



Twin Falls Planning & Zoning Commission Minutes

Tuesday, November 29, 2022, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

COUNCIL CHAMBERS

Members -

City Limits: Craig Kelley, Chairperson; Carolyn Bolton, Vice-Chair; Todd Rambur; Cortney Campbell; Marilu Perez; Grayson Stone

Area of Impact: David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Chairman Kelley called the meeting to order at 06:01 PM
A quorum was present.

Members Present: Kelley, Bolton, Campbell, Stone, Perez, Detweiler, Rambur

Staff Present: Spendlove, Ebersole, Zollinger, Martoma, Schuerman

2) Conflict of Interest Declaration

Chairman Kelley asked the commission to declare any agenda items where there is a conflict of interest.
Commissioner Stone stated he has a conflict of interest with Item 4A and will recuse himself from that item.

3) Consent Calendar

MOTION: Commissioner Detweiler moved to approve the Consent Calendar, as presented.
Commissioner Perez seconded the motion.

Motion approved unanimously by a vote of 7 to 0.

a) Approval of minutes from the following meeting: November 8, 2022

4) Items of Consideration

Commissioner Stone stepped down from the dais for this item.

a) Preliminary Presentation for a request for a recommendation to City Council for an amendment to the C-1 PUD Agreement #229 Canyon Properties to allow for additional building height (maximum 35') for Lot 28, Block 13, Canyon Trails Subdivision No. 10 c/o Gary N. Nelson on behalf of Canyon Properties LLC and Idaho Department of Labor. (PZ22-0158)

Staff Presentation:

Senior Planner Martoma presented the Preliminary Presentation for a request for a recommendation to City Council for an amendment to the C-1 PUD Agreement #229 Canyon Properties to allow for additional building height (maximum 35') for Lot 28, Block 13, Canyon Trails Subdivision No. 10 c/o Gary N. Nelson on behalf of Canyon Properties LLC and Idaho Department of Labor. (PZ22-0158)

Per City Code 10-6-1.7(B), the Planning & Zoning Commission shall complete a preliminary review of the request prior to a public hearing.

The Addendum to C-1 Planned Unit Development Agreement #229 Canyon Properties, PUD was made and entered into on August 5, 2011 (recorded with Twin Falls County on 08-29-2011), by and between the City of Twin Falls and Canyon Properties, LLC. The PUD agreement, as currently constituted, restricts the maximum building height to twenty-eight feet (28') for property located within the five-hundred foot (500') buffer zones from Los Lagos and Villa Del Rio Subdivisions. The subject parcel (Lot 28, Block 13, Canyon Trails Subdivision No. 10) is within this five-hundred foot (500') buffer zone and currently remains vacant.

The subject parcel is currently being negotiated for the site development of an office location for the Idaho Department of Labor in the City. According to the applicant's narrative, "Most of our buildings are higher than 28 feet to allow in natural light for a better working environment for staff and customers that visit the office. We are requesting an increase in the height limitation to 35 feet which will allow Labor to construct a building similar to other Labor offices around the state. We believe this will allow for better customer service and improve the aesthetics of the building."

The applicant has provided a letter of support with his application for the amendment request from Mr. James Cobble (President of the Los Lagos Property Owner's Association). In his letter, Mr. Cobble writes, "After reviewing the building elevation presented by Mr. Nelson, it appears the building will be within the guidelines that would be acceptable to the Association and that the increased height would not have a negative effect on the Los Lagos development."

This is a request to amend the Addendum to C-1 PUD Agreement #229 Canyon Properties PUD to allow for a building height of thirty-five feet (35') for Lot 28, Block 13, Canyon Trails Subdivision No. 10 instead of the required maximum building height of twenty-eight feet (28') specified for property located within the five-hundred foot (500') buffer zones from Los Lagos and Villa Del Rio Subdivisions. The applicant has included in his narrative for the request that the amendment will allow the Idaho Department of Labor to proceed with the purchase of the subject parcel with the intent of constructing an office building in the City that is similar to the design of other Labor facilities across the state.

Per City Code 10-6-1.2, each ZDA (or, in this case, PUD) shall accompany a request to rezone a subject property to one or more underlying zoning districts that shall comply with the comprehensive plan. The underlying zoning district of the subject property is C1, Commercial Highway District. Per City Code 10-4-8.2(A)(3)(b), "Governmental office buildings" are a permitted structure by right. Additionally, per City Code 10-4-8.3(C), the maximum building height allowed in the C1, Commercial Highway District is fifty feet (50').

Upon conclusion, City staff makes no recommendation at this time. Analysis of the request will be presented at the public hearing.

Applicant Presentation: No applicant presentation at this time

PZ/Questions & Comments:

- Vice Chair Bolton asked the height difference between what is allowed and what is being requested.
- Senior Planner Martoma clarified the difference in heights.

5) Public Hearings

Commissioner Stone returned to the dais.

- a) Request for a Special Use Permit to allow for a drive through facility on property located at 2147 Addison Avenue East c/o Lombard/Conrad Architects on behalf of Idaho Central Credit Union. (PZ22-0146)

Staff Presentation:

Senior Planner Martoma presented the Request for a Special Use Permit to allow for a drive-through facility on property located at 2147 Addison Avenue East c/o Lombard/Conrad Architects on behalf of Idaho Central Credit Union. (PZ22-0146)

Per City Code 10-13-2-2, the Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard regarding the application. Additionally, the Planning and Zoning Commission shall make a decision on the request within thirty (30) days after the public hearing. The Administrator shall issue a Special Use Permit listing the specific conditions required by the Planning and Zoning Commission for approval of the request. The conditions shall be implemented within six (6) months or the permit will be voided. If the Planning and Zoning Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, the City Council shall set a hearing date to consider all information, testimony, and minutes of the previous hearing to reach a decision on the appeal.

The subject property is governed by the requirements of the R-2 NCO Planned Unit Development Agreement #265 which was entered into on June 5, 2013 (recorded with Twin Falls County on 06-11-2013), by and between the City of Twin Falls and Tomeryl, LLC. The subject property has an underlying zoning of R2, Residential Single Household or Duplex District with an NCO, Neighborhood Commercial Overlay District. Per City Code 10-4-21.2(B), "Finance and investment offices" and "Any facility with drive-through service" may only be allowed in the NCO District by Special Use Permit. However, as stated in Section B. "Uses" of the R-2 NCO Planned Unit Development Agreement #265, "...the use of the southern one-third of the Property for the construction and operation of a bank or other financial institution with a drive through window (which must be constructed on either the East side or the North side of the building shall be an outright allowed use."

The site has five distinct parcels ranging from Parcel A to Parcel E. While Parcels B, C, D, and E (which occupy the northern two-thirds of the subject property) currently remain vacant, Parcel A (which currently occupies the southern one-third of the subject property) is the site of a branch location of Idaho Central Credit Union (ICCU). The existing structure onsite has an attached drive-through.

The applicant (Greg Meade/ICCU) has submitted a proposed site plan through their representative (Mark Heazle/Lombard Conrad Architects). The site plan proposes to remove the existing drive-through and add a new "Remote Drive-up Building" on the vacant parcel north of the existing building (Parcel B). The proposed "Remote Drive-up Building" is estimated to be approximately 395 SF. The "Covered Area" portion of the proposed drive-through is estimated to be approximately 4,536 SF. The "Remote Drive-up Building" and "Covered Area" will occupy portions of Parcels B and E.

Parcel A is currently the site of a branch location of Idaho Central Credit Union (ICCU) which has an existing drive-through attached to the primary structure onsite. The existing drive-through currently has three (3) service lanes.

The site plan provided by the applicant through their representative proposes removing the existing drive-through and adding a new "Remote Drive-up Building" and "Covered Area" which is proposed to have five (5) service lanes with an additional bypass lane. The "Remote Drive-up Building" and "Covered Area" will occupy portions of Parcels B and E. Although it is difficult to precisely determine, City staff have considered the possibility of increased traffic to the site as a result of an approval of this request. Questions and concerns regarding traffic generated by the implementation of the proposed site plan may be addressed by the applicant or their representative.

Additionally, City staff have noted the existence of a FEMA-identified 100-year flood plain (Flood Zone A/Special Flood Hazard Area) which may impact the proposed development of the site. City staff recommends that the existing flood plain for the site be amended and approved by FEMA prior to the issuance of any building permits as a condition of approval of the applicant's request.

If the Planning and Zoning Commission approves this request as presented, then staff recommends the following conditions:

- 1. The existing flood plain for the site will need to be amended and approved by FEMA prior to the issuance of any building permits.
- 2. All applicable Building, Fire, and Engineering codes and standards, all applicable Zoning regulations mandated by the City's Code of Ordinances, and the requirements established by the R-2 NCO Planned Unit Development Agreement #265 must be met.

Applicant Presentation:

Mark Heazle, applicant representative, presented the request to allow for a drive through facility on property located at 2147 Addison Avenue East. He stated the reasons for the request are to address issues for credit union members, such as, serviceability during peak hours, more accessibility to services for members, additional parking for staff and members, and this plan allows ICCU to complete construction of new drive through, while keeping existing drive through open for business.

PZ/Questions & Comments:

- Commissioner Campbell asked about the existing drive through during construction.
- Senior Planner Martoma explained the existing drive through will be removed after the new drive through is built and that area will become additional parking.
- Vice Chair Bolton asked who owns all parcels.
- Mr. Heazle explained the parcel ownership.
- Commissioner Bolton asked if there is another example of this type of remote drive through in town.
- Senior Planner Martoma stated not at this time.
- Vice Chair Bolton asked if the floodplain follows the irrigation ditch.
- Planning and Zoning Director Spendlove explained the floodway location. He stated if the applicant wanted to build in the floodplain, the applicant would have to go through the FEMA mapping process to reroute.
- Commissioner Perez asked about the landscaping between the parcels B&E and C&D.
- Mr. Heazle stated no landscaping has been touched at this time, and explained how the landscaping will be developed on site for noise buffering and vegetation.
- Commissioner Perez stated she is concerned about the sound/light buffer.
- Chairman Kelley asked if ICCU talked to neighbors prior to this request.
- Mr. Heazle stated they have not engaged the neighbors as of yet. He stated they wanted to get through the Special Use Permit process first.

Public Hearing: Opened

- Deanna Tripp, neighbor, stated she has concerns over light issues, signage, and noise. She stated she would like to preserve rural atmosphere at the north of the property, and would like to preserve the tree line (in flood plain).
- Jim Forte, neighbor, stated ICCU has been a good neighbor and client of his business. He stated the existing landscaping to the west is good. He encouraged ICCU to continue same landscaping efforts for northern neighbors. He stated a concern about the irrigation water running through his property. He is in support of the request.
- Commissioner Campbell asked staff if request is approved, can the commission add condition that will not remove the trees.
- Planning and Zoning Spendlove stated the trees are private property, and city does not have a

requirement to get approval to cut down trees on private property. He stated the commission can add condition to mitigate light pollution to neighboring properties. He addressed putting a berm in the floodplain.

- Mr. Heazle answered that he has never known ICCU to ignore the public comments. He stated the designers can come up with light mitigating options, by lighting and/or vegetation. He addressed the existing canal and vegetation, stating that for a safety standpoint, there will be cleaning and thinning of the canal.
- Commissioner Perez asked about the sound pollution from landscaping equipment.
- Planning and Zoning Director Spendlove stated the neighbors could report disturbing the peace if there was excessive noise from landscaping.
- Commissioner Detweiler asked if the canal is on ICCU property.
- Mr. Heazle stated the canal is adjacent to where the drive through will be built. He addressed piping the canal, and stated they are not touching it at this time.
- Commissioner Rambur asked about the willow trees being in the way of new structure.
- Mr. Heazle stated the trees follow the line of canal, so he does not believe the trees get in the way of the building, stating they are staying out of a FEMA map revision.
- Vice Chair Bolton asked existing drive through traffic affecting Eastland Dr.
- Mr. Heazle stated, at peak times, people have been known to wait in line in the roadway. This request will help to try to mitigate this issue.

Public Hearing: Closed

Discussions Followed:

- Commissioner Campbell stated she is in favor of the request, as this will help with the traffic.
- Commissioner Stone stated it is a commercial corner surrounded by other commercial, feels it is destined to be commercial. He stated the applicant will have to meet requirements with the building permit, and believes relieving congestion is important. He is in favor of the request.
- Vice Chair Bolton stated she is in favor of the request, as this is probably the least invasive to the neighborhood. She addressed the zoning and that there are commercial businesses all around. She stated the queueing on Eastland Drive is a concern, and this request addresses it. She believes ICCU work with the neighbors. She is in support of the request.
- Commissioner Perez stated she is in favor of the request, but would like sound and noise mitigation verbiage included as a condition.
- Commissioner Detweiler stated he is in favor of the request. He stated he believes ICCU will landscape appropriately, and this will make the traffic flow better.
- Commissioner Rambur believes this will make more efficient.
- Chairman Kelley asked if anyone wanted to add a condition regarding the landscape buffer.
- Commissioner Perez stated she would like to add a condition.
- Planning and Zoning Director Spendlove presented the original landscape plan per the PUD to the commission and explained it requires a 20' landscape buffer to the northern property boundary. He stated ICCU is required to follow the PUD landscape plan. He stated it may not screen all light and noise, but a buffer is substantially similar, and will be enforced on the building permit.
- Commissioner Perez stated this satisfies her concern.
- Commissioner Stone stated he believes the use is predetermined, as it is commercial.

Chairman Kelley stated this site has more landscaping currently than is required, and does not believe a condition is needed.

MOTION: Commissioner Detweiler moved to approve the request for a Special Use Permit to allow for a drive through facility on property located at 2147 Addison Avenue East c/o Lombard/Conrad Architects on behalf of Idaho Central Credit Union, as presented, with staff recommendations. (P222-0146)
Commissioner Stone seconded the motion.

Motion approved unanimously by a vote of 7 to 0.

- b) Request for a Special Use Permit to allow automotive sales and repair on property located at 2469 Kimberly Road c/o Josiah Higley on behalf of Jerry Higley. (PZ22-0156)

Staff Presentation:

City Planner Zollinger presented the request for a Special Use Permit to allow automotive sales and repair on property located at 2469 Kimberly Road c/o Josiah Higley on behalf of Jerry Higley. (PZ22-0156)

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall decide on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months, or the permit is void. If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony, and minutes of the previous hearing to reach a decision on the appeal.

Adventure Motorsports operated from this location for over 20 years.

The property has been used to sell recreational equipment in the past. Using the property as a place for automobile and truck sales and/or rentals would be in keeping with the uses found on the neighboring properties.

Hours of operation will be from Monday through Friday 8:30am - 5:30 pm. Saturday by appointment only. The applicant anticipates that there will be 5-6 employees and 2-3 customers a day.

Upon conclusion, should the Commission recommend approval of the request as presented, staff recommends the following:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.

Applicant Presentation:

Josiah Higley, applicant representative, gave the presentation to allow automotive sales and repair on property located at 2469 Kimberly Road. He shared the plan for the new business, European auto service. He stated there will be improvements made on the building to bring up to city code.

PZ/Questions & Comments:

- Commissioner Perez asked about screening on the northside of the property.
- City Planner Zollinger explained the applicant's requirement for screening.
- Commissioner Detweiler asked if they are adding a new structure.
- City Planner Zollinger stated the existing structures are being used.
- Commissioner Detweiler asked the size of vehicles being serviced at the facility.
- Mr. Higley stated only passenger vehicles will be serviced.

Public Hearing: Opened and closed without input

Discussions Followed:

- Commissioner Rambur stated he is in favor of the request, as it is the same type of business that

was in the location previously.

- Commissioner Perez stated the required improvements to the building addressed her concerns.
- Chairman Kelley stated the use still fits in the Comprehensive Plan.
- Vice Chair Bolton stated she believes retrofitting existing buildings is a good thing and is in favor of the request.

MOTION: Carolyn Bolton moved to approve the request for a Special Use Permit to allow automotive sales and repair on property located at 2469 Kimberly Road c/o Josiah Higley on behalf of Jerry Higley. (PZ22-0156), as presented, with staff recommendations.
Commissioner Detweiler seconded the motion.

Motion approved unanimously by a vote of 7 to 0.

- c) Request for a Special Use Permit to allow a gasoline service station and drive through on property located at 926 Falls Avenue West c/o R. Colby Ricks on behalf of Oasis Stop N Go LLC. (PZ22-0159)

Staff Presentation:

Planning and Zoning Director Spendlove presented the request for a Special Use Permit to allow a gasoline service station and drive through on property located at 926 Falls Avenue West c/o R. Colby Ricks on behalf of Oasis Stop N Go LLC. (PZ22-0159)

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard with regards to the application.

The Commission shall decide on the request within thirty (30) days after the public hearing.

If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months, or the permit is void. If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony, and minutes of the previous hearing to reach a decision on the appeal.

Standards Applicable to Special Uses:

- Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
- Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- Will not be hazardous or disturbing to existing or future neighboring uses.
- Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major

importance.

In 2008, the Perrine Point PUD went through multiple Public Hearings to establish a Mixed Residential and Neighborhood Commercial Development Plan. The original plan included the area near the intersection of Falls Ave and Grandview Dr N to be Neighborhood Commercial in nature (see attachment for Master Plan and Elevations).

In 2019, new owners of the project went through the Public Hearing Process to amend the Master Plan (See attachment).

Per City Code 10-4-21 states, a Special Use Permit is required for any facility with drive-through service and gasoline service stations and a Special Use Permit may be granted for a permanent use that is not in conflict with the Comprehensive Plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken.

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Neighborhood Commercial", which allows for providing supporting services and small-scale commercial for the surrounding neighborhood designed to complement the neighborhood's character.

Analysis:

The applicant is requesting two special uses. A Special Use for a Drive Thru Facility and a Special Use for Gasoline Service Station.

The property is zoned Perrine Point PUD, which includes a mix of residential and neighborhood commercial uses as outlined in the PUD and referenced in the Neighborhood Commercial Overlay District.

Per City Code 10-4-21 The Neighborhood Commercial Overlay District is intended to provide for limited commercial and service activities within residential zoning districts and serving the local neighborhood, and which are integrated into a residential setting. Development of this overlay is only allowed through the ZDA Process currently and was allowed through the PUD process, which is how the Perrine Point PUD was created with the Neighborhood Commercial Overlay.

The Perrine Point PUD was approved in 2008, a. Within the PUD are outlined permitted and special uses, development standards and design criteria.

The PUD states that hours of operation for all activity within the NCO zoned areas shall comply with City Code 10-4-21 which are 6 AM to 11 PM.

A landscaping buffer of 30' in depth shall be located behind the sidewalk or property line should be provided surrounding the project. Such landscaping shall have 50% of the area bermed to a height of 3'.

One flush wall-mounted sign per business, not to exceed one square foot of signing for each foot width of the wall upon which the sign is to be placed, but not to exceed one hundred fifty (150) square feet. Signs utilizing internal illumination may be lighted from six o'clock (6:00) A.M. to eleven o'clock (11:00).

The narrative calls for a wall mounted sign on the gas canopy. This is not permitted as outlined in the PUD, "one flush wall-mounted sign per business"

One freestanding monument sign which shall not exceed fifty (50) square feet for each street frontage included in the NCO District. Signs utilizing indirect lighting may be lighted from six o'clock (6:00) A.M. to eleven o'clock (11:00) P.M. One flush wall-mounted sign per business, not to exceed one square foot of

signing for each foot width of the wall upon which the sign is to be placed, but not to exceed one hundred fifty (150) square feet. Signs utilizing internal illumination may be lighted from six o'clock (6:00) A.M. to eleven o'clock (11:00) P.M.

No exterior display of merchandise/ goods (or storage) is permitted.

In addition to the landscaped buffer yard, non-residential uses shall have a minimum of twenty percent (20%) of the site landscaped.

Parking rows shall be separated by landscaping of at least five (5') feet for the entire length of the parking rows except for walkways.

Nonresidential uses must also follow the architectural style outlined in the PUD.

All buildings shall be of a residential architectural style with a gabled or hip roof with a minimum of 3/12 pitch and 12" eaves.

The Site plan attached has not been officially reviewed for compliance with the Perrine Point PUD and applicable City Codes.

Potential Impacts:

The Trip Generation Manual 11th Edition Volume 5 from the Institute of Transportation Engineers states in study 945 of Convenience Store/ Gas Stations, of similar size to the proposed item before you, will have an average weekday trip generation of 265 total vehicle trips. The same manual states that a Coffee/Donut Shop with a Drive-Through Window (Study 937) will generate 533.57 trips per 1000 square feet gross floor area per weekday.

Security Lighting from the business could also impact neighboring land uses as the current nighttime illumination of the area is very limited.

Upon conclusion should the Commission recommend approval of the request as presented, staff recommends the following:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and the applicable Perrine Point PUD.

Applicant Presentation:

Colby Ricks, applicant representative, presented the request for a Special Use Permit to allow a gasoline service station and drive through on property located at 926 Falls Avenue West. He reviewed the requirements of the PUD. He stated the design is facilitated around the residential neighborhood and residential in scale with design. He explained the reason for the design, and that the buildings are designed under the 25' maximum height requirement. He explained the landscape plan and light mitigation plan around drive through, with evergreens. He stated the convenience store is permitted in the PUD, but the gas station and drive through require the Special Use Permit. He explained the impact of the need for drive throughs since COVID, helping people feel safer.

Gerald Martens, applicant and developer, explained the ownership of property. He stated he believes this is what was intended to serve neighborhood in PUD. He explained the development of the area. He stated it has been zoned since 2008, with the development of the subdivision. He stated adding sidewalks for access to the neighborhoods to the west is an asset to the neighborhood.

Troy Willie, business owner, explained the business model and why the location was chosen.

PZ/Questions & Comments:

- Commissioner Perez asked if the gas provider meets applicable standards/regulations, and has had no issues in the past. She stated her concern of the locale close to residential homes.
- Planning and Zoning Director Spendlove explained the gas station permit process through the State of Idaho.
- Commissioner Perez asked if regulations change with the location being close to residents.
- Planning and Zoning Director Spendlove stated gas storage tanks go through the Fire department review. He stated he cannot answer if there is a distance requirement, but this station is similar locations in the city.
- Commissioner Perez asked if there are examples of gas stations close to residents.
- Planning and Zoning Director Spendlove gave examples of other gas stations close to residential neighborhoods.
- Commissioner Stone asked if the applicant is the property owner.
- Planning and Zoning Director stated there is an intent to purchase the property if the Special Use Permit is granted.
- Vice Chair Bolton asked what Grandview Dr. is considered on the Master Transportation Plan.
- Planning and Zoning Director Spendlove stated Grandview Dr. is considered an arterial street from Pole Line Road to Falls Avenue.
- Chairman Kelley asked the hours of operation.
- Planning and Zoning Director Spendlove stated the hours of operation are 6:00 am – 11:00 pm, including signage lighting, per the PUD. He stated the applicant would have to go through a PUD Amendment to ask for changes to the hours.
- Commissioner Stone asked about road improvements needed for this request.
- Planning and Zoning Director Spendlove stated there is no current budget impact to the city. Any needed improvements due to growth would be paid through impact fees paid with the building permits.
- Commissioner Campbell asked why the future land use map has a small commercial area surrounded by Town Neighborhood.
- Planning and Zoning Director Spendlove explained when the Comprehensive Plan was adopted, the intent was to have commercial areas serving neighborhoods at the intersections of arterials.
- Commissioner Campbell asked if the nearby residential neighborhoods were developed after 2008?
- Planning and Zoning Director Spendlove explained the development of the area.
- Commissioner Stone asked if the current zoning is R-6, which use would generate more traffic, multi-family housing or a commercial development.
- Planning and Zoning Director Spendlove stated the correct zoning of the property is R-6 NCO PUD. He stated the PUD would preclude some high-density housing. He stated the commercial development will generate more traffic to the area, but stated it would not overload the roads beyond their limits.
- Chairman Kelley asked if any other town neighborhood squares in the area at this time.
- Planning and Zoning Director Spendlove stated not at this time, and the southern portion is zoned the same for a neighborhood commercial type, but has not been developed, approved with the PUD around the same time.
- Commissioner Campbell asked if there will be a restaurant in the convenience store.
- Mr. Willey stated there will not be a restaurant, but the facility will have their own products available.
- Commissioner Stone asked how many units would fit on the two R-6 parcels.
- Mr. Martens answered 8-10 living units per acre in R-6, dependent on parking.
- Commissioner Stone asked Planning and Zoning Director Spendlove the property tax difference between residential and commercial properties.

- Planning and Zoning Director Spendlove stated there is a difference, tied to the cost of development.
- Commissioner Perez asked about requirements for pedestrian access and bikeability for new developments in area.
- Planning and Zoning Director Spendlove stated the PUD has sidewalk requirements and each business is required through the ADA act to have accessible route from public way to each business.
- Planning and Zoning Director Spendlove stated staff received five letters from written public comments that were supplied to the commission as part of the record.

Public Hearing: Opened

- Sonia Haines, citizen, stated she is in support of the request. She believes the amenities are needed in this area and will help raise property values.
- Judy Ruprecht, citizen, stated she is in opposition to this request. She submitted a letter to the commission with the reasons to her opposition. She believes this request is a violation of the Comprehensive Plan. She does not believe there is a need for a gas station at this location.
- Shawna Robinson, citizen, stated she is opposed to the request. She submitted a letter to the commission with the reasons to her opposition.
- Gary Worthington, citizen, is in favor of the request. He stated he likes the proximity to his home.
- Sarah Harris, stated she is opposed to the request. She stated she does not believe this is a good location for a gas station, as there are 3 other locations within 1 1/2 miles away.
- Cheryl Callen, citizen, stated she is opposed to this request. She stated she would not have bought her home if she knew about this project and doesn't believe it is needed at this location.
- Ken Harris, citizen, stated he is opposed to the request. He does not think it is needed in the area/neighborhood and will cause property values to decrease.
- Sarah Harris asked for clarification on the hours of operation.
- Planning and Zoning Director Spendlove clarified the hours of operation can be from 6:00 am-11:00 pm per code.
- Gary Wolverton, developer, gave history of the area and explained what is required within the area. He believes this fits in the neighborhood commercial area and believes the owners will work with neighbors regarding any issues. He stated he is in support of the request, as this is what was planned originally.
- Jackie Metzger, citizen, stated she is in favor of the request. She likes the location as it is convenient to the neighborhood. She stated this is a progressive neighborhood, and local amenities will help keep it safe.
- Dan Willie, applicant, responded to the citizen concerns.
- Commissioner Campbell asked what is the percentage of sales for beer and wine.
- Troy Willie answered roughly 25% of inside sales, with inside sales of other items equally 45%. He stated gas sales make up the remaining 30%, but don't go into account of inside sales.
- Chairman Kelley asked Planning and Zoning Director Spendlove to display the Special Use Permit criterion on the screen.

Public Hearing: Closed

Discussions Followed:

- Commissioner Rambur stated he does not believe this use will change what infrastructure the city will have to maintain.
- Commissioner Detweiler stated he likes the public input. He does like an option to get people off Blue Lakes Boulevard. He does not believe people will drive off Pole Line Road to get gas at this location, but will be used as a neighborhood gas station, and won't increase traffic. He likes the proposal and is in support of the request.

- Commissioner Perez stated it is good to have insight from the public. She stated she likes the idea of a walkable and convenient convenience store but doesn't think a gas station is a good idea for the area. She stated the site plan does not show walkability to the community. She stated she is opposed to the gas station.
- Chairman Kelley stated he has struggled with the harmonious to neighborhood criteria, but understands this area was designated in 2008 for this use.
- Vice Chair Bolton stated she appreciates the public input and architectural consideration, but thinks it is wrong place for gas station. She does not believe this request meets the criteria of a Special Use Permit. She stated she is opposed to the request.
- Commissioner Stone stated he is in support of the request. He stated the Comprehensive plan calls out neighborhood commercial. He stated this proposed use will serve the community that is there now versus bringing more to the area by putting in multi-family housing, as it is zoned for currently. He stated there are underserved areas on either side of Blue Lakes Boulevard. He stated he believes if the request is denied, it will go against the Comprehensive plan. He stated there is already a precedent set, with examples of other neighborhood gas stations close to residential homes in the city.
- Commissioner Campbell stated she is not in favor of the request. She stated she believe this is not right for the area and would like to see something like a grocery store, that would be walkable to the residents. She stated a gas station is detrimental to the health of the people in proximity.
- Chairman Kelley asked the commission if the applicant did not request the gas station or drive-through, would there still be reason to say no to the request.
- Commissioner Campbell stated she believes the gas station is in opposition to the Special Use4 Permit criteria.
- Commissioner Perez stated precedent should not influence this decision. She stated she is okay with the commercial use, but not the gas station. She would like to see fewer gas stations and petroleum fueling and more electric charging facilities.
- Commissioner Stone stated he feels this is viable project, and does not believe the commission shutting down the project will set a dangerous precedent.
- Commissioner Perez believes this developer may still be able to come back with something fits better, and that is the reason the commission has hearings.
- Commissioner Campbell believes saying no does not go against the Comprehensive plan. She stated it will still get people off Blue Lakes Boulevard with a walkable commercial store.
- Planning and Zoning Director Spendlove stated the commission can explore possible conditions to come to a vote.
- Vice Chair Bolton stated the commission can't ignore the criteria, and the request must meet all nine criteria.
- Chairman Kelley revisited adding conditions.
- Vice Chair Bolton stated no gasoline is what would change her mind. She opposes this project.
- Commissioner Rambur looked online at the other Oasis locations. He stated there are five locations adjacent to residential neighborhoods and believes Vice Chair Bolton has valid points.
- Planning and Zoning Director Spendlove stated the commission should focus if the request meets or not meet the criteria. He shared examples of possible conditions.
- Commissioner Stone stated the property is zoned R-6 and he believes more infrastructure would be needed to accommodate high density housing.
- Chairman Kelley reviewed the public comments and concerns of commission.
- Commissioner Perez asked about adding a condition.
- Commissioner Rambur stated he found it interesting that only one public comment from someone who lives to the east of the location.
- Commissioner Detweiler stated gasoline is a big part of life. He spoke to the concern of the location and asked where one should be built, if not here.

- Commissioner Perez stated she wants to add a condition to not include the gas pumps.

MOTION: Commissioner Perez moved to add condition to remove the gasoline pumps from the request. Commissioner Campbell seconded the motion.

Motion Failed by a vote of 2 to 5.

MOTION: Commissioner Stone made a motion to approve the request for a Special Use Permit to allow a gasoline service station and drive through on property located at 926 Falls Avenue West c/o R. Colby Ricks on behalf of Oasis Stop N Go LLC, as presented, with staff recommendations. (PZ22-0159) Commissioner Detweiler seconded the motion.

Motion Approved by a vote of 4 to 3.

6) Upcoming Meeting(s)

- a) 2023 PZC Meeting Calendar
The calendar was reviewed by the commission and approved as is.
Calendar will be posted on the city's website.
- b) Tuesday, December 13, 2022
December worksession cancelled.

7) Adjournment

The meeting adjourned at 08:52 PM

Kelli Ebersole

Kelli Ebersole, Technician