MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
February 14, 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 Vacancy Jolinda Tatum
Chairman **Vice-Chairman**
AREA OF IMPACT:
Ryan Higley Steve Woods

ATTENDANCE

CITY LIMIT MEMBERS		AREA OF IMPACT MEMBERS	
PRESENT	**ABSENT**	**PRESENT**	**ABSENT**
Dawson		Higley	
Frank		Woods	
Grey			
Muñoz			
Musser			
Tatum			

CITY STAFF: O'Connor, Nope, Spendlove, Strickland, Vitek

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): **January 24, 2017 PH**
2. Approval of Findings of Fact and Conclusions of Law: **Chasewood Partners, LLC** (SUP 01-24-17)

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

Unanimously Approved

III. ITEMS OF CONSIDERATION:

Moved Item III-1 to end of Items of Consideration applicant not present.

2. **Preliminary ZDA presentation** requesting the Commission's recommendation on an **Annexation with a Zoning District Change & Zoning Map Amendment** from R-4 CRO AoI to M-1 CRO ZDA for 7.5 (+/-) acres to allow a Storage Unit Facility, an outdoor RV & Vehicle storage yard and a truck rental business (U-Haul) with Display Pad Sites on property located at 403 Grandview Drive. c/o Mojo, LLC-Gregg Olsen (app. 2836)

Applicant Presentation:
Scott Allen, JUB Engineers, Inc., representing the applicant explained that west of the property is an open field, north is a mobile home park, northeast side is the jubilee house and south is the a mini-storage business. This is being proposed as a ZDA so that the uses proposed do not have to come

back through the process for Special Use Permits. The proposal is to have mini-storage units along the side with larger storage units for larger items, there will be covered storage and enclosed coverage for RV, Boats and items people want to store and keep out of the weather. They would like to allow for some fill along the Canyon Rim for storm water drainage. There will be a 6 ft. fence around the perimeter of the facility. There will be concrete pad sites 15' behind the sidewalk for U-Haul vehicles to park. The original muni storage was approved with a deferral agreement for sidewalk, curb and gutter. They will request a deferral for this portion of the development also.

Staff Presentation:
Senior Planner Spendlove reviewed the request on the overhead and the Grand-Vu Drive-In Theater operated from 1952 to 2013. The property has been vacant since that time. Ordinance 2012 was passed in 1981, creating the zoning districts we currently use, and zoned various properties within City Limits. Zoning designations were assigned at that time, or when areas were annexed or became part of the Area of Impact upon an amendment to the Area of Impact Agreement with the county.

The applicant purchased the vacant Grand-Vu Drive-In Theater property in March of 2016. He is applying to annex and rezone the property to allow development of the site under a ZDA in order to expand his current storage and rental business that is just south of this property.

This is a preliminary presentation a public hearing regarding this request will be heard at the regularly scheduled Planning and Zoning Commission public meeting **Tuesday, February 28, 2017**. Further staff analysis will be provided at that time. Staff makes no recommendation at this time.

PZ Questions/Comments:
- Commissioner Munoz asked for clarification for the xeriscape.
- Mr. Allen explained the plan for the xeriscape.
- Commissioner Frank asked about hard surfacing and gravel for the original development.
- Mr. Allen explained hard surfacing has been done, but in this ZDA they will not be required to hard surface.
- Senior Planner Spendlove explained there will still be a need for dust abatement.
- Assistant Engineer Vitek explained they will ask the applicant to pave the entrance to prevent gravel from being brought out onto Grandview Drive.
- Commissioner Grey asked about storm water retention next to the canyon.
- Assistant Engineer Vitek stated it is not unheard of the water naturally drains to the location they have identified and it is not unheard of as a solution.

Public Hearing: Opened & Closed With No Public Input

3. **Preliminary ZDA presentation** requesting the Commission's recommendation on **Zoning District Change & Zoning Map Amendment** from R-2 PRO PUD and R-1 VAR PUD to R-2 PRO ZDA for 7.75 (+/-) acres to develop a planned commercial and professional development on property located on the northwest corner of Cheney Drive and Madrona Street North, a portion of the Eastpark PUD #213. c/o EHM Engineers, Inc.-Dave Thibault on behalf of Andrew Jarvis (app. 2841)

Applicant Presentation:
David Thibault, EHM Engineers, Inc., representing the applicant, stated this is the first step to be able to begin development of this property. Presently the property is located west of Madrona Street is zoned R-2 PRO PUD and another portion closer to Madrona Street North is zoned R-1 VAR PUD. They have begun development of other properties adjacent and so this request will clean-up the zoning as well as provide a plan for development of this property. The Master Development Plan is designed to have 11 buildings with interior parking and traffic pattern. They do not expect xeriscape with plans to meet the landscaping requirements. Signage plans are in progress and are trying to coordinate with the neighboring development meeting the current sign code requirement. With the ZDA text there a limitations for square footage. The lots along Madrona Street and Bridgeview Blvd will be allowed for a maximum sq. ft. of 10,000 sq. ft. and the interior buildings will be limited to 6,000 sq. ft. The connectivity to sidewalks and public right of way will be planned to provide better access for the public to the development.

Staff Presentation:
Senior Planner Spendlove reviewed the request on the overhead and Lot 1 is currently under the Eastpark PUD which was recorded in September 1998. The PUD zoned Lot 1 R-1 VAR PUD and R-2 PRO PUD at that time. Lot 1 was created with the Interstate Amusement Subdivision, a Conveyance Plat, which comprises the eastern half of the southwestern block of the Eastpark PUD and was recorded In November 2007.

This is a preliminary presentation a public hearing regarding this request will be heard at the regularly scheduled Planning and Zoning Commission public meeting **Tuesday, February 28, 2017**. Further staff analysis will be provided at that time. Staff makes no recommendation at this time.

PZ Questions/Comments:
- Commissioner Frank asked if sidewalk is going to surround this development.
- Mr. Thibault explained it will be surrounded by sidewalks.
- Commissioner Grey stated as for signs he would recommend that the signage not be glaring and lit so that is shines into the residential area.
- Commissioner Frank asked about how the City determines the when lighting is required.
- Assistant City Engineer explained wood post with lumens at each intersection is required.

Public Hearing: Opened & Closed Without Public Input

Item III-1 Applicant Arrived

1. Consideration of the **Reactivation of Special Use Permit #1332,** granted on September 23, 2014 to operate a new restaurant/deli with a drive-through window at 1925 Fillmore Street with extended hours of operation. Geronimo, LLC c/o Tina F. Luper/Nielsen & Company (app 2674)

Applicant Presentation:
Jeff Stokes, representing Woodbury Corporation, he explained this is just a request to reactivate a special use permit. This lot with several other lots that have been vacant for about a year, they now have interested parties, so they are wanting to reinstated the SUP, so that they can move forward with the prospective clients.

Staff Presentation:
Senior Planner Spendlove reviewed the request on the overhead and stated the Council approved ORD #3043 on April 9, 2012 vacating that portion of Fillmore Street within this development. The Planning and Zoning Commission approved the Canyon Park Amended – PUD Subdivision on April 10, 2012. The Council approved the final plat on June 4, 2012. The final plat was recorded on December 23, 2013.

The Planning and Zoning Commission granted Special Use Permit #1332 on September 23, 2014 subject to conditions. This request is to reactivate Special Use Permit #1332, granted on September 23, 2014 to allow a new restaurant with a drive-through window and extended hours of operation from 6AM to 11PM. Per City Code 10-13-2.2(I), if a special use is not established within one year from approval, the Commission may review the permit. The Commission can then determine if the surrounding area has changed significantly enough to call for a new special use permit or they can grant a reactivation. Below is the original staff report analysis:

> *"The property is zoned C-1 CRO PUD. The request is to operate a new restaurant/deli with a drive-through window at 1925 Fillmore Street. The C-1 CRO zone requires a Special Use Permit for any facility to operate with a drive-through window. The applicant is also requesting to operate from six o'clock A.M to eleven o'clock P.M. The C-1 CRO zone requires a Special Use Permit to operate outside the hours of 7:00 am to 10:00 pm. The Canyon Park West (Amended) C-1 PUD Agreement does not waive the Special Use Permit process for extended retail hours of operation or the drive-through window.*
>
> *The applicant submitted a request for a SUP to allow a drive-through window and extended business hours of 6:00 A.M to 11:00 P.M. The site is in a commercial area that will serve highway traffic, nearby hotels and other commercial businesses. The applicant does not anticipate any significant impacts to neighboring businesses.*

Per City Code 10-4-8:
Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) AM to ten o'clock (10:00) PM require a special use permit in the Commercial Highway District (C-1). The C-1 Zone is intended to provide commercial activities of various sizes from large retail stores to small specialty shops with residential opportunities for persons wishing to work and live in a unified environment. The C-1 PUD Agreement does not waive the special use permit process for extended retail hours of operation.

Per City Code 10-11-1 thru 8:
Required improvements include access, drainage and storm water. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal.

Per City Code 10-7-13:
Any facility with drive-through windows are required to comply with minimum requirements for vehicle stacking. Fast food restaurants and drive-in banks require nine (9) spaces or such other number as approved by Planning and Zoning Commission, but no less than six (6). All others are required to have six (6) spaces. The proposed site plan is indicating six (6) spaces. The drive-

through window will be located on the south side of the building along Fillmore Street. The lights of the vehicles waiting in the drive-through lane will be shining into oncoming traffic. The commission may wish to place a condition on the Special Use Permit that additional landscaping be placed to buffer the lights of the waiting vehicles.

The neighboring properties are currently mostly undeveloped. There are currently restaurants and banks located in the immediate area. These various businesses may not be greatly impacted by these proposed extended hours. A full review of parking and required site improvements for compliance with all applicable codes and regulations will be completed at the time of building permit process."

The parking/stacking code was amended in August 2014. Current City Code 10-10 now regulates parking spaces and drive-thru requirements. The currently applicable city codes are summarized as follows:

Per City Code 10-10-6:
Restaurants in multi-tenant buildings or with drive-thru's are required to have 1 parking space per 100 square feet of floor area, including outdoor seating areas.

Per City Code 10-10-10:
Restaurants with drive-thru's are required to have 5 stacking spaces from the first winder, order board or other stopping point. Additionally, a minimum nine foot (9') wide escape lane shall be provided for any drive-thru facility. Escape lanes may be part of a circulation aisle.

Senior Planner Spendlove stated upon conclusion the commission granted the request, as presented on September 23 2014, and 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 hours of operation being no earlier than 6:00 a.m. and no later than 11:00 p.m.
3. Subject to additional trees and shrubs to create a visual buffer from the roadway along Fillmore Street, to be approved by staff.

The applicant requests to reactivate Special Use Permit #1332, granted on September 23, 2014 to allow a new restaurant with a drive-through window and extended hours of operation from 6AM to 11PM. Approval of the reactivation will allow applicant to proceed as originally approved on September 23, 2014. Denial of reactivation will require the applicant to apply for a new Special Use Permit following today's standards.

PZ Questions/Comments:

- Commissioner Woods asked for clarification on a circulation isle and escape lane.
- Senior Planner Spendlove explained the difference and stated the discussion is whether the SUP should be reactivated as it was approved originally without an escape lane.
- Commissioner Grey clarified that if this is denied this would require the drive thru to come back through with an escape lane.

- Mr. Stokes explained that they would be willing to work with staff to expedite the plan and declare that they will put in an escape lane, if it will prevent them from having to come back through the public hearing process.
- Senior Planner Spendlove asked City Attorney Nope if he could give some direction to the Commission as it relates to adding a condition onto a Special Use Permit requesting reactivation and suggested that item be tabled for follow-up after the next item.

Commissioner Frank tabled the item until the end of the next item on the agenda for further guidance from legal council.

Follow-up From Attorney

- City Attorney Nope stated that the Commission can add a condition for the escape lane to reactivate SUP #1332.

Deliberations Followed:

- Commissioner Higley asked about the stacking requirements
- Senior Planner Spendlove explained when this SUP was originally approved the code required 6 for stacking the current code requires 5 from the first stopping point.
- Commissioner Munoz explained that he has no issue with reactivating if the escape lane requirement can be added.
- Commissioner Frank explained that is the reason we are being asked to review the request for reactivation.
- Commissioner Grey confirmed we want things to be approved to meet current standards, so if the condition can be added he is good with approving the reinstatement.

Motion:
Commissioner Munoz made a motion to approve the request, as presented, with an additional condition regarding the escape lane. Commissioner Woods seconded the motion. All members present voted in favor of the motion.

Approved, As Presented, With the Following Amended Conditions

1. Subject to the site plan amendment as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with applicable City Code requirements and standards.
2. Subject to hours or operation being no earlier than 6:00am and no later than 11:00pm
3. Subject to additional trees and shrubs to create a visual buffer from the roadway along Fillmore Street, to be approved by staff.
4. Subject to the applicant adding an escape lane to the drive-thru.

IV. PUBLIC HEARINGS:

1. Request for a **Special Use Permit** to allow an expansion of an existing shelter home facility by the addition of new residence on property located at 485 Addison Avenue West. c/o Valley House-Sharon Breshears (app. 2835)

Applicant Presentation:
Colby Rick, Laughlin & Ricks Architecture, LLC, representing the applicant, explained that this property had several buildings located on this lot which have been removed and the lots have been cleaned up. The applicant approached his firm to see if the existing home on the sight could be refurbished to provide another shelter for 12 women. After doing a walk through and evaluating the existing home his firm felt that it had the potential for restoration. The Valley House has been in the community for a long time and they try hard to help the community. They are asking that this special use permit to be approved so that the home can be remodeled to accommodate the needs of the residence.

Staff Presentation:
Planner I O'connor reviewed the request on the overhead and stated in 2003 a portion of Lots 9 & 10 was re platted and recorded as the Jurgens Subdivision. There were several residences on the remaining portions of Lots 9 & 10, Karn's Sub up until a few years ago. When the buildings were deemed uninhabitable due to lack of services, the owner chose to demolish most of them. This southernmost house was not demolished and is the subject of this application.

This application is for a Special Use Permit to operate a Shelter Home in the C-1 zone, to expand Valley House's operation along Rose St. The applicant has stated that Valley House is adding a second phase to their homeless shelter program by adding short-term transitional housing for women and families. They need to renovate the residential house located on the east side of Rose St., to house 12 women at one time. This is an expansion of their operation, which currently occupies the west side of Rose Street. The additional services are not expected to cause a significant increase of negative impacts.

Per City Code 10-4-8:
Shelter homes require a Special Use Permit to operate in the C-1 zone.

Per City Code 10-11-1 thru 8:
Required improvements include access, curb, gutter, sidewalk, drainage, landscaping, trash enclosure, parking, lighting, storm water, etc. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal.

Due to the existing operation in the area, and no significant issues reported for this type of use, the renovation of the subject house to expand Valley House's operation is not expected to cause significant impacts to the surrounding properties or area. Currently no sidewalk exists along Rose Street connecting this project to the greater public sidewalk network along Addison Ave West. A condition requiring sidewalk along this property would be appropriate. The applicant has expressed the desire to build these improvements when they develop the portion of property to the North.

Planner I O'connor 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 installing curb/gutter/sidewalk, along Rose Street by April 1, 2020, or during development of adjacent property to the North, whichever occurs first.

PZ Questions/Comments:

- Commissioner Munoz asked for clarification about the parcels.
- Planner I O'Connor explained that this is currently one property two parcels.
- Commissioner Munoz asked about the sidewalk, curb and gutter along Addison Avenue West
- Planner I O'Connor explained that the sidewalk, curb and gutter along Addison Avenue West is existing.
- Assistant City Engineer Vitek stated that this could need some upgrades for ADA accessibility in the future.
- Commissioner Grey asked about the lots and future development and additional housing.
- Senior Planner Spendlove explained there are actually buildings all over town that cross lot lines/property lines. They own the entire property with multiple lots. When this comes through for review it is review for setbacks from property boundary not the lot line.
- Commissioner Grey asked about the paving and hard surfacing of the parking area for this facility to operate.
- Senior Planner Spendlove explained that they will need the parking to be hard surfaced prior to development. The curb, gutter and sidewalk will need to be in within the next 3 years or at the time the property is developed whichever is first.
- Commissioner Munoz asked about gateway arterial landscaping.
- Senior Planner Spendlove explained that will be installed with the development of the northern portion of the property.

Public Hearing: Opened & Closed Without Public Input

Closing Statement:
Mr. Ricks explained that he appreciates this opportunity and the service that the Valley House provides. Approval of this Special Use Permit will help them to provide a bigger service to the community.

Deliberations Followed: Without Concerns

Motion:
Commissioner Musser made a motion to approve the request as presented. Commissioner Dawson 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 installing curb/gutter/sidewalk along Rose Street by April 1, 2020 or during development of adjacent property to the North, whichever occurs first.

Commissioner Frank referred back to City Attorney Nope for questions related to item III-1 see item III-1 for follow-up.

2. **Request for a Zoning Title Amendment to Twin Falls City Code Title 10; Chapter 4; 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 c/o City of Twin Falls - Planning & Zoning Department. (app. 2831)**

Staff Presentation:
Senior Planner Spendlove reviewed the request on the overhead and stated after analyzing calls for service over the previous year, there were fifty-four (54) calls that cited the Disorderly Conduct Statute (18-6409). This statute is as follows:

> *"Every person who maliciously and willfully disturbs the peace or quiet of any neighborhood, family or person, by loud or unusual noise, or by tumultuous or offensive conduct, or by threatening, traducing, quarreling, challenging to fight or fighting, or fires any gun or pistol, or uses any vulgar, profane or indecent language within the presence or hearing of children, in a loud and boisterous manner, is guilty of a misdemeanor."*

Of the 54 calls reported last year, one (1) was reported at a commercial property. The other 53 calls were for residential properties.

Additional research was conducted into similarly sized Cities throughout Idaho; it was found the large majority of them address noise complaints in this similar way. Some quote the Statute directly, as we have, and others have added clauses with time frames and declare noises a disturbance if they are audible within a nearby residence, or in the middle of the road one hundred (100) feet from the subject property or noise source.

It is the Zoning Departments perspective, noise disturbances are better addressed by the Criminal Code via the Police Department and their highly trained officers. This way, the response to the complaint can be addressed on-site in real time. If the complaint results in a Zoning Violation, the recourse is a Title 10 Violation which can take weeks to resolve.

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 Grey asked if the indoor recreation includes dance clubs.
- Senior Planner Spendlove explained yes the current definition or indoor recreation includes dance/night clubs.
- Commissioner Munoz clarified if there is alcohol served on site with 300 ft of a residence it would be required to have an SUP.
- Commissioner Grey stated that he agrees that this should be address at the time the offence occurs and by officers.

- Senior Planner Spendlove when the numbers were originally run for our local definition there were no numbers to report. The numbers reported tonight were based on the state definition of a disturbance. The complaints were not related to noise disturbance it was for fighting.
- Commissioner Frank asked how other cities define nightclubs, bars.
- Senior Planner Spendlove explained other cities have a definition for bars and nightclubs separate
- Commissioner Munoz stated he thinks a separate classification for nightclubs/bar should be considered.
- Commissioner Grey stated he is not comfortable recommending approval of this change prior to adding a definition for a night club/bar to the code. This could be confusing and the City Council may end up having the same discussion delaying this change.

Public Hearing: Opened & Closed Without Public Input

Motion:
Commissioner Grey made a motion to table the item. Commissioner Higley seconded the motion. Commissioners Grey, Higley, Woods, Dawson and Musser voted in favor of the motion. Commissioner Munoz. Tatum, Munoz and Frank voted against the motion.

MOTION TO TABLE STANDS

V. GENERAL PUBLIC INPUT: **NONE**

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

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

1. Public Hearing-**February 28, 2017** 2. Work Session-**March 1, 2017**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:23 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department