



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
July 22, 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	Frank
Derricott	Munoz
Grey	
Reid	
Tatum	

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:

Vice-Chairman Grey 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): **July 8, 2014**
2. Approval of Findings of Fact and Conclusions of Law:
 - Verizon Wireless (SUP 07-10-14) • Verizon Wireless (SUP 07-10-14) • Brown (SUP 07-10-14)

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

1. Request for the Commission's recommendation on an amendment to Twin Falls Vision 2030-A Comprehensive Plan to expand and clarify the depth of the commercial/retail corridor along the north side of a portion of Kimberly Road and to amend the water service boundary area to include that portion of Kimberly Road being proposed with this amendment for property within the City' Area of Impact c/o Bradford J. Wills (app. 2655)

Applicant Presentation:

Brad Wills, the applicant displayed an exhibit on the overhead and explained his request. He stated this request is for a Comprehensive Plan Amendment; adjusting the boundary for a commercial/retail area fronting on the north side of Kimberly Road starting at 3300 East. The Comprehensive Plan shows approximate boundaries but exact measurements are not used. The Comprehensive Plan is the overriding document, if a zoning request is made and if it is in conflict with the Comprehensive Plan and amendment has to be requested, if not the zoning request can move forward. The request is to expand the Commercial/Retail designation to match the area on the south side of Kimberly Road and it will be adjacent to the City of Kimberly's Area of Impact. He understands there are concerns about having commercial abut residential which is why the second proposal he will present tonight is for a new zoning district designation. Chobani and Clif Bar have changed this area of town and a determination needs to be made whether or not the north side of the road shown as Commercial/Retail needs to be expanded further north beyond the current 660'. He stated he believes it would be better to develop this area as a business park zone, this type of zone requires better aesthetics, doesn't use metal building, has higher landscape requirements more shielding and things like that to reduce the impacts to the surrounding properties. The other portion of the request is to expand the water boundary to incorporate this area. This request requires a recommendation from the Commission to the City Council and if approved he will be back with additional requests to annex this property.

Staff Analysis:

Planner I Spendlove reviewed the request and the exhibits on the overhead and he stated upon a recommendation from the Planning & Zoning Commission on the proposed Comprehensive Plan amendments the applicant shall proceed to the City Council with their request. An approved amendment may allow the applicant to apply for a rezone of the property to a zoning designation previously unsupported by the Future Land Use Map. This is a recommendation only from the Planning & Zoning Commission to the City Council and the City Council will make a recommendation to the Twin Falls Board of County Commissioners because the property is in the Area of Impact.

This request has two parts – the first part is to expand the Future Land Use Map and Water Service Boundary, identified in Twin Falls City Comprehensive Plan Vision 2030, from the NE corner of the intersection of 3200 East Road aka Hankins/Kimberly Road, an area

approximately 1320' deep, to the NW corner of the intersection of 3300 E Road aka Champlin Road/Kimberly Road. The second part of the request is for an expansion of the land use designation from Agricultural to Commercial/Retail thereby designating a deeper commercial/retail designation. The general area being requested for change is (+/-) 66 Acres located North of Kimberly Road between Hankins Road (3200 East) and Champlin Road (3300 East). The area described by the applicant is currently zoned R-1 VAR, R-2, and C-1 and is within the Area of Impact. This area is currently designated as Agricultural on the Future Land Use Map.

According to the applicant, a depth of 1320 feet along major arterials is needed to fully develop commercial properties to their full potential. For this reason, the applicant is requesting the current Commercial/Retail area north of Kimberly Road be extended an additional 760 feet. The applicant claims this Commercial/Retail area would be an effective buffer between the Industrial area to the south, and the Agricultural and Residential areas to the north.

The requested change from Agriculture to Retail/Commercial will be a dramatic shift in possible development for this area. The Comprehensive Plan has very different descriptive paragraphs for Agriculture and Commercial/Retail designations.

The Agriculture Designation was designed to preserve farm ground and direct development inward towards the corporate City Limits. In this particular area, it was designed to direct development toward the Major Arterial Roadway/Hwy 30/Kimberly Road to the south.

The Commercial/Retail Designation is designed to allow large scale commercial, retail, light industrial, office park, and similar uses. This particular Commercial/Retail designation area was placed along Kimberly Road with the intention to allow development along that corridor to continue as it has for a number of years. With the recent additions of Chobani and the future addition of Clif Bar, this historically major thoroughfare will continue to develop as a major corridor for Commercial and Industrial traffic.

It is known that large tracts of available commercial property in these locations are limited due to recent Industrial Projects. Attempting to conclusively predict the impact of changing the Comprehensive Plan and Future Land Use Map in this area from Agriculture to Commercial/Retail designations and expanding the water service boundary area is a very

**Planning & Zoning Commission Minutes
July 22, 2014**

difficult task. It is safe to assume that the general area has become increasingly commercial in nature, and that these changes will have ancillary effects in the form of secondary businesses associated with these new Industrial users. In no way does changing the Water Service Boundary guarantee the City Services for these properties.

Planner I Spendlove stated upon conclusion the Commission may recommend approval of this request, recommend changes to the request, or recommend denial of this request. The recommendation of the Commission will then be forwarded to the City Council for their recommendation and then to the County Commissioners for a decision.

Commissioner Questions/Comments:

- Commissioner Woods asked what the zoning designation is for the property east of the proposed boundary.
- Planner I Spendlove explained he is not aware of the official zoning designation it is located in Kimberly's Area of Impact but it looks like it is developed as large lot residential.
- Commissioner Grey asked if Engineering had anything to add regarding the change to the water service boundary.
- Assistant City Engineer explained that this would not be a guarantee for services. There are services in Hankins Road and Kimberly Road but there would have to be additional planning to allow additional services.

Public Hearing: [Opened](#)

- Rod Kack, 3835 N 3300 E, stated as a neighbor they would be the only ones directly involved because the other two properties are involved in the sale. He was not notified officially other than a call from Mr. Wills last week. He appreciates that contact was made however they were surprised by this request. As the current plan exists there was supposed to be a buffer of agricultural land between the residential and commercial zone along Kimberly Road. All of the other development along Kimberly Road is literally within that 660 foot corridor, so if you travel Kimberly Road you can see what can be built within that 660 foot corridor. One of the biggest concerns with this is that when things get changed initially you never know what is going to come next. A good example of that is Chobani, once the property was acquired for them there were multiple variance to the property to allow for the development and now almost 1/3 of their entire view to the south of their property is Chobani, not to mention the fact that their lights affect them, and they have had to curtain the entire south end of their house. They have had performance houses develop colic for the first time since Chobani was built. Mr. Wills has tried to address this by proposing a business park zoning district to mitigate the impacts of this change. The problem is in the fact that those things cannot happen concurrently, so what this request really does is change the designation to commercial/retail abutting their property, and he doesn't feel this is reasonable. He understands the city has to grow but

they have already been impacted greatly with Chobani and he thinks if this area is going to be considered a minimal impact area in addition to the commercial zone that it should somehow be tied into the approval process so that they don't have to sit with a factory at their back door.

- Jill Skeem, 3648 N 3300 E, stated she is not directly impacted by this but she was actually part of the 2009 Comprehensive Plan Committee and she didn't find out about this until she came across it on the City of Twin Falls website. She was really surprised to see this request. She feels that if a change is going to be made to the Comprehensive Plan there should be notice to people, there was a huge group of people involved in this committee and it took months to develop the Comprehensive Plan being discussed. For two developers to come in and request an amendment that will benefit financially from this is not fair to the residence that live there, this influences their lives tremendously not to mention the residence in Kimberly that live in this area. She contacted a City Council member who was unaware of this request. If the City of Twin Falls is changing their Comprehensive Plan and it will affect the quality of life of the people that live in Kimberly there should be some kind of communication. The residents along the corridor 3300 East had no idea it is supposed to be widened to three lanes for the Clif Bar development along with an increase to the railroad line. She believes there should be more discussion about this request on the radio, on television and the paper, a couple people should not be able to make this change without anyone that it impacts knowing. This will change the landscape of where we live, they are already impacted by Chobani, will soon be impacted by Clif Bar and the additional traffic. Whose quality of life is really being looked after, this should not be a unilateral decisions and as a member on the committee she felt it was her duty to say something. The idea was to have agricultural open land between the residential and commercial development to reduce the impacts.
- Marilyn Righetti stated the property owned by Dan Norris that this request involves has just been put on the market and this won't impact him because he has already moved. There is already a Mr. Gas going in a little further west of this location the Redcap Market, Kimberly ID, has gone in and they have really struggled to keep it operational, so as for an urgent need for retail along this corridor she is not convinced of such. There are some serious things to consider, such as land value, why people live in these areas and if this is necessary.

Public Hearing: [Closed](#)

Closing Statement:

Mr. Wills state all these concerns are items that need to be considered. He stated a group called the Twin Falls Future has been watching this area and after Chobani came in and Clif Bar decided to develop it was determined that they took up the last of the industrial land available in this area. The City reached out to a few of the people that kind of know what is

going on with the land and a group of 12 people came together and met every week for a couple of months to redesign the Comprehensive Plan using developers as the guide because they invest the money into the projects and know where things are going. There is a need for the Community to plan but there is also a need for the Developers to plan because they should have a say in where they are going to invest millions of dollars. The idea here is to be responsible citizens. He is the Chairman of this group and he approached the two land owners of the property being discussed, when you look at where you want growth to occur the natural tendency it to have a path for traffic out of town. Addison Avenue doesn't work as well because of the way it is designed and Pole Line Road stops forcing traffic to cross the Perrine Bridge, so Kimberly Road is the best location. He explained that they mailed the notices to the property owners within 300' and posted a sign on the property meeting the notification requirements for this request. The City of Kimberly has plans to make this a commercial corridor on their Comprehensive Plan, but the idea is to create a zoning district that could be used to address the issues brought up tonight. He asked that the Commission consider his request.

Deliberations Followed:

- Commissioner Woods stated when he reviewed the request the first item of concern was that he has a big struggle with piece meal modification to the Comprehensive Plan when we are due for a review of this plan in the near future. To piece meal part of it bothers him a little at this time; he is concerned with having commercial right next to residential. He is concerned with the way this was approached; the applicant indicated that the developers drive what is going on in Twin Falls. For clarification to the applicant Commissioner Woods explained it is not developers that drive this, the Planning & Zoning Commission is in place to oversee this and to protect the citizens of the community. The developers are here to help the City grow at the benefit of the citizens. He is concerned that the notification process may not have occurred correctly. It seems we now have a City Planning & Zoning group and a Developers Planning & Zoning group. The City Planning & Zoning staff has been dealing with this for decades and they have a process to follow and now the 12 developers in this group are saying they are trying to determine the future of the east side of Twin Falls; he doesn't think that is right. He doesn't plan on voting for this request.
- Commissioner Derricott asked for clarification from staff whether or not the notification process for this request was followed correctly. He also asked if staff had any insight regarding the developers group that was discussed by the applicant.

Planning & Zoning Commission Minutes
July 22, 2014

- Planner I Spendlove verified that the notification for this request was followed according to state requirements. The sign was placed in a visible location along Kimberly Road and the letters were mailed to the property owners within 300' of the property involved in the request. He has no insight to offer regarding the developers group.
- Commissioner Boyd asked how long the sign has to be posted on the property.
- Planner I Spendlove stated the sign has to be posted on the property 7 days prior to the hearing, and the photo shown on the overhead shows that requirement was met.
- Commissioner Derricott asked if a recommendation for approval is made for this request with the conditions that the Zoning Title Amendment is passed would that be a legitimate way to consider this request.
- City Attorney Wonderlich stated both items should be considered separately and neither item can be tabled indefinitely, a recommendation needs to be sent forward to the City Council.
- Commissioner Higley asked for clarification of the zoning on the property that is being discussed.
- Planner I Spendlove explained that the zoning for the property being discussed is currently residential, and any change made in this area or request for this area would have to comply with the Comprehensive Plan.
- City Attorney Wonderlich stated the zoning is residential but the Comprehensive Plan has identified it to be Commercial/Retail in the future.
- Planner I Spendlove explained in order for the property that is currently zoned residential to develop a request for a rezone to commercial would have to be approved. The request is to expand the area designated commercial on the Comprehensive Plan further north.
- Commissioner Grey stated expanding the area would make it more enticing to businesses needing more land to build.
- Commissioner Higley asked how much of an expansion is being requested and if staff can show how far 300' is from the property.
- Planner I Spendlove stated currently the commercial area is approximately 660' deep, the request is to expand an additional 760'. He showed on the overhead approximately which properties would have received a letter of notification. So properties south of Kimberly Road would not have been notified by letter because they are further than 300'.
- Commissioner Tatum stated that one of her concerns is the expansion of the water service boundary. She stated she has personal experience with the limitation of services associated with a business that had difficulty getting capacity to modify their bathrooms to meet building code. She thinks this may be a little premature, because we are already

**Planning & Zoning Commission Minutes
July 22, 2014**

having difficulty accommodating customers that need additional services to meet code requirements. She understands that it doesn't guarantee services but she thinks this still may be a little premature.

- Commissioner Grey stated his concern is the amendment to the plan. There was a citizen that was involved in creating the current plan who spoke tonight; a lot of time was taken to develop the plan we have. He understands that there was no way of knowing then that there would be so much growth in this area and that is obviously where growth is going to occur but he does share the concerns brought forth by the citizens. The Comprehensive Plan as it stands currently does need some adjustments but the changes should be looked at as a whole versus in pieces.
- Commissioner Reid stated he wanted to thank the applicant for the hard work that has been put into this request. The Comprehensive Plan states that residential uses and other incompatible uses should not be allowed to creep into these areas thereby allowing future conflicts. This change would allow commercial to creep into the residential areas, which is his concern.
- Commissioner Higley stated he is glad that developers are having discussions but he also struggles with the same issue. It is obvious that Kimberly Road is going to be a major corridor, but changing the Comprehensive Plan that was well thought through and in essence a buffer was created in that plan between residential and commercial properties. He is not comfortable with this change; however he does see the necessity of looking at the Comprehensive Plan again. Kimberly Road to the south has been developed the way it is because of the railroad, so there is a possibility that the north side will not be developed in a similar fashion, but a what if scenario makes it difficult to make such a change.
- Commissioner Woods stated when the Comprehensive Plan is reviewed there will be an opportunity to provide the buffers where people's property values and rights can be protected, but to do it in a brief meeting where people have one week's notice to think about it and how the change will impact them is a little too much.

Motion:

Commissioner Derricott made a motion to recommend approval of the request, as presented, to the City Council. Commissioner Woods seconded the motion. Commissioner Woods, Grey, Boyd, Reid, Higley and Tatum voted against the motion and Commissioner Derricott voted in favor of the motion.

Recommended For Denial 6-1 To The City Council, As Presented.

Scheduled For City Council September 2, 2014

2. Request for the Commissioner's recommendation on a Zoning Title Amendment to add a new Zoning District-Business Park District-to Title 10; Chapter 4; Section 24 and by adding a definition of Business Park District in Title 10; Chapter 2: Definitions c/o Bradford J Wills (app. 2656)

Applicant Presentation:

Brad Wills, the applicant, stated that the group of developers also looked at what needs need to be met for zoning to meet the new needs that they are having. There are codes that are really old that need to be brought up to date. One of the ideas is to create a new zone, currently in the C-1 zone a Business Park PUD is allowed and what it was used for is if someone wants to do a use that fits within that they would create a PUD. The PUD has to be specific and spell out what is going to happen and generally unless you know the entire project from the start you don't know what you are going to do so the developer ends up coming back over and over to make amendments to the PUD. He is bringing this forth as a citizen because in the past when things need to move forward though the process staff has not had the time to work on some of these items so the developers group thought it would be best for them to initiate the process to help staff. When companies look at coming to Twin Falls, the fact that they have to meet fairly stringent criteria that creates too many unknowns for them to make a decision the decide to take their business elsewhere. To try and address some of the unknowns it was felt a zoning district that is more restrictive with landscaping, restricted access from residential, increased berming and increased setbacks with a business park design would be appropriate. In the packet he provided a copy of the C-1 Zoning District uses and modified the list with his idea of what the list of allowed uses could be in this zoning district along with the uses that would require a special use permit. If you look at the Comprehensive Plan 2030 on page 2-32 it says the distinction between commercial uses should be reduced and a mixed use commercial development approach encouraged in order to promote a development of commercial areas that are more dynamic and user-friendly. He wouldn't want commercial next to residential areas for example St. Luke's Hospital backs up to North Point Ranch and those people did not plan for that to happen. In the strategic plan one of the objectives EC1-2 states the city will employ sustainable land use policies and will update the development codes (Title 4 and 10) to reflect best practices. He wants to update these codes more and one of the other objectivities is maintain air quality, so one of the restrictions for this zone would be that the operation can't have noise, odors or vibrations that would impact the surrounding properties. When staff went through this request and they presented some objections, however the objections support what he is trying to do, he is trying to change the statuesque and do things a little better. A

couple things he would like to highlight about the objections, it that once a property is rezoned there may not be another opportunity for the public to view and comment on the development as long as it complies with the development requirements of this zone. He explained that is the intent of the proposal, they are trying to create a restrictive enough zone that would outline what the developer need to do to develop in the zone. There are multiple uses on the list that are not defined uses and prior to codifying this new zone definitions would need to be added to Title 10-2. He stated he went through the current list in Title 10 and found that there are 90 uses in the C-1 zone of which 16 have definitions. There are others that need to be removed for example telegraph stations, he is requesting this to give staff a chance to address these issues. One of the things staff has proposed is to eliminate the Business Park PUD because this zone would take its place. There are uses that the PUD process with a Business Park is appropriate in a C-1 zone. They are not proposing that the Business Park PUD be eliminated. The next objection was that manufacturing would now be an outright permitted use in this new zone, which was intentional. If you look at the standards to be in the Business Park zone there would be criteria addressing setbacks, landscaping, noise, odor, vibrations and outside storage, no hazardous materials and can be a mixed use of manufacturing/retail along collectors or arterials. It is a restrictive zone that would tell a business what they could do in the zone without having to apply for a Special Use Permit, because having to come back and forth for a Special Use Permit is cumbersome. He purposely did not list the manufacturing uses because they are going to be inside the building and will not be odorous and stuff like that. The other issue staff had was that some of these changes are in conflict with changes that are currently being proposed, he applied for this two and ½ months ago how long does it take to see what conflicts this change will create. As for less public input, to rezone property to this zone would require a public hearing before the Commission and City Council. If the use is not appropriate for that area, then the rezone would be denied. He changed the terms finance and investment to the term banking, he continued down the list tried to edit things that were not clear and added things he thought were appropriate. The intention is to have a zone with allowed uses that don't require a special use permit. This zone will let people know what they can do up front without any questions. They have been working on a project that took a year to get through the process, if the use had already been allowed without a special use permit they could have moved forward sooner. In summary he felt the staff analysis was correct however it argued for rather than against his proposal.

Staff Analysis:

Planner I Spendlove reviewed the request and the exhibits on the overhead 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. 2011 the last time a new zoning district was created and implemented into the Twin Falls City Zoning Code. The RB (Residential Business District) was established in response to the Comprehensive Plan identifying areas within the City that could benefit from a new district due to various current and future circumstances.

This request is to create a new Definition in Title 10 Chapter 2 for *Business Park*, amend the Definition for *Business Park PUD*, and create a new zoning district titled *BP1 (Business Park District)* in City Code; Title 10- Chapter 4- Section 24.

The more strict development requirements are outlined in the proposed amendment Title 10-4-24.3. The zone would require more landscaping, restricted access, everything to be inside if it is manufacturing. Currently there is a PUD process in place to establish a business park, during that process the applicant would then ask for certain things to be added. This proposal is just a different approach to get the same results, making some things outright permitted with certain restrictions, and historically the City has said they would like to see the proposed project before decisions are made. If the City decides to continue in this fashion it is up to the people the Commission and the City Council. The development requirements outlined in the current Business Park PUD code section (CC 10-6-3) have been incorporated, and slightly modified, to mitigate the potential impacts to neighboring properties.

If the amendment is adopted as proposed the initial rezoning of property will take public hearings before the Commission and City Council, and County Commissioners if in the area of impact. Once the property is rezoned there may not be another public opportunity to view and comment on the development - as long as it complies with the development requirements of the zone.

The current Twin Falls Comprehensive Plan was updated in 2009. Within that plan, certain types of Future Land Use designations were assigned and given a brief explanation of the types of development desired within those designated areas. The Commercial/Retail Designation has a description of the types of uses and developments that should be accommodated these include: "*large-scale commercial, retail, light industrial, office park, and similar uses*".

What the applicant is proposing is that this new zone would then be allowed to be applied for in every commercial/retail designation shown on the Comprehensive Plans-Future Land Use Map. For example someone could make a request to rezone any commercially zoned property

to the business park zone and anything listed as outright permitted would be allowed to be built in that zone. A lot of the discussion that has taken place is once the rezone is approved how do we know what is going to be built. Some of the industrial uses we have in town are contained 100% within their building, so they could technically develop in this business park zone. The scale and scope of a manufacturing development isn't taken into consideration with this proposed zone. There is no minimum or maximum allowance defined so if everything is contained within the building a very large manufacturing facility could build in the zone and create residential/industrial conflicts. Even though the manufacturing is 100% contained in the building because there are no restrictions for scope or scale of the development it causes staff many concerns.

1. There are multiple code changes needed and the city is aware of multiple definitions that need to be added to the Title 10 Chapter 2. Currently staff is in the process of reviewing Title 10 Chapter 4 for amendments and definitions for uses are a priority for staff, as well as allowing uses to happen without a Special Use Permit process. If this proposal was to be implemented at this point it could create conflict with changes that staff is planning to propose in the near future.
 - The proposed amendment will effectively eliminate the need for City Code 10-6-3 Business Park PUD. This section was created in order to allow business parks to be allowed in the C-1 through the PUD process. The requested title amendment has incorporated most of these criteria into the development requirements while allowing for certain uses to take place within the zone; and with the option to create a stand-alone PUD for other unforeseen circumstances. The aforementioned section 10-6-3 would be outdated, not utilized and could potentially need to be removed from the City Code.
 - The proposed amendment lists "Manufacturing" as an outright permitted use. The amendment does not list certain types of manufacturing that would be allowed, but it does list certain criteria to be met in order to have manufacturing take place on the properties. The current Manufacturing Districts (M-1 and M-2) have multiple manufacturing types identified as permitted and special uses. These two current sections along with the proposed amendment would need to be re-evaluated so as to determine which uses need to be permitted, special, or not-permitted.

- The City is currently undertaking some code changes to Off-Street Parking, building heights, and other code sections. Those code changes have not been finalized. There are multiple instances where this proposed code may contradict or compete with the new code sections that are currently in the process of being established.
 - There may be other Code Sections, not currently identified, that could be impacted by this new section. The full impact may not be known at this time without further investigation into the impacts of this proposed section, and a resolution to the code sections currently in the process of adoption.
2. Current and future businesses could be adversely impacted by this amendment. Currently the major arterials throughout the City have a zoning designation of C-1. By introducing a new zone that could replace the C-1 zone, it is hard to predict how the new development criteria will operate, connect and impact surrounding areas. One example is the change proposed to “Restaurants with Drive-Thru’s”, currently drive-thru’s require a Special Use Permit, the proposed change will make them a permitted use. This type of development can have a significant impact to neighboring property owners. If it is outright permitted, without any additional design criteria added to mitigate impacts, current and future businesses, as well as city residents would be adversely impacted. If a property comes through to be rezoned to the Business Park Zone it is not required that an applicant divulge what the plans are for the property. If the rezone request is approved the applicant can proceed to build a restaurants with a drive-thru without any additional design criteria to help mitigate possible impacts to the surrounding properties.
 3. One of the potential impacts this amendment will have is bringing manufacturing type uses closer to residential properties. This amendment proposes to permit all manufacturing types in this zone without regard to the type, or scale of the operation. The amendment does not identify types of manufacturing; lists “Manufacturing” as a permitted use with the stipulation that all activities take place inside a building, and other development criteria be installed. The result of this is every area currently designated on the Future Land Use map as “Commercial/Retail” would be available to rezone and allow manufacturing to take place on the property. These Commercial/Retail areas border directly onto residential areas across the entire City. This would increase the opportunity for “Residential v Industrial” type land-use conflicts that could be detrimental to many homeowners in Twin Falls. Current zoning uses the Commercial Zoned properties as buffers between Residential and

Industrial/Manufacturing Uses, thus attempting to reduce the land-use conflicts. This proposed amendment would bring those Manufacturing Uses closer to Residents.

4. Potentially less public input opportunities. If the amendment is adopted as proposed the initial rezoning of property will take public hearings before the Commission and City Council, and County Commissioners if in the area of impact. However, once the property is rezoned there may not be another public opportunity to view and comment on the development - as long as it complies with the development requirements of the zone.

Staff feels that this amendment to the City Code would cause multiple conflicts with current and potential code sections that are currently moving through the public input process. It would also render sections of the current code obsolete, which could have been addressed in this proposed amendment; the result of which leaves sections that will need to be amended at a later time in order to create a more coherent overall Code. Furthermore, it would also create an increase in conflicts between Residential and Industrial type land uses throughout the City without adequately accounting for the negative impacts that could occur to existing home owners and businesses. It could also allow developments to occur without public input.

The Commission shall ensure that any favorable recommendations for amendments are in accordance with the established goals and objectives of the current Twin Falls Comprehensive Plan.

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 (will require another public hearing before the Commission), or it may recommend that the amendment be denied.

Commissioner Questions/Comments:

- Commissioner Higley stated he understands the intent and if the applicant could provide an example of what he sees developing in this zone.
- Mr. Wills state the property to the northwest of St. Luke's would be an example of where this zone could be used. There is a 40 acre area that doesn't have anything around it but with this zone you may see a couple of fast food drive-thru restaurants along Pole Line Road with a nice big hotel possibly a call center, a software development company or a manufacturer. When we try to limit manufacturing we try to list all of the

uses which is nearly impossible, so the objectionable parts should be considered and right the code according to that criteria. In his opinion odor, vibration, and storage outside would be examples of things that would be objectionable. There is no way to list all of the different types of uses but there are ways to address the impacts. In California he had an 800 acre planned development and right across the street a developer built a business park which was comprised of a huge church, veterinarian offices, spas, manufacturing and all kinds of mixed uses, but when you are looking at the outside it has nice landscaping, nicer buildings, it is not a Chobani type building, this is an example of the vision. The conflict of residential next to commercial is always going to be present, this is just a zone and the Commission has the ability to say that zone doesn't work for a specific location. The Business Park PUD allows manufacturing with certain criteria in the C-1 zone, he would argue that needs to remain in the code however is staff feels this change would make it obsolete that is fine also. The intent is to create a zone that the Commission feels will work for a specific location with more stringent development criteria associated with a list of permitted uses. If he waits for the conflicts to be worked out there will never be a good time to make this type of proposal. Zoning & Development Manager Carraway did give him an opportunity prior to this hearing to try and address staff concerns and present at a different time, but he felt staff made his point for him. He wanted to get an idea of what the Commission felt about the proposal and then he would go back and work with staff if necessary.

- Commissioner Higley asked if this zoning district existed and he purchase a property zoned like this could he build a Chobani type business. He understands the applicant's intent but a different developer may have a different plan.
- Mr. Wills stated they probably wouldn't meet the criteria based on the odor they produce, and that is not the intent of this zone.
- Commissioner Higley stated if they meet the criteria however, it could potentially happen. The zone allows for multiple uses but the person that wants to develop doesn't need multiple uses they just need a large piece of property with one specific use.
- Mr. Wills stated he can't answer that question.
- Planner I Spendlove stated if the proposed development met the criteria listed in that zone staff could not deny the permits to build. Staff believes the impacts are more than just visual, there are traffic considerations and ancillary services and employees to this business that impacts the surrounding area.
- Commissioner Grey clarified if there are not any defined restrictions the example given by Commissioner Higley could occur.
- Zoning & Development Manager Carraway stated there would be no disclosure of the use during the rezone process.
- Commissioner Boyd asked if Eagle Road would be an example of what would be seen with this type of zone.

- Mr. Wills stated if you drive to the east side of Eagle that would be a closer example. There are various restrictions in the zone that would prevent a Chobani from going in this zone.
- Commissioner Higley explained that he sees the applicant's vision to get through some of this red tape; his only concern is that the applicant may have one vision in mind however the person that purchases the property has a different vision and uses the guidelines for their own intent.
- Mr. Will stated he thinks this is why this works, if he can think it through and the Commission thinks it through we will end up with a better outcome.
- Commissioner Higley stated if this passes none of the current Special Uses will come to the Commission for approval.
- Mr. Will stated there are a couple dozen uses that would still require a Special Use Permit in this zone, which would mean the Commission, could be a little more stringent in where the zone will be allowed.
- Commissioner Reid asked what it would take to convert a property zoned C-1 to the Business Park zone.
- Planner I Spendlove explained it would require a public hear in front of the Planning & Zoning Commission and the City Council. Planning & Zoning would make the determination on whether or not the request complied with the Comprehensive Plan and then make a recommendation to City Council.
- Commissioner Reid clarified that would be the time for the public to have an opportunity to comment, and anything that happens after the rezone can occur as long at the criteria for that zone are met.
- Planner I Spendlove stated if the use is an outright permit use in the zone and the criteria has been met a building permit cannot be denied.
- Commissioner Reid stated he appreciates this proposal to help speed up the process because he understands business owners want to build immediately.

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

Deliberations Followed:

- Commissioner Reid stated he appreciates the idea, however the concerns brought forth need to be looked at and addressed.
- Commissioner Grey stated he is also from California and is familiar with Business Parks. The Business Parks work very well; however what is in place already works very well. He asked for clarification from staff with regards to the Business Park PUD being eliminated.
- Planner I Spendlove explained with this zoning designation, the current restrictions required with a Business Park PUD such as listing uses to be allowed, development criteria to be modified, a manufacturing use can be allowed through this process. If this

zone comes through there would no longer be a need for the Business Park PUD any area that is designated as commercial/retail could be rezoned to a Business Park zone, unless there is not a specific use listed in that zone someone would still be allowed to come through and request to do a PUD Agreement. There may be instances where the Business Park zone won't work but staff estimates those instances would be very few. A PUD allows for the same things to happen as what is proposed in this zoning district; this just provides a different approach.

- Zoning & Development Manager Carraway clarified that one of the major differences between a PUD and a specific zoning district is the fact that the district can provide an overall blanket that could come through as a rezone to any of the areas designated as commercial/retail on the Comprehensive Plan without disclosure of what is planned for the development. There are some standards listed in this proposed zoning district however under a PUD you are looking at a specific piece of property with a specific development plan and it involves public input quite a bit more, which is the basis of concern from staff's level.
- Commissioner Boyd stated there is not any way around impacting people, which makes things difficult, the decisions need to be made wisely without making things more difficult for development, but we also need to be sensitive to individual property owners and their rights. She is hoping that when the Comprehensive Plan is reviewed in the near future, there will be opportunities to consider suggestions like this, because okaying something and not seeing what it is going to be concerns her a lot. She wants to make things easier for developers and people that have a vision for the development of Twin Falls, but a big massive square building with some pretty trees around it that can go anywhere and block the view of anything or alters someone's life is not fair but at the same time she is not sure how to address this concern.
- Commissioner Grey stated that the staff's ideas for code amendments are a good place to start and changing the PUD process. We may not be going as fast as the applicant would like but efforts are being made to create a better process and also allow for the checks and balances that we all want. The checks and balances are in place currently, and we want to maintain those. There is currently a process for this to occur and it is not a long process it does move forward.
- Commissioner Tatum stated she is happy that this is moving forward to City Council for further discussion because discussion needs to occur. He is glad that this is a recommendation and this will move forward without or without the Commission's support. She applauds the work that has been done by the applicant and hopefully with this being brought forward we will be able to address these concerns sooner rather than later.
- Commissioner Woods stated in general this is the correct direction for thing to go but there are a lot of complex relationships within the code and there could be some unintended consequences for misuse and a wider spectrum of people should be looking

at these issues, because it can impact the community. He does recognize that nothing gets done without someone like the applicant bringing things to the forefront and asking that it be reviewed.

- Commissioner Grey stated these two requests have confirmed that there needs to be some changes made to the code and the Comprehensive Plan.
- Commissioner Woods agreed and recommended that when the Comprehensive Plan does get reviewed that the applicant be involved in the process, this request has provided something for everyone to think about.

Motion:

Commissioner Derricott made a motion to recommend approval of the request, as presented, to the City Council. Commissioner Woods seconded the motion. All members present voted against the motion.

Recommended For Denial To The City Council, As Presented

Applicant Has Withdrawn The Request

5. Request for the Commission's recommendation on the zoning designation for property being requested for annexation, consisting of 6(+/-) acres, located at the South East corner of Hankins Road and Kimberly Road (aka 3204 Kimberly Road) currently zoned C-1 c/o Buttars Family Limited Partnership, LLC (app. 2657) **WITHDRAWN**
6. Requests a Special Use Permit to allow a 24 Hour Convenience Store/Gas Station with a drive-thru window and an area designated for overnight parking of semi-truck and recreational vehicles on property located at 3204 Kimberly Road c/o Buttars Family Limited Partnership, LLC (app. 2658)

Applicant Presentation:

- Julie Snore, 1901 Tamarack Loop, trustee of Buttars Family Limited Partnership, LLC. This location is no longer big enough for the current business, so they are relocating and thought that a convenience store would be an appropriate use for this property. She is here to request a Special Use Permit for a c-store, drive thru window, 24 hour operation, and overnight parking for trucks and Recreations Vehicles. The location has a lighted intersection and is not adjacent to any residential properties. In addition to the required notification for this request they reached out to the neighbors close to this property that could be impacted as well as to the neighbors that had concerns about another C-store that was approved for a Special Use Permit a little further west on Kimberly Road.

- Frances Florence, representing the applicant stated he doesn't have much to add to the applicant's presentation. He did want to make it clear this property is located at a lighted intersection that makes it easier for traffic to go in and out of the property and it is also next to a truck route. The applicant was made aware that a Special Use Permit would be required for this type of use; however some concerns were raised with regards to the detached sidewalk along Kimberly Road requirement and the requirement for a center turn lane on Hankins Road at this time. The applicant does not disagree that a sidewalk should be made available along Kimberly Road however it should be required when there is a use for the sidewalk. He is requesting that a deferral be allowed for the sidewalk. As for the center turn lane, there are significant improvements that need to be made to Hankins Road and one of the difficulties of doing a development on a corner is that there are two different frontages to consider and all of the development requirements. The City typically waits for the developers to come along and supply the capital to get these improvements done, which they understand, but the concern is there are certain road widths that require all these different lanes and a center turn lane while it makes sense at one point if all of the right of way comes off of one developers side the developer across the street doesn't have to give up as much width, does the requirement mean a dedication of more road width than just center line. In summary the applicant feels this is a great location, it will serve the community well and there are not any people here tonight to protest the request.

Staff Analysis:

Planner I Spendlove reviewed the request and the exhibits on the overhead and stated the location has been zoned C-1 at least as far back as the 1970's. The applicant has received two non-conforming building expansion permits. On July 7, 2009 Special Use Permit #1155 was approved by the Commission for display pad sites in the landscaping along Kimberly Road.

The location for the proposed 24-hour Convenience Store/Fueling Station for smaller vehicles and semi-trucks is in the C-1; Commercial Highway District in the Area of Impact. The proposed Convenience Store will have a drive-thru window. There is a proposed area designated for overnight parking of semi-trucks and recreational vehicles as they pass through town. The applicant anticipates approximately 1000 customers a day. The applicant has supplied a narrative detailing the general operations of the proposed business. The applicant is expecting to operate 24 hours a day, 7 days a week. The facility will employ approximately 25 people. The applicant describes the anticipated noise levels as being similar to the current use of farm implement dealership. 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: The proposed Fuel Station falls under “Special Uses” - Retail trade - Gasoline service stations. The proposed hours of operation of 24-hours a day also falls under “Special Uses” - Retail trade – “Permitted retail/trade uses operating outside the hours of seven o’clock (7:00) A.M. to ten (10:00) P. M. The proposed area designated for overnight parking of semi-trucks falls under “Special Uses” - Transportation – “Open parking lot or garage for trucks and buses. All of these specific uses require Special Use Permit approval prior to establishing the uses 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.

Per City Code 10-7-12: Special Landscaping Requirements for Gateway Arterials: Kimberly Road is considered a gateway arterial. In addition to the landscaping requirements of 10-4-8.3 City Code 10-7-12(B) states a landscaped strip at least 10 feet (10’) in width shall be provided immediately behind the sidewalk or future sidewalk when existing buildings are being remodeled, and thirty feet (30’) when vacant land or cleared land is being developed. This landscape strip shall contain trees and bushes-ground cover is not specific. The applicant is proposing to leave an existing metal storage building on the land. This building is not being remodeled as the convenience store or included as part of this development. If the request is granted the Commission may wish to place a condition on the special use permit that the applicant provide a minimum 30’ wide strip of landscaping along Kimberly Road consistent with the current recent development along Kimberly Road that already exists.

Per City Code 10-10: Off-Street Parking: The current parking code states general retail uses, general merchandise, are required to provide one (1) parking space per two hundred fifty (250) square feet of total floor area. This requirement will be evaluated for compliance with current applicable code requirements and enforced at the time of building permit submittal.

Per City Code 10-11-1 thru 10: Required Improvements: New buildings are required to provide landscaping, screening, development of parking and maneuvering areas, street improvements; such as sidewalks, curb & gutter, storm water retention, 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. If the request is granted the Commission may wish to place a condition on the special use permit that the applicant provide detached sidewalks along Hankins and Kimberly Road to be consistent with other recent developments along Kimberly Road.

The impacts of this 24-hour Convenience Store/Fuel Station with a drive-thru window and a designated area for overnight parking of semi-trucks and recreational vehicles will generally include an increase in customer traffic to the immediate streets in the area, light intrusion on surrounding properties, deliveries by larger trucks, and an increase in noise disturbance to neighboring properties. A special use permit process is the opportunity for the Commission to review development of this site and If the request is granted the Commission may wish to place conditions to help mitigate any possible impacts to the surrounding area or to mitigate possible future impacts. If conditions are placed on the special use permit development and operation of the business shall be as represented and approved.

It is not anticipated this business will increase traffic to the area it could become a pre-destination point for travelers and/or truckers coming into or leaving Twin Falls. Kimberly Road is a major arterial into Twin Falls. Hankins Road is currently used heavily by semi-trucks. There is currently a signal at the corner of Hankins and Kimberly Road. As part of this development Hankins Road shall be constructed per City standards to include curb, gutter, detached sidewalk and a center turn lane. Kimberly Road shall have a detached sidewalk constructed along it. The curb and gutter will be reviewed by the City's Engineering Department and may be allowed to defer these improvements due to potential storm water issues. Deferral Agreements are approved by the City Council.

The possibility of light intrusion on neighboring properties is something that can be a negative impact on neighboring properties and or travelers on the roadways. City Code currently requires all lighting to be downward facing in order to help mitigate the light intrusion. The City always encourages new businesses to be open to neighboring properties complaints

about light intrusion. If a problem arises the City has a process to get the situation rectified if needed.

The drive thru and 24 hour operation could produce an increase in noise for neighboring property owners. Current City Code requires screening between commercial and residential properties. This property is currently surrounded by commercial uses. Screening will not be required.

The applicant's proposed development/site plan identifies an area for "future wash bays". City Code requires car wash facilities to have a special use permit. A special use permit will have to be obtained before the wash bays can be constructed at this site.

The applicant has indicated eight (8) parking spaces for overnight parking for semi-trucks and/or recreational vehicles. Recreational vehicle camping parks require a special use permit in the C-1 zone. To mitigate the possibility of noise and traffic congestion the Commission may wish to place a condition on the special use permit to limit the number of overnight parking spaces for semi-trucks and/or recreational vehicles to eight (8), as shown on the site plan.

Although the property is not within City Limits the Agri-Service/farm implement dealership is connected to and paying services on both City water and sewer. The City has no record of when the water and sewer connection occurred and we have been unable to locate the tap installation records. There is no Out-Of-City Services Agreement with the City of Twin Falls for the city utilities that we have been able to locate. Assistant City Engineer Vitek has reviewed the applicant's proposed development plan and has indicated that future sewer capacity will be limited to the current capacity. If the request is granted staff recommends the Commission place a condition on the special use permit that the applicant execute an Out-Of-City Services Agreement with the City of Twin Falls for the City utilities.

Planner I Spendlove stated upon conclusion should the Commission grant this request as presented staff recommends approval is 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 the execution an Out-Of-City Services Agreement for City Water and Sewer services.
3. Subject to the execution a Deferral Agreement for the construction of curb and gutter along Kimberly Road.
4. Subject to the applicant constructing detached sidewalk along Kimberly Road per City Standards.
5. Subject to the applicant constructing curb, gutter, detached sidewalk and a center turn lane on Hankins Road per City standards and City Engineering Department review.
6. Subject to overnight parking only for semi-trucks and/or recreational vehicles being limited to eight (8) spaces.

Commissioner Questions/Comments:

Assistant City Engineer Vitek stated with regards to the sidewalk requirement along Kimberly Road, code currently requires that sidewalks be installed, there are options for the City Engineer to offer a deferral however that decision is made by City Council, and typically a deferral is approved when constructing the improvement would cause harm or drainage issues, it would be difficult to recommend a deferral in this situation. As for development of the center turn lane on Hankins Road staff feels a northbound lane and a center turn lane could be accomplished at this intersection without the applicant giving up more property, he has not seen construction plans so without more information he can't say for sure what is necessary. As for the approaches into and out of the property staff is satisfied with what has been shown on the site plan. The property is attached to City service but staff has not been able to locate an Out-Of-City Services Agreement to determine when and how they received these services an Out-Of-City Services Agreement will need to be provided. As for additional service, the City cannot administer another Will-Serve to this property to allow for the car wash until there is more capacity at the Waste Water Treatment Plan. The water that is currently used will be almost equivalent to the c-stores use and the city will honor that, but no additional services will be provided at this time.

Commissioner Questions/Comment:

- Commissioner Woods asked about the issue with water and sewer and if there will be a dump station and if so is there enough sewer capacity for that type of use.
- Assistant City Engineer Vitek stated there is not a dump station being proposed with this request; it will be just parking not a truck stop.
- Commissioner Grey asked for clarification on the parking.
- Mrs. Snore stated the overnight parking is not meant to be a truck stop it is just to provide a space for the larger trucks to just park so they don't have to park on neighborhood

**Planning & Zoning Commission Minutes
July 22, 2014**

streets, there will not be a dump station on site or hook-ups. She stated they do have record of the services being hooked up and they are willing to provide that information as well as formalize the Out-Of-City Services Agreement.

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

Closing Statement:

Mr. Florence thanked Assistant City Engineering for clarifying the center turn lane requirement and they are fully aware of the sidewalk requirements but they are also aware that deferrals can be approved when there are not any sidewalks adjacent to the development, a deferral doesn't make the requirement go away that property owner just acknowledges that the City can require the improvement at a later date when it becomes necessary.

Deliberations Followed:

- Commissioner Higley asked about the deferral agreement for the curb and gutter.
- Assistant City Engineer Vitek explained the Idaho Department of Transportation has jurisdiction for Kimberly Road and they typically do not like curb and gutter on their road because it makes it difficult to plow, so staff would be in support of this deferral, staff could asked City Council to consider a sidewalk deferral as well. As for the curb and gutter along Hankins Road, that would need to be developed because of drainage issues and it is a city roadway.
- Commissioner Grey stated he is in favor of placing a sidewalk for pedestrians on both frontages because the plan is to have a convenience store at a major intersection that is going to attract lots of traffic and people.
- Commissioner Woods stated there are not any sidewalks adjacent to this property so what would be the advantage of requiring the sidewalks at this time.
- Commissioner Grey stated he understands however this is an opportunity to begin the process of getting sidewalks installed.
- Commissioner Derricott clarified that the City Council would have to make the final decision for this type of request.
- Commissioner Woods reminded the Commission of a previous request that came through requiring a Chiropractic Office to put in a berm and his property would be the only one for a block and a half that would have a berm and a deferral was given until the other properties were required to install a berm.
- Zoning & Development Manager Carraway stated that was not a similar situation as this property was developed and only remodeled, however the City Council has the final say on a deferral.

- Commissioner Woods stated he thinks that the truck parking is a good idea because there are not many places around town that this would be allowed. As for the nine items to be considered when reviewing a request for a Special Use Permit it seem all of them have been addressed in the proposal and staff recommendations.

Motion:

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

Approved, as presented, with 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 the execution an Out-Of-City Services Agreement for City Water and Sewer services.
3. Subject to the execution a Deferral Agreement for the construction of curb and gutter along Kimberly Road.
4. Subject to the applicant constructing detached sidewalk along Kimberly Road per City Standards.
5. Subject to the applicant constructing curb, gutter, detached sidewalk and a center turn lane on Hankins Road per City standards and City Engineering Department review.
6. Subject to overnight parking only for semi-trucks and/or recreational vehicles being limited to eight (8) spaces.

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

Zoning & Development Manager Carraway reminded the Commission that an appeal of the Planning & Zoning Commissions decision to approve a Special Use Permit for the convenience store/gas station/drive thru to be located at Kimberly Road and Meadowview Lane will be heard by City Council on July 28, 2014. The first two items heard tonight will go forward to City Council and be heard August 18, 2014 with a recommendation from the City Council being sent to the Twin Falls Board of County Commissioners for a final decision.

Planning & Zoning Commission Minutes

July 22, 2014

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

1. Work Session- August 6, 2014
2. Public Hearing-August 12, 2014

VII. ADJOURN MEETING:

Vice-Chairman Grey adjourned the meeting at 8:22 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department