



MINUTES-AMENDED
TWIN FALLS CITY PLANNING & ZONING COMMISSION
April 25, 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 Darren Hall Craig Hawkins Gerardo "Tato" Muñoz Ed Musser
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

ATTENDANCE

CITY LIMIT MEMBERS

PRESENT

Dawson
Frank
Grey
Hall
Hawkins
Musser

ABSENT

Munoz

AREA OF IMPACT MEMBERS

PRESENT

Woods

ABSENT

Higley

CITY STAFF: O'Connor, 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): **April 5, 2017 WS, April 11, 2017 PH**
2. Approval of Findings of Fact and Conclusions of Law:
Blu, LLC (SUP-04-11-17) Renter Center (SUP 04-11-17)

Motion:

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

Unanimously Approved

III. ITEMS OF CONSIDERATION: None

IV. 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.

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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**

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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 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.

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.

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Commissioner Woods explained that this is going to be a popular hangout and wanted to know if there are sidewalk 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-plot 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.

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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

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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.

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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.

V. GENERAL PUBLIC INPUT:

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

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. Work Session-**May 3, 2017 Cancelled**
2. Public Meeting-**May 9, 2017**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 6:58 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department