



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
January 10, 2017 6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Danielle Dawson Tom Frank Kevin Grey Gerardo "Tato" Muñoz Ed Musser Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

ATTENDANCE

CITY LIMIT MEMBERS

PRESENT

Frank
Grey
Muñoz
Musser
Tatum

ABSENT

Dawson
Reid

AREA OF IMPACT MEMBERS

PRESENT

Higley
Woods

ABSENT

CITY STAFF: Carraway-Johnson, O'Connor, Spendlove, Strickland, Vitek

I. CALL MEETING TO ORDER:

Chairman Frank called the meeting to order at 6:00 P.M. He confirmed there was a quorum present and introduced City Staff.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **12-13-16 PH**
2. Approval of Findings of Fact and Conclusions of Law:
 - LeMyone (Pre-plat 12-13-16) • Pillar Falls Plaza (Pre-plat 12-13-16)
 - Westpark Commercial Subd No. 10 (Pre-plat 12-13-16) • Goode Motor (SUP 12-13-16)
 - LineX-Bland (SUP 12-13-16)

Motion:

Commissioner Grey made a motion to approve the consent calendar, as presented. Commissioner Munoz seconded the motion.

Unanimously Approved

III. ITEMS OF CONSIDERATION:

1. Request of the Commission's consideration to reinstate/extend the completion dates placed on SUP #1384, granted to Susan Petruzzelli on January 12, 2016 to operate a 24-hour gas station in conjunction with a retail business on property located at 303 Main Ave E.

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated Special Use Permit #1384 was granted on January 12, 2016 subject to several conditions. Conditions placed on a special use permit require completion prior to operation unless otherwise stated. Three of the conditions placed on the special use permit for this permit included coordination and construction of improvements concurrent with the Main Street Revitalization Project.

In January 2016 the Main Street Revitalization project was in full swing and had an anticipated completion of January 2017. Since then, additional items have been added to the Main Street Revitalization Project

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and deadlines have been pushed back approximately one year with an anticipated completion date of January 2018.

As the deadlines for the Main Street Revitalization Project improvements have been pushed back, this resulted in Mrs. Petruzzelli's project also being pushed back. There are electrical, plumbing and sign permits submitted for review. The applicant, Susan Petruzzelli has been in contact with staff regarding the conditions and has been continually working to accomplishing them over the past year.

Staff believes the conditions placed on the special use permit are still appropriate. However, the dates placed on the conditions will be exceeded prior to accomplishing the conditions thus rendering the special use permit potentially void.

Twin Falls City Code Title 10; Zoning & Subdivision Regulations, Section 13; Zoning Permits, Section 2.2; Special Use states:

***Per City Code 10-13-2.2(I):** "...Special uses which have not been established within one year of the date of issuance of the special use permit, may be reviewed by the commission to determine if the facts and circumstances have changed; the commission may call for a new special use permit application."*

The commission is tasked with reviewing the facts and circumstances of this case, along with the surrounding area, and determine if there have been substantial changes to the area, which could merit calling for a new Special Use Permit.

Senior Planner Spendlove stated upon conclusion stated staff recommends that the Commission review and act on the attached request to reactivate/extend the dates contained in Special Use Permit #1384, as proposed, to be concurrent with the Main Street Revitalization Project construction schedule.

PZ Questions/Comments:

- Commissioner Munoz stated he would like to know if this could, be more open ended to allow the project to move forward as needed.
- Senior Planner Spendlove stated that the date was initially established because of the uncertainty of the Urban Renewal Plan.
- Zoning & Development Manager Carraway-Johnson explained that the commission could motion to approve the extension of the permit and amend it to proceed in conjunction with the URA Renewal Project.

Public Hearing: [Opened & Closed No Public Present](#)

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Munoz made a motion to reinstate/extend the special use permit and to amend the permit to state the conditions are to be completed in conjunction with the URA Renewal Project. Commissioner Woods seconded the motion. All members present voted in favor of the motion.

[Approved, With the Following Amended 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 Westerly approach on Main Street being removed, per City Engineering standards, prior to commencing business operations.

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3. Subject to an agreement between the URA and the applicant for the design and construction schedule of the curb, gutter, and sidewalk adjacent to this property being signed by both parties and provided to staff **upon completion of the agreement with the Urban Renewal Agency.**
4. Subject to all parking and maneuvering areas being hard-surfaced, **upon completion of the Urban Renewal Project**; OR per the timeline outlined in the agreement with the URA, whichever is first.
5. Subject to the permanent curb, gutter, and sidewalk improvements for the entire site being installed, inspected and approved as per City Engineering Standards, **upon completion of the Urban Renewal Project**; OR per the timeline outlined in the agreement with the URA, whichever comes first.

IV. PUBLIC HEARINGS:

1. Request for a **Zoning Title Amendment** to Twin Falls City Code Title 10; Chapter 4; to delete the special use permit requirement to allow permitted retail/trade uses operating outside the hours of seven o'clock AM to ten o'clock PM within the 10-4-7.2(B), 10-4-8.2(B) and 10-4-13.2(B) Zoning Districts; and to delete the special use permit requirement to allow an indoor recreation facility within 10-4-7.2(B), 10-4-8.2(B), 10-4-9.2(B), 10-4-10.2(B) and 10-4-13.2(B) Zoning Districts. City of Twin Falls c/o Planning & Zoning Department (app. 2831)

Staff Presentation:

Senior Planner Spendlove reviewed the request and stated historically speaking, the Commission has reviewed and approved approximately 2 dozen Indoor Recreation Facilities in the past 10 years. Approximately half of these were in the C-1 Zoning District. The remainder fell into the CB, OT, and Manufacturing Districts. Also very few if any requests to operate a retail/trade establishment outside 7am to 10pm, have been denied.

This request is to amend multiple City Code sections;

- 1) To delete the special use permit requirement to allow permitted retail/trade uses operating outside the hours of seven o'clock AM to ten o'clock PM within the CB, C-1, and OT zoning districts. This request stems from the overall change towards a 24-hour community that our City has experienced in the last 10-15 years. As the employment landscape changes towards shift work for our major employers (St. Luke's, Chobani, Clif Bar, Independent Meat, Amalgamated Sugar, Jayco, Glanbia, and others) ancillary services and retail operations catering to shift workers have altered their operations in order to be successful. Since this code amendment only applies to the retail side of operations, it is not expected to have an extreme impact on the overall community. The special use requirement will be removed from the appropriate zoning district and the land use will be identified as a permitted use in the appropriate zoning district.
- 2) To delete the special use permit requirement to allow an indoor recreation facility within CB, C-1, M-1, M-2, and OT Zoning Districts. On occasion, Indoor Recreation Facilities have been synonymous with "Clubs" that serve alcohol. This proposed change will not eliminate the requirement for a Special Use Permit to sell Alcohol within 300' of a residence. As a result, staff feels the movement of Indoor Recreation Facilities from Special Uses to Permitted Uses will have minimal impact to the overall compatibility of Indoor Recreation type uses with surrounding properties. The special use

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requirement will be removed from the appropriate zoning district and the land use will be identified as a permitted use in the appropriate zoning district.

To be clear, these amendment request will not alter or change the “Disturbance of the Peace” clause. The establishment can still have legitimate complaints levied against them if such a business creates a disturbance that warrants a complaint in the same manner as it is currently.

Senior Planner Spendlove stated upon conclusion the Commission may recommend the zoning title amendment as requested, recommend a modification of the amendment as presented (this will require another public hearing before the Commission), or recommend the amendment be denied.

PZ Questions/Comments:

Commissioner Woods stated that one of the visions for downtown Twin Falls is to have apartments above the businesses will this change in hours of operation have a negative impact this plan.

- Senior Planner Spendlove explained that people would have knowledge before moving into an apartment above a business that the business exists. There are also other types of businesses that could operate outside of these hour that do not include retail, this change will not impact these types of businesses.
- Commissioner Grey explained he thinks this will be an opportunity for growth downtown.
- Zoning & Development Manager Carraway-Johnson stated currently out of all of the special use permits that we have approved for extended retail hours, there has only been one that has come through for revocation. This was because of disturbance and the police department addressed the concerns. This code section can be very inhibiting and uncooperative with businesses and the community has evolved. Both of these potential changes were discussed with the Commission with a recommendation to move forward.
- Commissioner Munoz clarified that indoor recreation facilities did not have regulations for hours of operation and noise disturbance is still enforceable by the Police Department.
- Commissioner Frank stated he has no issues with the amendment to the hours of operation and asked about the disturbance of the peace.
- Zoning & Development Manager Carraway-Johnson explained that approximately 20 years ago there were some bars that came through that had conditions with decibel levels but it is fairly complicated to enforce.
- Commissioner Frank explained that may be true however with the special use permit process it gave the Commission and the neighbors the opportunity for discussion about noise control.
- Zoning & Development Manager Carraway-Johnson explained that she is no aware of how to us a meter to determine decibel levels nor the training to determine what decibel level is appropriate. The police have always taken care of the disturbances.
- Commissioner Frank explained that making this amendment takes away the opportunity to have a discussion with the business and with the neighbors.
- Commissioner Grey stated there is not a decibel listed in the code.
- Commissioner Munoz stated maybe what needs to happen is a noise ordinance needs to be in place. He also agrees with the fact that the businesses would rather not apply for a Special Use Permit.
- Zoning & Development Manager Carraway-Johnson clarified that this discussion seems to be directed towards clubs, however indoor recreation covers gyms, bingo halls, video games etc. so all of these businesses have to come through the this public hearing process and it can encumber them.
- Commissioner Frank asked if entertainment venues could be excluded from this amendment. He is uncomfortable with the way this proposal.

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- Commission Grey clarified that if there is a light ordinance maybe a noise ordinance should be in place too.
- Senior Planner Spendlove clarified that there seems to be a few uses that the Commission wants to regulate however, our definition for indoor recreation facility encompasses more than just these few uses that create concerns. The majority of the businesses that come through this process for this type of use are not the few that the commission has concerns with, they are gyms, yoga studios and are then delayed for 6-8 weeks unnecessarily.
- Commissioner Munoz asked if there could be a 300' clause added to the amendment similar to the Special Use Permit for consuming alcohol on premises. This would give the people that live around the property a chance to speak out for or against the request.
- Senior Planner Spendlove explained there is a fine line where we can end up over regulating a business.
- Commissioner Grey stated he feels like the 1% that are being discussed could be addressed better with a noise ordinance.
- Zoning & Development Manager Carraway-Johnson explained that the Commission can table this discussion and staff can have someone from the police department speak about the concerns involving disturbance of the peace.
- Commissioner Frank stated he would feel more comfortable understanding the action plan and the tools the police have to address the Commissions concerns before removing the Special Use Permit requirement.
- Commissioner Grey stated he would like some information about the Special Use Permits that we have allowed an indoor recreation facility and if there have been any complaints.
- Senior Planner Spendlove explained staff has not received any complaints and the police department work very closely with Planning & Zoning to keep the department informed of any land uses that are creating problems.
- Commissioner Munoz explained that if the police department has issues with a land use and there is not a Special Use Permit there is no recourse for addressing the problem.
- Senior Planner Spendlove explained that if there is a disturbance of the peace the officers have a means to address the concern. The businesses have to operate within a standard.
- Zoning & Development Manager Carraway-Johnson explained that perhaps the definition for indoor recreation facility should be revised.
- Commissioner Grey explained that the bad things can occur with or without a Special Use Permit.
- Commissioner Frank stated it seems staff is comfortable with the amendment.
- Senior Planner Spendlove explained that the businesses that are not operating within a certain standard don't last either.
- Commissioner Grey stated he does like having input from the neighbors when a business is going to be next to their residence because the neighbors may have some concerns that staff and the Commission have not considered. As for the two amendments this evening he would like to separate the two and table the indoor recreation facility discussion until they can have more information from the police department.
- Commissioner Frank stated he would support the hours of operation amendment, the hours now may prevent retail from occurring however, and it does not stop retails businesses from having other activities outside of those hours, such as freight delivery and stocking of shelves.

Public Hearing: [Opened & Closed](#) No Public Present

Deliberations Followed:

Commissioner Grey explained he is going to separate the two items pending feedback from the police department on the indoor recreation facility amendment.

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Motion:

Commissioner Grey made a motion to recommend approval of the zoning title amendment to delete the special use permit requirement to allow permitted retail/trade uses operating outside the hours of seven o'clock AM to ten o'clock PM within the 10-4-7.2(B), 10-4-8.2(B) and 10-4-13.2(B) Zoning Districts and to table the request to delete the special use permit requirement to allow an indoor recreation facility within 10-4-7.2(B), 10-4-8.2(B), 10-4-9.2(B), 10-4-10.2(B) and 10-4-13.2(B) Zoning Districts for additional information. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

V. GENERAL PUBLIC INPUT: No Public Present

VI. ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

- Zoning & Development Manager Carraway-Johnson stated that there are four applicants for the Commission Vacancies. The deadline for people to apply is January 17 and the goal is to have the vacancies filled by the first meeting in March.
- City Council Update: The request for a rezone to ZDA for Westpark Partners, LLC was approved along with the vacation request from St. Luke's. The ordinances should be approved in the near future for both of these items.
- Staff Update: On December 25, 2016 Jonathan Spendlove was promoted to Senior Planner.

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

1. Public Hearing-**January 24, 2017**
2. Work Session-**February 1, 2017**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 6:53 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department