



Twin Falls Planning & Zoning Commission Minutes

Tuesday, January 23, 2018, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

AMENDED

Members -

City Limits: Tom Frank, Chairman, Kevin Grey, Vice Chairman, Danielle Dawson, 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 confirmed a quorum reviewed the public hearing procedure and introduced staff.

Members Present: Frank, Grey, Hawkins, Munoz, Musser, Higley, Woods

Staff Present: Carraway-Johnson, Nope, Spendlove, Strickland, Vitek, Williamson, Wonderlich

2) Consideration of Amendments to Agenda

None

3) General Public Input

None

4) Consent Calendar

a) Approval of minutes for the following meeting: 01-09-18

b) Approval of Findings of Fact & Conclusions of Law:

Allred (SUP 01-09-18) Lezamiz (SUP 01-09-18) Bybee (SUP 01-09-18) Fenderson (SUP 01-09-18)

Motion:

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

Unanimously Approved

5) Items of Consideration

- a) **Update of Special Use Permit #1334** granted on October 14, 2014 to Adam & Mandy Hanby to construct a drive-through coffee shop business with extended hours of operation on property located at 572 Pole Line Road c/o City of Twin Falls (app. 2677)

Staff Presentation:

Senior Planner Spedlove stated the site is zoned C-1 PUD & Special Use Permit #1334 was granted on October 14th, 2014 to Adam & Mandy Hanby to construct a drive-through coffee shop business with extended hours of operation on property located at 572 Pole Line Road. The permit was granted subject to compliance 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 hours of operation being no earlier than 5:00 a.m. and no later than 11:00 p.m.
3. Subject to the parking area with six (6) parking spaces on the west side of the proposed building being constructed prior to issuance of the Certificate of Occupancy.

A building permit was issued in October 2014 and a Certificate of Occupancy was issued on January 29, 2015. Immediately staff began received complaints regarding the encroachment of Dutch Bros customers/vehicular traffic onto adjacent businesses.

City Staff was tasked by the City Council to help resolve a complaint from DaVita Dialysis, the adjacent property owner to the south, who appeared at a City Council meeting in January 2017. City Staff has met on multiple occasions throughout 2017 with Dutch Bros. and DaVita to help find a solution. In September 2017 Dutch Bros. submitted a new layout design for City Staff comments. After reviewing the plan, Staff determined the proposed new layout would require a public hearing. Staff offered comments back to the owner/developer to help the proposed expansion/change to move forward.

On January 17, 2018 City Staff received an incomplete preliminary request for an amendment to Special Use Permit #1334. This included a proposed change to the Drive-Thru movement on the property. Staff will work diligently with the applicant to get all the paperwork in order, and have the request moving toward being placed on a future public hearing agenda.

At this point, no action is required. If the application process is stalled by the applicant which causes this issue to continue to be unresolved, City Staff will bring forward a request seeking a motion for revocation in the future.

Senior Planner Spendlove stated upon conclusion no action is needed at this time and cautioned further discussion on this specific issue as we now have an active application for amending the SUP on this property.

6) Public Hearings

- a) Consideration of a request for Annexation with a Zoning District Change & Zoning Map Amendment from R-1 VAR CRO to R-4 CRO for Parcel 2, TBS Conveyance Plat, consisting of 13.43(+/-) acres, located 130 feet East of the Canyon Falls Drive & Harrison Street Intersection. c/o Rob Struthers on behalf of Katherine Breckenridge. (app. 2920) **AMENDED REPORT 01-22-2018**

Applicant Presentation:

Katie Breckenridge, the applicant, stated she is here to request annexation and rezone for the last piece of the Breckenridge Farm. This property is not for sale, the photos that were provided showed

photos of what was annexed at the last public hearing. The reason they are doing this is to get it annexed into the city limits so that they can move into the twentieth century. She reviewed the history of the property and stated she appreciates the Commission's time and patience.

Staff Presentation:

Senior Planner Spendlove reviewed the request on the overhead and stated documented aerial imagery shows this land to be agricultural since at least the 1950's and from previous testimony by the applicant; this land has been farmed since the early 1900's. This property is in the Area of Impact. The current zoning designation of R-1 VAR CRO was amended from R-1 43,000 CRO with the action taken on the most recent Area of Impact Agreement between the City of Twin Falls and Twin Falls County, which occurred in 2004. In February 2009, City Council approved a conveyance plat to create two lots from the 23+/- acres.

In June 2017, this commission forwarded a positive recommendation for annexation and rezone to R-4 for the 10.07+/- acres for parcel 1 of the TBS Conveyance Plat. In July 2017, the City Council approved the annexation and rezoned the portion of the property in the Canyon Rim Overlay R-4 CRO, with the remainder of the Property R-6.

This request is to annex Parcel 2, TBS Conveyance Plat, consisting of 13.43(+/-) acres, with a zoning designation of R-4 CRO. Currently the 13.43 (+/-) acre parcel is zoned R-1 VAR CRO and is being used for agricultural purposes. Twin Falls City Code sections 10-15-1 and 10-15-2 require a public hearing and a recommendation from the Commission for areas proposed to be annexed prior to a decision by the City Council.

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.

Prior to any development taking place on this property, including Platting/subdividing, or a building permit being issued, City Code 10-4-19 requires all Commercial or Residential Properties to go through the ZDA process. A complete Master Development Plan will be part of the public hearing process. As part of that process, discussions on the long desired public trail connection along the canyon rim may take place. The ZDA process takes multiple public hearings, and multiple notifications to neighboring property owners, which provides the avenue for comments from those most affected by any project, which may take place on this property.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Mixed Use." Staff determined this request is not in complete compliance with the 2016 comp plan due to the zoning district being proposed is on the lower end of the units per acre, and it precludes any retail or commercial uses within the area at this time. However, a recent recommendation from the Commission, and decision by the Council, for the area immediately to the south would lead one toward this R-4 District being appropriate for this specific area.

Senior Planner Spendlove stated upon conclusion the Commission is tasked to make a recommendation to the City Council on the zoning designation being requested by the applicant. The Commission's recommendation may be to deny the request, approve the request as presented, request a different zoning designation or request additional information be provided.

PZ Questions/Comments:

- Commissioner Grey asked why the R-4 zoning density is being request.
- Commissioner Higley explained the property adjacent is zoned R-4 however is constructed to R-2 with minimum 6000 sq. ft. lots and asked if the R-2 zoning had been considered
- Ms. Breckenridge explained the R-4 gives a potential developer another option and doesn't put pressure on them to develop it as commercial.
- Commissioner Munoz asked about SUP and ZDA processes for this property.
- Senior Planner Spendlove explained SUP would not be required for a duplex in R-4 and a ZDA would be required for the property in the Canyon Rim Overlay.

Public Hearing: Opened & Closed

Closing Statement:

Ms. Breckenridge stated this is very difficult and that she wanted to thank the Commission.

Discussion Followed:

- Commissioner Munoz explained he is comfortable with the zoning designation.
- Commissioner Higley stated he is in support of the request.
- Commissioner Woods explained knowing that a ZDA would be required eased his concerns.

Motion:

Commissioner Grey made a motion to recommend an R-4 CRO zoning designation, if the property is annexed, as presented. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

Recommended R-4 CRO Zoning Designation, as presented, to City Council

Scheduled Public Hearing February 20, 2018

- b) Request for a **Zoning District Change & Zoning Map Amendment** from R-4 to M-2 for property, consisting of ten (10) +/- acres, located on the south side of the 400 block of Diamond Avenue West. c/o Gary Slette on behalf of Craig Casperson. (app. 2921)

Applicant Presentation:

Gary Slette, representing the applicant explained he is here to request a rezone for property located along Diamond Avenue West and would like to have it changed from R-4 to M-2.

Staff Presentation:

Senior Planner Spendlove reviewed the request and stated It appears from historical aerial imagery this property has been utilized as agricultural in nature since at least 1950 which are the earliest aerial images on hand. There are no building or zoning permits on file for this property.

This is a request for a Zoning District Change and Zoning Map Amendment to rezone property at the SW corner of undeveloped Right of Way, future Diamond Ave W and Steele St. In reviewing a request for a Zoning District Change and Zoning Map Amendment, the Commission has two (2) main tasks: 1- to determine whether the request is in conformance with the Comprehensive Plan and 2- evaluate the request to determine the extent and nature of the amendment requested.

The Comprehensive Plan indicates this corridor as appropriate for Industrial. There is no development plan to evaluate, as this request is only to rezone the property. Any changes will require a full review by staff to determine the extent and nature of the changes. Any change shall comply with the purpose, uses and development standards of the M-2 Zoning District prior to development.

To make a positive recommendation, the Commission must determine that 1- the request is in conformance with the Comprehensive Plan and 2- the extent and nature of changing the zoning of this property to the M-2 Heavy Manufacturing District would allow land development that would be compatible with and not detract from the surrounding area.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Industrial Uses." Staff determined this request is in compliance with the 2016 comp plan, as is a request to rezone to an industrial use-zoning district.

Senior Planner Spendlove stated upon conclusion should the Commission is tasked to make a recommendation to the City Council on this request. The Commission's recommendation may be to deny the request, approve the request as presented, recommend a different zoning designation or request additional information be provided.

Public Hearing: Opened & Closed**Discussion Followed: Without Concerns****Motion:**

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

Recommended for approval, as presented, to City Council
Scheduled Public Hearing February 20, 2018

- c) Request for a **Special Use Permit** to allow storage unit rentals & warehousing for existing structures on property located at 1205 Addison Avenue West. c/o Kevin Faria on behalf of Manuel & Mary Faria (app. 2922)

Applicant Presentation:

Kevin Faria, the applicant explained he is here to request a Special Use Permit for the shops located currently on the property for use as storage unit rentals. He explained there will not be an increase in traffic and impacts to the neighboring properties. The only thing that will be added is designated parking.

Staff Presentation:

Senior Planner Spendlove reviewed the request and stated the historical aerial imagery dating back to 1950 shows what appears to be a residence with residential accessory buildings. Over the years, it was developed further, and building department records show a Sign Permit issued in 1999. SUP #0917 was granted to Mr. Bob Hyde in 2005 to construct fifty (50) residential storage unit rentals, however the use was never established and the special use permit was voided.

This is a request to establish storage unit rentals and warehousing at property located at 1205 Addison Ave. W. The C-1 zone requires a Special Use Permit to legally establish storage unit rentals. Gateway arterial landscaping is required for Addison Ave West. Also four (4) parking spaces plus 1 space per 250 sq. ft. of office will be required per city code.

Per City Code 10-4-8:

Requires an SUP to establish storage unit rentals in the C-1 zone.

Per City Code 10-11-1 thru 8:

Required improvements including access, drainage, landscaping, paving, storm water and any others that apply will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal.

Comprehensive Plan Compliance:

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Industrial." Industrial is an intense land use category which leans towards manufacturing or and use which are not compatible with residential uses. Staff has determined this request complies with the 2016 comprehensive plan.

Staff nor the applicant anticipate any increase in negative impacts to the surrounding properties from this request.

Senior Planner Spendlove 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 all lighting being downward facing and not to encroach onto surrounding properties.

3. Subject to no “temporary” or off-site rental units (commonly referred to as PODS) being stored outside any building on this property.
4. Subject to no outside storage.
5. Subject to full compliance prior to special use permit being issued.

Public Hearing: Opened & Closed

Discussion Followed: Without concerns

Motion:

Commissioner Musser made a motion to approve the request, as presented, with staff recommendations. Commissioner Higley 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 all lighting being downward facing and not to encroach onto surrounding properties.
3. Subject to no “temporary” or off-site rental units (commonly referred to as PODS) being stored outside any building on this property.
4. Subject to no outside storage.
5. Subject to full compliance prior to special use permit being issued.

7) Upcoming Meeting(s)

- a) February 7, 2018 Work Session
- b) February 13, 2018 Public Hearing

Zoning & Development Manager Carraway-Johnson explained that there are only a few items on the next public hearing scheduled for February 13, 2018.

8) Adjournment

Lisa A. Strickland, Administrative Assistant