



## Twin Falls Planning & Zoning Commission Agenda

Tuesday, May 9, 2017, 6:00 PM

City Council Chambers  
305 Third Avenue East - Twin Falls, Idaho

### Members -

**City Limits:** Tom Frank, Chairman, Kevin Grey, Vice Chairman, Danielle Dawson, Darren Hall, Craig Hawkins, Gerardo "Tato" Muñoz, Ed Musser

**Area of Impact:** Ryan Higley, Steve Woods

- 1) Confirmation of Quorum/Call Meeting to Order
- 2) Consent Calendar
  - a) Approval of Minutes from the following meeting(s): April 25, 2017  
Purpose: Action By: Chairman
  - b) Approval of Findings of Fact and Conclusion of Law: Burnt Lemon Grill (SUP 04-25-17) & Jack's Oil & Tire (SUP 04-25-17)  
Purpose: Action By: Chairman
- 3) Items of Consideration- None
- 4) Public Hearings
  - a) Requests for the Commission's recommendation on a **Zoning District Change and Zoning Map Amendment** for approximately 7(+/-) acres from C-1 to M-2 located at 1211 Addison Avenue West. c/o Mike Jansson on behalf of Nelda Jansson (app. 2861) **Withdrawn to be rescheduled.**  
Purpose: Action By: N/A
  - b) Request for the Commission's recommendation for a Zoning Title Amendment to Twin Falls City Code 10; Chapter 4; Section 10-Heavy Manufacturing; to add Dwellings – Multiple Household (5 units or more) within the list of permitted uses. c/o Urban Renewal Agency- Nathan Murray (app. 2862)  
Purpose: Action By: Steve O'Connor
- 5) General Public Input
- 6) Upcoming Meeting(s)  
May 23, 2017 Public Hearing June 7, 2017 Work Session
- 7) Adjournment

Any person(s) needing special accommodations to participate in the above-noticed meeting could contact Lisa A. Strickland (208) 735-7267 at least two working days before the meeting. Si desea esta información en español, llame Leila Sanchez (208) 735-7287.

CITY OF TWIN FALLS

PLANNING & ZONING COMMISSION

**Public Hearing Procedures for Zoning Requests**

1. Prior to opening the public meeting, the Chairman shall review the public hearing procedures, confirm a quorum is present and introduce staff present.
2. Individuals wishing to testify or speak before the Commission shall wait to be recognized by the Chairman, approach the microphone/podium, state their name and address, then commence with their comments. Following their statements, they shall write their name and address on the Sign-In record sheet(s) located on a separate table near the entrance of the chambers. The administrative assistant shall make an audio recording of each public meeting.
3. **The Applicant, or the spokesperson for the Applicant, shall make a presentation** on the application/request. No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing – WHICH IS A MINIMUM OF 15 DAYS PRIOR TO PUBLIC HEARING. **The applicant's presentation should include the following:**
  - A complete explanation and description of the request.
  - Why the request is being made.
  - Location of the Property.
  - Impacts on the surrounding properties and efforts to mitigate those impacts.The Applicant is limited to 15 minutes, unless a written request for additional time is received and granted by the Chairman prior to commencement of the public meeting.
4. Upon completion of the applicant's presentation City Staff will present a staff report which shall summarize the application/request, history of the property, if any, staff analysis of the request and any recommendations.
  - **The Commission may ask questions of staff or the applicant pertaining to the request at this time.**
5. The public will then be given the opportunity to provide public testimony/input/comments regarding the request.
  - **The Chairman may limit public testimony to no more than two (2) minutes per person.**
  - **Five (5) or more individuals, having received personal public notice of the application under consideration, may select a spokesperson by written petition. The spokesperson shall be limited to 15 minutes.**
  - ***No written comments, including e-mail, received after 12:00 o'clock noon on the date of the hearing will be accepted for consideration by the hearing body. Written comments, including e-mail, received by 12:00 o'clock noon or before the date of the hearing shall be either read into the record or displayed on the overhead projector either during or upon the completion of public comment.***
  - **Following the Public Testimony, the applicant is permitted a maximum five (5) minutes rebuttal to respond to Public Testimony.**
6. Following the Public Testimony and Applicant's response, the Public Input portion of the public hearing shall be closed- **No further public testimony is permitted.** Commission Members, as recognized by the Chairman, shall be allowed to request clarification of any public testimony received of the Applicant, Staff or any person who has testified. The Chairman may again establish time limits.
7. The Chairman shall then close the Public Hearing. The Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. **Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed.** Legal or procedural questions may be directed to the City Attorney.

**\*\***

**Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and thereafter removed from the room by order of the Chairman.**



## Twin Falls Planning & Zoning Commission Minutes

Tuesday, April 25, 2017, 6:00 PM

### Members -

**City Limits:** Tom Frank, Chairman, Kevin Grey, Vice Chairman, Danielle Dawson, Darren Hall, Craig Hawkins, Gerardo "Tato" Muñoz, Ed Musser

**Area of Impact:** Ryan Higley, Steve Woods

### 1) Confirmation of Quorum/Call Meeting to Order

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

### 2) Consent Calendar

- a) Approval of Minutes from the following meeting(s):  
Approval of Findings of Fact and Conclusions of Law:
- b) Attachments- Minutes, Findings & Permits

#### **Motion:**

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

**Unanimously Approved**

### 3) Items of Consideration

### 4) Public Hearings

- a) Request for the **Commission's recommendation on the zoning designation** for 2.19 (+/-) acres proposed for annexation with a zoning designation of R-2, currently zoned R-2 for property located at 491 Canyon Rim Road. c/o EHM Engineers, Inc. on behalf of Gordon Greaves (app.2857)

#### **Applicant Presentation:**

Dave Thibault, EHM Engineers, Inc. representing the applicant explained that the applicant is requesting annexation with an R-2 Zoning Designation. He explained that the applicant plans to subdivide the property and would like to be able to connect to city services. In order to connect to city services annexation is required.

#### **Staff Presentation:**

Senior Planner Spendlove reviewed the request on the overhead and stated there is very little historical zoning or building data for this parcel. However, aerial imagery from 1950 shows what could be a residence at this location, and County parcel records have a home appraisal for this parcel dated in July 1963.

Recently, the majority of the old Canyon Rim Road was converted to a multi-use pathway as part of the Settlers Ridge Subdivision #3. The small portion of road in front of Mr Greaves property remained under the jurisdiction and maintenance of the Twin Falls Highway District.

The request is to annex the 2.19 acres under the current zoning R-2 Zoning District. Currently the property is developed with a single family home and what appears to be a few detached accessory buildings. Please see the attached maps for current and future zoning designations.

Twin Falls City Code sections 10-15-1 and 10-15-2 require a hearing and recommendations from the Commission on planning and zoning designations for areas proposed to be annexed.

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

An additional item that should be considered is Canyon Rim Road. The Settlers Ridge Sub #3 went through the public hearing process and the subsequent conversion of Canyon Rim road. At that time, Mr. Greaves elected to remain outside City Limits. As a result, multi-use path connections were made to the south of his property, and the Public Roadway in front of his property remained under the Twin Falls Highway District jurisdiction.

This described circumstance allowed the public to continue using the road in front of his property as part of that perpetual public roadway easement. This arrangement is not formalized in any agreement. As part of this annexation, it would be prudent to have a formalized easement recorded along the canyon rim for public access to the trail system.

Senior Planner Spendlove stated upon conclusion should the Commission find the R-2 Zoning Designation appropriate, they should forward a positive recommendation to the City Council for the entire 2.19 (+/-) acre site with the following condition. 1. Subject to a 15' wide public access easement, located adjacent to the Snake River Canyon Rim, being recorded prior to the Annexation Ordinance being approved by City Council, Location of 15' easement to be determined by City Staff.

**PZ Questions/Comments:**

- Commissioner Woods asked if there will be impacts for requirements related to the Canyon Rim Overlay.
- Senior Planner Spendlove explained that the Canyon Rim Overlay still applies.
- Commissioner Grey asked if the applicant is aware of the condition for the easement.
- Mr. Thibault explained that a 10' wide trail was discussed in the pre-application meeting with staff prior to this request. Their plans have been planning for the 10'. The applicant is willing to

work with staff but the 15' was a surprise to him and the applicant.

- Assistant City Engineer Vitek explained the path would be 10' in a 15' easement, this will come to the Planning & Zoning Commission as part of the preliminary plat. All of these details can be discussed at that time.

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

**Deliberations Followed: Without Concern**

**Motion:**

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

**Recommended for approval, to the City Council, 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.

Scheduled for City Council May 30, 2017.

- b) Request for the **Commission's recommendation on the vacation** of 2 easements 1) utility, vehicular & drainage easement approximately 15' x 160' along the western border of Lot 3, blk 2 of West Park Commercial Subdivision No. 2 and 2) utility, vehicular and drainage easement approximately 25' x 244' along the northern boundary of Lot 3 Blk 2 of West Park Commercial Subdivision No. 3 on property located at 1821 Canyon Crest Drive. c/o Gerald Martens on behalf of Jason Vickrey aka Putters (app. 2858)

**Applicant Presentation:**

David Thibault, EHM Engineers, Inc. representing the applicant explained there are actually two easements that were platted. One of the easements is located on the west boundary that was reserved for utilities, the second easement is along the north side and was for vehicular and drainage. The west easement they would like to vacate completely, and they would like to vacate a portion of the north easement. As they have developed the plan they think approximately 68' could be maintained for vehicular access. A letter has been submitted explaining the amendment to the request. There are no utilities in the west easement, they are located on the front side of the property in the road.

**Staff Presentation:**

Senior Planner Spendlove reviewed the request on the overhead and stated this parcel is part of the Westpark Commercial Subdivision #2, recorded in September 1998. Aerial Imagery shows this lot being an agricultural use from 1957 to 2004. Imagery in 2012 showed a vacant lot with more development in the area. The Northbridge PUD was signed into effect in July 1993, and currently governs the zoning and land use of the property.

This is a request to vacate two (2) platted easements: 1) utility, vehicular & drainage easement approximately 15'x160' along the western border and 2) utility, vehicular & drainage easement

approximately 25' x 244' along the northern boundary, both within Lot 3 Blk 2 of West Park Commercial Subdivision No. 2 on property located at 1821 Canyon Crest Drive. The applicant wishes to vacate the platted easements in order to develop the site as a mini golf establishment.

All utility companies have agreed to release their rights to their respective easements as shown with the attached letters of approval. As additional information, the City maintains an eight (8) inch sewer main along the northern boundary of the property. This sewer main is within a separately recorded easement and will not be changed or removed by this vacation. Furthermore, the applicant's development plan does not affect the sewer infrastructure.

Senior Planner Spendlove stated upon conclusion should the Commission recommend to the City Council, this request be granted 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.

**PZ Questions/Comments:**

- Commissioner Hall stated he sees the letters from the utility companies but he doesn't see any paperwork from Westpark Commercial, LLC stating they are fine with the vacation.
- Senior Planner Spendlove explained staff received a copy of that letter today.
- Commissioner Woods explained that this is going to be a popular hangout and wanted to know if there are sidewalks in the area.
- Senior Planner Spendlove explained there is a sidewalk from this location south to Pole Line and as Canyon Crest Drive develops there will be sidewalks.
- Commissioner Musser asked if vacating this precludes putting in a street.
- Senior Planner Spendlove explained that it would not allow a street as it exists today.
- Mr. Thibault explained that the 25' width doesn't meet public way standards but is sufficient for emergency access.

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

**Deliberations Followed:**

Commissioner Hawkins asked if the 68' is a concern.

Senior Planner Spendlove explained that the access is not required but in the future if they re-plat the undeveloped portion of the property this may have to be addressed.

**Motion:**

Commissioner Dawson moved to recommend approval of the request, as presented, with staff recommendations. Commissioner Grey seconded the motion. All members present voted in favor of the motion.

**Recommended for approval, to the City Council, as presented, with the following conditions**

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with applicable City Code requirements and standards.

Scheduled for City Council, May 30, 2017.

- c) Request for a **Special Use Permit** for the purpose of expanding by more than 25% an existing tire and lube shop on property located at 721 Hankins Road in the City's Area of Impact. c/o Jack's Tire and Oil (app. 2859)

**Applicant Presentation:**

Ike Smith, representing the applicant, stated the reason for the request is to expand 25% because they have had a 20% increase in customers. They need additional work bays and need to be able to serve their customers. The addition will be along the northwest corner of the building. There will be no changes to the operating hours, and there should not be any impacts to the surrounding area.

**Staff Presentation:**

Planner I O'Connor reviewed the request on the overhead and stated aerial imagery shows this parcel as Agricultural land until 1989. At that time it appears there was some form of commercial operation established. According to county parcel records, Jack's Tire and Oil purchased the property in 2005. They have been operating at this location since.

This is a request to expand a tire and lube operation by more than 25% in the C-1 zone, thus an SUP is required. The building will be expanded to the west, as shown in the elevations. This general area has seen some recent development with the establishment of McDonald's and Oasis Stop N' Go across the street. The applicant has seen a steady increase in operations since they started operating over 10 years ago and require additional space. The applicant, nor City Staff, anticipate any increase in detrimental impacts to the area that would be cause for concern. Staff determines this request as reasonable due to the zone and surrounding land uses.

The 2016 Comprehensive Plan; "Grow With Us" designates this area as appropriate for Commercial or Industrial Flex. Areas with these two designations fit more intensive commercial or light industrial land uses. This request being an expansion of an already operating commercial establishment fits the Commercial Future Land Use Designation. Therefore, staff has determined this request complies with the 2016 comp plan.

**Per City Code 10-13-2:**

Expansion of any building by over 25% for a use that originally has an SUP, requires a Special Use Permit.

**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.

Increase in traffic to Jack's Tire and Oil is the only anticipated impact to the surrounding area. However, with the establishment of McDonald's/Oasis Stop N' Go directly across Hankins and being in close proximity to Kimberly Rd/State Hwy 30, this increase is not likely to be detected.

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.

**PZ Questions/Comments:**

- Commissioner Frank asked if the entire property has to be brought up to code, the hard surface requirements for equipment parking and maneuvering area.
- Planner I O'Connor explained the hard surface requirement does apply in the C-1 zone.

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

**Deliberations Followed:**

- Commissioner Hall explained that he doesn't think that the area where they are storing tires should need to be paved.
- Planner I explained code will determine the requirements

**Motion:**

Commissioner Musser made a motion to approve the request, as presented. Commissioner Hawkins seconded the motion. All members present voted in favor of the motion.

**Approve, 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.
- d) Request for a **Special Use Permit** for the purpose of serving alcohol for consumption on site in conjunction with a restaurant on property located at 1040 Shoshone Street East. c/o Brenden Taylor dba Burnt Lemon Grill, LLC (app. 2860)

**Applicant Presentation:**

Brenden Taylor, the applicant explained they would like a special use permit to be able to serve beer and wine at the restaurant. This is a counter service type business so the customer would have to come to the counter to purchase each drink. They currently have this service at their business in Nampa and have not had any issues. He has educated his staff on the penalties for serving alcohol through the drive through window and he ensures this will not occur.

**Staff Presentation:**

Planner I O'Connor reviewed the request on the overhead and stated County Parcel records

date back to 1987, as owned by Bank of America. In 1976, a Conditional Use Permit was granted by Ordinance 1800 to permit a Savings and Loan Bank including a drive-thru, to be constructed and operated on the property. City utility billing records indicate there has only been a financial institution operating from this property. The property was vacated within the last 5 years. The Commission approved SUP #1403 on August 23rd, 2016 to allow a nonconforming use to replace a legal nonconforming use at 1040 Shoshone St E. Currently, it is a vacant building in which the applicant is improving to open the new location for The Burnt Lemon Grill.

The applicant is requesting a Special Use Permit to serve Alcohol for consumption on site, in conjunction with a restaurant. The Commission previously approved SUP #1403 to replace a legal nonconforming use with a different nonconforming use. The commission approved the nonconforming use of a restaurant at this location, and the applicant is now requesting another SUP in order to allow the serving of alcohol for on-site consumption, a nonconforming use. The applicant has stated "they understand clearly, the penalties for serving alcohol through a drive-thru window and will ensure this will never happen."

The applicant considers their restaurant a "counter service" style establishment and as such, patrons will not likely see their establishment as a "hangout" in the sense a bar is a hangout. The applicant, nor staff, anticipates an increase in detrimental impacts to the surrounding properties with the approval of this request.

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Downtown/High Density Residential." This land use designation is deemed appropriate for a diverse mix of land uses, which is scaled to create a pedestrian friendly environment. A restaurant which serves alcohol for consumption on site, fits the desired intent for a mixed use zone, and the proximity to residential improves the likelihood of an increase in pedestrian traffic. Staff determines this request complies with the 2016 comprehensive plan.

**Per City Code 10-3-4:**

..."A legal nonconforming use involving a building may be resumed or replaced by another nonconforming use by special use permit if said legal nonconforming use has not been discontinued for more than five (5) years. In addition to the General Standards, 10-13-2.2(D), applicable to special uses, the applicant must show that the existing building cannot reasonable be converted to a conforming use. (Ord. 2555, 7-21-1997)"

**Per City Code 10-11-1 thru 8:**

Required improvements include access, drainage and storm water. These required improvements have been and will continue to be evaluated, and enforced at the time of building permit submittal.

The applicant states there will be no increase in noise, odor, or glare with the approval of the request. The original impacts of the business as reported in the previous Special Use Permit

#1403 are still applicable. As such, the original conditions of that SUP should continue to be applicable.

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 original conditions placed upon SUP Permit #1403 still being met and fully enforceable.

**PZ Questions/Comments: None**

**Public Hearing: Opened**

- Ms. Hurtago explained the main concern they have is the restaurant hours and how that will impact the area with customers consuming alcohol on site.
- Mr. Taylor explained they close at 9pm, this will not operate like a bar, it will be just be a service offered to their customers.
- Hania Hurtago asked what the recourse is if there are issues.
- Planner I O'Connor explained that if there is a disturbance because of this use they can contact the police department.

**Public Hearing: Closed**

**Deliberations Followed: Without Concerns**

**Motion:**

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

**Approved, As Presented, With the Following Conditions**

1. Subject to the original conditions placed upon SUP Permit #1403 still being met and fully enforceable.

**5) General Public Input**

Commissioner Frank asked for a large print out of the zoning map.

**6) Upcoming Meeting(s)**

- a) Work Session-May 3, 2017 Cancelled
- b) Public Meeting-May 9, 2017

**7) Adjournment**



**CITY OF TWIN FALLS  
PLANNING AND ZONING DEPARTMENT**

324 Hansen Street East  
P.O. Box 1907  
Twin Falls, Idaho 83303-1907

**SPECIAL USE PERMIT**

**Permit No.1430**

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on April 25, 2017 to Brenden Taylor dba Burnt Lemon Grill, LLC whose address is 1879 Addison Avenue East Twin Falls, ID 83301 for the purpose of serving alcohol for consumption on site in conjunction with a restaurant on property located at 1040 Shoshone Street East and legally described as RPT0001002001C Twin Falls Townsite Lots 1, 2 & 3 Block 2 (16-10-17)

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

**This permit corresponds to Zoning Application No.2860**

1. Subject to the original conditions placed upon SUP Permit #1403 still being met and fully enforceable.

\_\_\_\_\_  
CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION

\_\_\_\_\_  
DATE

\_\_\_\_\_  
ADMINISTRATOR SIGNATURE

\_\_\_\_\_  
DATE

**This permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.**

**Please contact the Building Department at 735-7238 for further information.**

cc: Building Inspection



# BEFORE THE PLANNING & ZONING COMMISSION OF THE CITY OF TWIN FALLS

In Re: )  
)  
Special Use Permit, Application, ) FINDINGS OF FACT,  
)  
) CONCLUSIONS OF LAW,  
Burnt Lemon Grill )  
c/o Brenden Taylor ) AND DECISION  
Applicant(s) )

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on April 25, 2017 for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of serving alcohol for consumption on site in conjunction with a restaurant on property located at 1040 Shoshone Street East, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

## FINDINGS OF FACT

1. Applicant has applied for a Special Use Permit for the purpose of serving alcohol for consumption on site in conjunction with a restaurant on property located at 1040 Shoshone Street East
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: April 6, 2017
3. The property in question is zoned R-4 PRO P-3 pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Downtown/High Density Residential in the duly adopted Comprehensive Plan of the City of Twin Falls.

4. The existing neighboring land uses in the immediate area of this property are: to the north, 11<sup>th</sup> Avenue East; to the south, Office/Residential; to the east; Office/Residential; and to the west, Shoshone Street North/Office

Based on the foregoing Findings of Fact, the Planning and Zoning Commission hereby makes the following:

#### CONCLUSIONS OF LAW

1. The application for a Special Use Permit for the purpose of serving alcohol for consumption on site in conjunction with a restaurant on property located at 1040 Shoshone Street East is consistent with the purpose of the R-4 PRO P-3 Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.

2. The proposed use does constitute a special use as established by zoning requirements for the zone involved as required by Twin Falls City Code 10-13-2.2(D)1.

3. The proposed use will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations as required by Twin Falls City Code 10-13-2.2(D)2

4. The proposed use will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area as required by Twin Falls City Code 10-13-2.2(D)3.

5. The proposed use will not be hazardous or disturbing to existing or future neighboring uses as required by Twin Falls City Code 10-13-2.2(D)4.

6. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community as required by Twin Falls City Code 10-13-2.2(D)6.

7. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors as required by Twin Falls City Code 10-13-2.2(D)7.

8. The proposed use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares as required by Twin Falls City Code 10-13-2.2(D)8.

9. The proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance as required by Twin Falls City Code 10-13-2.2(D)9.

10 The proposed use is a proper use in the R-4 PRO P-3 Zone, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

11. The application for a Special Use Permit for the purpose of serving alcohol for consumption on site in conjunction with a restaurant on property located at 1040 Shoshone Street East should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Conclusions of Law, the Twin Falls City Planning and Zoning Commission hereby enters the following

#### DECISION

1. The application for a Special Use Permit for the purpose of serving alcohol for consumption on site in conjunction with a restaurant on property located at 1040 Shoshone Street East is hereby granted, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

3. The Special Use Permit shall be issued, as presented.

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CHAIRMAN- TWIN FALLS CITY PLANNING & ZONING COMMISSION

---

DATE

"EXHIBIT NO. A"

1. Subject to the original conditions placed upon SUP Permit #1403 still being met and fully enforceable.

APPLICATION #2860  
SUP# 1430



**CITY OF TWIN FALLS  
PLANNING AND ZONING DEPARTMENT**

324 Hansen Street East  
P.O. Box 1907  
Twin Falls, Idaho 83303-1907

**SPECIAL USE PERMIT**

**Permit No. 1431**

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on **April 25, 2017** to **Jack's Tire & Oil** whose address is **172 Hankins Road Twin Falls, ID 83301** for the purpose of **expanding by more than 25% an existing tire and lube shop on property located at 172 Hankins Road in the City's Area of Impact** and legally described as **RP10S17E230045 Sec 23 T 10 R 17 S 4.558A M OR L, Exc E 58 IN NE NE NE**

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

**This permit corresponds to Zoning Application No.2859**

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.

\_\_\_\_\_  
CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION

\_\_\_\_\_  
DATE

\_\_\_\_\_  
ADMINISTRATOR SIGNATURE

\_\_\_\_\_  
DATE

**This permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.**

**Please contact the Building Department at 735-7238 for further information.**

cc: Building Inspection



# BEFORE THE PLANNING & ZONING COMMISSION OF THE CITY OF TWIN FALLS

In Re: )  
)  
Special Use Permit, Application, ) FINDINGS OF FACT,  
)  
) CONCLUSIONS OF LAW,  
Jack's Tire & Oil )  
c/o Ike Smith ) AND DECISION  
Applicant(s) )

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on April 25, 2017 for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of expanding by more than 25% an existing tire and lube shop on property located at 172 Hankins Road in the City's Area of Impact, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

## FINDINGS OF FACT

1. Applicant has applied for a Special Use Permit for the purpose of expanding by more than 25% an existing tire and lube shop on property located at 172 Hankins Road in the City's Area of Impact
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: April 6, 2017
3. The property in question is zoned C-1 Aol pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as Commercial in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, Equipment Sales; to the south, Agricultural; to the east; Hankins Road South/Restaurant/Oasis Stop N Go; and to the west, Agricultural.

Based on the foregoing Findings of Fact, the Planning and Zoning Commission hereby makes the following:

#### CONCLUSIONS OF LAW

1. The application for a Special Use Permit for the purpose of expanding by more than 25% an existing tire and lube shop on property located at 172 Hankins Road in the City's Area of Impact is consistent with the purpose of the C-1 Aol Zone, and is not detrimental to any of the outright permitted uses or existing special uses in the area.
2. The proposed use does constitute a special use as established by zoning requirements for the zone involved as required by Twin Falls City Code 10-13-2.2(D)1.
3. The proposed use will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations as required by Twin Falls City Code 10-13-2.2(D)2
4. The proposed use will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area as required by Twin Falls City Code 10-13-2.2(D)3.
5. The proposed use will not be hazardous or disturbing to existing or future neighboring uses as required by Twin Falls City Code 10-13-2.2(D)4.
6. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community as required by Twin Falls City Code 10-13-2.2(D)6.
7. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of

excessive production of traffic, noise, smoke, fumes, glare or odors as required by Twin Falls City Code 10-13-2.2(D)7.

8. The proposed use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares as required by Twin Falls City Code 10-13-2.2(D)8.

9. The proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance as required by Twin Falls City Code 10-13-2.2(D)9.

10 The proposed use is a proper use in the C-1 Aol Zone, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

11. The application for a Special Use Permit for the purpose of expanding by more than 25% an existing tire and lube shop on property located at 172 Hankins Road in the City's Area of Impact should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Conclusions of Law, the Twin Falls City Planning and Zoning Commission hereby enters the following

#### DECISION

1. The application for a Special Use Permit for the purpose of expanding by more than 25% an existing tire and lube shop on property located at 172 Hankins Road in the City's Area of Impact is hereby granted, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

3. The Special Use Permit shall be issued, as presented.

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CHAIRMAN- TWIN FALLS CITY PLANNING & ZONING COMMISSION

---

DATE

"EXHIBIT NO. A"

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.

APPLICATION #2859  
SUP# 1431



Public Hearing: **TUESDAY, May 9<sup>th</sup>, 2017**

To: Planning and Zoning Commission

Presenter: Steve O'Connor Planner 1

Editor: Rene'e V. Carraway-Johnson, Zoning & Development Manager

Authors: Rene'e V. Carraway-Johnson, Zoning & Development Manager

### **AMENDED AGENDA ITEM IV-2**

**Request:** Request for the Commission's recommendation for a **Zoning Title Amendment** which would amend Twin Falls City Code Title 10; Chapter 4; Section 10; M-2-Heavy Manufacturing; by adding Residential Dwellings – Multiple Household (5 units or more) within the list of permitted uses. c/o Nathan Murray/ Twin Falls Urban Renewal Agency (App #2862)

**Time Estimate:**

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

**Background:**

|                                                                                                           |                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Applicant:</b>                                                                                         |                                                                                                                                                                                                                                                                                            |
| Twin Falls Urban Renewal Agency<br>PO Box 1907<br>Twin Falls, Idaho 83303-1907<br>208-735-7267            | <b>Requested Zoning:</b> Request for the Commission's recommendation for a Zoning Title Amendment to Twin Falls City Code Title 10; Chapter 4; Section 10; M-2-Heavy Manufacturing; to add Residential Dwellings – Multiple Household (5 units or more) within the list of permitted uses. |
| <b>Representative:</b>                                                                                    |                                                                                                                                                                                                                                                                                            |
| Nathan Murray, Director URA<br>103 Main Ave E<br>Twin Falls, ID 83301<br>208.735.7240<br>nmurray@tfid.org | <b>Applicable Regulations:</b> 10-4-10, 10-14-1 through 7                                                                                                                                                                                                                                  |

**Approval Process:**

All procedures will follow the process as described in TF City Code 10-14: Zoning Amendments.

Zoning Title Amendments, which consist of text or map revisions, require a public hearing before the Planning Commission. Following the public hearing, the Commission may forward the amendment with its recommendation to the City Council. Any material change by the Commission from what was presented during the public hearing will require an additional hearing prior to the Commission forwarding its recommendation to the Council.

After the Council receives a recommendation from the Commission, a public hearing shall be scheduled where the Council may grant, grant with changes, or deny the Zoning Title Amendment. In any event the Council shall specify the regulations and standards used in evaluating the Zoning Amendment, and the reasons for approval or denial.

In the event the Council shall approve an amendment, such amendment shall thereafter be made a part of the Title upon the passage and publication of an ordinance.

**Regulatory Impact:**

A recommendation from the Planning and Zoning Commission on the proposed Zoning Title Amendment will allow the request to proceed to the City Council. Upon approval by the City Council an ordinance is later approved and codified.

## History:

Since the adoption of Ord 2012, the Land Uses identified in the various Zoning Districts have been largely unchanged. As growth continues, the need for change, to meet the demands of our citizens, is required. Developing a more flexible or diverse land use within the zoning code will help alleviate and expedite new land uses within existing zones not permitted since 1981 to meet those demands.

Since 1981, the only permitted residences in the M-2, Heavy Manufacturing District, are Household units existing at the time of adoption and household units in the same building as an allowed use and occupied by the owner or employee.

## Analysis:

This request is to amend City Code; 10-4-10; M2, Heavy Manufacturing District, to allow Residential Dwellings with *Multiple Households of 5 units (or more)* in the M-2 zone. Presently No new residential development is permitted within the M-2 Zone.

In 2012, the Urban Renewal Agency of the City of Twin Falls was granted a code amendment to allow multi-family units of 5 or more units to be allowed by Special Use Permit in the OT zone. The amendment also granted that attached single-household dwellings, duplexes, triplexes and four-plexes may be permitted by Special Use Permit in both the OT and CB zones.

Allowing residential development in the M-2 zone of the downtown area can bring a diverse mix of uses that is often seen as a catalyst to revitalization. Many cities and municipalities with warehouse and light industrial zones, which have declined over the last several decades, have looked to new ways to reutilize land, which has largely been left vacant. One popular and generally successful way has been to redevelop these parcels and blocks into residential/mixed use zones. Many municipalities across the west have utilized their old and dwindling warehouse and industrial zones as projects to support infill, manage growth, and increase housing stock.

On March 13, 2017, the Urban Renewal Agency met and voted to pursue a code amendment to allow multi-family residential dwellings within the M-2 Zone within targeted areas.

The public notice that was published stated this request was for all M-2 Zoned properties within city limits and the area of impact. However, the applicant is only interested in that area within Revenue Allocation Area #4-1, see attached map, and designated Downtown/High Density Residential as defined In The 2016 Comprehensive Plan and located east of Shoshone St South, south of Minidoka Avenue, west of Blue Lakes Boulevard South and north of the Rock Creek Canyon.

The applicant wishes to allow developers an opportunity to take advantage of the unique setting within the downtown area. The Revitalization of Main Ave/Downtown, and the Rock Creek Trail system are a couple of the amenities which would be readily accessible to residents.

This is the first step of the Zoning Title Amendment approval procedure. A request for a Zoning Title Amendment is initially made to the Commission. The Planning and Zoning Commission holds a public hearing to evaluate the request and to determine the extent and nature of the amendment. Upon conclusion of the public hearing the Commission makes a recommendation to the City Council on whether or not to approve the request as presented, deny the request, or approve the request with conditions and/or modifications. *If the Commission recommends approval they shall assure the request is compatible with the comprehensive plan.*

The City Council shall then hold an additional public hearing where they may approve the application as recommended by the Commission, deny the application, or remand the application back to the Commission for further proceedings. If approved, an ordinance is prepared and at a later public meeting is adopted by the City Council. Once the ordinance is published the City Code is officially amended.

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.

**Conclusion:**

Should the Commission recommend approval of this request Staff recommends the following:

1. Subject to M-2 zoned property within Revenue Allocation Area #4-1, see attached map, and designated Downtown/High Density Residential as defined In The 2016 Comprehensive Plan and located east of Shoshone St South, south of Minidoka Avenue, west of Blue Lakes Boulevard South and north of the Rock Creek Canyon.
2. Subject to approval by Special Use Permit.

**Attachments:**

1. Narrative
2. Draft Amendment
3. Zoning Map
4. Map of Revenue Allocation Area #4-1
5. Map of FLU Map
6. Existing M2 title with Propose M2 title amendment

**TF Urban Renewal Agency**  
**Zoning Title Amendment-2017**

We propose an amendment to the zoning ordinance to allow multi-family residential housing within the M2 zone of Twin Falls City, in areas designated as having a future land-use category within the Twin Falls City Comprehensive Plan as Downtown/High Density Residential.

The proposed change is compatible with the stated goals of the City's comprehensive plan for the downtown area, it will not hinder any related goals for growth and development within the downtown area, and the proposed land-uses will have no adverse impacts on existing land-uses within the M2 zone.

**Existing M2 title:**

**Title 10-4-10.2: Use Regulations:**

- (A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

.....

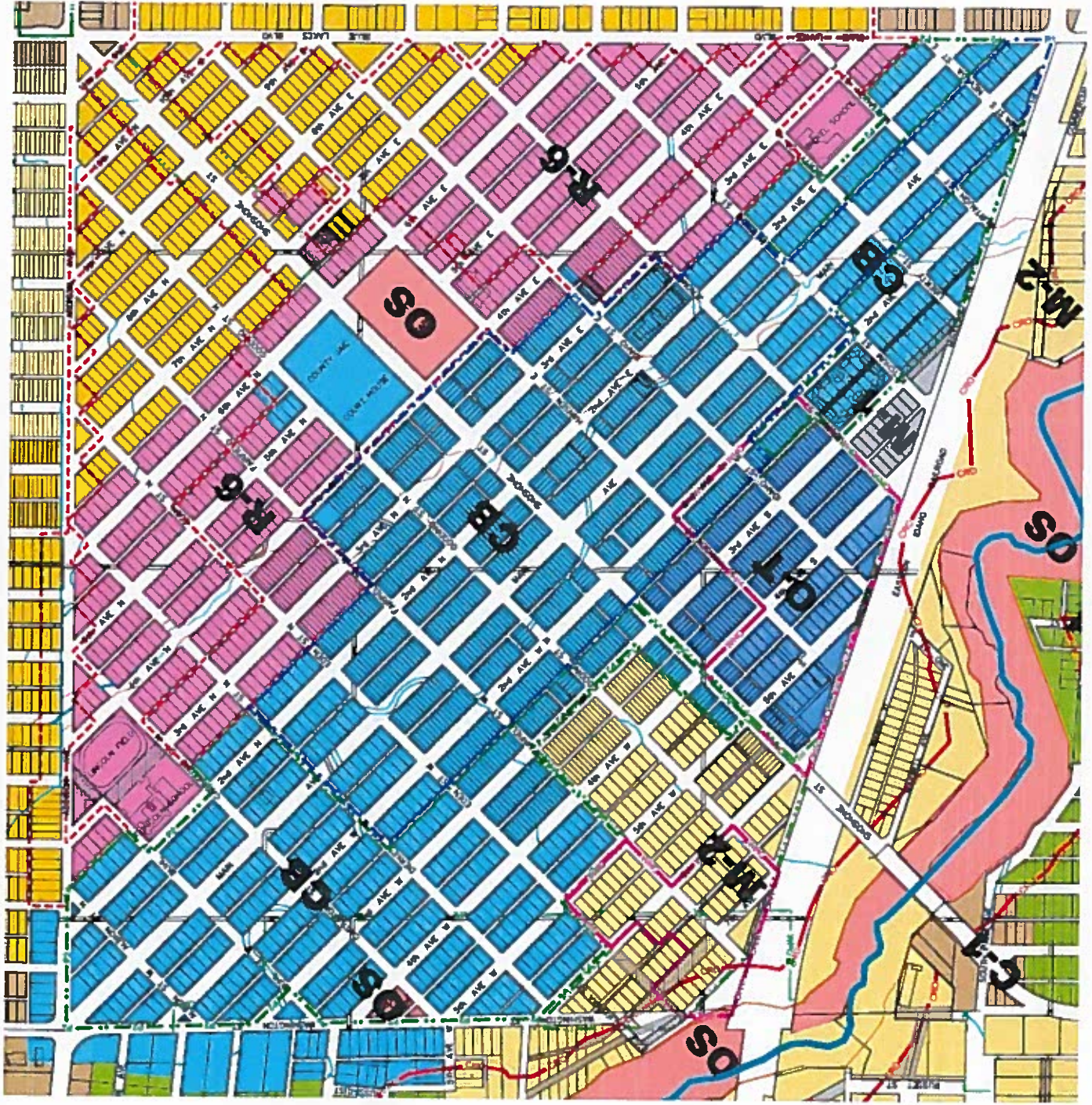
**10. Residential:**

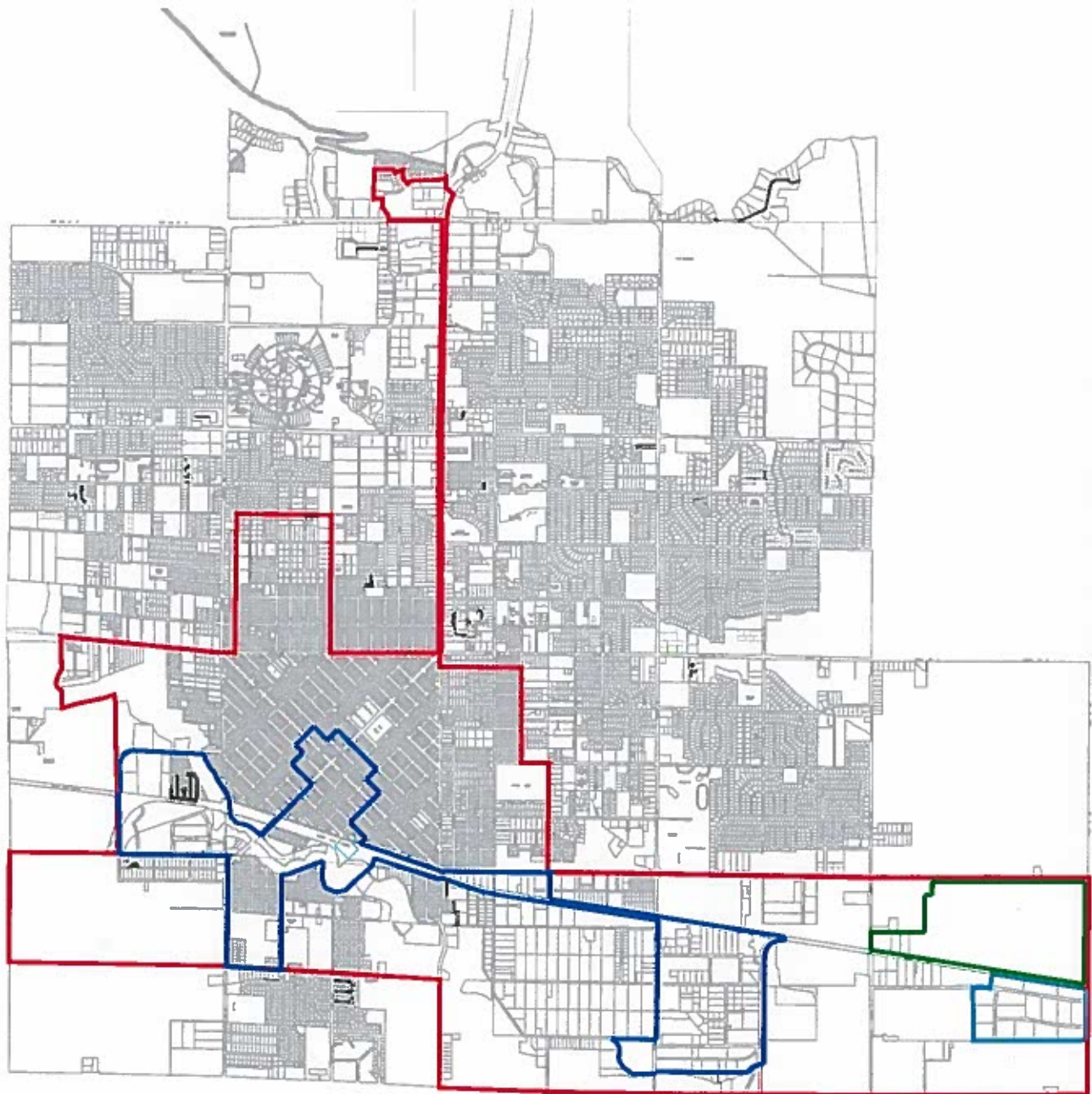
- a. Home occupations.
- b. Household units existing at the time this Title was adopted.
- c. Household units in the same buildings as an allowed use and occupied by the owner or an employee of the allowed use.

**Proposed M2 title:**

**10. Residential:**

- a. Home occupations.
- b. Household units existing at the time this Title was adopted.
- c. Household units in the same buildings as an allowed use and occupied by the owner or an employee of the allowed use.
- d. Dwellings - multiple household (5 units or more), in areas designated Downtown/High Density Residential as defined In The 2016 Comprehensive Plan and located east of Shoshone St South, south of Minidoka Avenue, west of Blue Lakes Boulevard South and north of the Rock Creek Canyon.**



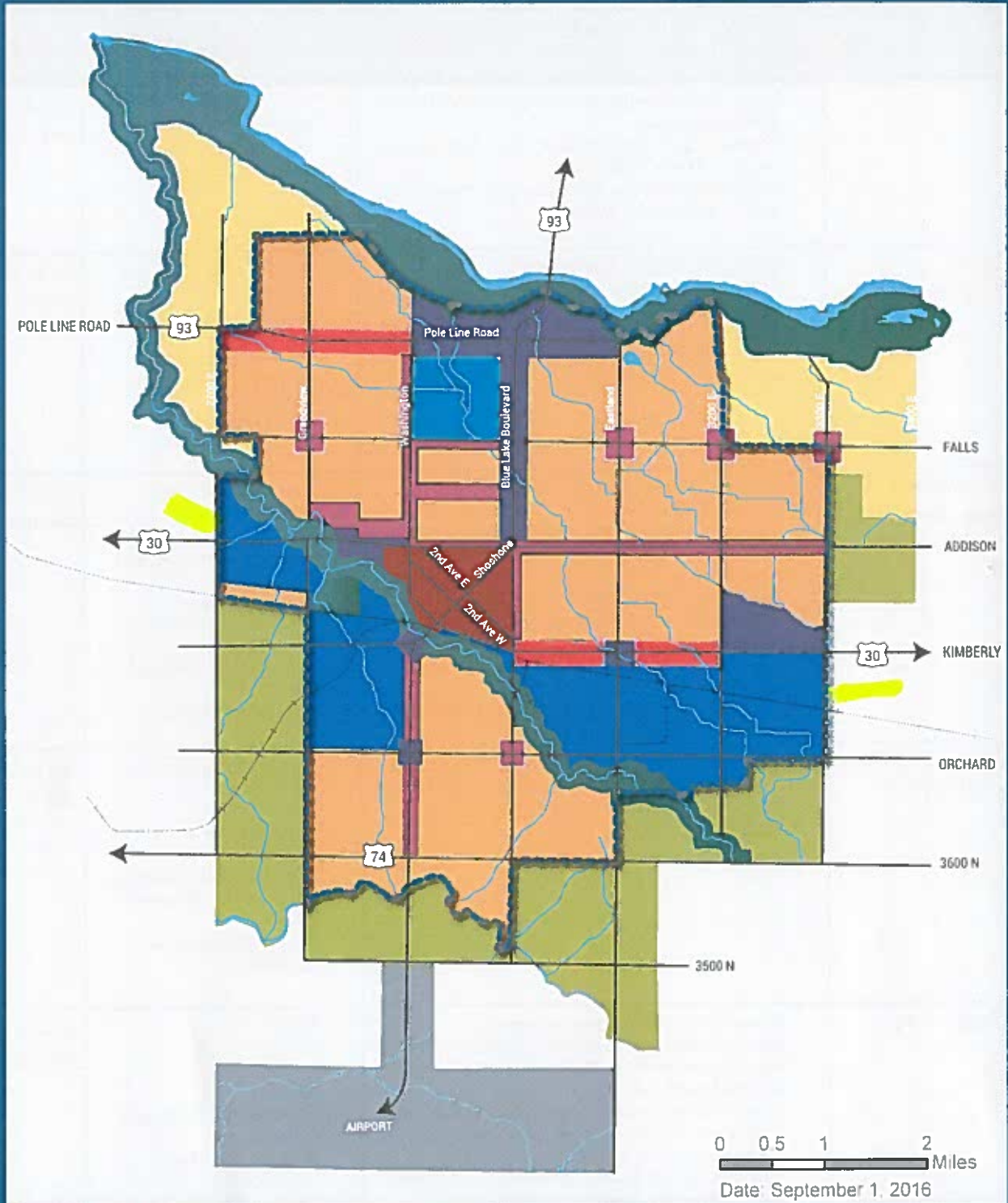


*URBAN RENEWAL AGENCY OF THE  
CITY OF TWIN FALLS, IDAHO*



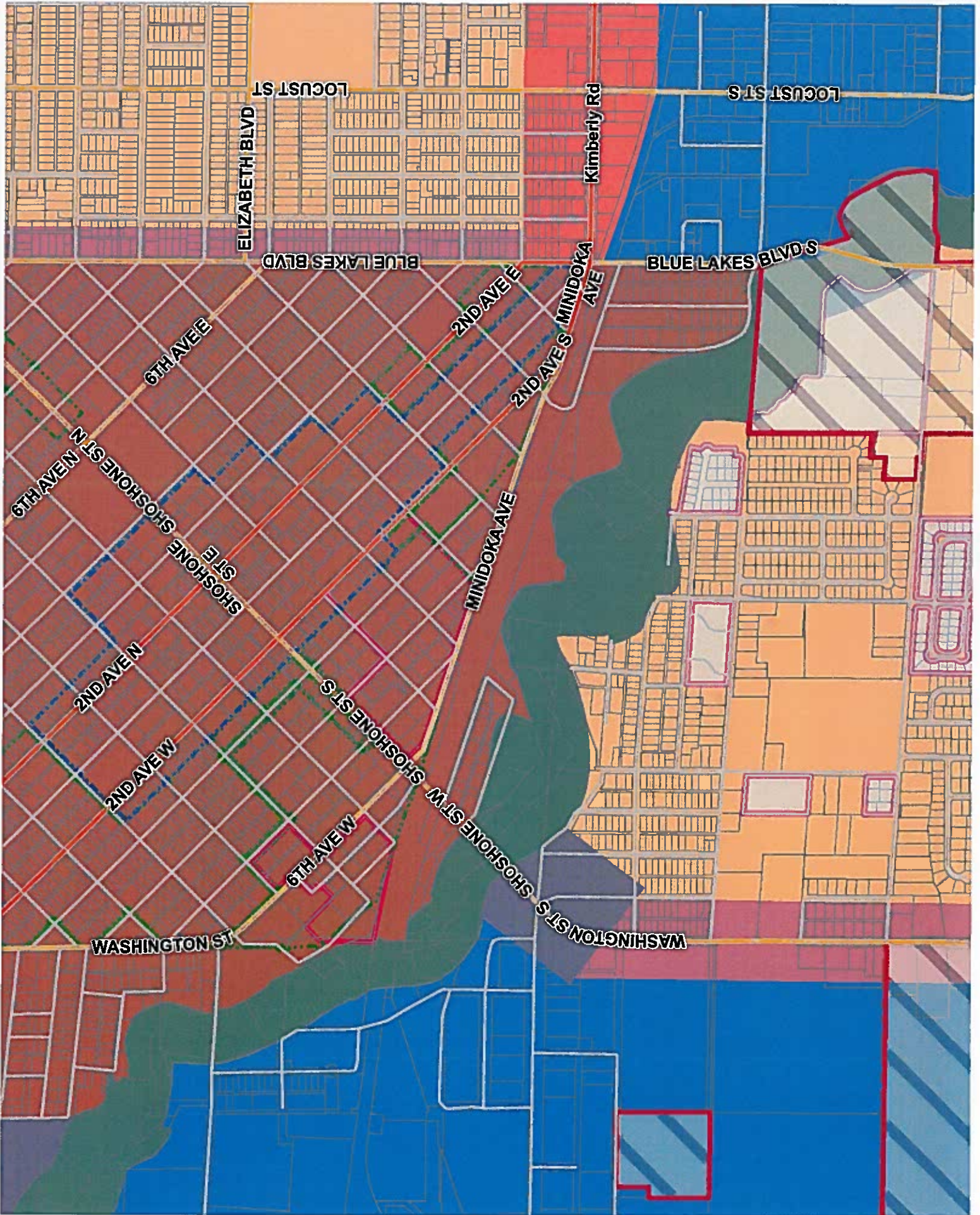
| <i>LEGEND</i> |                                  |
|---------------|----------------------------------|
|               | URBAN RENEWAL AREA #1            |
|               | REVENUE ALLOCATION AREA #4-1     |
|               | REVENUE ALLOCATION AREA #4-3     |
|               | NEW REVENUE ALLOCATION AREA #4-4 |

### MAP 3: FUTURE LAND USE MAP



#### Future Land Use

- |                    |                                     |                                 |                               |
|--------------------|-------------------------------------|---------------------------------|-------------------------------|
| Agriculture        | Downtown / High Density Residential | Mixed Use                       | Airport                       |
| Rural Residential  | Commercial                          | Industrial / Employment / Flex  | Natural Areas                 |
| Town Neighborhoods | Neighborhood Commercial             | College of Southern Idaho (CSI) | City Utility Service Boundary |



LOCUST ST

LOCUST STS

ELIZABETH BLVD

Kimberly Rd

BLUE LAKES BLVD

BLUE LAKES BLVD S

6TH AVE E

2ND AVE E

2ND AVE S MINIDOKA AVE

6TH AVE N

SHOSHONE ST E

MINIDOKA AVE

2ND AVE N

2ND AVE W

SHOSHONE ST S

6TH AVE W

WASHINGTON ST

WASHINGTON ST S

TABLE 1: FUTURE LAND USE CATEGORIES

FRAMEWORK

| <i>Future Land Use Category</i>            | <i>Defining Characteristics</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <i>Land Use Mix</i>                                                                                                                                                                                                                                                                                                         | <i>Gross Density/Size</i> |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| <i>Rural Residential</i>                   | <ul style="list-style-type: none"> <li>Large-lot residential with integrated agricultural/open space uses</li> <li>Provides transition from agricultural land located on the outskirts of the City</li> <li>Homes might not be served by public water and/or wastewater system</li> </ul>                                                                                                                                                                                                                       | <ul style="list-style-type: none"> <li>Single-family detached</li> <li>Agriculture</li> <li>Open space</li> <li>Multi-use trails</li> </ul>                                                                                                                                                                                 | Residential lots > 1 acre |
| <i>Town Neighborhoods</i>                  | <ul style="list-style-type: none"> <li>Primarily residential in character</li> <li>Lot sizes are smaller than found in Rural Residential</li> <li>Contiguous and clustered development to maximize open space and community gathering areas</li> </ul>                                                                                                                                                                                                                                                          | <ul style="list-style-type: none"> <li>Single-family attached and detached</li> <li>Duplexes, triplexes, and townhomes</li> <li>Parks and recreation facilities</li> <li>Schools</li> <li>Civic facilities</li> </ul>                                                                                                       | 2 - 10 DU per Acre        |
| <i>Downtown / High Density Residential</i> | <ul style="list-style-type: none"> <li>Central business district serving the local and regional area</li> <li>Diverse mix of land use, including restaurants, retail, community and civic facilities, and residential</li> <li>Encourages redevelopment and infill</li> <li>Scaled to create a functional, walkable, pedestrian friendly environment</li> <li>Civic and community facilities that are open to the public</li> <li>Regional and local educational and community serving facilities</li> </ul>    | <ul style="list-style-type: none"> <li>Retail and services</li> <li>Offices</li> <li>Hotels</li> <li>Entertainment, arts, and culture</li> <li>Plazas and parks</li> <li>Vertical, mixed use housing</li> <li>Government buildings</li> <li>Schools</li> <li>Recreation facilities</li> </ul>                               | 8 - 25 DU per acre        |
| <i>Neighborhood Commercial</i>             | <ul style="list-style-type: none"> <li>Provides supporting services and small-scale commercial for the surrounding neighborhood</li> <li>Designed to complement the neighborhoods character</li> </ul>                                                                                                                                                                                                                                                                                                          | <ul style="list-style-type: none"> <li>Neighborhood-serving commercial</li> <li>Townhomes</li> <li>Condominiums</li> <li>Apartments</li> <li>Senior /student housing</li> <li>Small-scale office and retail</li> <li>Civic and community facilities</li> </ul>                                                              | 6 - 12 DU per acre        |
| <i>Mixed Use</i>                           | <ul style="list-style-type: none"> <li>Serves local and regional commercial</li> <li>Siting at intersections of major arterials</li> <li>Typically anchored by a grocery store, civic, or entertainment uses</li> <li>Allows high-intensity mixed use development in a compact, pedestrian oriented environment</li> <li>Pedestrian activity is the highest priority; buildings should be located close to the street. Wide sidewalks, street furniture, and other amenities are strongly encouraged</li> </ul> | <ul style="list-style-type: none"> <li>Retail</li> <li>Office</li> <li>Restaurants</li> <li>Civic</li> <li>Entertainment, arts, and culture</li> <li>Vertical, mixed use</li> <li>Townhomes</li> <li>Condominiums</li> <li>Apartments</li> <li>Senior /student housing</li> <li>Hotels</li> <li>Plazas and parks</li> </ul> | 10 - 20 DU per acre       |

ENCOURAGES MULTI-USE