catherine Curtis, Craig Hawkins, Jared Walker, Gary Henning, Gary Fornshell, Jim Vickers, John Kelley, Devoe Brown, and Patricia Curtis were entered into the record.

**The public comment portion of the hearing was opened.**

Stephen Hartgen, 1681 Wildflower, stated his concern of the drainage issue.

Curtis Eaton, 2155 Hillcrest Drive, spoke against the request. He stated that the project is not consistent with the comprehensive plan.

Tina Brant, 2150 Hillcrest Lane, spoke against the request. She stated the following concerns: Accidents at the intersection, area in close proximity with schools, and heavy pedestrian traffic.

John Snelling, 2150 Hillcrest Lane, spoke against the request. He stated his concern of high concentration of service stations in the area; the project does not comply with the comprehensive plan, and the flooding in the area.

Senator Lee Heider, 1631 Richmond Drive, spoke in favor of the request.

Paula Brown Sinclair, 2146 Addison Avenue East, submitted a copy of the January 5, 2009, Council Minutes to the Council and showed on overhead projection. She asked why we are taking an old zoning designation called NCO, according to the comprehensive plan is obsolete, and calling it a PUD, and using it to supersede the comprehensive plan. She asked at what point did City staff become an advocate of the project. She stated that she is also speaking in behalf of Ed Fuchs. She stated that the request is not consistent with the comprehensive plan.

James Ricks, 2146 Addison Avenue East, spoke in favor of the request.

Debbie Caughman, 146 Elm Street, spoke in favor of the request.

Deborah Reynolds, 629 Paradise Place Apt. #2, spoke in favor of the request.

Lisa Bates, 1658 4<sup>th</sup> Avenue East, spoke in favor of the request.

Troy Child, 938 White Birch Avenue, spoke in favor of the request.

Gary Nelson, 445 Falling Leaf Lane, spoke in favor of the request.

Scott Peterson, 1109 Highview Lane, spoke against the request. He referred to an article in the Times News. He stated that the project is not consistent with the comprehensive plan.

Patricia Curtis, 1054 Highview Lane, spoke against the request.

Mary Fort, 2133 Addison Avenue East, spoke against the request. On overhead she showed a picture of the Brizee home.

Kristy Webb, 2158 Addison Avenue East, spoke against the request. Her concern was a significant amount of pedestrian traffic.

Curtis Webb, 2158 Addison Avenue East, spoke against the request. The project is not consistent with the comprehensive plan.

Deborah Silver, 2188 Addison Avenue East, spoke against the request.

Leroy Hayes, 2188 Addison Avenue East, spoke against the request.

Jim Fort, 2133 Addison Avenue East, spoke against the request. He also spoke on behalf of Bob Matsuoka.

Recess: 7:52 P.M.

Reconvened: 8:04 P.M.

Jim Lash, 2785 Suncrest Cr., spoke against the request. The company he is involved with is the Shell Station. He stated his concern of allowing left hand turns lanes.

Geoffroi Golay, 1078 Hoops, spoke against the request. He stated his concern of allowing left hand turns lanes.

Wayne Heinemann, 2141 Hillcrest Lane, spoke against the request.

Doug Christensen, 2175 Addison Avenue East, spoke against the request.

Mardo Eaton, 2155 Hillcrest Drive, spoke against the request. She stated that the soccer fields are close to the proximity.

Lou McManaman, 2196 Hillcrest Drive, spoke against the request.

Devoe Brown, 3920 North 3400 East, spoke in favor of the request. He stated his in favor of progress.

The public comment portion of the hearing was closed.

Rebuttal:

Gary Slette, representing the applicant, stated for clarification that the request is to include Maverik, Inc., as part of the NCO PUD. He referred to an agreement between the City of Twin Falls and Tom and Cheryl Arledge, regarding the approaches on Addison and Eastland. The application is in conformity of the land use map.

Todd Meyers, 880 W. Center, North Salt Lake, UT, representing Maverik, Inc., made the following clarifications:

- On the City's Comprehensive Plan page 2-25, the overlay zone is part of the comprehensive plan and will need to be done in a PUD.
- The building is less than 5,000 square feet.
- The additional pumps would be located west to the existing island, but the applicant would be willing to withdraw the additional pumps for at least five years, and would go through the special use process if a request is made.
- Two different feasibility studies were done to determine if there was customer need.
- The store is owner operated. Space is not leased out

Council deliberations:

Councilperson Talkington asked for the language of an NCO PUD concept.

Community Development Director Humble stated that Neighborhood Centers is a term used in the comprehensive plan, which discusses land uses. The comprehensive plan was approved in early 2009. The zoning code has had for some time a neighborhood commercial overlay. The NCO is the zone in the zoning code used to implement the comprehensive plan. The City does not have a neighborhood center zone in the zoning ordinance. Two NCO PUD's have previously been approved in an area designated on the future land use plan neighborhood center.

Councilperson Clow asked for the explanation of the developer's agreement referenced by Gary Slette.

Community Development Director Humble stated that the developer's agreement was tied to the Eastland Project. The agreement was for right of way acquisition for the street project

Councilperson Clow stated for clarification that the developer's agreement is referenced to the widening of Eastland and guaranteed the owner's access points to their property, but did not guarantee them a gas station or any development.

Closed the public hearing.

Deliberations:

Councilperson Clow asked the purpose of a neighborhood commercial development and why is it needed.

Community Development Director Humble stated that neighborhood commercial development is needed for light retail to support smaller service areas.

Council discussion followed on the City Council Minutes referenced by Paula Brown Sinclair.

Curtis Eaton stated that the comprehensive plan vetted through surveys of the community, adopted by the council, that there could be, probably should be, a neighborhood center on the corner. The definition of a neighborhood center under the comprehensive plan prohibits a gas station. What was shown by Gary Slette was the ordinance that would change the zoning allowing a gas station.

Councilperson Barigar stated that what he understood was that a neighborhood commercial overlay zone allows gas stations by special use permit.

Gary Slette showed on overhead projection the access and parking areas.

Mayor Lanting closed the public hearing.

Deliberations:

**MOTION:**

Councilperson Talkington made the motion to approve the For a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD for 5.562 (+/-) acres to allow for a planned development consisting of a combination of neighborhood commercial uses to include a gasoline station / convenience store on property located at the northwest corner of Addison Avenue East and Eastland Drive North, as presented, with staff recommendations. The motion was seconded by Councilperson Clow.

Council discussion followed:

Community Development Director Humble stated for clarification that the request for a 24 hour store is not being considered in the request, but may be added as a condition by the Council.

**MOTION:**

Councilperson Clow made a motion to amend the main motion to add the condition that a left turn access in and out of the two entrances be prohibited. The motion was seconded by Vice Mayor Hall.

Council discussion followed on the developer's agreement and the left turn accesses.

Roll call on the amendment to the main motion showed Councilpersons Clow, Hall, Lanting, Munn, and Talkington voted in favor of the motion. Councilperson Barigar spoke against the motion. Approved 5 to 1.

**MOTION:**

Councilperson Clow made a motion to amend to the main motion that the two extra bays, as referenced, be only considered after five years of the date of the occupancy permit and by special use permit. The motion was seconded by Vice Mayor Hall. Roll call vote showed Councilpersons Barigar, Clow, Hall, Lanting, Munn voted in favor of the motion. Councilperson Talkington voted against the motion. Approved 5 to 1.

Roll call vote on the main motion as amended showed Councilperson Barigar voted in favor of the motion. Councilpersons Clow, Hall, Lanting, Munn, Talkington voted against the motion. Failed 1 to 5

Councilpersons Barigar and Hall recused themselves at 9:10 p.m.

Continue presentations by eligible applicants for Municipal Powers Outsource Grant (MPOG) funding.

Council discussion followed on the MPOG funding.

**MOTION:**

Councilperson Munn made a motion to award the following grants for Fiscal Year 2011-2012:

Boys & Girls Club	\$21,500
Crisis Center of Magic Valley	\$11,000
Magic Valley Arts Council, Inc.	\$ 9,000
Southern Idaho Tourism	\$ 4,000
Trans IV	\$30,000
Twin Falls Municipal Band	\$20,000
Twin Falls Senior Center	\$ 4,500

The motion was seconded by Councilperson Talkington and roll call vote showed all members present voted in favor of the motion. Approved 4 to 0.

The Council requested that a report by the recipients be presented to the Council by November 1, 2012.

**V. ADJOURNMENT**

The meeting adjourned at 9:40 P.M.

Leila A. Sanchez  
Deputy City Clerk/Recording Secretary



2223 Addison Avenue East, Twin Falls, Idaho 83301 208-734-8518 Fax: 208-736-8688  
RICHARD KELLEY, President

March 28, 2012

**City of Twin Falls**  
**Office of Community Council**  
**P.O. Box 1907**  
Twin Falls, Idaho 83303-1907  
(Phone) 208-735-7267  
(Fax) 208-736-2996

REF: Development of property located at the northwest corner of Eastland Drive North and Addison Avenue East

Dear City Council Members:

I am encouraged to have the Maverick store across the street as they keep clean properties. The landscaping seems adequate, but needs to be better than their other locations.

I am concerned about the undeveloped property; it needs to be maintained with no weeds or trees. The Arledge's would maintain the property and pipe the drain ditch running mid property. I am looking forward to the development of said property.

Thank You,

A handwritten signature in cursive script that reads "Richard Kelley". The signature is written in dark ink and is positioned above the typed name.

Richard Kelley  
President  
Kelley Garden Center

RECEIVED

MAR 30 2012

CITY OF TWIN FALLS  
BUILDING DEPT.

Twin Falls City Council  
Office of Community Development  
P.O.Box 1907  
Twin Falls, 83303-1907

Twin Falls City Council Members,

As a citizen of this community, I would like to express my support for the Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD for the development of a mixed use planned development on the northwest corner of Addison Avenue East & Eastland Drive North in Twin Falls. Additionally, I want to voice my support for the approval of the proposed PUD Phase One, which includes the Maverik Store.

**Since we live and work on the East side of Twin Falls, we feel this would be a great addition to our side of the city. The West side of Twin Falls has seen substantial growth and development. To keep the growth in balance, this project needs to be approved. The development appears to be well thought out and planned.**

I encourage you to approve this request being presented to you at the Public Hearing on April 2, 2012.

Please read this letter of support at the Public Hearing.

Sincerely,

John Kelly

3618 E 3920 N

Kimberly, ID 83341

**Lisa Strickland - EASTLAND & ADDISON AVE E PROPOSED DEVELOPMENT**

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**From:** gary stewart <gary\_galaxy@yahoo.com>  
**To:** "RCARRAWA@tfid.org" <RCARRAWA@tfid.org>  
**Date:** 3/30/2012 11:55 AM  
**Subject:** EASTLAND & ADDISON AVE E PROPOSED DEVELOPMENT

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I am in support of the zoning change and map amendment from R-2 to R-2NCO PUD for the development of a mixed use planned development on the northwest corner of Addison Ave East and Eastland Drive North in TF, including the approval of Phase one which includes a Maverick store.

Thank you

Gary Stewart  
3079 Addison Ave E  
Twin Falls, ID 83301

**Friday, March 30, 2012**

**To : Twin Falls City Council Members  
FAX: 208 736 2296**

**Re: Public Hearing; Rezoning,  
Maverik on East Addison**

**Page 1 of 4**

**To Whom it May Concern:**

**I cannot attend the Monday, April 2, 2012 City Council Meeting regarding the Maverik Station and proposed rezoning of East Addison and Eastland, so please find attached a letter regarding views. Thank you.**

**Sincerely,**

**Catherine R. Curtis**

To: Twin Falls City Council Members  
 Fax: 736 2296  
 Re: Public Hearing; Maverik on East Addison

March 30, 2012

Dear Council Members,

I, Catherine R. Curtis, live on 1109 Highview Lane, Twin Falls, Idaho, directly south of the proposed site that Maverik Company wishes to rezone and build. I received notification about the proposed property; however, the first notification for the Planning and Zoning meeting was misleading and ambiguous by omitting the Maverik Company name and specific intentions for the property.

Residents surrounding East Addison were promised by the Twin Falls Planning and Zoning years ago that if we as the neighboring residents agreed to the rezoning from residential to a residential commercial overlay, only professional-small-businesses would be allowed in the area, the business structures would remain as homes, and the mature landscaping would remain to keep the same neighborhood feel and maintain the aesthetics to this area. Examples of existing and complying businesses are a chiropractor, photographer, accountants and an architect. Maverik is going to introduce a toxic business, a 24-hour, 7 day-per-week-use facility that is not appropriate for a residential area.

There are already three gas stations in and around our neighborhood (Smith's, Stinker, and Oasis) and we don't need another. Large gas stations devalue property, bring more traffic and crime; are open late, causing bright light pollution, noise, and more toxins from traffic and gas emissions from evaporated vehicle fuels (unburned fuels from fuel loading and unloading operations, refueling from tankers and liquid spillages).

We must consider the negative impacts that it may have on the health of our family and community.

For example, research published in the 2010 December issue of the *Journal of Environmental Management* shows effects of air contamination

from gas stations. This study found increased levels of airborne chemicals within 150 feet of gas stations, extending up to 330 feet from the station (about the distance of the size of a football field) due to the evaporation of gasoline during the filling process. Contamination was noted inside homes less than 150 feet from the service stations. One of these harmful chemicals detected is Benzene, a known carcinogen that has been shown to affect the central nervous system, respiratory tract, and the immune system. After prolonged exposure, it has also been shown to cause brain damage, anemia, and leukemia. Toluene is another chemical that is found in gasoline vapors; and it is associated with cardiac arrhythmias, liver and kidney failure, and developmental problems in fetuses.

A nearby gas station will also affect quality of life. To provide high visibility to passing motorists and fend off would-be armed robbers, gas stations and convenience stores are very well lit, causing light pollution to the surrounding area and can be a particular nuisance if the station continues to operate late into the night as most Maverik stations choose to do. Also, music is often loudly broadcasted with a loudspeaker that is positioned outside the store facing the street and speakers are above the gas pumps as well. It would seem this would be a Violation of a Noise Ordinance. Also associated with gas stations is that many young motorists keep their car stereo systems playing while they fill up their gas tanks, sometimes at insane, ridiculously loud levels to be shocking, shaking everything within 500 feet.

Adding to further concerns, Maverik has said they may also add a fast-food restaurant to this area. 2009 research from Arizona State University shows fast-food chains, convenience store-gas station combination stores are unusually vulnerable to robbery, which accounts for most of the violence at fast-food stores. Like gas stations and convenience stores, fast-food chains open early and close late. It doesn't help that fast-food workers are paid so little. More often than not, the robber is a friend of an employee or an employee himself. Location is a factor, too, making convenience stores and fast food restaurants so convenient to customers—they're located at major thoroughfares and intersections— (like Addison

and Eastland) which also makes them great robbery targets and make for especially easy getaways. These areas become easy places to loiter, which can lead to arguments or worse. "When you've got a relatively uneducated, young workforce and poor management, put them in a high-stress situation—a burger-and-fries environment—and you'll get some improper conduct," says David Van Fleet, a professor of management at Arizona State University and co-author of *The Violence Volcano: Reducing the Threat of Workplace Violence*.

A quick Internet search brought numerous reports to even count of Maverik station robberies. Specifically, a few examples are: Maverik stations in various cities in Utah had robberies in Feb, Apr, and Dec in 2011, and as recent as March 22, 2012 in Riverton, Wyoming, a stabbing incident occurred at a Maverik convenience store which left two men injured and a third jailed for attempted murder. Also, in Boise, Idaho, a Boise Weekly reporter wrote "it just seems like Maverik Country Stores get robbed at a rate double that of other local gas stations" when on September 24 and September 29, two Maverik stations were robbed in one month in 2005, as described in an article titled, "WELCOME TO MAVERIK, WOULD YOU LIKE TO EMPTY THE REGISTER?"

Twin Falls, Idaho is no stranger to gas station robberies, such as reported an armed robbery of a Stinker Station on Kimberly Road in February 2011. Last month, in Feb 2012, both the Oasis Stop N' Go convenience store gas station and the Greyhound Bus Depot at the same location were robbed. With gas prices on the rise and higher inflation eminent, it would seem economic stress, ensuing violence and robberies will only escalate.

Today's gas stations are four or five times the size of a typical urban residential lot. Research shows the construction of a gas station will impact the landscape for generations, as gas stations are not easily converted into other uses when they go out of business. The above-ground structures may seem easy to demolish, but a bigger challenge is the removal of huge underground gas storage tanks, and cleanup of any contamination caused by leaks from them, which is a very expensive

process that will make that site undesirable for future development. LUST, or leaking underground storage tanks, is an undesirable consequence of having a gas station next door or even down the street, as gasoline or diesel fuel that leaks from these tanks can move great distances below ground and can reside there for decades, also having an impact on those adjacent properties, affecting health. Safety measures in place may not work, may be faulty, or may not be reported. Some gas stations may become classified Superfund sites.

Not only does the construction of a gas station create negative health impacts to a neighborhood, it also effectively prevents the development of a project on that site which may have had a positive impact on the neighborhood. The gas station will likely stay there for at least fifty years, and will be a reminder of the missed opportunity to promote a community's vision for the future. Please keep your promise to us and do not allow commercial zoning, as the documented health impacts and adverse effects on the character of the neighborhood suggest that another gas station and convenience store is anything but convenient.

Thank you for your time in reading this letter.

Sincerely,

Catherine R. Curtis  
1109 Highview Lane  
Twin Falls, Idaho 83301  
208 732 5494

#### Resources

Assessing the impact of petrol stations on their immediate surroundings. *Journal of Environmental Management*, 2010; 91 (12): 2754 DOI: 10.1016/j.jenvman.2010.08.009

The Gas Station – An Inconvenient Neighbor, March 13, 2011 *Elizabeth Dillon, SouthStar*<http://theporchpress.com/?p=167>

GAS STATIONS ARE TOXIC NEIGHBORS, Tim Wall Mon Feb 7, 2011, <http://news.discovery.com/earth/gas-stations-are-toxic-neighbors.html>

Court records imply Maverik stabbing retaliation [http://www.crimein.com/article15672196/court\\_records\\_imply\\_maverik\\_stabbing\\_retaliation.htm](http://www.crimein.com/article15672196/court_records_imply_maverik_stabbing_retaliation.htm)

Submitted by Newsroom on March 22, 2012 – 11:38 am

**Voluntary Air Toxic Reductions at Gas Stations in the Philadelphia Area, EPA,**

[http://yosemite.epa.gov/oar/communityassessment.nsf/2351f0659696cbd585256e5100777a7a/fe3bd93c6e8a5e7a852576a5002c6264!OpenDocument&ExpandSection=1#\\_Section1](http://yosemite.epa.gov/oar/communityassessment.nsf/2351f0659696cbd585256e5100777a7a/fe3bd93c6e8a5e7a852576a5002c6264!OpenDocument&ExpandSection=1#_Section1)

Show search tools

**Wrong Order: Fast-Food Violence**

A look at crimes that have taken place in America's fast-food restaurants.

<http://abcnews.go.com/US/slideshow/fast-food-restaurant-violence-10289243>

**Police looking for two suspects in Maverik robbery** | Crime | SLC... Dec 8, 2011 ... Police are looking for two suspects in a Maverik robbery. Police say two Polynesian men entered the Maverik store at 2700 S 2000 E at around ... [miller.creek.fox13now.com/.../crime/65608-police-looking-two-suspects-maverik-robbery](http://miller.creek.fox13now.com/.../crime/65608-police-looking-two-suspects-maverik-robbery)

**Suspect wanted for aggravated robbery of WVC Maverik** | Crime... Apr 17, 2011 ... Police are looking for a suspect in connection with a robbery of a Maverik early Sunday morning. At around 1 a.m., a male Hispanic suspect ... [westvalley.fox13now.com/news/crime/...robbery...maverik/52075](http://westvalley.fox13now.com/news/crime/...robbery...maverik/52075)

**Three men wanted for Maverik robbery** | Crime | West Jordan News Feb 11, 2011 ... This is a news release from the West Jordan Police Department. On February 11, 2011 at approximately 12:20 am two males went into the ... [westjordan.fox13now.com/news/crime/...maverik-robbery/49216](http://westjordan.fox13now.com/news/crime/...maverik-robbery/49216)

**Man wanted for Maverik robbery** | Crime | SLC - Downtown... Feb 11, 2011 ... Man wanted for Maverik robbery. This is a news release from the Salt Lake City Police Department. Salt Lake City Police Department Robbery ... [downtown.fox13now.com/news/crime/man...maverik-robbery/49224](http://downtown.fox13now.com/news/crime/man...maverik-robbery/49224)

**Videos for robbery**

Maverik crime

<http://www.google.com/url?u=http://www.youtube.com/watch%3Fv%3DdAlH-ehv1Blo&sa=U&ei=dO11T-yPDMPg2gWzvvIDQ&ved=0CBkQtwIwBA&usq=AFQjCNFN8kPN7bWBP8MlKmlH5n5T1q9SdA>

**SLCPD Surveillance Video from Dec.**

12 sec - Dec 8, 2011

Uploaded by SaltLakeCityPolice  
[www.youtube.com/watch?v=aIH-ehv1](http://www.youtube.com/watch?v=aIH-ehv1)

**WELCOME TO MAVERIK, WOULD YOU LIKE TO EMPTY THE REGISTER?**

by Nicholas Collias

<http://www.boiseweekly.com/boise/welcome-to-maverik-would-you-like-to-empty-the-register/Content?oid=924189>

**Twin Falls Police Department releases photos from Stinker robbery** [http://magicvalley.com/news/local/twin-falls-police-department-releases-photos-from-stinker-robbery/article\\_8540b951-4f14-5bf2-a89d-0682d1bbfc2e.html#ixzz1qciNA4JN](http://magicvalley.com/news/local/twin-falls-police-department-releases-photos-from-stinker-robbery/article_8540b951-4f14-5bf2-a89d-0682d1bbfc2e.html#ixzz1qciNA4JN)

**McDonald's Logo Makes You Impatient And Impulsive**

By Marc Perton on April 24, 2010 2:12 PM

<http://consumerist.com/2010/04/mcdonalds-logo-makes-you-selfish-and-impatient.html>

**The Violence Volcano: Reducing the Threat of Workplace Violence**

David D Van Fleet

[http://www.amazon.com/gp/product/B007523434/ref=as\\_li\\_ss\\_t?ie=UTF8&tag=slatnaga-20&linkCode=as2&camp=217145&creative=399349&creativeASIN=B007523434](http://www.amazon.com/gp/product/B007523434/ref=as_li_ss_t?ie=UTF8&tag=slatnaga-20&linkCode=as2&camp=217145&creative=399349&creativeASIN=B007523434)

**Lisa Strickland - Support for new Construction**

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**From:** Craig Hawkins <hawkinsdad@yahoo.com>  
**To:** "RCARRAWA@tfid.org" <RCARRAWA@tfid.org>  
**Date:** 4/1/2012 4:38 PM  
**Subject:** Support for new Construction  
**CC:** "wardlouise@gmail.com" <wardlouise@gmail.com>

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To Whom it may concern,

I would like to voice my support for the proposed construction at the intersection of Eastland Drive and Addison Ave. E. This particular piece of property has been an eye-sore for years. It is about time that someone has put forth effort to improve this site. As a business owner myself, I think that this would not only be an enhancement for the area, but would benefit other business near by. We need to be able to draw other people to this part of town, which also has as much potential as many other parts of Twin Falls. I do not see any negative issues with this and I fully support this proposal.

Sincerely,

Craig Hawkins  
Owner/Operator  
Twin Falls Grocery Outlet

## Lisa Strickland - Planned development

---

**From:** "Jared Walker, O.D." <walk8564@yahoo.com>  
**To:** "rcarrawa@tfid.org" <rcarrawa@tfid.org>  
**Date:** 4/2/2012 5:54 AM  
**Subject:** Planned development

---

I would like to express my support for the Zoning District change for the planned development on the Northwest corner of Addison Avenue and Eastland Drive North. Development in this area of town to mixed use planned development would be a step forward for this area.

Respectfully submitted,

Jared P. Walker, O.D.  
1067 Eastland Drive  
Twin Falls, Id  
208-733-1944

Sent from Yahoo! Mail on Android

**Lisa Strickland - Addison-Eastland corner**

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**From:** gary henning <garyswoodworking@gmail.com>  
**To:** <RCARRAWA@tfid.org>  
**Date:** 3/29/2012 3:36 PM  
**Subject:** Addison-Eastland corner

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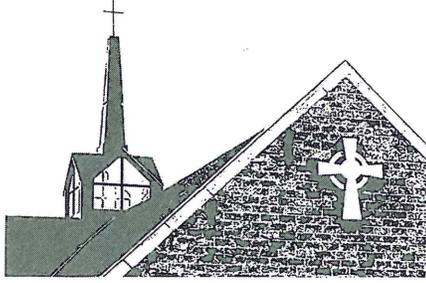
I Gary Henning am the owner of Gary's woodworking Inc. We are located at 2414 Addison Ave. East in Twin Falls and as a citizen of this community, I would like to express my support for the Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD for the development of a mixed use planned development on the northwest corner of Addison Avenue East & Eastland Drive North in Twin Falls. I also want to voice my Approval of the Phase one of the PUD project, which includes the Maverik Store.

There are already existing Commercial businesses in this immediate area; bringing some new life to this corner will be advantageous to everyone. Competition and positive growth are a benefit to our community and the proposed project will be an asset to the east side of Twin Falls.

I encourage you to approve the request as stated, which is being presented to you at the Public Hearing on April 2, 2012. Please read this letter of support at the Public Hearing.

Respectfully

RECEIVED  
MAR 29 2012  
CITY OF TWIN FALLS  
BUILDING DEPT.



## THE EPISCOPAL CHURCH OF THE ASCENSION

371 Eastland Drive North  
Twin Falls, Idaho 83301  
208.733.1248 • Fax 208.734.9109  
ascension@idahodiocese.org

The Rev. Deborah G. Seles, Rector  
dseles@idahodiocese.org

www.ascension.episcopalidaho.org

RECEIVED

APR 2 2012

BY: \_\_\_\_\_

April 2, 2012

To: Honorable Mayor and City Council

Re: For a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD for 5.562 (+/-) acres to allow for ... commercial uses to include a gasoline station ... located at the northwest corner of Addison Avenue East and Eastland Drive North, c/o Todd Meyers, Maverik, Inc. on behalf of Thomas J. Arledge and Cheryl A. Arledge

Dear Honorable Mayor and City Council,

On behalf of the Episcopal Church of the Ascension, located at 371 Eastland Drive North, I recommend the City Council deny this request for the following reasons:

- On February 14, 2012 the Planning and Zoning Commission voted unanimously to deny the request. Although this is only one part of the Council's consideration, the decision by the Commission should bear considerable weight given their expertise and responsibilities.
- The Maverik Gas Station will be a dramatically negative change to an area that is historically residential. It is not development per se, but the type of business that is the concern.
- Development should blend in with existing uses and enhance the neighborhood; not degrade the neighborhood with an incompatible use.
- Approval of this request will set a precedent and likely result in a domino effect throughout the city. What then is the point of having a carefully crafted and deliberated Comprehensive Plan?
- The Church of Ascension location is a central part of a neighborhood. The site was selected because of its residential and community character.
- The predictability of use of neighboring property was and continues to be a consideration for Ascension.
- The soccer fields located at Ascension receive significant use by children and adults, and additional traffic is a potential danger and safety concern.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Gary Fornshell', written in a cursive style.

Gary Fornshell  
Senior Warden, Church of the Ascension

March 29, 2012

Twin Falls City Council  
Office of Community Development  
P.O. Box 1907  
Twin Falls, Idaho 83303-1907

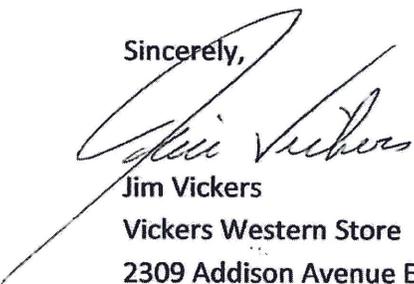
Twin Falls City Council Members,

As a business owner in this community, I would like to express my support for the Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD for the development of a mixed use planned development on the northwest corner of Eastland Drive North and Addison Avenue East that is being proposed.

The possibility of any type of residential development on that property is highly unlikely due to the current traffic and other commercial properties in close proximity. Improving this corner will be an asset to the area.

I encourage you to approve this request at the Public Hearing on April 2, 2012.

Sincerely,



Jim Vickers

Vickers Western Store  
2309 Addison Avenue East  
Twin Falls, Idaho 83301

RECEIVED

MAR 30 2012

CITY OF TWIN FALLS  
BUILDING DEPT.

City of Twin Falls  
321 Second Avenue East  
Twin Falls, Idaho 83303-1907

March 30, 2012

Dear Mayor and Council,

The intent of this letter is to encourage the Council to do what is in the best interest for the Community. I don't know enough about TOMERYL, LLC to represent them. I prefer to represent the best use of the land and how it benefits the Community. I understand several neighbors are upset about the gas station, and would prefer no change at this time. I find it is hard enough to control property even when you own it. This location doesn't appear to be one of our hot spots. Since I moved here in 1953 nothing has happened on this corner to benefit our community, other than clearing the old rundown buildings off the lot. I encourage the Council to try to make this concept work, because I feel it is offering much more potential than just another gas station.

I see a gas station on this corner would be very handy and I feel the overall concept is making the best use of the land by providing parking in the flood plain for future development that would be an asset to the community. I may suggest that all landscaping along Eastland Drive frontage to be completed in the first phase of their plat.

I also understand Planning and Zoning has turned down the zoning change. They may see or know something that I don't, they act in good faith, because our Woodland Hills Subdivision was turned down by Planning and Zoning and we went on and got 100% approvals from the City Council.

I own property behind the Eastside Baptist church, and it appears to me this corner is long overdue for a zoning change and I encourage progress.

Enclosed are a couple photos you may enjoy.

Sincerely,

*Dave Brown*

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MAR 30 2012  
CITY OF TWIN FALLS  
BUILDING DEPT.

1961



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MAR 30 2012  
CITY OF TWIN FALLS  
BUILDING DEPT.

— WE BOUGHT THE BALANCE OF  
KINGS GATE SUB FROM NAN CORP. —  
IN 1972 - *Bent*

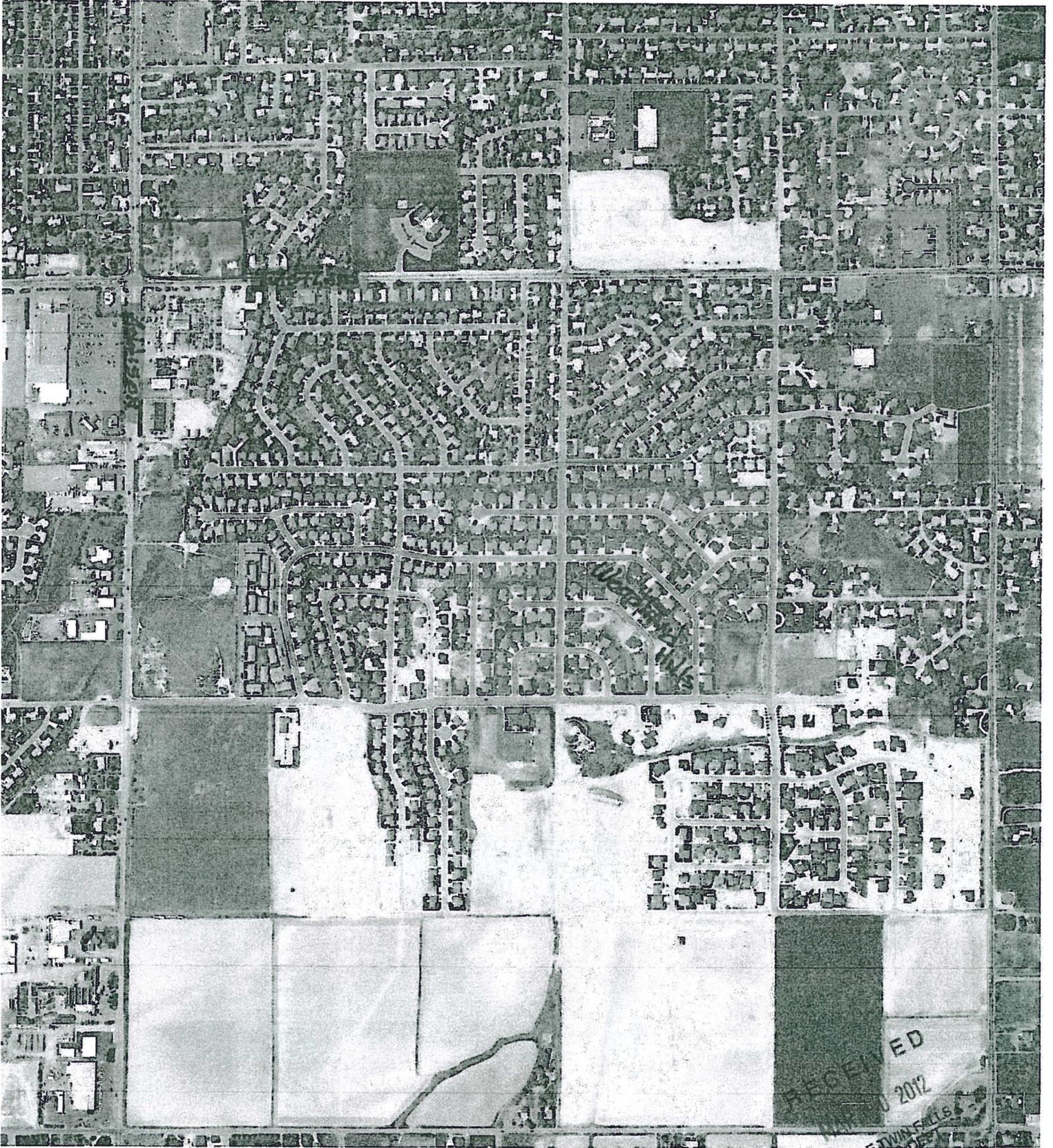


Eastland Dr.

Alison

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MAR 30 2012  
CITY OF TWIN FALLS  
BUILDING DEPT.

1980



2006

RECEIVED  
MAY 10 2012  
CITY OF TWIN FALLS  
BUILDING DEPT

**Pages:1 of 1**

**To: Twin Falls City Council Members**

**FAX: 736 2296**

**Re: Public Hearing, Commercial Rezoning; Maverik on East Addison**

**From: Patricia Curtis  
1054 Highview Lane  
Twin Falls, Idaho 83301  
(208) 734-3871**

**Date: April 2, 2012**

**Dear Committee Members,**

**Just in case that I, Patricia R. Curtis, cannot attend the City Council meeting concerning the Maverik proposal, I wanted to ensure my opinion was on the record.**

**To place such a business as a large gas station, convenience store and fast-food operation right smack in the middle of a nice residential neighborhood is very wrong. I am surprised that this proposal was ever allowed to come before Planning and Zoning or the City Council.**

**This is the second time Maverik has tried to build in this residential area.**

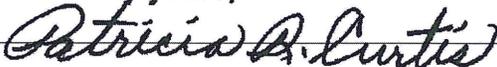
**A few years ago, we were promised by the Twin Falls Planning and Zoning that if we would just consent to a residential commercial overlay zoning on East Addison, the businesses allowed in this area would be small and in homes. The look and landscaping of the area would remain in keeping with a residential area. Maverik and its proposals do not fit this requirement.**

**The easiest way for you to know what to do is picture this large, 7 day a week 24 hour business right across the street from where you live. Do you want it? Well, neither do we.**

**Please do not rezone this area and let's ensure to keep the safety, beauty and integrity of this neighborhood intact. Please vote no.**

**Thank you for your time and consideration into this matter.**

**Sincerely yours,**



**Patricia R. Curtis**

COUNCIL MEMBERS:

LANCE	TRIP	DON	LEE	DAVID E.	WILLIAM A.	GREG
CLOW	CRAIG	HALL	HEIDER	JOHNSON	KEZELE	LANTING
<i>Mayor</i>				<i>Vice Mayor</i>		



MINUTES

Meeting of the Twin Falls City Council  
January 5, 2009  
City Council Chambers  
305 3<sup>rd</sup> Avenue East Twin Falls, Idaho

PLEDGE OF ALLEGIANCE TO THE FLAG CONFIRMATION OF QUORUM INTRODUCTION OF STAFF		
CALL MEETING TO ORDER: 6:00 P.M.		
<b>AGENDA ITEMS</b>		
<b>I. <u>CONSENT CALENDAR:</u></b> 1. Consideration of accounts payable for December 23, 2008 – January 5, 2009. 2. Consideration of the December 15 and 22, 2008, Minutes.	Purpose Action	By: Staff Report
<b>II. <u>ITEMS FOR CONSIDERATION:</u></b> 1. Public input and/or items from the City Manager and City Council.		
<b>III. <u>ADVISORY BOARD REPORTS/ANNOUNCEMENTS:</u></b>		
<b>IV. <u>PUBLIC HEARINGS:</u> 6:00 P.M. –</b> 1. Consideration of request for a Comprehensive Plan Amendment to update the 1993-1994 City of Twin Falls' Comprehensive Plan and the City of Twin Falls' 1993 Master Transportation Plan. The Comprehensive Plan hearing will include a chapter on Development Impact Fee Capital Improvement Plans., c/o City of Twin Falls. (app. 2274)	Purpose Action	By: Mitch Humble
<b>V. <u>ADJOURNMENT:</u></b>		

**COUNCIL PRESENT:** Lance W. Clow, Trip Craig, Don Hall, Lee Heider, David E. Johnson, William A. Kezele, Greg Lanting  
**COUNCIL ABSENT:**  
**CITY STAFF PRESENT:** City Manager Tom Courtney, City Attorney Fritz Wonderlich, Assistant City Manager Travis Rothweiler, Community Development Director Mitch Humble, Finance Director Gary Evans, Deputy City Clerk Leila Sanchez.

Mayor Clow called the meeting to order at 6:02 P.M. He invited all present, who wished to, to recite the Pledge of Allegiance to the Flag with him. A quorum was present. Mayor Clow introduced City staff.

## AGENDA ITEMS

### I. CONSENT CALENDAR:

1. Consideration of accounts payable for December 23, 2008 – January 5, 2009.  
December 23, 2008 – January 5, 2009, total: \$160,778.65  
December 26, 2008, total: \$113,237.59
2. Consideration of the December 15 and 22, 2008, Minutes.

#### **MOTION:**

Councilperson Heider made the motion to approve the Consent Calendar with corrections made to the December 15, and 22, 2008, Minutes. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

### II. ITEMS FOR CONSIDERATION:

1. Public input and/or items from the City Manager and City Council. None.

### II. ADVISORY BOARD REPORTS/ANNOUNCEMENTS:

Councilperson Hall requested a review of the Municipal Outsource Grant disbursements.

Discussion followed:

-Remaining \$1,000 in the Municipal Outsource Grant.

Councilperson Hall discussed the remaining \$1,000 be allocated to the Boys and Girls Club.

Councilperson Craig discussed the remaining \$1,000 be allocated to the Interfaith Caregivers of Magic Valley.

#### **MOTION:**

Councilperson Hall made the motion to allocate the remaining \$1,000 from the Municipal Outsource Grant to the Boys and Girls Club. The motion was seconded by Vice Mayor Johnson. Roll call vote showed Mayor Clow, Councilpersons Hall, Heider, Vice Mayor Johnson, Councilperson Kezele and Lanting voted in favor of the motion. Councilperson Craig voted against the motion. Approved 6 to 1.

### IV. PUBLIC HEARINGS: 6:00 P.M. –

1. Consideration of request for a Comprehensive Plan Amendment to update the 1993-1994 City of Twin Falls' Comprehensive Plan and the City of Twin Falls' 1993 Master Transportation Plan. The Comprehensive Plan hearing will include a chapter on Development Impact Fee Capital Improvement Plans., c/o City of Twin Falls. (app. 2274)

Mitch Humble reviewed the request.

At the November 25, 2008, public meeting, the Planning & Zoning Commission unanimously recommended approval of the request with the following conditions:

1. Subject to minor amendments to edit any grammatical, spelling, syntax, or informational errors, not affecting the content.

MINUTES

January 5, 2009

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2. Subject to the inclusion of Chapter 11: Development Impact Fee Capital Improvement Plans as recommended by the Development Impact Fee Advisory Committee, and the creation of an Executive Summary for Chapter 11 and inclusion of this summary within the "Executive Summary and Implementation Actions" chapter of the Comprehensive Plan.
3. No amendments are allowed to be made to the comprehensive plan document for one (1) year after adoption.

Staff recommends the City Council approve this request to update the 1993-1994 City of Twin Falls' Comprehensive Plan, the City of Twin Falls' 1993 Master Transportation Plan, and add Development Impact Fees Capital Improvement Plans to the Comprehensive Plan, subject to the following conditions:

1. Subject to minor amendments to fix any grammatical, spelling, syntax, or informational errors, not affecting the content.
2. Subject to the inclusion of Chapter 11: Development Impact Fee Capital Improvement Plans, and the creation of an executive summary for Chapter 11 and inclusion of this summary within the "Executive Summary and Implementation Actions" chapter of the Comprehensive Plan.
3. No amendments are allowed to be made to the Comprehensive Plan document for one (1) year after adoption.

Mayor Clow explained the public hearing procedures.

The public comment portion of the hearing was opened:

Brad McDougal, 2558 E. 800 S., Ogden, Utah, representing the Maverik Stores, showed a conceptual plan for the Maverik Store. He discussed buffering sound and light from the neighbors, addressed traffic congestion, and access points, and landscaping.

Brad Wills, 222 Shoshone Street West, recommended approval of the plan but requested that the plan specify that on existing preliminary and final plats currently approved be exempt from the new requirements to change the right-of-way width to arterial and collector streets.

Paula Brown Sinclair, 2146 Addison Avenue East, requested amending the Future Land Use Map to show the boundary between the Residential Business designation and the Neighborhood Center designation on the north side of Addison Ave. East near Eastland Drive North shifting to the east property line of the former Brizee house located at 2147 Addison Ave. East.

Stan Kohl, 192 Rainbow Drive, Jerome, Idaho, requested that the plan show specific locations that dog parks be placed.

The public comment portion of the meeting was closed.

Discussion followed:

Community Development Director Humble stated that the plan does not specify a location for a dog park. He also stated that Brad Wills's concern regarding platting has been addressed by City Engineer Fields.

Paula Brown-Sinclair stated that the Parks & Recreation Commission discussed having a dog park designated in the Teton Subdivision, but the proposal received opposition from the surrounding neighbors.

-Extensive discussion followed on the proposed property line at Eastland and Addison.

-Discussion followed on the letter from the College of Southern Idaho to the Planning & Zoning Commission, which received does not favor the Harrison alignment as proposed in the plan.

The public comment portion of the hearing was closed.

The Council allowed input from Dennis Crawford.

Dennis Crawford, 681 Creekside Way, recommended that the Council implement the plan as proposed.

The public hearing was closed.

Discussion followed.

Recess: 7:49 p.m.

## MINUTES

January 5, 2009

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Reconvened at 7:57 p.m.

### **MAIN MOTION:**

Vice Mayor Johnson made the motion to approve the Comprehensive Plan Amendment Chapters 1 -11 which includes the Master Transportation Plan and the Development Impact Fee Capital Improvement Plans and to discuss each of the following conditions as presented separately.

1. Subject to minor amendments to fix any grammatical, spelling, syntax, or informational errors, not affecting the content.
2. Subject to the inclusion of Chapter 11: Development Impact Fee Capital Improvement Plans, and the creation of an executive summary for Chapter 11 and inclusion of this summary within the "Executive Summary and Implementation Actions" chapter of the Comprehensive Plan.
3. No amendments are allowed to be made to the Comprehensive Plan document for one (1) year after adoption.

The motion was seconded by Councilperson Hall.

### **AMENDMENT TO THE MOTION:**

Vice Mayor Johnson made the motion to substitute the wording of condition 2. presented as follows:

*The inclusion of Chapter 11: Development Impact Fee Capital Improvement Plans, and the creation of an executive summary for Chapter 11 and inclusion of this summary within the "Executive Summary and Implementation Actions" chapter of the Comprehensive Plan. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.*

### **AMENDMENT TO THE MOTION:**

Councilperson Heider made the motion to 1.9 Amending the Comprehensive Plan on page 1-18 inserting the phrase "City initiated" into the first sentence of both paragraphs 2 and 3 on page 1-18 directly before the phrase "Vision amendments" to read as follows:

*It is therefore recommended that the City initiated Vision amendments be considered only semi-annually, as special meetings devoted entirely to that process. In this way, the time necessary to fully understand and evaluate the amendment proposals is assured, and the Vision, or Comprehensive Plan, will not be compromised due to haste or inadequate information.*

*Additionally, it is recommended that no City initiated Vision amendments be considered for a period of one year following the date of adoption. This will provide an adequate period for the Planning Commission and the City Council to work with the adopted plan without pressure for immediate change.*

The motion was seconded by Councilperson Hall. Roll call vote showed Mayor Clow, Councilperson Craig, Hall, Heider, Kezele and Lanting voted in favor of the motion. Vice Mayor Johnson voted against the motion. Approved 6 to 1.

### **AMENDMENT TO THE MAIN MOTION:**

Councilperson Heider made the motion to insert a paragraph to 1.9 Amending the Comprehensive Plan on page 1-18 to read as follows:

The citizens have the right to make an application for amendments to the plan regardless of time limitations.

The motion was seconded by Councilperson Kezele. Roll call vote showed Councilpersons Craig, Heider, and Kezele voted in favor of the motion. Mayor Clow, Councilperson Hall, Johnson, and Lanting voted against the motion. Failed 3 to 4.

### **AMENDMENT TO THE MAIN MOTION:**

Councilperson Hall made the motion to approve condition 3. *No amendments are allowed to be made to the Comprehensive Plan document for one (1) year after adoption.* The motion was seconded by Councilperson Heider. Roll. Call vote showed Vice Mayor Johnson voted in favor of the motion. Mayor Clow, Councilperson Craig, Hall, Heider, Kezele and Lanting voted against the motion. Failed 1 to 6.

### **MOTION:**

Councilperson Heider made the motion to adopt the 4.7 ± acres as a neighborhood center on the comprehensive plan. The motion was seconded by Councilperson Hall.

**AMENDMENT TO THE MOTION:**

Councilperson Lanting made the motion to exclude the Brizee residential business property with the north boundary to the east matching residential business line. The motion was seconded by Vice Mayor Johnson. Roll call vote showed Mayor Clow, Councilpersons Craig, Hall, Vice Mayor Johnson, Councilpersons Kezele and Lanting voted in favor of the motion. Councilperson Heider voted against the motion. Approved 6 to 1.

**ROLL CALL VOTE ON THE MOTION AS AMENDED:**

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

**AMENDMENT TO THE MAIN MOTION:**

Vice Mayor Johnson made the motion that would clarify that at the intersection of Falls and Eastland that the neighborhood center is on the east side only. The motion was seconded by Councilperson Lanting and roll call vote showed all members present voted in favor of the motion. Approved 7 to 0.

Discussion:

Vice Mayor Johnson asked if a clarification would need to be made to the plan exempting approved preliminary and final plats from the new requirements to change the right-of-way width to arterial and collector streets would need to be specified in the plan.

City Attorney Wonderlich stated that approved existing plats are grandfathered in.

Discussion followed on Development Impact Fee Capital Improvement Plans.

**ROLL CALL VOTE ON THE MAIN MOTION:**

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

Approved the Comprehensive Plan update, chapters 1 through 11, as presented, subject to:

1. Minor amendments to fix any grammatical, spelling, syntax, or informational errors, not affecting the content.
2. The inclusion of Chapter 11: Development Impact Fee Capital Improvement Plans, and the creation of an executive summary for Chapter 11 and inclusion of this summary within the "Executive Summary and Implementation Actions" chapter of the Comprehensive Plan.
3. Inserting the phrase "City initiated" into the first sentence of both paragraphs 2 and 3 on page 1-18 directly before the phrase "Vision amendments."
4. Amending the Future Land Use Map to show the entire 4.7± acres that Maverik Stores has under contract at the northwest corner of Addison Ave. East and Eastland Drive North to be designated as Neighborhood Center.
4. Amending the Future Land Use Map to show the boundary between the Residential Business designation and the Neighborhood Center designation on the north side of Addison Ave. East near Eastland Drive North shifting to the east property line of the former Brizee house located at 2147 Addison Ave. East.
5. Amending the Future Land Use Plan to show the Neighborhood Center designation at the intersection of Eastland Drive North and Falls Ave. East only on the northeast and southeast corners on the intersection.

V. **ADJOURNMENT:** The meeting adjourned at 9:18 p.m.

Leila A. Sanchez  
Deputy City Clerk