



Twin Falls Planning & Zoning Commission Minutes

Tuesday, November 28, 2023, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

COUNCIL CHAMBERS

Members -

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

Area of Impact: David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Chairman Kelley called the meeting to order at 06:02 PM

Members Attending: Kelley, Rambur, Campbell, Weatherford, Stone

Staff Attending: Jonathan Spendlove, Will Klaver, Kelli Ebersole, Lisa Strickland, Jody Green, Linda Wells

2) Conflict of Interest Declaration

Commissioner Stone stated that he has given an evaluation on one of the properties on the agenda at one point but has no financial gain or outside knowledge and feels this will not be conflict of interest.

3) Consent Calendar

- a) Approval of minutes from the following meeting: November 14, 2023

MOTION: Commissioner Stone made a motion to approve the Consent Calendar, as presented. Commissioner Weatherford seconded the motion.

Roll call vote showed all members present voted. Approved 5-0.

4) Items of Consideration

- a) Request for the consideration of the preliminary plat Ellis Subdivision approximately 1 +/- acre(s) consisting of four (4) lots located at 1288 Eastland Dr N, c/o TD&H Engineering on behalf of Mark Ellis. (PZ23-0088)

Staff Presentation:

City Planner Strickland presented the request for the consideration of the preliminary plat Ellis Subdivision approximately 1 +/- acre(s) consisting of four (4) lots located at 1288 Eastland Dr N, c/o TD&H Engineering on behalf of Mark Ellis. (PZ23-0088)

Per City Code 10-12-2-3

The Commission shall review the preliminary plat. The Commission's decision is final unless appealed to the City Council. The final plat is reviewed by the City Council.

Commission's Findings: In determining the acceptance of a proposed subdivision, the Commission shall consider the objectives of this Title and at least the following:

- a. The conformance of the subdivision with a Comprehensive Plan.
- b. The availability of public services to accommodate the proposed development.
- c. The continuity of the proposed development with the capital improvement program.
- d. The public financial capability of supporting services for the proposed development; and
- e. The other health, safety or environmental problems that may be brought to the Commission's attention.

Action On Preliminary Plat: The Commission may approve, conditionally approve, disapprove, or table for additional information when acting on the preliminary plat.

The property was annexed in October 2022 with a zoning designation of R-2; Residential Single Household or Duplex.

The property is approximately one (1) acre and is proposed to be subdivided into four (4) residential lots. The current home will be on Lot 1 with the remainder of the property being developed into three (3) additional residential lots. The R-2 zone allows for single family dwellings with a minimum lot size of 6,000 sq. ft and duplex dwellings with a minimum lot size of 10,000 sq. ft. The proposed preliminary plat meets the minimum lot size requirements for two (2) duplex buildings and one (1) single family dwelling. The subdivision will be serviced by city utilities and will be accessed from Eastland Drive North, a major arterial roadway. The future land use map designates this area as Town Neighborhood, making the plat compatible with the 2016 Comprehensive Plan. Staff has determined the preliminary plat complies with the standards as outlined in the City's General Subdivision Provisions of Title 10, Chapter 12, Section 3 and State Statute 50-Chapter 13.

Upon conclusion, should the Commission approve this request as presented, staff recommends approval be subject to the following conditions:

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.

Applicant Presentation:

Rex Harding, TD&H Engineering, on behalf of Mark Ellis stated that this plat meets the requirements. The plan is to have a single driveway entrance coming into the property coming off Eastland. Curb, gutter and an ADA ramp on SE corner will be installed. One retention area in the NE corner and one in the SW corner.

Follow-up

Rex addressed the traffic issues concerns. The number of duplexes isn't decided yet. The access further south isn't possible because of the power pole. The existing driveway will be moved a little south to be part of the entrance for all units. The parking for each lot will come out in the building permit stage and will meet city requirements. There will be no parking on Bowlin lane as it isn't part of the plat.

PZ/Questions & Comments:

- Commissioner Campbell asked how many square feet are required for single family residential.
- Planner Strickland answered that in the R-2 zone for single family is 6000 square feet and minimum lot size for duplex is 10.
- Commissioner Campbell then asked how many acres and what that converts to in feet.
- Director Spendlove answered it is close to 43,560 feet.
- Commissioner Weatherford asked for clarity of the roadway for the other lots.
- Rex explained that there will be one entrance and each lot will have their own driveway.
- Commissioner Campbell asked about turning left off Eastland and can they make the angle?
- Rex replied that they can.
- Chairman Kelley asked about the ADA access on north side and will it have curb, gutter and ramp on the Eastland side and entrance.
- Rex stated there is an existing sidewalk, curb and gutter.
- Chairman Kelley asked about landscaping along eastland.
- Rex replied that there is 18' of right-of-way that the retention pond isn't in, and it can be landscaped.
- Chairman Kelley asked if the applicant felt they would need a wider cul-de-sac.
- Rex stated that it meets the requirements for turn-around.

Public Hearing: Opened

- Kyle Nay has concerns with people developing on 1 acre lots. 10a – concerns that the driveway isn't big enough to turn around. 10b – concerns on how far can city buildings come in without compromising wells. He fears that he will be forcefully annexed into the city and doesn't feel this development fits the comp plan. 10-1-5e – concern that putting duplex's in next to million dollar homes isn't a good idea as far as protecting value of homes. 10g – concerns for the traffic on the main road.
- Mark Butcher has concerns about the density he feels that there are no multiple family homes in area. He stated South bound is a double yellow line. He feels this is not consistent with the rest of the area.
- Carl Nelson asked the commission if they have visited the lot. And what did they think of the double basketball court. He asked if they needed a permit. He has concerns of the safety of the street. He stated he has witnessed the applicants using Candleridge illegally.
- Ben Swensen felt the plat wasn't clearly explained. He asked if they can reject the plat. He doesn't feel there is room for parking on the north of the existing home. There will be a lot of vehicles and where are they going to go? Feels more work needs to be done along with a traffic study. He has a personal distaste that they wanted to be annexed because of bad septic and well. He feels the change of zoning shouldn't have been made. Public hearing needs to be done for this item.
- Brett Bingham stated he agrees with previous statements. He feels Planning and

Zoning was misleading about the requirements concerning the zoning changing without future plans being presented at the time. He has traffic concerns how people will turn on to property and exiting.

- Amy Nay stated the acreage was incorrect. She thinks the number of parking spots is a concern and there will not be enough. She feels that extra vehicles will be parked on her road. Policy for City 10-1-4 developing in a way to provide for open spaces – she thinks with the current lay out that the density will be too high.
- Kersten Baker has concerns that her lot is under an acre and this kind of density and multi-family residential units would make her lot feel congested. She stated the current owner is using the wrong access. She has setback concerns. The traffic on the road turning onto this lot is a concern. She would like a traffic study done.
- Ann Bingham stated her concern is the safety of the traffic flow.
- Chairman Kelley asked the applicant if he would like to address the traffic study questions.
- Rex responded that with 4 lots it's never come up before. He gave a few examples of left turn lanes in the area. It's a double yellow line and that's on the city police to enforce that. Turning in would require a right turn heading north.
- Commissioner Stone asked if there was any reason this is broken into 4 lots instead of 3.
- Rex said that's just what the applicant wanted, and the area has room to do it.
- Commissioner Campbell asked about the acreage.
- Rex explained that with the right-of-way it's under an acre. It's .84 acres.
- Commissioner Stone asked to look at the preliminary plat and bypass the road and combine lots.
- Rex stated that the applicant wants to do what is being presented.
- Commissioner Campbell asked about the road and if it connected to any other roads.
- Rex stated they do not.
- Commissioner Stone asked Director Spendlove if there was a cut-in where the proposed driveway is going to be.
- Director Spendlove stated yes, that's where the current driveway access is. He stated the commission could place conditions for right in and right out. Gave example of a condition that could be used.
- Commissioner Stone asked if the restriction would apply to the people on Bowlin Lane.
- Director Spendlove stated it would not. The city engineer feels a median could go to the end of the plat area and would not affect anyone else.
- Commissioner Rambur asked about the lot size to the west. Thinks they look similar.
- Director Spendlove stated the number of lots are similar. Gave lot sizes.
- Chairman Kelley asked Director Spendlove to clarify the annexation of this lot and explain why the city does this.
- Director Spendlove explained that the city does not do a "forced" annexation and will do this in cases of failed wells under the direction of South-Central District Health. South Central can force someone to close their own well if it becomes unsafe to use. The city has not "forced" anyone in over 2 decades.
- Commissioner Stone asked for clarification about the residents' access point.
- Director Spendlove stated where exactly they use, he is not sure, but they do have

private driveway access off Eastland.

- Chairman Kelley answered the question from earlier about if any of the commissioners have driven by the property and stated that no they haven't and they try to stay as neutral as possible. They rely on the information presented by the staff and applicant.
- Director Spendlove gave information that on "average" a single-family home has 10 trips per day.

Public Hearing: Closed

Discussions Followed:

- Commissioner Campbell had questions about people turning left. She wants to support the property owners' right to develop land.
- Commissioner Stone stated he would like to see this as 2 lots.
- Chairman Kelley asked why he wanted that.
- Commissioner Stone said the public comment about traffic and the integrity of the neighborhood.
- Commissioner Rambur said it looks similar to the layout to the west but is doing duplexes instead of single family. He stated that people break traffic laws all the time and so the left turning is not a concern. It's not right that people do that.
- Chairman Kelley posed a question to look at the Zoning District Map and the surrounding areas are R-1 and R-2. How does it fit with the surrounding neighborhoods? We can't change the zoning but considering what's around it is there any concerns about the zoning? He explained what a "hammerhead" driveway is.
- Commissioner Stone feels that dividing it into 2 lots makes it more congruent to the neighbors. Stated that the commission is bound by the Comprehensive Plan.
- Chairman Kelley said there are many facets of the plan but also some criteria they have to follow. He questioned if it's cohesive with the surrounding area.
- Commissioner Campbell is concerned about the traffic.
- Chairman Kelley suggested to put a condition to put a median there to prevent left turning.
- Commissioner Campbell feels if this is approved, they should have as many warnings as they can.
- Commissioner Stone stated that people will break the law.
- Commissioner Rambur feels that a curb will just create issues. He feels that duplexes in the area are not harmonious.
- Commissioner Weatherford likes the condition but doesn't want it to impact the neighbors.
- Commissioner Campbell asked if there is an automatic entitlement with the zoning.
- Director Spendlove explained that the zoning allows duplexes.
- Commissioner Campbell asked Director Spendlove to clarify what they are voting for.
- Director Spendlove explained that they are looking to see if the plat meets the zoning code. He explained the difference between the comp plan and future land use map vs. the law of what people are following on the property. Comp plan is the desired outcomes, and the law is how we get the desired outcome. The comprehensive plan

has multiple elements. When they are looking at it to be in conformance does it violate the basic tenants of what that vision of the community was. You are looking at broad policies. When you get to the zoning of the property what is a person by right allowed to do per the law. This zone has a right to have a duplex on it. What you're looking for is does it conform with the general guidelines of the comprehensive plan, also does it conform with the law or zoning of the property that it is. You are looking for sewer, water, can police get in, can fire get here and around it. The surrounding lots could also put duplexes in they just chose to do single-family homes.

- Commissioner Campbell asked if these were part of the presentation and found to have met all those criteria, then what are we specifically looking at.
- Director Spendlove stated that the commission is looking at the plat and seeing if they can make it less burdensome for people that are there. Gave examples of things they could require like a substantial median that people can't drive over, a wider sidewalk for children to walk to school or a landscaping buffer around the perimeter.
- Commissioner Campbell asked if the city pays or the developer.
- Director Spendlove stated that the developer would because it wouldn't be required if it wasn't being developed.
- Commissioner Stone talked to the Chair. He talked about placing conditions on the use.
- Chairman Kelley responded that related to what we know and what they are voting on there are concerns. Wants to address it now.
- Commissioner Campbell would like the developer to install a right turn only in 1st phase and a median.
- Chairman Kelley clarified a "significant" median.
- Commissioner Stone feels this would keep it compliant also.
- Commissioner Weatherford agrees with a significant median.
- Commissioner Stone asked if they can table this and ask the developer for a site plan showing improvements.
- Director Spendlove explained that it should be the developer working with the city engineer so it's the city's design.
- Commissioner Stone questioned if a substantial median would affect the left turning drivers.
- Director Spendlove explained it would go on the left-hand side of the left-turn lane.
- Commissioner Campbell asked about the fact that the mailbox is on the other street. And how will the residents receive their mail.
- Director Spendlove stated the post office decides where mailboxes should go.
- Commissioner Campbell asked if they could condition a fence around the land.
- Director Spendlove stated it's in their privy.
- Commissioner Campbell asked about the height of a fence.
- Director Spendlove explained that anything over 7' needs to be engineered. Ost site obscuring fences in the city are 6'. You can dictate the material or exclude certain material.
- Commissioner Campbell would like to condition a fence to protect the integrity of surrounding homes.
- Chairman Kelley stated he would like to finish the median conversation.

Commissioner Campbell made a motion to include condition of the developer installing, at their cost, a right turn only sign leaving the property during phase 1 and construction of a significant median at the developers cost before phase 1 begins with the design acceptable to the city engineer. Commissioner Weatherford seconded the motion.

Roll call vote showed all members present voted. Approved by a vote of 4-1.

Discussion for fencing:

- Commissioner Campbell would like to see a 6' site obscuring fencing.
- Commissioner Rambur stated he thinks that's standard for any new neighborhood and agrees.
- Director Spendlove gave examples of fencing in the area and explained that they can dictate with they want.
- Chairman Kelley asked what they are looking for.
- Commissioner Campbell feels doing this would go a long way for the neighbors in mitigating issues.
- Commissioner Campbell asked if they can have the developer work the neighbors on a fence of their choice.
- Director Spendlove explained that would be delegating. They can have the developer bring the idea to a new meeting to be agreed on.
- Commission Campbell feels if it matched the existing fence it would tie in better. It would make it more congruent.

Condition #3

Commissioner Campbell made a motion to include condition that all 3 lot lines North/East/South have a 6ft privacy fence matching or similar to the property to the North/East surrounding the perimeter of the subdivision. Commissioner Weatherford seconded the motion.

Roll call vote showed all members present voted. Approved 5-0.

Commissioner Campbell made a motion to recommend approval of the request for the consideration of the preliminary plat Ellis Subdivision approximately 1 +/- acre(s) consisting of four (4) lots located at 1288 Eastland Dr N, c/o TD&H Engineering on behalf of Mark Ellis. (PZ23-0088) as presented, with staff recommendations and added conditions. Commissioner Weatherford seconded the motion.

Roll call vote showed all members present voted. Approved 5-0.

5) Public Hearings

- a) Request for a Special Use Permit for Motels and hotels on property located at 211 River Vista PL (Lots 6&7 Pinnacle Subdivision). (PZ23-0065)

Staff Presentation

Senior City Planner Klaver presented the request for a Special Use Permit for Motels and hotels on property located at 211 River Vista PL (Lots 6&7 Pinnacle Subdivision).(PZ23-0065)

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, 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, in fact, constitute a special use as established by zoning requirements for the zone involved.
- 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 August 1994, the subject property, along with others, had a Planned Unit Development (PUD) agreement, titled "Northbridge No. 2". In January 2008, the Northbridge No. 2 PUD was amended to create a new PUD titled "River Vista" PUD. The previous Northbridge No. 2 PUD limited the height to twenty-five (25') feet and the desired land use was mixed-use and is the reason for the amendment and creation of the River Vista PUD. The subject parcel has never been developed up until this point.

The comprehensive plan designates this area as Mixed Use. The Mixed Use designation denotes uses such as, but not limited to, retail, office, restaurants, townhomes, hotels, and plazas/parks. The surrounding uses align with this mix of development by constituting primarily professional offices such as lawyers and doctors, with the intertwining of food/drink establishments with spurts of residential ranging from duplexes to the River Crest apartment

community. Also, not far away is the Canyon Crest Event Center. The comprehensive plan states in the Community Character Goal 2: Preserve the Canyon Rim that we should "continue to protect the Canyon Rim through enforcement of current City Code and ordinances that balance private property rights and the desire for public access to the Canyon Rim Trail System.

This project proposes to follow the Comprehensive Plan by following the Canyon Rim Overlay standards and continuing to allow public access to the Canyon Rim Trail System. Furthermore, the comprehensive plan designation's desire list of mixed uses specifically calls for hotels, if it is compatible with the other uses in the area.

Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project.

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

1. Subject to obtaining the required permits and/or licenses needed, along with the site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.

Applicant Presentation:

Scott Ebbott from Salt Lake City in charge of development for Field and Stream Hotels. Will be doing 30 of these over the next couple of years. Their focus is on leisure travelers.

Kevin Curren DLR Group. Gave details about the different building and floors.

PZ/Questions & Comments:

- Commissioner Campbell asked about the Canyon rim overlay and if they will be compliant.
- Planner Klaver explained that they will and the reason for the Special Use Permit request is because of wording.
- Commissioner Stone asked how the height compares to the surrounding buildings.
- Planner Klaver responded that it will be below the height of other buildings.
- Commissioner Rambur asked if this will block the view of the bridge for the building to the west.
- Planner Klaver explained that it will depend on where you are.
- Chairman Kelley asked if this has leased parking.
- Planner Klaver stated that parking is handled during the building process.
- Commissioner Campbell asked if they have any affiliation with the magazine.
- Scott Ebbott said yes, we bought it and are bringing it back.
- Commissioner Stone asked if they were going to have a restaurant.
- Scott Ebbott said not a sit-down restaurant but would have a few snacks in the lobby.

Public Hearing: Opened

- Mike McBride said they are excited for this. Original developer of River Vista. He thinks

this is a good fit for the original plan.

- David Thibault EHM stated he worked with city staff to comply with the setback of the canyon rim. They have reduced the heights and kept the similar use.
- Commissioner Campbell asked for a definition for transient.
- David Thibault explained that the wording in code for transient fit this project better.
- Dan Willy and his family own other businesses in the area and they are in favor of this.

Public Hearing: Closed

Discussions Followed:

- Director Spendlove clarified that transient is less than 30 days.
- Commissioner Campbell asked if this was a hotel and they stayed more than 30 days they wouldn't need a permit.
- Director Spendlove explained that from a building code perspective it makes a difference.
- Commissioner Rambur loves the design and is in favor.
- Commissioner Campbell likes the brand recognition and thinks it is huge for the canyon.
- Chairman Kelley asked if anyone has concerns for the overlay.

MOTION: Commissioner Stone moved to Approve the request for a Special Use Permit for Motels and hotels on property located at 211 River Vista PL (Lots 6&7 Pinnacle Subdivision). (PZ23-0065). Commissioner Rambur seconded the motion.

Roll call vote showed all members present voted. Approved 5 to 0.

- b) Request for a Special Use Permit for an Indoor recreation facility (family fun center) with extended hours of operation on property located at 1727 & 1809 Park View Drive. c/o EHM on behalf of Runamuck KA-TET Investments (PZ23-0077)

Staff Presentation:

City Planner Strickland presented the request for a Special Use Permit for an Indoor recreation facility (family fun center) with extended hours of operation on property located at 1727 & 1809 Park View Drive. c/o EHM on behalf of Runamuck KA-TET Investments (PZ23-0077)

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, 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:

1. Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
2. Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
3. 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.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. 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.
6. 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.
7. 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.
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Currently the property is undeveloped and is zoned C-1 PUD within the Canyon Properties PUD recorded in 2003.

The applicant is proposing to construct and operate an indoor recreation facility, a "family fun center". The facility will include bowling, laser tag, virtual reality, an arcade, party rooms and a kitchen and eating area with all events contained inside the building. They plan to operate Monday - Thursday 11:00am-9:00pm, Friday & Saturday 11:00am-11:00pm and Sunday 11:00am-7:00pm. This application also includes a request for extended hours because within the C-1 zone and the PUD businesses operating prior to 7am and after 10pm require a special use permit. They will employ approximately 16 people and provide 195 parking spaces on-site.

The Canyon Properties PUD was recorded in 2003. The lots proposed for the family fun center are identified within the Master Development Plan as C-1. The comprehensive plan designates this area as Neighborhood Commercial. The characteristics associated with this designation include land uses that provide support services and small-scale commercial uses for the surrounding neighborhood. The development is proposed for an area that is growing and has access to a major arterial gateway constructed to handle large volumes of traffic. This business will provide family-oriented entertainment for Twin Falls and will be classified as a small-scale commercial use. The traffic generated to and from the site should have minimal impact as the main access to this location is Park View Dr, a collector, which is connected to Pole Line Rd W, a major arterial, both of which can support the traffic. As this area has a master development plan for commercial development in this area and the land use is compatible both with the zone, the PUD and the comprehensive plan, Staff does not foresee any negative impacts related to the land use, based on the standards for approval.

Approval of this zoning request does not preclude the applicant from obtaining the required

permits and/or licenses needed to complete the project.

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:

Dave Thibault EHM Engineers discussed hours of operation and number of employees. He explained that access around this lot is good. The number of parking spots are in compliance with requirements. This will be a service indoor and year-round.

PZ/Questions & Comments:

- Commissioner Campbell asked if this is a chain.
- Dave Thibault replied that he thinks it is but is not sure.

Public Hearing: Opened and closed with no public input

Discussions Followed:

- Commissioner Rambur had no concerns.
- Planner Strickland clarified that if alcohol is served, they will come back for an additional permit.

MOTION: Commissioner Stone moved to approve the request for a Special Use Permit for an Indoor recreation facility (family fun center) with extended hours of operation on property located at 1727 & 1809 Park View Drive. c/o EHM on behalf of Runamuck KA-TET Investments (PZ23-0077) Commissioner Campbell seconded the motion.

Roll call vote showed all members present voted. Approved 5 to 0.

- c) Request for a Special Use Permit for a motel and/or transient hotel on property located at 1201 Kimberly Road c/o Wagon Wheel Motel LLC. (PZ23-0083)

Staff Presentation:

City Planner Ebersole presented the request for a Special Use Permit for a motel and/or transient hotel on property located at 1201 Kimberly Road c/o Wagon Wheel Motel LLC. (PZ23-0083)

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, 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, in fact, constitute a special use as established by zoning requirements for the zone involved.
- 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.

The property is zoned C-1, Commercial Highway District. According to County records, the property was built in 1940 as a motel. The property has changed ownership over the years, with the applicant purchasing the property in 2020.

Per City Code 10-3-4 (A), when a nonconforming use involving a building is discontinued from use for a period of one (1) year, the property must follow all current zoning code procedures. This property has been vacant for more than ten (10) years, prompting the Special Use Permit process, as a Motel or Transient Hotel needs a Special Use Permit in the C-1 zone. The applicant has plans to remodel the motel, bringing it up to current standards, following the building, zoning and fire codes. The plan is to have eleven (11) rooms and an office for the motel. Per the applicant, there will be no employees on staff at the motel.

Per City Code 10-10-6, the parking requirements for the motel are one space per sleeping room, and one additional space for each 200 square feet of commercial floor area contained therein. The applicant has shown the parking layout on the site plan.

Per City Code 10-7-12, a property on a Gateway Arterial (Kimberly Road) requires a landscape strip at least ten feet (10') in width immediately behind the sidewalk or future sidewalk when an existing building is being remodeled. The numbers of trees and shrubs required will be calculated during the building permit process.

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for "Commercial", which is designed for Highway-oriented, large-format retail, hotels, restaurants and other retail. Staff had determined the proposed use is compatible with the comprehensive plans.

Based on the standards for approval staff does not foresee any negative impacts related to the proposed land use.

Approval of this zoning request does not preclude the applicant from obtaining the required permits and/or licenses needed to complete the project.

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:

- Kyle Miller explained that engineering took too long and now they have to go through the process again. The building will be renovated.

PZ/Questions & Comments:

- Commissioner Stone asked if they were getting a permit because it was vacant.
- Planner Ebersole said yes.
- Commissioner Campbell stated she noticed it's vacant and asked if it can be rebuilt.
- Planner Ebersole said yes.

Public Hearing: Opened and closed with no public input

Discussions Followed:

- Commissioner Campbell questioned that because that area has been in disrepair are there any conditions they should look at for this property.
- Commissioner Stone wants to condition that they have to follow all the code requirements for a building permit. They use has always been for a motel/hotel and he likes the use.
- Commissioner Rambur stated he likes it.

MOTION: Commissioner Stone moved to approve the request for a Special Use Permit for a motel and/or transient hotel on property located at 1201 Kimberly Road c/o Wagon Wheel Motel LLC. (PZ23-0083). Commissioner Rambur seconded the motion.

Roll call vote showed all members present voted. Approved 5 to 0.

6) Upcoming Meeting(s)

- a) Wednesday, December 6, 2023 Work session Cancelled
- Tuesday, December 12, 2023 - Meeting cancelled
- Tuesday, January 9, 2024

7) Adjournment

The meeting adjourned at 08:13 PM

Jody Green

Jody Green, Planning Technician