



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
July 8, 2014 6:00PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Munoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods
Vice-Chairman

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

**CITY LIMIT
MEMBERS**

<u>Present</u>	<u>Absent</u>
Boyd	Derricott
Frank	Reid
Grey	Tatum
Munoz	

AREA OF IMPACT MEMBERS

<u>Present</u>	<u>Absent</u>
Higley	Woods

CITY COUNCIL LIAISON(S): Mills Sojka

CITY STAFF: Carraway, Spendlove, Strickland, Vitek, Wonderlich

I. CALL MEETING TO ORDER:

Chairman Frank called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **June 24, 2014 PH and July 2, 2014 WS**
2. Approval of Findings of Fact and Conclusions of Law:
 - Garrison (SUP 06-24-14) • Wybenga (SUP 06-24-14) • Carter (SUP 06-24-14)

Motion:

Commissioner Munoz made a motion to approve the consent calendar, as presented. Commissioner Grey seconded the motion. All members present voted in favor of the motion.

III. ITEMS OF CONSIDERATION: **NONE**

IV. PUBLIC HEARINGS:

The applicant did not arrive in time for Items IV-1 & 2, therefore Item IV-3 was moved to the top of the agenda.

3. Request the Commission's recommendation on the zoning designation for property being requested for annexation, consisting of 53.6 (+/-) acres, located on the East side of the 500, 600 & 700 blocks of Hankins Road North aka 3200 East Road c/o Twin Falls School District & The City of Twin Falls (app. 2650)

Applicant Presentation:

Brad Will, representing the applicant, stated this is the first step towards getting a new school. This is the first site the school district is working on and it is located on the east side of Hankins and south of Falls Avenue (aka Sacket Farm). A few years ago the city acquired some property where the lift station is located through a conveyance plat. Some work needs to be done to this property and it was decided it would be prudent to annex the property into the city prior to doing the work. This will be a new elementary school, the plan is to maintain 10 acres for the school and then the remainder will be a residential subdivision. During this process it was decided to annex the 2 acre parcel that belongs to the city also as part of this request, which is why it is a joint request.

Staff Analysis:

Planner I Spendlove reviewed on the overhead the request and stated since this property is in the Area of Impact, the current zoning designation would have been placed on the property with the action taken on the Area of Impact Agreement between the City of Twin Falls and Twin Falls County in 2004.

The Twin Falls School District acquired the Sackett Farm in 1990. In April 2008 the City Council approved the Conveyance Plat of the Sackett Farms Subdivision. This conveyance plat consisted of 53.6 +/- acres with two (2) lots. Lot 1, consisting of 51.3 +/- acres, was retained by the Twin Falls School District and Lot 2, consisting of 2.3 +/- acres, was transferred to the City of Twin Falls in order to construct a Regional Pressurized Irrigation Pump Station.

This request is to annex 53 +/- acres with a zoning designation of R-1 VAR. Currently, the entirety of the property is zoned R-1 VAR, the majority of which is being utilized as agricultural farm land. A small portion on the SW corner of the conveyance plat is owned by Twin Falls City. This two (2) acre parcel was developed with a regional pressurized irrigation pump station. The property proposed for annexation is contiguous to City Limits on the west boundary, along Hankins Road, and thus is able to request annexation. There is a single family residence fronting Hankins in the middle of the Lot 1 which is not being proposed for annexation.

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Twin Falls City Code sections 10-15-1 and 10-15-2 require a hearing and recommendations from the Commission on planning and zoning designations for areas proposed to be annexed. Section 10-15-2(A) states: "The Commission hearing shall not consider comments on annexation and shall be limited to the proposed development plan and zoning changes." The City Council shall then hold an additional public hearing to determine whether the designated area should be annexed and if so what the zoning designation shall be. If approved, an ordinance is prepared and at a later public meeting is adopted by the City Council. Once the ordinance is published the published ordinance is sent to the State and the official zoning map is officially amended.

Since the School District acquired the property in 1990, the property's intended use was for potential expansion of the school district's facilities, including but not limited to a potential new school site. It is appropriate for the City to annex property owned and maintained by the City in order to gain governmental jurisdiction over our own property. Staff recommends the entire +/- 53 Acres maintain the current zoning designation of R-1 VAR.

Planner I Spendlove stated upon conclusion should the Commission find the R-1 VAR zoning designation appropriate, they should forward a positive recommendation to the City Council.

PZ Questions/Comments:

- Commissioner Frank asked about requests related to the Comprehensive Plan.
- Planner I Spendlove stated there will be several requests associated with this property; this request is only for annexing the property which can be done without a Comprehensive Plan Amendment. By annexing first it eliminates a public hearing process, by annexing any other requests that come through the process will have a final decision made by the City Council, if the property remains in the Area of Impact it requires additional hearings that must go through the Twin Falls Board of County Commissioners adding more time to the process.
- Commissioner Grey asked why one piece of property was not included in the request.
- Planner I Spendlove stated property owners have to make application to be annexed. There are several areas throughout town that are not annexed but are surrounded by the City Limits.
- Mr. Wills explained that the gentleman that owns that piece of the property has been told what is going on and didn't feel like there would be an advantage to annexing.
- Commissioner Munoz asked about City services being available to the piece of property that is not being annexed.

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- Assistant City Engineer Vitek stated the property will be surrounded by city water and sewer services. If their well or septic system fails and they are within 150 feet of those services the property will have to be annexed and they will be required at that time to hook up to city services.
- Commissioner Grey clarified that annexation would have to occur prior to hooking up to services.

Public Hearing: [Opened](#)

- Roy Anderson, 3069 Highlawn Dr, stated he lives on the south side of this plot of land and he asked if the people that live nearby with a septic tank would have to hook up to City services if their system fails. His property bounds Filer would those properties if they had well or septic issues have to connect to city services. He also asked if there are plans for the 500 or 600 block on Hankins yet.
- Assistant City Engineer Vitek stated that if the property is within 150' of services and their system failed. If utilities were brought in along Filer Avenue and it was within 150' of the property that has a failed system that property would have to hook up to city services. He explained currently there have not seen any plans, so there is not any information available about the development of the 500 or 600 block along Hankins.

Public Hearing: [Closed](#)

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Higley made a motion to recommend approval to the City Council of the request, as presented. Commissioner Boyd seconded the motion. All members present voted in favor of the motion.

[Recommended For Approval, As Presented](#)

PUBLIC HEARING SCHEDULED FOR CITY COUNCIL AUGUST 4, 2014

1. Request for a Special Use Permit to allow a new 100' free standing Wireless Communications Tower on a leased portion (28' x 48' - 1344 sf) of property located on the west side of the 200 block of Martin Street in the Holohan Addition; Lot 10 Exc S 25' and Exc E 125' (aka Clouчек Avenue) Helen P. Kolouch Family Trust c/o Jarod White-Verizon Wireless (app. 2641)

Applicant Presentation:

Jared White, representing Verizon Wireless stated the reason for the request is to make services more readily available. The addition will take stress off of the current system and allow for additional capacity. They did make a request to co-locate on the tower at the county building however there was not enough space available. Therefore they proceeded to find another location for a tower.

Staff Analysis:

Planner I Spendlove reviewed on the overhead the request and stated the history of the property is very minimal. We have no building history for this particular parcel. In 1981, Ordinance 2012 was adopted which created the zones we use today. It is believed the parcel in question was zoned C-1 at that time. There is no further zoning history for this location.

This is a request for a Special Use Permit to construct a new Freestanding Wireless Communication Facility. The applicant and representative have indicated in their narrative and supporting documents that a co-location in the area is not feasible in order to gain the increase in cellular coverage needed to service their customers. The plans show a tower of 100' tall with an antenna array similar to those seen around town. Verizon is proposing to lease a 28' x 48' area (1344 sf) of undeveloped land. There will be opportunities for co-location of other wireless carriers, and should the antenna be abandoned, it will be removed and the land restored to its original state at the time of installation.

Per City Code 10-7-17: Wireless Communication Facilities are required to meet certain height, setbacks, color, attachment, landscaping, lighting, and maintenance criteria. The drawings furnished by the applicant appear to show compliance with these items. However, these drawings are not approved for construction. Full compliance with City Code Section 10-7-17 will be reviewed with building permit submitted and will need to be fully compliant prior to a building permit being issued for the construction of this project.

Planner I Spendlove stated upon conclusion should the Commission grant this request as presented; staff recommends approval be subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to construction plans being compliant with City Code 10-7-17 at the time of building permit submittal.
3. Subject to an easement being granted that provides adequate access to a public Right-of-Way.

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PZ Questions/Comments:

- Commissioner Frank asked if co-location would be allowed on the new tower.
- Mr. White explained co-location is preferred because it is cheaper. When he is in search of a new location his first search includes a co-location because it is cheaper and he can get the product to market quicker. Almost every city ordinance he has seen over the past 8 years includes the desire for co-location, all of the providers have designed master co-location agreements. These agreements state space will be leased by the owner of the tower to other carriers and the other carriers will provide them the same service on their towers.
- Commissioner Frank asked if the equipment building is big enough for other carriers.
- Mr. White explained the building is not big enough for other carriers. Verizon would only lease space on the tower. The other carrier would have to make arrangements with the property owner to acquire space for their equipment shelter.
- Commissioner Frank asked about the need for generators.
- Mr. White stated their generators are housed in the equipment shelter to reduce impacts to the neighbors.
- Commissioner Grey asked where other buildings would be located, it looks like the building shown on the site plan takes up all of the space.
- Mr. White stated leasing of the property is at the discretion of the property owner. Verizon could lease a larger space and then sub-lease the land which means Verizon makes the money which is not advantages to the property owner. Additional carriers will have to negotiate for land with the property owner.

Public Hearing: **Opened & Closed Without Public Input**

Deliberations Followed: **Without Concerns**

Motion:

Commissioner Munoz made a motion to approve the request, as presented, with staff recommendations. Commissioner Grey seconded the motion. All members present voted in favor of the motion.

2. Request for a Special Use Permit to install a new 100' free standing Wireless Communications Tower on a leased area (28' x 48' - 1344 sf) on property located at 1592 Elm St Meldco, Inc. c/o Jarod White-Verizon Wireless (app. 2642)

Applicant Presentation:

Jared White, representing Verizon Wireless explained this is another request to install another tower that will add capacity to the network. Because the location is closer to the Mall it will relieve stress in the system and provide better service. This will not cover a huge area but will allow for better capacity.

PZ Questions/Comments:

- Commissioner Grey asked about the space available for additional companies to co-locate.
- Mr. White explained it would depend completely on the carrier size, if there is not enough room in the equipment shelter it would be up to the carrier to negotiate a land lease for space.

Staff Analysis:

Planner I Spendlove reviewed on the overhead the request and stated in 1991 Special Use Permit #294 was granted to Meldco Inc, to construct two (2) mini storage unit buildings on a portion of this property. In 1992, Special Use Permit #326 was granted to Meldco Inc, to construct numerous mini storage unit buildings on the remainder of the lot owned by Meldco Inc.

This is a request for a Special Use Permit to install a new Freestanding Wireless Communication Facility. The applicant and representative have indicated in their narrative and supporting documents that a co-location in the area is not feasible in order to gain the increase in cellular coverage needed to service their customers. The plans show a tower of 100' tall with an antenna array similar to those seen around town. Verizon is proposing to lease a 28' x 48' (1344 sf) area of undeveloped land east of the storage units. There will be opportunities for co-location of other wireless carriers, and should the antenna be abandoned, it will be removed and the land restored to its original state at the time of installation.

Per City Code 10-7-17: Wireless Communication Facilities are required to meet certain height, setbacks, color, attachment, landscaping, lighting, and maintenance criteria. The drawings furnished by the applicant appear to show compliance with these items. However, these drawings are not approved for construction. Full compliance with City Code Section 10-7-17 will be reviewed with building permit submitted and will need to be fully compliant prior to a building permit being issued for the construction of this project.

Planner I stated for clarification if another carrier wanted to co-locate at this site that would be allowed through administrative approval. If they want to build an equipment shelter and expanded the development of the site more than 25% that type of request would require Commission approval.

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PZ Questions/Comments:

- Commissioner Grey asked if there would be issues with setback requirements if they want to build another equipment shelter.
- Planner I Spendlove explained the larger setback requirements are for the tower itself so the building would not necessarily have setback issue.

Planner I Spendlove stated upon conclusion should the Commission grant this request as presented; staff recommends approval be subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to construction plans being compliant with City Code 10-7-17 at the time of building permit submittal.
3. Subject to an adequate easement being recorded that grants access to an acceptable public right-of-way.

PZ Questions/Comments:

- Commissioner Munoz asked what type of fence is located on the north side of the property between the C-1 and the R-4 zoned property.
- Planner I Spendlove explained there is a requirement to have screening between commercial and residential zones. Now that this has been brought to our attention he will research the issue.

Public Hearing: **Opened & Closed Without Public Input**

Closing Statement:

- Mr. White explained with regards to the easements, not having the property access easement is a far greater risk to Verizon than it is to anyone else, so they make sure they have legal access before they sign a lease for the property.

Deliberations Followed: **Without Concerns**

Motion:

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Commissioner Boyd made a motion to approve the request, as presented, with staff recommendations. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

4. Requests a Special Use Permit to operate an automotive repair business on a portion of property located at 2135 Kimberly Rd c/o Richard L Brown (app. 2651)

Applicant Presentation:

- Richard Brown, Jr., the applicant explained they would like to operate an automotive repair business. He and his dad establish R&R motors which stands for Rick and Rick in 2007. The problem was that the auto repair was tied to the car dealership. This left him unable to establish his own customer base because the dealership cars took priority over their own customers. He is now renting just the auto repair shop located on the west side of the property so that he can establish his own auto repair business. If a dealership establishes on the other adjacent space I won't be expected to do work for them.
- Richard Brown, Sr. stated he is the applicant's father and they plan to create a screened area for vehicles if they have to be there for a period of time. They don't want the cars out on display; they want them in a protected area. They have begun cleaning up the area and they plan to plant new shrubbery. As his son said they don't want to be tied to an auto dealership, they want to be able to operate independently and this location will allow them this opportunity.

Staff Analysis:

Planner I Spendlove reviewed on the overhead the request and stated the City of Twin Falls building files date back to 1971 for this lot. At that time it was Kimberly Road Gulf Service. It has been a gas station with minor automobile service/repair businesses throughout the years. Special Use Permit #48 was approved by Planning & Zoning on September 9, 1980 to allow a used car sales lot. With Ordinance 2012 in 1981 the City enacted a zoning ordinance amendment that created the zones we use today. In 1988 a building permit was issued for an auto sales office. There have been auto sales businesses off & on at this location since.

The location for the proposed automobile repair business previously allowed by sup an auto sales business which allowed minor auto repair only on vehicles associated with the sales business. Mr. Brown has leased approximately one half of the commercial property for his proposed automobile repair business. The applicant anticipates 4 to 6 customers a day. The applicant has supplied a narrative detailing the general operations of the proposed business. The applicant is expecting to operate from 8am to 5pm Monday

through Friday and 8a to 12 noon on Saturday. He will be the only employee to begin with but anticipates hiring employees in the future. The code does not regulate hours of operation for a service business, however, as the applicant is specifically stating the hours and time of operation the Commission can include as a condition of approval.

The applicant describes the type of work that is anticipated will not have a major impact on surrounding property owners. He anticipates no noise, other than the operation of the tools in the shop and the starting and stopping of the automobiles. He anticipates no impact to neighboring property owners with regard to odors, fumes, glare or vibrations.

Per City Code 10-4-8: C-1, Commercial Highway District: Automotive repair falls under Services - "Automobile and truck service and/or repair" category. This category requires a Special Use Permit approval prior to establishing the use within the C-1 zone.

Per City Code 10-4-8.3: Property Development Standards: Required landscaping in the C-1 zone shall be equal to 10% of the total required parking area or 3% of the total land area, whichever is greater. The landscaping will be evaluated for compliance at the time of building permit process for a certificate of occupancy.

Per City Code 10-7-12: Special Landscaping Requirements for Gateway Arterials: Kimberly Road is considered a gateway arterial. A landscaped strip at least 10' in width shall be provided immediately behind the sidewalk. This strip shall contain trees and bushes. The landscaping will be evaluated for compliance at the time of building permit process for a certificate of occupancy.

Per City Code 10-10: Off-Street Parking: Automobile and Truck service and/or repair uses are required to provide one (1) parking space per three-hundred (300) square feet of floor area. This requirement will be evaluated for compliance with current applicable code requirements and enforced at the time of building permit submittal for a certificate of occupancy.

Per City Code 10-11-1 thru 10: Required Improvements: New buildings, a change of use and/or an expansion of more than 25% are required to provide landscaping, screening, development of parking and maneuvering areas, street improvements; such as curb & gutter & sidewalk, storm water retention, screened trash enclosures and other infrastructure improvements. These improvements will be evaluated for compliance with current applicable code requirements and enforced at the time of building permit submittal for a certificate of occupancy.

Current City Code does not differentiate between major and minor automotive and truck service and repair. Clarification of what types of vehicles; semi-tractor/trailers, farm equipment, construction equipment, residential diesel pickup, manufacturing equipment

may be appropriate. Common complaints the City receives about vehicular repair establishments typically center on the storage of materials, parts & equipment and non-operating vehicles in areas visible from neighboring land owners or adjoining streets. The commission may wish to place a condition that requires all parts, equipment, materials and inoperable vehicles to be stored inside the building or behind a screening fence. Furthermore the commission may wish to place a condition that requires the screening fence materials and opacity be approved by the commission, or staff, prior to installation.

The last known use of this property was a Used Auto Sales business allowed by sup which allowed minor auto repair only on vehicles associated with the sales business. The applicant is leasing a portion of the property and proposing operating an automobile repair business only the portion he is leasing. It is unknown how the applicant is going to contain his business to this leased portion of the property. It would be appropriate for the Commission to ask the applicant how he plans to contain his business from encroaching on the portion of the property not being used for this business i.e.; fencing, barriers, etc... If the business is developed and operated as presented there should be reasonable harmony with existing uses and should not be anticipated to have significant negative impacts on neighboring properties. The activities described by the applicant are in conformance with the Comprehensive Plan which shows this area appropriate for service uses.

Planner I Spendlove stated upon conclusion should the Commission approve this request, as presented, staff recommends the following conditions.

1. Should the Commission grant this request as presented staff recommends approval is subject to the following conditions:
2. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
3. Subject to all parts, equipment, materials to be stored inside the building or behind a sight obscuring screening fence.
4. Subject to all non-operable and/or un-licensed vehicles being stored inside the building or behind a screening fence.

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5. Maximum time for licensed/operating vehicles to be outside prior to repair shall be 3 days.
6. Subject to screening fence material and opacity being approved by staff prior to installation.

PZ Questions/Comments:

- Commissioner Frank asked if the applicant is aware of the conditions and if he understands all non-operating vehicles have to be behind a screened area.
- Mr. Brown, Jr. explained there is a 3rd bay area in this building that cannot be used for car repair so if it is necessary for a car to sit overnight he will keep it in that bay. In today's time you can change out most parts fairly quickly or within 24 hours.
- Commissioner Grey asked if there are any issues with the adjacent portion of the property.
- Mr. Brown explained there is not a business on that portion of the property but he doesn't foresee any issues in the future. There is a sidewalk adjacent to the building he is renting and eventually he would like to install a fenced area to prevent problems.
- Zoning & Development Manager Carraway clarified that there is currently no use on the other portion of the property; staff would review any use that wants to go into this location to determine if the use is appropriate and if it requires a Special Use Permit.

Public Hearing: [Opened & Closed Without Public Input](#)

Closing Statement:

- Mr. Brown stated he has been in the automobile repair business since he was six and for him this will be a good opportunity.

Deliberations Followed:

- Commissioner Munoz stated if the applicant had applied to use the entire property versus a section of the property he would not look at the request any differently. It seems that the landlord would not allow the property to be used inappropriately. If there is a need for the other portion to come through for a Special Use Permit then this issue could be discussed. If someone was using a portion of the property without permission, it would be an issue for the landlord to address.
- Zoning & Development Manager Carraway clarified that this Special Use Permit request would only allow this use on the portion shown in the application. If the applicant encroaches onto the other portion of the property for his business this Special Use Permit does not cover that use.

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- Commissioner Grey asked if the applicant wanted to expand to the other portion of the property would he have to come back through the process for an amendment to this Special Use Permit.
- Planner I Spendlove explained an expansion of the business onto the other portion of the property would require the applicant to go through this process again.
- Commissioner Frank stated he is in support of the request but wanted to make sure the applicant is aware of the conditions because sometimes the conditions can kill a project.

Motion:

Commissioner Grey made a motion to approve the request, as presented, with staff recommendations. Commissioner Boyd seconded the motion. All members present voted in favor of the motion.

5. Requests the Commission's recommendation for a Zoning Title Amendment amending City Code sections 10-4-8.3(C) regarding maximum building height in the C-1 District, 10-4-8.3 (D) 1 regarding side and rear yard setbacks in the C-1 District, 10-4-13.3 (C) regarding requests for additional building height in the OT District, and 10-7-3 regarding the approval process for requests for additional building height. c/o The City of Twin Falls (app. 2652)

Staff Presentation/Analysis:

Planner I Spendlove reviewed on the overhead the request and stated the City Council approved Ordinance 2012 on July 6, 1981 which replaced Twin Falls City Code - Title 10; Zoning & Subdivision Regulations in its entirety.

A Zoning Title Amendment for building height was applied for and heard by the Planning and Zoning Commission during a Public Hearing on February 12th, 2012. This amendment was forwarded to the City Council and had a Public Hearing date on March 11th, 2013. The City Council requested revisions be made to the Title Amendment.

This request was initiated by the City Council on the basis that numerous applicants had applied for an increase to the fifty (50) foot maximum building height, as allowed in City Code 10-7-3. An amendment went before the City Council in March of 2013. During that public hearing the Council requested revisions to the amendment; the following changes were made per the requests of the City Council.

The proposed amendment modifies three separate sections. The first section changes two (2) items in 10-4-8: C-1 , Commercial Highway District: 1) the maximum building

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height is modified to fifty (50) feet, and 2) Side and Rear yard setbacks are required under certain circumstances.

The second section changes 10-4-13: OT, Old Town District: This change adds the OT District onto the list of zones that can apply for an increase in maximum building height through the process found in City Code 10-7-3.

The third section changes the process by which additional building height can be approved. Current City Code requires City Council approval for greater than standard building heights. This can currently be done without a public hearing. The proposed amendment will require applicants to follow the public hearing process as outlined for a Zoning Map Amendment. This will include two (2) public hearings. The first public hearing would be in front of the Planning and Zoning Commission for a recommendation; the second public hearing in front of the City Council.

Planner I Spendlove stated the Commission may recommend to the City Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested (will require another public hearing before the Commission), or it may recommend that the amendment be denied.

PZ Questions/Comments:

- Commissioner Grey asked if there was a building on site before and it is removed do the old setback requirements still apply.
- Planner I Spendlove stated that if the lot is vacant the current code requirements apply.
- Commissioner Higley clarified that the setback would change to 25' in the rear and the front.
- Planner I Spendlove stated the setback would be 25' for the rear and side yard, currently in the C-1 zone there are not property line setbacks for rear and side yard. If there is a commercial property surrounded by commercial property there will still not be any setbacks for the rear and side, the setbacks proposed would only apply when there is residential adjacent to the property.
- Commissioner Higley stated he has a concern that the additional 25' setback will make it difficult for someone to build on the lot, specifically in places along Blue Lakes Boulevard and Washington Street North.
- Planner I Spendlove explained parking can be placed in the setback.
- Commissioner Higley explained without being able to place the building further back then you limit the size of the building and also limit parking space available. Most of the lots along this area are possibly 150' feet deep.
- Commissioner Munoz explained it only applies if they are trying to build next to residential property.

- Commissioner Higley explained that the majority of the lots he is talking about do butt up against residential property.
- Commissioner Munoz stated he thinks there needs to be some time of separation. If someone is going to build next to residential he doesn't want to see a 35' wall built on the property line.

Public Hearing: [Opened & Closed Without Concerns](#)

Deliberations Followed:

- Commissioner Boyd stated she does understand the point that Commissioner Higley raised about the 25' setback. It may reduce the size of the building that can go on the lot, however the setback may control some of the projects that develop on a street like Washington Street North but it will provide a better transition between commercial and residential. The 25' feet is appropriate and it may limit the size of the building but that may be the point.
- Commissioner Munoz stated he understands the point also but most businesses have delivery trucks that travel through the back of the property and the 25' can still be used for those types of activities.
- Planner I Spendlove stated the maximum building height allowed without public hearing has been changed from 35' to 50', so when staff was preparing this proposal 50' is really tall if built on a property line next to a residential property. Staff was trying to account for that additional allowed height.
- Commissioner Frank stated he thinks that 25' is not too restrictive and he also thinks adding the public hearing process into the procedure is good, it allows people that are going to be impacted the opportunity to speak.
- Commissioner Munoz stated he served when 35' was the maximum height and people had to go through a public hearing process. Things have changed and he is pleased with this proposed amendment.

Motion:

Commissioner Grey made a motion to recommend approval to the City Council of the request, as presented. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

[Recommended For Approval, As Presented](#)

PUBLIC HEARING SCHEDULED FOR CITY COUNCIL AUGUST 4, 2014

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6. Requests the Commission's recommendation for a Zoning Title Amendment to delete Title 10; Chapter 10; Off Street Parking and Loading and replace with a new Title 10; Chapter 10; Off Street Parking and Loading c/o The City of Twin Falls (app. 2653)

Staff Presentation/Analysis:

Planner I Spendlove reviewed on the overhead the request and stated the City Council approved Ordinance 2012 on July 6, 1981 which replaced Twin Falls City Code - Title 10; Zoning & Subdivision Regulations in its entirety.

In 2001, the City Council Approved Ordinance #2010. This ordinance change multiple items in Title 10, a specific change occurred in Title 10 Chapter 10, dealing with some wording on "Compact Car Spaces".

In 2008, the City Council Approved Ordinance #2948, which modified Title 10-10 Parking Regulations dealing specifically with Multi-Family Parking Requirements.

This request was initiated by the Twin Falls City Council. Title 10 Chapter 10 is being proposed to be replaced in its entirety. There are multiple sections of the existing code that will still be present in the new code. However, the chapter designation and location of those sections will be changed. There are also many new uses identified in the parking charts that currently do not have a definition in the code.

The most notable change that occurred is the expansion of identified uses. The previous code enumerated a total of thirty three (33) distinct uses; this code amendment proposes to enumerate forty five (45) distinct uses.

The purpose behind these changes stems from the complexity of attempting to "slot" uses that have evolved from the time the initial code was adopted. Staff felt that some uses were not acting or operating as they had been in the past and therefore needed more or less parking spaces than the current code required.

For example, one use that repeatedly came up for change was "Restaurants" or "Eating Places". These uses will see a potential increase in required parking spaces. The proposed changes make a distinction between restaurants with a drive-thru and those without. Restaurants without a drive-thru act and operate inherently different from those with one.

The other notable change is the addition of a requirement for landscaping within parking lots. The current code does not have a provision to require landscaping in a parking lot.

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The proposed changes will require parking lots with twenty (20) or more spaces to have interior landscaping. The interior landscaping will be in the form of terminus and interior spaces to break up the “Sea of Asphalt” that occurs with large parking lots.

Planner I Spendlove displayed on the overhead existing parking lots throughout Twin Falls showing where additional landscaping could have been placed if these changes had been required at the time of development. This requirement cannot be retroactive but can be required if there is a change of use, through the special use permit process, large addition or for any new development. What was found when the code was being reviewed was that a lot of businesses were parking more than what was required by the code. During the public open house meetings there was a developer that explained he won’t build without a 1:250 sq. ft. ratio. His customers expect that ratio to make it worthwhile to lease the space.

Planner I Spendlove stated upon conclusion the Commission may recommend to the City Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested, which may require another public hearing before the Commission, or it may recommend that the amendment be denied.

Public Hearing: [Opened & Closed Without Public Input](#)

Deliberations Followed:

- Commissioner Grey asked if staff is comfortable with the requirements proposed as it relates to restaurants.
- Planner I Spendlove explained currently the parking spaces for a restaurant are based on seating. There is nothing in the current code that states if you add a table you need to come back through for a building permit. For example the Starbucks on Blue Lakes Boulevard did add outdoor seating and possibly some additional indoor seating that was not in place at the time of development. This proposal bases the parking on square footage of the building (1:75 sq. ft.) for standalone buildings without a drive through and (1:100 sq. ft.) for standalone buildings with a drive thru or are located in a multi-tenant building with a drive thru. The gross sq. ft. and added that outdoor seating will be included in the calculations to try and address the parking. The numbers used for calculation are linked to similar requirements associated with building occupancy. If this were in place the Starbucks would have had to provide more parking.
- Commissioner Boyd stated she thinks this is a much better approach. She also asked what a household building/elderly project/household unit is for clarification.
- Planner I Spendlove explained that she is looking at the current code requirements and has chosen a perfect example of why the code needs to be amended. There is not a definition of a household building which has created some ambiguity for parking calculations.

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- Commissioner Grey asked about Anchor Bistro, they initially started out with inside seating and then later added an outdoor seating area after they opened. How does this code impact a business that adds the seating later.
- Planner I Spendlove stated a permit would trigger review of parking requirements.
- Commissioner Higley stated his concern is that as he is reading the proposed amendment is the gross floor area definition the guideline for determining the parking.
- Planner I Spendlove explained different buildings have different uses in them so the parking can be based on the use for the space.
- Commissioner Higley explained staff may be able to assess the uses and determine the parking but how is a lay person going to know that they need to include exterior square footage if I plan to have outdoor seating in the future. He was wondering if something needs to be made clear that exterior seating needs to be included in the square footage.
- Planner I Spendlove explained if someone comes in and wants to have a restaurant staff has a review process they go through with the applicant to help them determine what the requirements will be for parking. This code change does state that outdoor patios are assessed.
- Zoning & Development Manager Carraway stated that if a business wants to add outdoor seating it may require additional Commission approval if the seating is going to encroach into the setback area in the C-1 zone.
- Commissioner Frank stated there is no perfect system but it becomes an enforcement issue if the seating is added later.
- Commissioner Higley explained he sees the business go in there is a sidewalk and then later one there are tables and chairs on the sidewalk.
- Zoning & Development Manager Carraway stated this community is very sensitive to parking, and the additional seating without additional parking will cause customers to go somewhere else.
- Commissioner Frank stated it is very frustrating to go out to the Mall to walk and not be able to walk on the sidewalk because there is a seating area in the way which forces people to step out into a traffic lane to go around. That is not a good situation and there is always a lot of traffic in that area.

Motion:

Commissioner Grey made a motion to recommend approval to the City Council of the request, as presented. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

[Recommended For Approval, As Presented](#)

PUBLIC HEARING SCHEDULED FOR CITY COUNCIL AUGUST 4, 2014

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

- Zoning & Development Manager Carraway stated the request to amend the RB-District was heard at the City Council. There was a section in the amendment that indicated if there was a request by the developer for less parking than required by code it would be reviewed by the administrator who could make that decision. It was decided by the City Council that if an amendment to the parking is requested to reduce the required parking that a public hearing before the Planning & Zoning Commission will be required.
- She stated there was also a Water Storage Tank that was approved to be constructed. There were also three items on tonight's agenda that will move forward to City Council and will be heard at a public hearing on August 4, 2014. The July 22, 2014 Planning & Zoning Agenda has 4 items scheduled, a couple of code amendments and a Comprehensive Plan amendment.
- Commissioner Munoz asked if staff has heard anything from ITD regarding the access for the Mr. Gas request.

- Zoning & Development Manager Carraway stated staff has not heard anything, however a citizen that spoke at the hearing has submitted an appeal stating he felt like it was an inappropriate use for that location. The appeal will be heard at the July 28, 2014 City Council meeting.
- Commissioner Grey asked if staff has heard any more with regards to the Laurelwood Subdivision #3 with regards to the additional access.
- Zoning & Development Manager Carraway stated staff has not heard anything, the developer has met with the neighbors but has not decided what is going to happen.

VI. UPCOMING PUBLIC MEETINGS: (held at the City Council Chamber unless otherwise posted)

1. Public Hearing- **July 22, 2014**
2. Work Session-**August 6, 2014**

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:45 PM.

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department