



MINUTES
Twin Falls City Planning & Zoning
Commission
January 8, 2013-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Jason Derricott Tom Frank Kevin Grey Terry Ihler V. Lane Jacobson Chuck Sharp
Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods

CITY COUNCIL LIAISON

Rebecca Mills Sojka Suzanne Hawkins

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Derricott
Franke
Grey
Jacobson

ABSENT:

Bohrn
Ihler
Sharp

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Woods

ABSENT:

CITY COUNCIL MEMBERS PRESENT: Hawkins, Mills-Sojka

CITY STAFF PRESENT: Carraway, Spendlove Strickland

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Request for reactivation of Special Use Permit # 667, granted on June 13, 2000 to G&R Sturgill, LLC for the purpose of constructing and operating a professional office on real property located at 1035 and 1039 Eastland Drive. c/o City of Twin Falls

IV. PUBLIC HEARING ITEMS

1. Request for the vacation of a 45' x 362' public utility easement for property located at 1964 Bridgeview Boulevard., aka Lot 2 Block 1 Canyon Park East Subdivision-a PUD. c/o Gerald Martens on behalf of Canyon Park 1, LLC (app. 2538)

WITHDRAWN BY APPLICANT TO BE RESCHEDULED AT A LATER DATE

I. CALL MEETING TO ORDER:

Vice-Chairman DeVore 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 present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **NONE**
2. Approval of Findings of Fact and Conclusions of Law: **NONE**

III. ITEMS OF CONSIDERATION:

1. Request for reactivation of Special Use Permit # 667, granted on June 13, 2000 to G&R Sturgill, LLC for the purpose of constructing and operating a professional office on real property located at 1035 and 1039 Eastland Drive. c/o City of Twin Falls

Staff Presentation:

Planner I Spendlove did a brief review of the history for the property located at 1035 & 1039 Eastland Drive. He stated that in 2000 a Special Use Permit was granted to the applicant Mr. Sturgill to construct and operate a professional office at this location. Recently Mr. Sturgill inquired about submitting a building permit to begin construction. The purpose of this request is to reactive the Special Use Permit so that he can begin planning construction. The special use permit was not establish within one year of the date of issuance so the Commission may review the request and if the Commission determines there has been substantial changes they may call for a new Special Use Permit application. Staff had determined that the surrounding area has not had any substantial changes that would be affected by the reactivation of this permit. The one item that will be required at the time of permitting will be a cross-use and maintenance reciprocal agreement as well as landscaping. Once the plans are submitted a full plan review will occur to ensure compliance with all applicable code requirements and standards.

Planner I Spendlove stated upon conclusion staff recommends the Commission reactive Special Use Permit #0067, as presented.

Public Comment: Without Concerns

Deliberations Followed: Without Concerns

Motion:

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

IV. PUBLIC HEARING ITEMS

1. Request for the vacation of a 45' x 362' public utility easement for property located at 1964 Bridgeview Boulevard., aka Lot 2 Block 1 Canyon Park East Subdivision-a PUD. c/o Gerald Martens on behalf of Canyon Park 1, LLC (app. 2538)

WITHDRAWN BY APPLICANT TO BE RESCHEDULED AT A LATER DATE

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

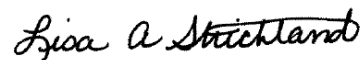
Zoning & Development Manager explained that the public hearing scheduled for this evening was withdrawn by the applicant to be rescheduled at a later date.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **January 22, 2013**
Next Planning & Zoning Work Session meeting is scheduled for **February 6, 2013**

VII. ADJOURN MEETING:

Vice-Chairman DeVore adjourned the meeting at 6:44 pm



Lisa A Strickland
Administrative Assistant
Community Development Department



MINUTES

Twin Falls City Planning & Zoning
Commission

WEDNESDAY - January 23, 2013-6:00 PM

City Council Chambers

305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Jason Derricott Tom Frank Kevin Grey Terry Ihler V. Lane Jacobson Chuck Sharp
Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods

CITY COUNCIL LIAISON

Rebecca Mills Sojka Suzanne Hawkins

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Derricott
Frank
Sharp

ABSENT:

Grey
Ihler
Jacobson

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Woods

ABSENT:

CITY COUNCIL MEMBERS PRESENT: Hawkins, Mills-Sojka

CITY STAFF PRESENT: Carraway, Spendlove, Strickland, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to operate an indoor recreation facility serving beer and wine on property located at 330 4th Avenue South c/o Adair & Karen Johnson (app. 2539)
2. Request for a Special Use Permit to expand an existing automobile repair business by more than 25% on property located at 490 Washington Street South c/o Kevin Powers on behalf of Blue Lakes Auto (app. 2540)
3. Request for a Special Use Permit to establish a recycling center on property located at 2499 Warren Avenue c/o United Metals Recycling (app. 2541)

I. CALL MEETING TO ORDER:

Chairman Bohrn 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 present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **NONE**
2. Approval of Findings of Fact and Conclusions of Law:

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to operate an indoor recreation facility serving beer and wine for onsite consumption on property located at 330 4th Avenue South c/o Adair & Karen Johnson (app. 2539)

APPLICANT PRESENTATION:

Karen Johnson, the applicant, stated they are requesting a Special Use Permit for the property at 330 4th Avenue South. They are requesting to change the current use of the facility from a Warehouse to a Banquet Facility. They would like to offer their services at this location to host dinners and events that require catering services. They believe that there will be no negative impacts on the surrounding properties and they plan to comply with all of the City Codes and they look forward to being in the Historic Warehouse District.

STAFF PRESENTATION:

Planner I Spendlove reviewed the exhibits on the overhead and stated that there is no known zoning history for this property. The property is located in the OT-WHO-P3 zone and a special use permit is required for the retail sale of beer and wine when consumed on premises or sold and for an indoor recreation facility such as this catering event facility. The applicant stated the food will not be prepared at this location but catered in. There won't be any food preparation at this location it will only be a place for people to gather. There was a Certificate of Appropriateness granted on October 29, 2012 for changes to be made to the outside of the historic building. They have also submitted building plans for a permit that is in review currently. They have a current beer and wine license for bottles and cans allowing retail sales only, with plans to add onsite consumption to the license prior to opening this facility. The P3; Parking Overlay states special considerations of the parking requirements may be given on a case by case basis if the standard requirements cannot be met. These special considerations may be a variance on number, leased street parking and or remote parking. The applicants have proposed 5 on-street angled parking spaces in front of the building and also other off street is

available in public parking lots that are nearby that they would direct their patrons to go to for parking.

This request is in compliance with the Comprehensive Plan that identifies this area as Townsite.

Planner I Spendlove stated in summary, should the Commission approve this request, as presented, staff recommends the following conditions:

1. Subject to the applicant contacting the City of Twin Falls Police Department on every event to determine if a Catering Permit is required.
2. Subject to permit being limited to beer and wine consumption being in conjunction with a planned event at this location.
3. Subject to compliance with State, County, and City requirements for beer and wine licensing for sale & consumption on site.
4. Subject to the establishment of five (5) diagonal parking spaces in front of 330 4th Avenue South.
5. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Frank asked the Assistant City Engineer Vitek if there are any sidewalks and street lighting in this area.
- Assistant City Engineer Vitek stated that to the best of his knowledge there are not many sidewalks in the immediate vicinity of this building.
- Commissioner Frank then confirmed that in order for people to attend events at this establishment they will have to walk in the street to get there.
- Assistant City Engineer Vitek stated the street lights in the area are the responsibility of the City and if they want to do something on their building to light the area for their patrons they can.
- Commissioner Frank then stated in summary that basically it is a warehouse district that looks like a warehouse district. And the staff is asking for a curb, gutter and sidewalk deferral.
- Assistant City Engineer Vitek stated the deferrals are at the discretion of the City Council but at this point to request that these items be installed it will create a flooding issue, it would be preferable to post pone this requirement until the City decides it is time to do it for the entire street.
- Commissioner Woods asked staff after reviewing the site plan along with the phone of the back of the building along the alley way. He is wondering how accessible that is and whose responsibility it to make sure it is accessible for things like garbage pick-up.
- Planner I Spendlove stated the alley way is under a right of way for Union Pacific, staff is not sure how big it is without a legal description. The building is built to the property line so anything past the building is not on their property, and it would be either City of Union Pacific right of way.

- Commissioner Woods asked if the applicant has made any indications of how they will dispose of their garbage.
- Planner I Spendlove stated in the narrative and in the meeting that staff has had with the applicant they applicants have planned to dispose of the garbage by taking it offsite in their own vehicles. There will be no trash receptacle outside of the building so they will have to dispose of the trash themselves.

PUBLIC HEARING: OPENED & CLOSED WITHOUT CONCERN

DELIBERATIONS FOLLOWED:

- Commissioner Frank stated he thinks it is a good use for the property and wants to thank the applicants for making an investment in this area. This area seems to be turning into an entertainment area for Twin Falls.
- Commissioner Sharp stated he thinks it is great and with the businesses coming into this area of town it should be a perfect fit.
- Commissioner Frank stated he would like to see the Urban Renewal Agency assist some of these new businesses with parking, sidewalks and possibly lighting assistance.

MOTION:

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

APPROVED, AS PRESENTED, WITH THE FOLLOWING CONDITIONS

1. Subject to the applicant contacting the City of Twin Falls Police Department on every event to determine if a Catering Permit is required.
 2. Subject to permit being limited to beer and wine consumption being in conjunction with a planned event at this location.
 3. Subject to compliance with State, County, and City requirements for beer and wind licensing for sale & consumption on site.
 4. Subject to the establishment of five (5) diagonal parking spaces in front of 330 4th Avenue South.
 5. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
-
2. Request for a Special Use Permit to expand an existing automobile repair business by more than 25% on property located at 490 Washington Street South c/o Kevin Powers on behalf of Blue Lakes Auto (app. 2540)

APPLICANT PRESENTATION:

Ike Smith, representing the applicant, stated the applicant was ill this evening so he was not able to attend the meeting. The reason for the request is because the business is growing. They would like to do this project in three phases that he reviewed on the overhead. The first phase would start with a new block wall on the west and north side of the property along with enclosing an existing space that is approximately 2587 sq. ft. The building would have two bay doors and two man doors a temporary wall that would be removed in order to begin phase 2 of the project. Also in Phase 1 a commercial gutter will be installed that will run to the south for water retention. Phase 2 would be to remove the existing 1968 sq. ft building and constructing a 3480 sq. ft. space with more bays. At that point and time hard surfacing for parking will be installed. Phase 3 would allow for a covered roof area approximately 196 sq. ft. in size. All of the roofing will be steel construction, all of the outside boundaries of the building will be approximately 1 ft off of the property line.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Sharp asked if the area designated as Phase 3 will be hard surfaced first.
- Mr. Smith stated the plan was to hard surface in Phase 2, but it could be done in Phase 1.

STAFF PRESENTATION:

Planner I Spendlove reviewed the exhibits on the overhead and reviewed the zoning history for the property. This property has been issued two special use permits the first one was issued in August 1998 for the automobile service and repair, in April 2005 the second was issued for the expansion. The property is located in the M-1; light manufacturing district, which requires a special use permit for an expansion if the expansion is greater than 25%. This is so that the new special use permit can address the impacts created by the expansion. The applicant has in his narrative the hours of operation are 8-5 Monday thru Friday. Traffic anticipated is approximately 30 cars per day with 6 employees. There should be minimal impacts to the neighbors, and this use is compatible with the surrounding area. The property to the north and west is Arnold Machinery Co. The property to the south is a farm field both of which are zoned M-1. The closest residential property is across the street on Washington Street South. The previously approved place several conditions upon the operation of the business. Condition # 1 on Special Use Permit #0918 states that vehicles that require overnight stay are required to be stored within a sight obscuring fenced area or inside an enclosed building. This condition has not been met as of yet, photo have been taken and multiple aerial photos that show vehicles that may or may not have been there overnight. The best evidence is a photo of a truck showing no tire tracks after it snowed which indicates it had not been moved for a few days. Conditions were placed on the Special Use Permit issued in 2005 which have not been met.

With the development of property and request for a Special Use Permit it is appropriate for the City to ask for right-of-way for the future development of roadways that surround the property requesting the land use action. This Special Use Permit being a request for a land use action, allows the City to ask for additional right-of-way along Washington Street South in order to gain a uniform road width along the entire front of the property, this complies with the Master Transportation Plan. The extension of Park Avenue West a ½ mile collector is also in the Master Transportation plan as future roadway. The City is requesting 25 ft dedication of right-of-way along the southern portion of the property for future development of Park Avenue West. This use complies with the Comprehensive Plan and upon expansion of this existing use there should be minimal impacts to the surrounding areas.

Planner I Spendlove stated in summary, should the Commission approve this request, as presented, staff recommends the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Assure compliance with conditions of SUP #0562 & SUP #0918, specifically the screening or storing of vehicles requiring overnight stays.
3. Dedication of right-of-way for Washington Street South, and the future development of Park Ave West, per Master Transportation Plan and as per City Engineer approval.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Frank asked the applicant representative, if he heard the issue about the non-conformance with the customer cars. Where in the phasing would this be addresses and when.
- Mr. Smith stated that cars that are left at the location over night and not in the process of being repaired would be stored in an area that is out of sight.
- Commissioner Frank asked about when Phase 3 will take place.
- Mr. Smith stated he is not sure, the plan is to do Phase 1 this year, with Phase 2 would be next year and possibly have Phase 3 done at the same time Phase 2 is being done or the following year.
- Commissioner Frank stated in summary that compliance with the conditions listed in 2005 will not be in full compliance for an additional 3 years and asked if that was correct.
- Mr. Smith stated yes, that is correct.
- Commissioner Borhn asked the representative if he was aware that hard surfacing was required not matter what if it is going to be use for maneuvering areas.
- Mr. Smith stated doing it in Phase 1 would not be a problem.

PUBLIC HEARING: OPENED

- Pete Johnston, 312 Washington Street South, asked about a superfund in the area for contaminated ground and if staff had any details. He also asked about the containment of the run off. He would need to be consulted about this to make sure it doesn't run onto his property and they definitely need to take care of the parking. He thinks before the permit is issued they need to conform with what they are supposed to be doing before this request is approved. He doesn't know how the expansion is going to occur because of the junk that is sitting there and there is not an area for the cars that have to stay overnight for the cars to park.
- Assistant City Engineer Vitek stated there are tanks underground in this area however he is not aware of a superfund.

PUBLIC HEARING: CLOSED

CLOSING STATEMENT:

- Mr. Smith stated there is a retention grate in several areas and you don't see the ponds because it is all underground. The existing ponds met City Code when constructed.

DELIBERATIONS FOLLOWED:

- Commissioner Frank stated his biggest concern is no-compliance of the conditions set on the previous Special Use Permits. He thinks a date needs to be set for compliance and it can't be three years. He would recommend that conditions for compliance be met by July 30, 2013.
- Zoning & Development Manager Carraway stated she would like the Commission to know that as part of the review process for the expansion that condition from the previous Special Use Permit will have to be met. The applicant has been made aware of this requirement, as for drainage concerns that will be reviewed on the plans when submitted for building permits.

MOTION:

Commissioner Frank made a motion to approve the request, as presented, subject to the vehicles that require overnight stay are stored within a sight obscuring fenced area or inside an enclosed building be in compliance by July 30, 2013. Commissioner Derricott seconded the motion.

DISCUSSION FOLLOWED:

- Commissioner Woods asked if all of the hard surfacing of maneuvering areas and the enclosed parking were conditions on the previous Special Use Permit.
- Commissioner Bohrn stated yes.
- Commissioner DeVore stated his only concern is that if a date is added to the conditions will they have to come back to the Commission, if the condition is not met.

- Zoning & Development Manager Carraway stated a date of compliance is a trigger that when the plans are reviewed for construction of Phase 1 that without compliance a Certificate of Occupancy will not be issued for the expansion. If the date is on the Special Use Permit and if the project is not completed by July 30, 2013 then the Special Use Permit is void.
- Commissioner Bohrn stated after eight years of non-compliance the permit should be void.
- Commissioner Woods stated there are no superfund sites in zip code 83301.

All members present voted in favor of the motion.

APPROVED, 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 all applicable City Code requirements and standards.
 2. Assure compliance with conditions of SUP #0562 & SUP #0918, specifically the screening or storing of vehicles requiring overnight stays.
 3. Dedication of right-of-way for Washington Street South, and the future development of Park Ave West, per Master Transportation Plan and as per City Engineer approval.
 4. Subject to the vehicles that require overnight stay are stored within a sight obscuring fenced area or inside an enclosed building be in compliance by July 30, 2013.
3. Request for a Special Use Permit to establish a recycling center on property located at 2499 Warren Avenue c/o United Metals Recycling (app. 2541)

APPLICANT PRESENTATION:

Brett Ekart, representative for United Metals, stated they are requesting a Special Use Permit to operate a metal recycling facility at 2499 Warren Avenue. He then distributed to the Commission and staff an information packet describing his business plans for Twin Falls and the operation of his other United Metals businesses established in Idaho. This is an Idaho owned and founded recycling company out of Caldwell. They have been in business for 40 years and have 5 facilities. The location of the property is in the M-2 zone and is to the east of JD Haskell and Company and north of the Amalgamated Sugar Co. The impacts to the surrounding properties should be minimal because the property is surrounded by similar types of operations. The biggest things he would like to address are how the fluids are handled. The facility has an enviro-rack where the fluids are drained. There is a company that collects these fluids and recycles the fluids, the local vendor for this area is in Eden, ID and will most likely be the one this center will work with regarding the fluids. As for the screening fence the centers use a standard fencing. It is constructed of solid metal siding on a 12" cement gutter that will contain water runoff. Also there are a number of items that will be accepted at the facility and he provided a list of all of these items as well as a list of items they don't accept. They

are fine with the deferral for the curb gutter and sidewalk, the Engineer has made note that the distance between the accesses needs to be increased to 32 ft to address traffic concerns.

STAFF PRESENTATION:

Planner I Spendlove reviewed the exhibits on the overhead and reviewed the zoning history for the property. The subdivision that this property is part of was recorded in 1964, it looks as though the industrial manufacturing zone was placed on this property at that time. In 1996 the existing building was constructed and in 2004 a permit was issued for offices. The building has been used as Randy Roe Trucking Company since this time. The only other issue that was found was a weed violation that occurred and was resolved within a week of the notice. The applicant has done a good job regarding the staff report and answering questions staff had about screening and materials accepted at the facility. Staff feels this facility is compatible with the surrounding area and should have minimal impacts on the -neighbors. The applicant has indicated they will submit a plan that addresses the City Engineering Departments concern about widening the distance between the two accesses on the property. The applicant has also indicated they will follow the landscaping guidelines of 2 sq. ft per linear ft of frontage.

Planner I Spendlove stated in summary, should the Commission approve this request, as presented, staff recommends the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to plan approved by staff for management of storm water prior to operation of recycling center. Any change of surface will require additional storm water retention subject to review by staff.
3. Subject to plan approved by staff addressing how hazardous fluids or chemicals are to be disposed of properly and not drained onto the ground.
4. Subject to the construction of an eight foot (8') screening fence being constructed on the perimeter of the property.
5. Subject to compliance with Engineering requirements for deferral of curb and gutter development requirements.
6. Subject to increasing the distance between the approaches shown on the site plan to 32' of curb as per City Engineer.

COMMISSIONER QUESTIONS/COMMENTS:

Commissioner Frank asked the applicant if the device for fluid collection will be in the building.

Mr. Ekart stated the some facilities are in a covered area, and this one will be placed outside the building. They will have to sprinkle the building.

Commissioner Woods asked how you deal with a transform that might have PCB-Oil contained inside of it.

Mr. Ekart stated that they are similar to the ballasts if they are tagged after a certain year they don't contain PCB-Oil if it is prior to the specified year the customer would have to have a certificate stating that the PCB-Oil has been drained or that it is a non PCB-Oil containing unit.

Commissioner Woods asked about the eviro-rack asked about construction equipment such as things like large compressors.

Mr. Ekart stated that they plan on pouring $\frac{3}{4}$ acre of concrete slab and put that type of equipment to that location and pull the plugs.

Commissioner Woods asked about lead/acid batteries, what kind of containment is there for those.

Mr. Ekart stated they plan to recycle the batteries on-site and it is required that the battery be sealed and zip tied. The batteries won't be put on a pallet if it is not contained.

Commissioner Woods asked about loads of copper that could possibly be stolen.

Mr. Ekart stated they take driver's license information and photos of the items being turned in for recycling, cars require titles but sometimes it is a judgment call. With copper is a judgment call, they make sure to train their staff and make sure they are compliant for documentation purposes. If something looks suspicious, it probably is.

PUBLIC HEARING: OPENED & CLOSED WITHOUT CONCERNS

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

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

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to plan approved by staff for management of storm water prior to operation of recycling center. Any change of surface will require additional storm water retention subject to review by staff.
3. Subject to plan approved by staff addressing how hazardous fluids or chemicals are to be disposed of properly and not drained onto the ground.
4. Subject to the construction of an eight foot (8') screening fence being constructed on the perimeter of the property.
5. Subject to compliance with Engineering requirements for deferral of curb and gutter development requirements.
6. Subject to increasing the distance between the approaches shown on the site plan to 32' of curb as per City Engineer.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

Zoning & Development Manager Carraway stated she wanted to remind the Commissioners that terms are coming to an end soon and that we will need to fill at least one position and perhaps up to three. On February 26, 2013 a presentation will be made by the City Manager and his assistant regarding the draft strategic plan.

VI. UPCOMING MEETINGS:

1. Work Session – **Wednesday, February 6, 2013** 12:00 pm – 1:00 pm
2. Public Hearing – **Tuesday, February 12, 2013** 6:00

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 6:50 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department



MINUTES
Twin Falls City Planning & Zoning
Commission
February 12, 2013-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Jason Derricott Tom Frank Kevin Grey Terry Ihler V. Lane Jacobson Chuck Sharp
Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods

CITY COUNCIL LIAISON

Rebecca Mills Sojka Suzanne Hawkins

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Derricott
Frank
Grey
Jacobson
Sharp

ABSENT:

Ihler

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Woods

ABSENT:

CITY COUNCIL MEMBERS PRESENT: Hawkins, Mills-Sojka

CITY STAFF PRESENT: Carraway, Spendlove, Strickland, Vitek

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Request for a front yard setback adjustment for property located at 161 3rd Avenue West c/o Greg Wills on behalf of Wills Toyota (app. 2553)

IV. PUBLIC HEARING ITEMS:

1. Request for a Zoning Title Amendment to repeal City Code 10-7-3 and enact a new 10-7-3 providing for additional building height, and amend City Code 10-4-13.3(c), regarding additional building height in Old Town Zone (app. 2542)

I. CALL MEETING TO ORDER:

Chairman Bohrn 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 present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s):

- January 3, 2013-WS Minutes
- January 8, 2013-PZ Minutes
- January 23, 2013-PZ Minutes
- October 3, 2012-WS Minutes
- November 7, 2012-WS Minutes
- December 5, 2013-WS Minutes

2. Approval of Findings of Fact and Conclusions of Law:

- Adair & Karen Johnson SUP 01-23-13
- Blue Lakes Auto-Powers SUP 01-23-13
- United Metal Recycling SUP 01-23-13

MOTION:

Commissioner Frank made a motion to approve the consent calendar, as presented. Commissioner DeVore seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. Request for a front yard setback adjustment for property located at 161 3rd Avenue West c/o Greg Wills on behalf of Wills Toyota (app. 2542)

APPLICANT PRESENTATION:

Greg Wills, the applicant state the reason for the request is to modernize the facility and they would like to enclose an asphalted area and attach it to an existing building. The enclosure would continue along the same building line as the existing structure.

STAFF PRESENTATION:

Planner I Spendlove reviewed the exhibits on the overhead and the history of the property. The most recent history is a remodel that took place in 2005. At the time of that permit the sidewalk was moved closer to the building. The building is in the M-2 that does allow for a front-yard setback adjustment. The code allows for a review of the front-yard setback if there are existing building lines already set. In this case there are buildings along this area that are built next to the sidewalk. The expansion will follow the existing building line. The City Engineer was concerned that access would change if someone else purchased the building, to address this a sidewalk extension needs to occur so that pedestrians still have sidewalk to walk on for safety.

Planner I Spendlove stated upon conclusion staff recommends that the Commission allow for the front-yard setback adjustment, which allow for the expansion to occur in line with the current building located at 161 3rd Avenue West.

PUBLIC HEARING: OPENED & CLOSED WITHOUT CONCERNS

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

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

APPROVED, AS PRESENTED

IV. PUBLIC HEARING ITEMS

1. Request for a Zoning Title Amendment to repeal City Code 10-7-3 and enact a new 10-7-3 providing for additional building height, and amend City Code 10-4-13.3(c), regarding additional building height in Old Town Zone (app. 2542)

STAFF PRESENTATION:

Planner I Spendlove reviewed the exhibits on the overhead and the history of the ordinance. On July 6th 1981 Ordinance 2012 was approved which replaced the previous Title 10 of Twin Falls City Code in its entirety. Community Development staff are in the process of addressing some code changes requested by the City Council for the Commission to consider. This amendment was requested in order to address building heights greater than the maximum heights allowed by Zoning District Codes without having to go before the City Council.

This is a request to repeal existing Twin Falls City Code Title – Title 10; Chapter 7; Section 3; Additional Height in CB, C1, M1 and M2 Zoning Districts and Sub-districts; replace Title 10; Chapter 7; Section 3 with a new; Additional Height in CB, C-1, M-1, M-2 and OT Zoning Districts and Sub-districts. What is being added is a provision to allow for “additional building heights in excess of maximum heights allowed within the CB, C-1, M-1, M-2 and OT Zoning Districts”. This will be allowed by applying for an Alternative Building Setback from the following property lines or designated boundaries:

- a. Existing residential and subsequent property.
- b. Current and future residential zones as designated by current City Code, Zoning Map, Comprehensive Plan, and Future Land Use map.
- c. Canyon Rim boundary as designated by City Engineer.

The Alternative Building Setback will be created by the following equation: building height multiplied by two equals the alternative building setback.
This request will also amend Twin Falls City Code Title – Title 10; Chapter 4; Section 13.3(c); Property Development Standards: Building Height. This amendment will

allow buildings in the OT Zoning District the same process for additional building heights in excess of the maximum height of 50'.

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.

Planner I Spendlove stated upon conclusion staff recommends that the Commission recommend approval of the attached ordinance, as presented, to the City Council.

COMMISSION QUESTIONS/COMMENTS :

- Commissioner Frank explained that he and Commissioner Derricott sit on the board that is reviewing the Zoning Title for amendments. He stated in this case the applicants that have had to come through for exemption requirements has been approved. This change removes the extra step of make a request to City Council but still has protections for the surrounding properties.
- Zoning & Development Manager Carraway commented that hotels come through on a Special Use Permit and height would be reviewed during this process. Most of these kind of buildings that are occupied do require Special Use Permit. This will impact businesses that have taller structures that are required for their business to operate.
- Commissioner Sharp asked if the request for additional height change the setback.
- Planner I Spendlove explained that currently this type of request does not take into account the need for additional setbacks. The additional height is requested and approved.
- Commissioner Woods the new code would require essentially twice the building height, will this produce a maximum height allowed at any time.
- Planner I Spendlove explained that staff believes this will self regulate do to the minimum size lots in some areas of town. If they have enough land there could be some tall structures. The money necessary to accommodate a tall building, because it requires twice the amount of land from the building to the nearest property line of any residential spot current or future. It also does

not overshadow the Canyon Rim Overlay. If it is in the Canyon Rim Overlay those heights are set.

- Commissioner Sharp stated this code change would restrict the size of the structure in areas like the Old Town District. The current setbacks would also apply.
- Commissioner Grey asked if someone has enough money to build the taller building are we saying we don't want them to build because of this regulation.
- Planner I Spendlove explained no that is not the case, staff thinks that this will be self regulating and will reduce the likelihood of really tall buildings.
- Commissioner Bohrn stated the code is primarily to reduce the paperwork needed for someone that wants to build a high-rise type building.
- Commissioner Sharp confirmed that it will just make the steps easier.

PUBLIC HEARING: OPENED & CLOSED WITHOUT CONCERNS

MOTION:

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

RECOMMENDED FOR APPROVAL, AS PRESENTED, TO THE CITY COUNCIL
PUBLIC HEARING SCHEDULED MARCH 11, 2013

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

Zoning & Development Manager Carraway gave an update on a Code Enforcement complaint about UPS trucks parked along Elm Street North and stated it has been resolved.

VI. UPCOMING PLANNING & ZONING MEETINGS:

- February 26, 2013 Planning & Zoning Commission Meeting
- March 7, 2013 Planning & Zoning Work Session Meeting

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 6:25 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department



MINUTES
Twin Falls City Planning & Zoning Commission
February 26, 2013-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Jason Derricott Tom Frank Kevin Grey Terry Ihler V. Lane Jacobson Chuck Sharp
Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods

CITY COUNCIL LIAISON

Rebecca Mills Sojka Suzanne Hawkins

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Derricott
Frank
Grey
Jacobson

ABSENT:

Ihler
Sharp

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Woods

ABSENT:

CITY COUNCIL MEMBERS PRESENT: Hawkins, Mills-Sojka

CITY STAFF PRESENT: Carraway, Spendlove, Strickland, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. City of Twin Falls Strategic Plan Presentation c/o City Manager Rothweiler and Mike Williams
2. Request for consideration for the placement of a canopy or covering at a food service establishment providing for an outdoor seating area on property located at 705 Blue Lakes Boulevard North, c/o Sizzler Restaurant #650 (app 2555)

IV. PUBLIC HEARING ITEMS:

1. Request for the Vacation of 50' x 293' dedicated public right of way, aka Desert Rose Drive located north of Ramblin Rose Way in the City's Area of Impact c/o Ken Mulberry, Robert E. Dickerson, Jr. & Rocky B. & LeeAnn Hagan (app. 2544)

I. CALL MEETING TO ORDER:

Chairman Bohrn 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 present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **February 12, 2013**
2. Approval of Findings of Fact and Conclusions of Law: **NONE**

MOTION:

Commissioner DeVore made a motion to approve the consent calendar as presented. Commissioner Frank seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. City of Twin Falls Strategic Plan Presentation c/o City Manager Rothweiler and Mike Williams

STAFF PRESENTATION:

City Manager Rothweiler stated the City has been undergoing a process to develop a City Strategic Plan and that the staff has been working with a local company. The representative for this company has a history as a City Manager and is from this area. As a City we don't focus on profit, but the goal is to provide services to the community. There are several services that we provide and each one is required to function like an independent company. The ability for the city to align and move in one direction to achieve the goals set forth. The strategic plan helps define the path towards achieving the goals. The long term vision will drive the fiscal priorities and those things will be included in the strategic plan. We want to make sure that we internally we are structurally aligned so we can be effective as a team. The time line shows the goals and requires many partnerships. The plan is fairly ambitious and if the vision of the City is to be realized it will require public partnership, and non-profit facilities and other private sector groups. Accountability, transparency and a vision for the City. There are departments with goals and objectives driven by budget and assessment. Performance management to evaluate the department and find ways to improve internally. There have been numerous meetings and public input has been gathered throughout the process. The Community Vision was created from these meetings.

City Manager Rothweiler stated there would be a public meeting to introduce the Strategic Plan to the public in April.

Discussion ensued between City Manager Rothweiler and the Commission. The Commission thanked City Manager Rothweiler for the presentation.

2. Request for consideration for the placement of a canopy or covering at a food service establishment providing for an outdoor seating area on property located at 705 Blue Lakes Boulevard North c/o Sizzler Restaurant #650 (app 2555)

APPLICANT PRESENTATION:

Buster Menchue, representing the applicant, stated they are here to be able to move forward with their building permit. The plan is to provide an outdoor seating area for customers to gather while waiting to be seated inside the restaurant.

STAFF PRESENTATION:

Planner I Spendlove stated that the property is located in C-1 Zoning District and the request is to add an outdoor bench seating area. This area will be at the front door and will provide a place for customers to gather while waiting for service. The building is at the required 35' front yard setback. The request is to allow the seating area to encroach into the 35' front yard setback. City Code 10-4-8.3(D)1 allows for outdoor patio or seating including associated canopies and coverings within the setback if it does not exceed the property line setback of 20' or encroach into the minimum required arterial landscaping. Any outdoor patio or seating area proposed within a required setback must be approved the Planning & Zoning Commission.

Planner I Spendlove stated upon conclusion the applicant are requesting the Planning & Zoning Commissions approval to construct an outdoor seating area with a metal canopy structure within the front setback of their food service establishment. The existing building meets the 35' front yard setback requirement and the proposed outdoor seating area would encroach into this 35' front yard setback but will not be closer than 20' from the property line setback. In addition, the patio area will be connected to the main structure and will require an building permit. It will be considered a permanent accessory structure within 10' of the main building. Should the Commission approve the request, as presented, staff recommends the following conditions:

1. Subject to amendments as required by Buiding, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the applicant obtaining a building permit for construction of the exterior improvements submitted with building permit application #13-37 including the proposed outdoor patio seating and metal covering.

COMMISSION QUESTIONS/COMMENTS:

- Commissioner Frank asked if for clarification as to whether or not this area will be in the arterial landscaping area.
- Planner I Spendlove stated no it will not encroach into this area.
- Commissioner Frank asked the applicant if food will be served in this area or if it is just a waiting area for customers.
- Mr. Menchue stated no it is for an overflow or gathering area for the customers.
- Commissioner Woods asked if there is any concerns with traffic interference if this is approved to be in the setback.
- Planner I Spendlove stated no it will not be a sight obstruction or create any traffic interference.

PUBLIC HEARING: OPEN & CLOSED WITHOUT CONCERNS

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

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

APPROVED, AS PRESENTED, WITH THE FOLLOWING CONDITIONS.

1. Subject to amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the applicant obtaining a building permit for construction of the exterior improvements submitted with building permit application #13-37 including the proposed outdoor patio seating and metal covering.

IV. PUBLIC HEARING ITEMS

1. Request for the Vacation of 50' x 293' dedicated public right of way, aka Desert Rose Drive located north of Ramblin Rose Way in the City's Area of Impact c/o Ken Mulberry, Robert E. Dickerson, Jr. & Rocky B. & LeeAnn Hagan (app. 2544)

APPLICANT PRESENTATION:

Lance LeBaron stated that about 4 years ago he submitted for building permit and recently after closing on the house the property was surveyed and found the house was too close to the undeveloped dedicated right-of-way. Because of this a vacation of this road is being requested. The road was not put in at the time of development

but was designed to provide access to the property to the north of the lot, for any future development.

The property owner to the north, Ken Mulberry, has no desire to develop at this time, and stated that if he chooses to develop he would provide access. He is not sure there are any other ways to resolve this issue, without vacating the road.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Bohrn clarified with the applicant that the property to the north would not be landlocked if this vacation were approved.
- Mr. LeBaron stated that is correct and explained again that the property owner of the acreage to the north has stated if he decided to develop he would provide access to the property. Everyone is willing to vacate the road.

STAFF PRESENTATION:

Planner I Spendlove reviewed the exhibit on the overhead and reviewed the history of the property. The road that was not improved at the time of development and has not been accepted by the Twin Falls Highway District, the final acceptance of the plat occurred in July of 2007. The request is to vacate a platted road and a dedicate portion of what is called Desert Rose Drive, located in the Wild Rose Estates Subdivision. As the right-of-way is undeveloped and the City has no plans to improve the roadway the adjacent property owners are requesting to vacate the property. Originally it was platted in order to provide access to the property to the north, that is owned by Ken Mulberry. An agreement has been reached where by in the case where development occurs access to the property to the north will be gained via an alternative route to the east of Wild Rose Estates from 3400 Road East. This agreement satisfies the concern for access. Letters have been received from the following utility companies: Intermountain Gas, Cableone, Quest/Centurylink, & the Twin Falls Canal Company, each of these entities have agreed to the vacation with the condition that a 15' utility easement be maintained across the vacated roadway that fronts Rambling Rose Way. Idaho Power has not responded to the request. Typically if the vacation is approved the land is split evenly between the adjacent property owners, however in this case the property owners to the east Mr. & Mrs. Dickerson have provided a notarized copy of a 15' public utility easement to be placed on the proposed vacated roadway closest to their current westerly property line.

The vacation process requires a public hearing process with the Planning & Zoning Commission making a recommendation to the City Council. A public hearing will be scheduled for City Council at which time a recommendation will be made by City Council to the Twin Falls Board of County Commissioners who make the final decision, for this vacation because it is in the Area of Impact.

Planner I Spendlove stated upon conclusion should the Commission recommend approval of the request, as presented, staff recommends the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire & Zoning Officials ensure compliance with all applicable City Code requirements and standards.
2. Subject to receiving a letter of approval from Idaho Power, and any conditions that may be placed on their approval.
3. Subject to a fifteen foot (15') wide utility easement being recorded for the area of the vacated roadway that fronts Ramblin Rose Way (aka 4050 North)

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Woods asked about the agreement with the owners to east and north if it is transferable. He is asking because future property owner may not want to provide access.
- City Attorney explained that the property will be sold with access or it won't be developed, because in order for development to occur access has to be provided.

PUBLIC HEARING: OPENED

- Jeff Rolig, representing Mr. & Mrs. Hagan, the individuals that purchased the home. He stated the reason this issue was discovered was when the Mr. & Mrs. Hagan, new property owners began to plant trees and were informed by the neighbor that a roadway is planned where the trees were being planted. At one point on the property the roadway is platted approximately one foot from the house. The problem was discussed without resolution, a lawsuit is pending. This request is really to bail out the builder. His clients are not applicants, but because they are the owners of the property they had to give consent for this process to move forward. Mr. Rolig state he spoke with the adjacent property owner's to the east and neither party are aware of the recorded easement mentioned in the staff report for a 15' public utility easement. Typically when a roadway is vacated the land is deeded and split evenly between the adjoining property owners.
- Planner I Spendlove clarified the 15' easement for the utilities would be for property along the front of the two parcels and the vacated road between the two parcels. The document referred to by Mr. Rolig is attached in the staff report as attachment #9.
- Jeff Stoker, representing Lance LeBaron, stated this situation evolved from a combination of errors. The home ended up close to the easement and everyone thought it was correctly located. It wasn't until the property was sold that this problem was discovered. The situation can be rectified with this vacation approval. There has not been any suggestion that anyone is wanting to develop the roadway. All of the property owners involved have all agreed they don't want the road developed. Approval of this vacation would be a benefit to everyone involved.

PUBLIC HEARING: CLOSED

CLOSING STATEMENT:

- Mr. LeBaron stated that he would never build a house in the wrong location on purpose. He has been working to resolve this issue and he asked that the Commission recommend approval.
- City Attorney stated that the ordinance vacating the right of way would deed one half of the road to the property owners on each side of the road.

DELIBERATIONS FOLLOWED:

- Commissioner Frank stated this request ,as presented, on how to deal with this request is fairly straight forward.
- City Attorney explained that this will be a recommendation to City Council, City Council will then make a recommendation to County and they will make a recommendation to the Twin Falls Highway District who makes the final approval.

MOTION:

Commissioner Frank made a motion to recommend approval of the request to the City Council, as presented. Commissioner Woods seconded the motion. All members present voted in favor of the motion. (Commissioner Bohrn abstained from the vote.)

RECOMMENDED FOR APPROVAL, AS PRESENTED, TO THE CITY COUNCIL

1. Subject to amendments as required by Building, Engineering, Fire & Zoning Officials ensure compliance with all applicable City Code requirements and standards.
2. Subject to receiving a letter of approval from Idaho Power, and any conditions that may be placed on their approval.
3. Subject to a fifteen foot (15') wide utility easement being recorded for the area of the vacated roadway that fronts Ramblin Rose Way (aka 4050 North)

PUBLIC HEARING BEFORE THE CITY COUNCIL IS

SCHEDULED APRIL 1, 2013

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

- Zoning & Development Manager Carraway stated she would like to thank Commissioner Jacobson & Commissioner Bohrn for their service. There will be a recommendation to the City Council for the two new Commissioners and reappointment of Commissioner Derricott.

- Commissioner Frank stated he would like to thank Commissioner Bohrn for the many years of dedicated service.
- City Council Mill Sojka stated she would like to thank the Commissioners for their service also.

VI. UPCOMING MEETINGS:

Planning & Zoning Commission Work Session is scheduled for **March 7, 2013**
Planning & Zoning Commission Public Meeting is scheduled for **March 12, 2012**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 7:15 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department



CITY OF TWIN FALLS, IDAHO

PLANNING & ZONING COMMISSION

CITY COUNCIL CHAMBERS

305 THIRD AVENUE EAST

CANCELATION NOTICE

* * * * *

The regularly scheduled Planning & Zoning Commission Meeting

for

March 12, 2013

has been canceled.

Lisa Strickland
Administrative Assistant



CITY OF TWIN FALLS, IDAHO

PLANNING & ZONING COMMISSION

CITY COUNCIL CHAMBERS

305 THIRD AVENUE EAST

CANCELATION NOTICE

* * * *

The regularly scheduled Planning & Zoning Commission Meeting

for

March 26, 2013

has been canceled.

Lisa Strickland
Administrative Assistant



MINUTES
Twin Falls City Planning & Zoning
Commission
April 9, 2013-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Terry Ihler Gerardo Munoz Chuck Sharp
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods

Vice-Chairman

CITY COUNCIL LIAISON

Suzanne Hawkins Rebecca Mills-Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Boyd
Derricott
Frank
Grey
Munoz
Sharp

ABSENT:

Ihler

AREA OF IMPACT MEMBERS

PRESENT:

ABSENT:

DeVore
Woods

CITY COUNCIL MEMBERS PRESENT: Hawkins

CITY STAFF PRESENT: Carraway, Spendlove, Strickland, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. A Preliminary Presentation for an Amendment to the PUD Agreement for the Grandview Mini-Storage Facility, 6.4 acres +/-, to allow for a u-haul rental business and outside boat, RV and automobile storage yard for the storage facility customers on undeveloped property within the PUD on property located at 485 Grandview Drive. c/o Gregg Olsen on behalf of MOJO, LLC. (app. 2564)
2. A preliminary presentation for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD to develop a planned mixed-use development consisting of neighborhood commercial uses, including a financial institution facility, on 4.7 acres (+/-) located at the northwest corner of Eastland Drive North and Addison Avenue East. c/o Scott Allen, The Land Group on behalf of Thomas & Cheryl Arledge and TOMERYL, LLC (app. 2563)

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to allow a dog grooming and kennel business in conjunction with a photography studio and a residential dwelling unit occupied by the business owner or an employee on property located at 520 Main Avenue South. c/o JoAnna & Emily Thompson (app. 2557)
2. Request for a Special Use Permit to allow bulk fuel (propane) sales in conjunction with an existing retail business on property located at 628 Main Avenue South c/o Lawry Wilde on behalf of Wildland, LLC (app. 2558)
3. Requests for the Vacation of Tract E, 25' x 109' (2725 sq. ft.), located between 555 Falling Leaf Lane and 583 Falling Leaf Lane within Canyon Trails Subdivision No. 9. c/o Gary N Nelson on behalf of Canyon Properties, LLC (app. 2559)

4. Requests for the Vacation of platted utility and vehicular access easement, 30' x 478' (14,340 sq. ft), located between Lot 1 and Lot 14, Block 14, of the Canyon Trails Subdivision No. 5. c/o Gary N Nelson on behalf of Canyon Properties, LLC (app. 2560)
5. Requests for a Special Use Permit to operate an indoor recreation facility -- which may include charity/fundraiser events, comedy club, theater, music events, art show and private events, and to allow alcohol consumption on site in conjunction with a restaurant—all with extended hours of operation until 1:30 a.m. seven (7) days a week, on property located at 516 Hansen Street South. c/o Edward Sabia (app. 2561)
6. Requests a Special Use Permit to allow an auto rental business in conjunction with an existing multi-tenant office building on property located at 1286 Addison Avenue East. c/o Spencer Wood on behalf of Hertz Local Edition (app. 2562)

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 present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **NONE**
2. Approval of Findings of Fact and Conclusions of Law: **NONE**

III. ITEMS OF CONSIDERATION:

1. A Preliminary Presentation for an Amendment to the PUD Agreement for the Grandview Mini-Storage Facility, 6.4 acres +/-, to allow for a u-haul rental business and outside boat, RV and automobile storage yard for the storage facility customers on undeveloped property within the PUD on property located at 485 Grandview Drive. c/o Gregg Olsen on behalf of MOJO, LLC. (app. 2564)

APPLICANT PRESENTATION:

Gregg Olsen, the applicant, state they are requesting that the PUD Agreement for mini-storage facilities be amended to allow for u-haul rental business, outside boat, RV and automobile storage yard. His request also included a request for a deferral on the paving requirement, eventually the plan is to expand the storage facility into this area and the paving would have to be removed.

STAFF PRESENTATION:

Zoning & Development Manager Carraway displayed the exhibits on the overhead and stated this is a request for an amendment to a PUD Agreement for the Grandview Mini-Storage Facility, 6.4 (+/-) acres, to allow for a u-haul rental business and outside boat, RV and automobile storage yard for the storage facility customers on undeveloped property within the PUD on property located at 485 Grandview Drive.

City Code requires a preliminary PUD presentation for an amendment be made to the Commission prior to the public hearing. The purpose of this presentation is to allow both the Commission and the adjacent property owners to hear from the developer what type of development is being planned for the property. No action is taken at this preliminary presentation however the Commission and the public can ask questions and make comments at this time prior to the public hearing.

Staff makes no recommendations at this time. A public hearing regarding this request will be heard at the regularly scheduled Planning & Zoning Commission public meeting on Tuesday, April 23, 2013. Further staff analysis will be give at that time.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Munoz asked about the request for deferral for hard surface.
- Zoning & Development Manager Carraway stated all parking and maneuvering areas are to be hard surfaced, however there is a process for requesting a deferral that goes to the City Council who would make the ultimate decision.

PUBLIC COMMENTS/QUESTIONS: OPENED & CLOSED

PUBLIC HEARING SCHEDULED APRIL 23, 2013

2. A preliminary presentation for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD to develop a planned mixed-use development consisting of neighborhood commercial uses, including a financial institution facility, on 4.7 acres (+/-) located at the northwest corner of Eastland Drive North and Addison Avenue East. c/o Scott Allen, The Land Group on behalf of Thomas & Cheryl Arledge and TOMERYL, LLC (app. 2563)

APPLICANT PRESENTATION:

Scott Allen, The Land Group, representing the applicant, stated he would like to review this request a little because there is a lot planned for this location. He reviewed exhibits on the overhead explaining the site is zoned R2 and is surrounded by commercial and residential with some residential businesses. The project had to take into account access and landscaping requirements at this location. There are some restrictions in the right of way agreement the applicant is bound by. There is a flood zone within this area FEMA has requirements for all of which gets addressed through the Engineering review process. There is a financial institute that is interested in this property and a purchase agreement is in place. The City has briefly reviewed this and travel should be fairly smooth through the site. There have been several uses removed from the PUD Agreement that would require a Special Use Permit because they have not been able to get through previous processes for approval. He will provide more details at the public hearing scheduled in a few weeks.

STAFF PRESENTATION:

Zoning & Development Manager Carraway displayed the exhibits on the overhead and stated this is a request for a request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD to develop a planned mixed-use development consisting of neighborhood commercial uses, including a financial institution facility, on 4.7 acres (+/-) located at the northwest corner of Eastland Drive North and Addison Avenue East.

City Code requires a preliminary PUD presentation for an amendment be made to the Commission prior to the public hearing. The purpose of this presentation is to allow both the Commission and the adjacent property owners to hear from the developer what type of development is being planned for the property. No action is taken at this preliminary presentation however the Commission and the public can ask questions and make comments at this time prior to the public hearing.

Staff makes no recommendations at this time. A public hearing regarding this request will be heard at the regularly scheduled Planning & Zoning Commission public meeting on Tuesday, April 23, 2013. Further staff analysis will be give at that time.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Munoz has a question about the median along Addison Avenue East. Will it be right out only.
- Assistant City Engineer stated there will be right in right and possibly left out from the access along Addison Avenue. This was part of the negotiation for right of way.
- Commissioner Sharp asked where the flood plan was located.
- Assistant City Engineer stated it is located in the parking lot area and will not have buildings in that area. Construction cannot impact the flow or the layout of the existing flood plain.

PUBLIC COMMENTS/QUESTIONS: OPENED

- Paula Brown Sinclair asked for a list of the allowed for the four buildings.
- Zoning & Development Manager Carraway stated she will provide this information in the public hearing packet that will be heard April 23, 2013.

PUBLIC COMMENTS/QUESTIONS: CLOSED

PUBLIC HEARING SCHEDULED APRIL 23, 2013

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to allow a dog grooming and kennel business in conjunction with a photography studio and a residential dwelling unit occupied by the business owner or an employee on property located at 520 Main Avenue South. c/o JoAnna & Emily Thompson (app. 2557)

APPLICANT PRESENTATION:

JoAnna Thomspson, the applicant, state that what she would like to do is be allowed to open a dog grooming salon at this location. She has been a groomer for 40 years and by having this business in the area it will draw traffic to the downtown area. The dogs

are usually with her for about an hour. There should not be any negative impacts to the surrounding area. By adding a photography studio and living quarters it will provide a home for two families and two businesses which would be great for the area.

STAFF PRESENTATION:

Planner I Spendlove displayed the exhibits on the overhead and reviewed the history of the property. He stated the property is in the CB; central business district and the P1; Parking Overlay District. The building was constructed in the 70's. In 2002 a remodel permit came through for Audio Creations, a retail business with an additional Certificate of Occupancy issued in 2005 for the same business. There is not any more recent history for the property. The property consists of two lots that are approximately 12,500 sq. ft total with a 3,100 sq. ft building on one of the lots. The side lot was used for various things with the previous businesses. The applicants narrative stated she will operate the business Monday through Saturday from 10:00 am until 7:00 pm. Very rarely do appointments get scheduled later than 7:00 pm or on Sundays. There will be no additional employees at this time; however potentially one or two employees could be added in the future. The applicant anticipates 10 clients per day. Due to monetary constraints, the residence will not be renovated at this time. In order to meet that goal the applicant has expressed the desire to provide a kenneling service to her clients per request. The kennel would be located in the back half of the building and would supplement the applicants income to meet her goal of being able to live on-site eventually. The majority of the operation will take place indoors, however consideration does need to be taken into account for the surrounding residential uses. There are two one is a duplex and the other is a single family residence. The CB zone does not allow for any new single family homes, because it was created to transition from older residential homes to commercial retail businesses in the downtown area. Currently no new single family homes are being built, duplexes, tri-plexes and other multi-family residents have to have the special use permits prior to being constructed. The photography and future live-work unit are allowed in the CB zone a special use permit is not required for these uses. Since the dog grooming and kennel operation requires zoning action parking can be required. In this scenario the business would require 6 parking spaces. The landscaping requirements are currently met for the zone, however the side yard is in some disrepair and need some work.

Planner I Spendlove stated upon conclusion, should the Commission grant this request, as presented, staff recommends the following conditions.

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Official to ensure compliance with all applicable City Code requirements and standards.
2. Dogs being boarded overnight shall remain primarily indoors between the hours of 8:00 PM and 8:00 AM
3. The side yard shall be maintained in compliance with current City Codes in regards to weeds and refuse/junk. If used as an outside area for the dogs the area shall also remain clean of dog waste.
4. The 6 foot screening fence shall be maintained around the property or location where the dog run is utilized for the grooming or kenneling business.

Planner I Spendlove also stated that with the kenneling business being proposed the Commission could add a condition that requires the permit to be reviewed within a year for compliance.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Boyd asked how many dogs can be kenneled at one time.
- Planner I Spendlove stated a kennel license is required but he is not aware of a specific number.
- Commissioner Munoz stated the applicants narrative stated between 4-10 kennels.
- Commissioner Grey asked about the area for proposed parking and if it is currently hard surfaces.
- Planner I Spendlove stated it is not but would need to be hard surfaced if used for a parking and maneuvering area, currently it is gravel.
- Commissioner Sharp asked if the applicant does provide kenneling is there any requirement that the applicant provide a grassy area for the animals on the empty lot.
- Planner I Spendlove stated there is not a requirement for the applicant to provide a grassy area for the animals.
- Commissioner Frank asked if there would be a need for an additional curb cut for access to the parking area.
- Assistant City Engineer stated there are standards for curb cuts and staff would work with the applicant.
- Commissioner Frank asked if the applicant was familiar with the staff conditions.
- Ms. Thomson stated that paving for the parking area would be quite expensive and it could be cost prohibitive to the business.
- Commissioner Munoz asked how many people would be stopping to drop off and pick up their pets.
- Ms. Thomson stated that she may have 10 dogs and 5 customers or 10 customers with 10 dogs. Currently, where she is located now, she has not had any problems. They don't stay and wait for their animals they drop off and pick up, they are in and out.

- Commissioner Munoz asked should there be a condition that addresses noise levels, if noise is a concern?
- Planner I Spendlove stated a noise level condition could be added. Currently there is a kennel in the area at the Veterinary Clinic and we have not had any complaints. The hours of operation restriction felt like this would address the noise and the animals would need to be kept inside. The other point he would like to make is that the P1; Parking Overlay does not require additional off-street parking. The request for the Special Use Permit allows the Commission to review and add this condition if they feel it is necessary.
- Commissioner Frank asked about future plans for the property and if those plans would trigger the parking to be discussed again at a later date.
- Planner I Spendlove stated yes the parking could be brought up again at a later date because there is required parking for residential uses.
- Commissioner Munoz asked about the kennel and asked if the plan was to board just dogs for the customers that may need to stay overnight.
- Ms. Thomson stated she was planning to provide this service if necessary for the grooming business however she has had customers ask if she could board their dogs for them to go out of town. If she can't do the residential portion right away the kennel service would be a supplement to help her achieve this goal. As for the noise level she has not had any complaints with her current business and she doesn't take in very many dogs so the animals remain calm.

PUBLIC HEARING: OPENED

- Louis Spiker, 905 Shoshone Street North, representing BFI, LLC the owners of the single family home, duplex and business adjacent to this property. He stated his clients are opposed to the request to allow for the dogs to be outside in this location.
- Drew Taylor, 530 Main Avenue South, stated he has a young child and the dogs would have to be exercised and requires the dogs to be able to go to the bathroom. The kennel would be next to his bedroom window and this would be disturbing with dogs barking. There are also lots of parking issues for this area because of the local businesses.
- Curtis Patterson, owner of the property, stated he thinks that the business for grooming is not going to be disturbing. He understands the desire to keep the neighborhood quiet. The conditions listed would address this concern. The business will not have a lot of traffic, the people will be dropping off the dogs and picking them up, with brief stops. This would be a good business to get up and running and help bring in additional tax revenue. The use that is being proposed is within reason.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

Ms. Thompson stated she keeps the dogs separated, she doesn't like noise either. The plan is to get the grooming up and going. If there is a dog that needs to go out they will be kept in the side yard and will be on a leash for their safety. The animals are not going to be walked they will be in and out quickly.

Planner I Spendlove, stated that if the Commission see it necessary, the uses can be separated and the kennel could be removed from the approval process.

DELIBERATIONS FOLLOWED:

- Commissioner Sharp stated he does have some concerns about the kennel with the noise.
- Commissioner Munoz stated having the dogs outside after hours should not be allowed and thinks there should be a limit to the number of animals to boarded.
- Commissioner Grey stated he thinks the conditions are clear and restricted to reduce the impact to the neighbors. This is in conformance with the zoning and it would be a good plan to have a review in a year.
- Commissioner Munoz stated we can put a limitation on the conditions so that another person that may take over the property has to follow the same conditions, because the Special Use Permit remains with the property.
- Zoning & Development Manager clarified that the Special Use Permit can be approved specifically for the applicant, so if the applicant goes away the Special Use Permit would become void.
- Commissioner Derricott asked if the boarding requirements are limited to square footage.
- Planner I Spendlove stated that he is not sure what the requirements are for getting a kennel permit.
- City Attorney Wonderlich displayed the City Code Title 6-4-9 requirement for kennels.
- Commissioner Frank stated he is for this request with conditions listed he would also support a review of the Special Use Permit within a year. This is a special use permit which means if there are issues this can be reviewed again.
- Zoning & Development Manager Carraway stated it can be stated that at the end of the year a review would be presented by staff or it could be stated that the permit expires within a year and the applicant would need to come back through the public hearing process.
- Commissioner Munoz stated requiring 6 parking spaces for this business is going to be excessive and there is no requirement for the parking. This shouldn't be in the conditions. This business is appropriate for the area.

MOTION:

Commissioner Sharp made a motion to approve the request, as presented, with staff recommendations and the additional condition that this permit be reviewed by staff in one year. Commissioner Grey seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED, WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Official to ensure compliance with all applicable City Code requirements and standards.
 2. Dogs being boarded overnight shall remain primarily indoors between the hours of 8:00 PM and 8:00 AM
 3. The side yard shall be maintained in compliance with current City Codes in regards to weeds and refuse/junk. If used as an outside area for the dogs the area shall also remain clean of dog waste.
 4. The 6 foot screening fence shall be maintained around the property or location where the dog run is utilized for the grooming or kenneling business.
 5. Subject to the permit being reviewed within one year of the approval date,
April 9, 2014
2. Request for a Special Use Permit to allow bulk fuel (propane) sales in conjunction with an existing retail business on property located at 628 Main Avenue South c/o Lawry Wilde on behalf of Wildland, LLC (app. 2558)

APPLICANT PRESENTATION:

Lawry Wilde, stated he is asking that bulk fuel sales (500 gallon unit) be allowed at this site. The tank is located approximately 25' from buildings and 10' from property line along the south boarder. This would allow them to fill propane tanks of any size. They have applied for all the permits and are just requesting that the special use permit be approved.

STAFF PRESENTATION:

Planner I Spendlove displayed the exhibits on the overhead and stated there is not a history for the property. The property is located in the CB; central business zone with a P1; parking overlay. The Fire Department has reviewed the site and staff doesn't feel there will be any additional impacts to the surrounding area. He also stated that there are approximately 25 parking spaces provide on-site, the P1 parking zone doesn't require any off-street parking and this use would require 27 spaces in other zones. They are not taking any existing parking spaces with this request.

Planner I Spendlove stated upon conclusion should the Commission approve the request, as presents, staff recommends the following conditions:

1. Subject to the applicant contacting the City of Twin Falls Fire Department to complete the fuel tank application.
2. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

PUBLIC HEARING: OPENED & CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

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

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to the applicant contacting the City of Twin Falls Fire Department to complete the fuel tank application.
2. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Chairman Frank asked the applicant if the next two items could be combined into one presentation. Once the presentation is complete the Commission will make two separate motions to address both requests. The applicant representative agreed and proceeded with his presentation.

3. Requests for the Vacation of Tract E, 25' x 109' (2725 sq. ft.), located between 555 Falling Leaf Lane and 583 Falling Leaf Lane within Canyon Trails Subdivision No. 9. c/o Gary N Nelson on behalf of Canyon Properties, LLC (app. 2559)
4. Requests for the Vacation of platted utility and vehicular access easement, 30' x 478' (14,340 sq. ft), located between Lot 1 and Lot 14, Block 14, of the Canyon Trails Subdivision No. 5. c/o Gary N Nelson on behalf of Canyon Properties, LLC (app. 2560)

APPLICANT PRESENTATION:

Tim Vowser, EHM Engineers, Inc, representing the applicant stated the subject property is located in Canyon Properties PUD. The first request is to vacate a tract that separated Canyon Trails Subdivision No. 9 from Canyon Trails Subdivision No. 5 as part of the PUD agreement process the connectivity of the commercial to the residential was a requirement as part of a walking path. Currently three quarters of

the residential portion is in Escrow and undeveloped. The applicant has a potential user interested in a 6(+/-) acres site which would overlap the existing lot line as part of the other vacation request which also contains public utility access easement. Basically this request would allow the parcel to be moved over 100' to be able to meet the client's needs for the site. At this point is the tract may not need to be vacated the development plans have not been completed yet but they would like to move forward with the request in case someone changes their mind. They plan to rededicate this easement or a tract when necessary. He asked for a recommendation for approval.

STAFF PRESENTATION:

Planner I Spendlove displayed the exhibits on the overhead and stated Item 3 is vacating the tract and Item 4 is vacating the easement. The staff recommendations are the same for both requests. The property in 1999 was in the area of impact in and was rezoned C-1 PUD, the PUD was approved in 2003 and in 2005 the property was annexed into the City Limits. The 160 acres began the platting process in 2000 with the final phase of the subdivision being approved in 2007.

Planner I Spendlove stated upon conclusion, should the Commission recommend approval of both requests, as presented staff recommends the following conditions:

RECOMMENDED FOR APPROVAL, AS PRESENTED, TO THE CITY COUNCIL

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to a new tract being recorded as presented, to be utilized as outlined in the Canyon Properties PUD #229
3. Subject to a new easement being recorded as presented, to be utilized as outlined in the Canyon Properties PUD #229

Zoning & Development Manager Carraway stated she would like to clarify for the new Commission members that this is a request to vacate a platted easement and tract. State law requires a public hearing for this type of request the Commission makes a recommendation and this will go forward to the City Council for final approval. If the applicant determines a vacation is not necessary for development it will not be processed as part of the ordinance.

PUBLIC HEARING: OPENED & CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION ITEM IV-3:

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

RECOMMENDED FOR APPROVAL, AS PRESENTED, TO THE CITY COUNCIL

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to a new tract being recorded as presented, to be utilized as outlined in the Canyon Properties PUD #229
3. Subject to a new easement being recorded as presented, to be utilized as outlined in the Canyon Properties PUD #229

MOTION ITEM IV-4:

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

RECOMMENDED FOR APPROVAL, AS PRESENTED, TO THE CITY COUNCIL

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to a new tract being recorded as presented, to be utilized as outlined in the Canyon Properties PUD #229
3. Subject to a new easement being recorded as presented, to be utilized as outlined in the Canyon Properties PUD #229

PUBLIC HEARING SCHEDULED FOR BOTH ITEM IV-3 & IV-4
CITY COUNCIL MAY 6, 2013

5. Requests for a Special Use Permit to operate an indoor recreation facility -- which may include charity/fundraiser events, comedy club, theater, music events, art show and private events, and to allow alcohol consumption on site in conjunction with a restaurant—all with extended hours of operation until 1:30 a.m. seven (7) days a week, on property located at 516 Hansen Street South. c/o Edward Sabia (app. 2561)

APPLICANT PRESENTATION:

Edward Sabia, the applicant, is requesting that a restaurant and indoor recreation facility be approved through this special use permit process. The staff will be around 25 people, there will be a focus on Jazz, and will be using the upstairs area for events. He is familiar with the conditions recommended and has no problem with these terms.

STAFF PRESENTATION:

Planner I Spendlove displayed the exhibits on the overhead and reviewed the history on the property, there are four special use permit associated with this property relating to the brewery, pub, restaurant sales, and two ordinances on related to a vacation request and the other related to zoning of the property. The property is zone OT; old town zoning, WHO; warehouse district with a P3; parking overlay zone. This building had been used for a similar type of use throughout the past it is compatible with the surrounding businesses in the area. The reason for tonight's hear is that a special use permit is required for the retail sale of alcohol when consumed on premises, for retail uses operating outside of the hour of 7:00am and 10:00pm and for and indoor recreation facility (i.e. an event center) all of which are items included in this request. The build consist of four floor (3 upstairs and a basement) approximately 12,000 sq. ft. All of the items listed are under this request have been considered. The biggest concern currently for an event center is that each event is required to be approved by the police department where alcohol is being served. The applicant has done a good job at meeting this requirement at his existing event center. The special event review process is to review security requirements, trash pick-up and noise. The property is in a P3 parking overlay zone which allows for special considerations on a case by case basis.

The P-3 parking overlay does not exempt occupants from providing off street parking spaces. The P-3 overlay does allow special considerations on a case by case basis to the parking requirements if the standard requirements cannot be applied. The special consideration may be a variance on number, on street parking and/or remote parking. Parking required for this facility would be one per four seats in the restaurant and bar area and one per 250 sq ft of total floor area in the community event areas. The required parking spaces will have to be determined at the time of building permit process for the Certificate Of Occupancy. There are public parking lots to the north, east and south of this proposed facility. The size of the facility could accommodate a large number of occupants. The impacts on the available parking spaces in the area and therefore surrounding businesses could potentially be large. The western portion of the property is currently undeveloped. The Commission may wish to place a condition that the undeveloped portion of the property be developed as parking per City Codes 10-11-4, 10-4-13.3(F)2, and 10-4-22.3. The request is in compliance with the Comprehensive Plan for that area of town.

Planner I Spendlove stated upon conclusion should the Commission approve the request as presents, staff recommends the following conditions:

1. Subject to the applicant contacting the City of Twin Falls Police Department on every event/show to determine if a Special Events Permit and/or Catering Permit is required including a review of the security and trash clean-up plan.
2. Noise level is not to exceed 78 decibels at any point ten (10) feet from the exterior walls of the building.
3. Subject to the undeveloped portion of the northwest side lot being developed as a parking lot per City Codes 10-11-1, 10-4-13.3(F)2 and 10-4-22.3
4. Subject to the applicant complying with all City, County and State Alcohol licensing regulations.
5. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Commissioner Question/Comments:

- Commissioner Derricott asked if the parking areas in this area of town is City owned.
- Planner I Spendlove stated that the majority of the parking areas belong to the Urban Renewal Agency.
- Commissioner Grey asked about the outdoor seating area and if music will be projected outside making the noise an issue for the site.
- Mr. Sabia stated there will not be any live music outside the building so noise should not be an issue. He also explained that they are working on a liquor license for this establishment. Currently because there is not a liquor license in place at this location, catering events requires a special event review. As for the space in the building the 4th Floor will not be used and the basement will have one room for an office. He has spoken to the surrounding neighbors about parking and it should not be an issue.

PUBLIC HEARING: OPENED & CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

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

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to the applicant contacting the City of Twin Falls Police Department on every event/show to determine if a Special Events Permit and/or Catering Permit is required including a review of the security and trash clean-up plan.
 2. Noise level is not to exceed 78 decibels at any point ten (10) feet from the exterior walls of the building.
 3. Subject to the undeveloped portion of the northwest side lot being developed as a parking lot per City Codes 10-11-1, 10-4-13.3(F)2 and 10-4-22.3
 4. Subject to the applicant complying with all City, County and State Alcohol licensing regulations.
 5. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
6. Requests a Special Use Permit to allow an auto rental business in conjunction with an existing multi-tenant office building on property located at 1286 Addison Avenue East. c/o Spencer Wood on behalf of Hertz Local Edition (app. 2562)

APPLICANT PRESENTATION:

Banner Robinson, representative for the applicant, he would like to run their rental car business at this location.

STAFF PRESENTATION:

Planner I Spendlove displayed the exhibits on the overhead and reviewed the history of the property. The property has been zoned C-1 since at least 1996, and perhaps as far back at the 1970's. The records show no other zoning actions taking place on the property. The building was constructed in 1975, since then the building has houses various offices and retail businesses. The latest tenant on record for this space was Magic Valley Realty. There other portion of the building is occupied by 3 other tenants for retail or office space. The narrative stated they would be renting vehicle for business and personal use operating hours would be Monday through Friday 7:30am to 6:00pm, Saturday 9:00am to 12:00pm and closed on Sundays. There is not an estimated customer volume per day, but there will be 3 employees on site. There is not a need for additional improvements, to bring the property into compliance, it is a developed site. The applicant wants to least 1600 sq. ft which translates to a minimum of 6 parking spaces for this use. The total parking spaces required for the building is 16 spaces and there are currently 30 spaces available.

Planner I Spendlove, stated upon conclusion, should the Commission grant this request as presented, staff recommends the following conditions:

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

Questions/comments:

- Commissioner Frank asked about vehicle maintenance and how many vehicle would be available.
- Mr. Robinson stated the only thing that will be done is vacuuming the vehicles, and they will have approximately 10 designated stalls in their lease with possibly 5 additional overflow. The bulk would be supplemental use for customers, leisure, and rental for insurance companies.
- Commissioner Munoz asked if there will be large vehicles.
- Mr. Robinson stated the largest vehicle that could be available is 15 person passenger van.

PUBLIC HEARING: OPENED

- Brenda Stayle, 1290 Addison Avenue East, owner of Advanced Drug Detection. She currently has a signed lease for one of the other spaces in the building and use 3 parking spaces for employees. Liberty Taxes is another tenant in the building and they use approximately 3-4 spaces daily for employees, and a Tattoo shop that uses 3-4 spaces for employees. The front is used for the customers and she runs approximately 2000 tests a month through her office and the bulk of the parking is used by her customers. If this is approved it will impact her customers.
- Commissioner Frank asked if the lease states a number of spaces available for the business.
- Ms. Stayle, stated the lease says she has full access to the parking.
- Steve Kohntopp, 2186 East 4200 North, stated he has owned this property since 1990 and it has been zoned commercial since then. The last tenant in this space was a mortgage company. He purchased the building without the parking on the west, there use to be a duplex in this space. In 1997 he purchased the duplex and leased it out for a while and then decided in 2004 to remove the building and replace the space with parking. There is not designated parking it is a common parking area. There has never been any parking provisions assigned to leases. This space has been vacant for 4 years and he would be in favor of this request. He explained that the Advanced Drug Detection lease was initiated in 2010 and expires March 4, 2014. In September of last year the tenant attempted to negotiate a lease for this specific space and an agreement had not been reached. The tenant explained that her business had grown and she needed more office

space. He has never had any complaints about parking with regards to her business. On Monday April 15th, the tax office will only be open one day a week and the Tattoo business is slow. The Advance Drug Detection office has notified him that they have found another space to lease, in the lease there is a clause that state if they find a replacement tenant then they can take over and the existing business can move. She has not been successful at making a move and now she is complaining that this new tenant would negatively impact her business. Some diligent work with her appointments could reduce the impact to her business. He has asked that he be notified when the parking area is full, and never received the call. Parking can be an issue at any location but he has never seen it be an issue at this location. This property has been vacant for a long time and he would like to be able to lease the space to this tenant.

- Commissioner Grey asked about the parking stipulations in the lease agreements.
- Mr. Kohntopp state that it is a common parking area for all the tenants to use.
- Mr. Robinson, stated his lease does state they are allowed 10 parking spaces.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

- Commissioner Frank stated the use of the parking area is not an issue for the Commission.
- Commissioner Grey stated the applicant wants to be a part of the community and wants to be a good tenant.
- Commissioner Munoz asked about the parking that is located on site with the uses in place is parking enough.
- Planner I Spendlove stated with all the uses and square footage of the building considered there are more spaces than required.

MOTION:

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

APPROVED, 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 all applicable City Code requirements and standards.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

- Zoning & Development Manager Carraway stated the vacation request for Wild Roase Drive was heard by the City Council and will be heard May 10th by the Board of County Commissioners and then will move forward to the Twin Falls Highway District.
- City Council Hawkins reminded the Commission of the open house scheduled for Thursday, April 11, 2013, on the Draft Strategic Plan 2013

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meetings:

Tuesday, April 23, 2013 Public Hearing Planning & Zoning Commission

Thursday, May 2, 2013 Public Meeting Planning & Zoning Work Session

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 8:00 pm



Lisa A Strickland
Administrative Assistant
Community Development Department



MINUTES
Twin Falls City Planning & Zoning
Commission
April 23, 2013-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Terry Ihler Gerardo Munoz Chuck Sharp
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods

Vice-Chairman

CITY COUNCIL LIAISON

Suzanne Hawkins Rebecca Mills-Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS MEMBERS

PRESENT:

Boyd
Derricott
Frank
Grey
Sharp

ABSENT:

Ihler
Munoz

AREA OF IMPACT

PRESENT:

DeVore
Woods

ABSENT:

CITY COUNCIL MEMBERS PRESENT: Hawkins, Mills-Sojka

CITY STAFF PRESENT: Carraway, Spendlove, Strickland, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Preliminary Presentation to request the Commission's recommendation on a Zoning District Change and Zoning Map Amendment from C-1 R-4 to C-1 PUD to allow a hotel and accessory uses on property located at 1810 Washington Street North c/o Gerald Martens on behalf of Westpark Partners, LLC (app. 2565)

IV. PUBLIC HEARING ITEMS

1. Request for the Commission's recommendation on an amendment to the PUD Agreement which will allow a truck rental business and outside vehicle storage in conjunction with a storage unit facility on property located at 485 Grandview Drive. c/o Gregg Olsen on behalf of MOJO, LLC. (app. 2564)
2. Request for the Commission's recommendation on a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD to develop a planned mixed-use development on 4.6 acres (+/-) located at the northwest corner of Addison Avenue East and Eastland Drive c/o Scott Allen, The Land Group on behalf of Thomas & Cheryl Arledge and TOMERYL, LLC (app. 2563)

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 present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **NONE**
2. Approval of Findings of Fact and Conclusions of Law:
 - Thompson (SUP 04-09-13)

UNANIMOUSLY APPROVED

Planner I Spendlove stated staff would request that an amendment to the Agenda be made adding an Item of Consideration. Because it is a change to the agenda a motion is required. The Item of Consideration is regarding Special Use Permit #1283 issued to United Metal Recycling on January 23, 2013.

Roll call vote was taken and unanimously approved.

Wayne Brown, the representative for United Metal Recycling, stated that during their presentation on January 23, 2013 photos were presented showing that an 8' solid metal fence was going to be installed at property located at 2499 Warren Avenue. Since the Special Use Permit approval it was discovered that to provide engineered plans for this type of fence will cost an estimated \$100,000.00. What is being proposed is an 8' slatted chain link which is common to auto recycling and metal recycling uses. The cost exceeded their expectation and this alternative would still meet the same goals but be less expensive to install and would be consistent with what is being used in Twin Falls.

Planner I Spendlove explained the request is to get an interpretation from the Commission on the code requirement as to whether or not this alternative material meets code and if it is an acceptable substitute, otherwise the request will have to come back through the public hearing process again.

City Attorney Wonderlich explained that in the previous presentation the screening fence was proposed to be 8' solid metal screening fence, tonight the request is to change the type of material presented at the public hearing to an 8' slatted chain link fence. The Special Use Permit conditions didn't specify materials to be used however because this material is different than what was presented at the public hearing the Commission has to decide whether or not it is an acceptable alternative.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Frank verified with the City Attorney that this did not require a second public hearing.
- Commissioner Woods verified with the applicant that the screening portion of the fence would be 8'.

- Mr. Brown confirmed that the solid fencing portion would be 8' tall as required by code.
- Commissioner Sharp stated he felt the screening alternative meets code requirement for screening.

MOTION:

Commissioner Sharp made a motion to approve the request, as presented. Commissioner Grey seconded the motion. All members present voted in favor of the motion. Special Use Permit #1283 will be amended to reflect the materials approved this evening.

III. ITEMS OF CONSIDERATION:

1. Preliminary Presentation to request the Commission's recommendation on a Zoning District Change and Zoning Map Amendment from C-1 R-4 to C-1 PUD to allow a hotel and accessory uses on property located at 1810 Washington Street North c/o Gerald Martens on behalf of Westpark Partners, LLC (app. 2565)

APPLICANT PRESENTATION:

Gerald Martens, EHM Engineering, Inc., representing the applicant stated the request is to rezone the property to allow for a Hotel. The applicant is here for any questions. As the land owner they will be presenting a PUD Plat that is specific to allow the hotel as presented. The property is located at 1810 Washington Street North. He reviewed the exhibits on the overhead. The PUD Agreement will address signage, lighting, building position to accommodate the parking and minimum requirements for landscaping. There will not be any additional curb cuts to access the property, it will be a shared access. The parking configuration does not provide for truck parking. The setback was increased to reduce the impacts to the surrounding properties, the maximum height will be 35' with architectural projections not to exceed 41'. The signing will be a monument type to keep consistent with the other development in the area. It is a 92 room three story building. Notices have been sent to the neighbors regarding a May 1, 2013 6:00 PM at the EHM Conference Room located at 621 North College Road meeting to discuss the project. The request is consistent with the surrounding zoning designations and existing PUD's.

STAFF PRESENTATION:

Planner I Spendlove displayed the exhibits on the overhead and stated this is a preliminary presentation therefore no action is required this evening. He reviewed the location of the property on the overhead and explained that this request will be reviewed by staff at the public hearing.

City Code requires this type of request present a preliminary PUD presentation to the Commission prior to a public hearing. The purpose of this presentation is to allow the Commission, the adjacent property owners and general public to hear from the developer what type of development is being planned for the property. No action is taken at this preliminary presentation however the Commission and the public can ask questions and make comments at this time prior to the public hearing.

Staff makes no recommendations at this time. A public hearing regarding this request will be heard at the regularly scheduled Planning & Zoning Commission public meeting on Tuesday, May 14, 2013. Further staff analysis will be given at that time.

PUBLIC COMMENTS/QUESTIONS: OPENED & CLOSED

**PUBLIC HEARING SCHEDULED BEFORE THE
PLANNING & ZONING COMMISSION MAY 14, 2013**

IV. PUBLIC HEARING ITEMS

1. Request for an Amendment to the Muni-Storage Facility PUD Agreement, 6.4 acres +/-, to allow for a u-haul rental business and outside boat, RV and automobile storage yard for the storage facility customers on undeveloped property within the PUD on property located at 485 Grandview Drive. c/o Gregg Olsen on behalf of MOJO, LLC. (app. 2564)

APPLICANT PRESENTATION:

Gregg Olsen, the applicant, stated he would like to be able to rent u-hauls because it would be convenient for the customers. The project has been planned in phases and he is asking that the paving requirement be deferred so that when the next phase is completed he doesn't have to re-install the paving.

STAFF PRESENTATION:

Planner I Spendlove displayed the exhibits on the overhead and stated this is a request for an amendment to a PUD Agreement for the Muni-Storage Facility, 6.4 (+/-) acres, to allow for a u-haul rental business and outside boat, RV and automobile storage yard for the storage facility customers on undeveloped property within the PUD property located at 485 Grandview Drive.

In April of 2008 this property was approved for a Comprehensive Plan – Future Land Use change and had a Zoning District Change and Zoning Map Amendment approved in May of 2008 changing the property from R-4 to C-1 PUD. The PUD Agreement was approved by the City Council, however, it has not been recorded. This is a request to amend that PUD Agreement, to allow for the additional uses.

If amended-Section 2-B of the PUD Agreement would allow for a u-haul rental business and outside boat, RV and automobile storage yard for the storage facility customers on undeveloped property located within the PUD property described within. This verbiage if approved as written would allow him to store RV's, Boats and Automobiles on undeveloped property on the Revised Master Development Plan- Phase 2, reviewed on the overhead. City Code 10-11-4B states. "Surfacing: All parking and maneuvering areas shall be hard surfaced with Portland concrete or asphaltic concrete surface material." The PUD is located in the C-1 zoning district which requires all developed/utilized areas be hard surfaced.

The applicant is asking that the hard surfacing not apply to his PUD. The Engineering Department has reviewed the request and would not recommend approval of any undeveloped area to be used for outside storage unless it is paved. An alternative surface would be acceptable until the time Phase 2 is finished. The acceptable alternative would need to be 2" thick reground with chip seal over the top in addition any unpaved portion of the property will need to have a substantial barrier delineating the developed area and undeveloped area to discourage the use of undeveloped property. Examples of substantial barriers would be fencing, bumper blocks, jersey barriers or another material or object approved by the Engineering Department.

Planner I Spendlove stated upon conclusion should the Commission recommend approval of this request, as presented, staff recommends the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards; and the recorded Muni-Storage Facility PUD Agreement.
2. Subject to the perimeter drive aisle on the far West and South side of the property, adjacent to currently constructed storage buildings, being hard surfaced with concrete or asphalt per City Code 10-11-4-(B).
3. Subject to undeveloped areas wishing to be used as outside storage being hard-surfaced per Engineering Department requirements.
4. Subject to undeveloped and un-paved areas having a substantial barrier to discourage use of the property per the Engineering Department requirements.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Boyd asked about the phased construction quote 3-C in the agreement and asked if that was referring to the hard surfacing requirement. If the PUD is not recorded how does this process move forward.
- Zoning & Development Manager Carraway explained that typically when a PUD comes through the process it is in conjunction with a plat. This project did not require platting that is how the agreement was missed for signature. The rezone ordinance and this agreement were both approved by the City Council. The PUD Agreement just has not been recorded. Leaving the area undeveloped with dirt and gravel does not satisfy City Code requirements.
- Commissioner Woods asked if the U-Haul business is a new issue, because the pictures provided shows they are already on-site.
- Zoning & Development Manager Carraway stated they are on-site and have been on-site which is why the applicant is requesting this change so that the property can be brought into compliance.
- Commissioner Woods confirmed that the property is currently out of compliance.
- Commissioner Grey asked why the new development is not paved in front of some of the developed storage units / buildings.
- Mr. Olsen stated that he has an agreement with a tenant to have the paving completed this summer in exchange for the use of a storage unit.
- Commissioner Grey asked about the gravel area and if that space could be paved where the u-haul trailers are parked.

- Mr. Olsen explained the process for completing the drainage system would require that the paving occur after the storm water retention has been installed. Blocking off the area would present an issue for the fire access. The cost of installing asphalt and then tearing out to replace it once the project is complete would be extreme.
- Planner I Spendlove explained where the barrier should be located.
- Commissioner Derricott asked about the paving and why it wasn't done and if the drains were in already.
- Mr. Olsen stated that the storm drains are in where the asphalt is not completed in front of the existing storage units.
- Assistant City Engineer Vitek stated he would require all the undeveloped maneuvering area meet code with some type of hard surfacing.
- Commissioner Frank clarified that the requirement for hard surfacing is required by City Code and asked if the Commission has the ability to overrule a City Code requirement.
- Zoning & Development Manager Carraway explained this is a City Code requirement and that the Commission does not have the ability to overrule City Code.

PUBLIC COMMENTS/QUESTIONS: OPENED & CLOSED WITHOUT COMMENTS

CLOSING STATEMENT:

- Mr. Olsen stated this would not be to allow the use without ever hard surfacing, the paving would be a deferral for the paving requirements to be met at a later date.
- Commissioner Frank asked if the City has a mechanism in place for putting a time frame on the completion process.
- Zoning & Development Manager Carraway stated there is a process in place for this type of request but it is not something this body has the authority to approve.

DELIBERATIONS FOLLOWED:

- Commissioner Woods stated the property is already out of compliance for hard surfacing and the u-haul business in operation without approval. He also stated that he recalls another request where hard surfacing was required for the County Marine Storage Facility. He would be hard pressed to recommend that this be approved, the property is already not in compliance. He agrees with staff recommendations.
- Commissioner Boyd asked what the cost difference is between the hard surface material versus the crushed and chip seal that is being recommended in the interim.
- Assistant City Engineer stated that he is not aware of the cost difference, but that the County was allowed to use this product.
- Mr. Olsen stated it at best if the asphalt cost \$10.00 per foot the chip seal would cost \$4.00 per foot, but that would be a guess.
- Commissioner Boyd asked if the chip seal material would be hard to tear out.

- Mr. Olsen stated it would be as difficult as asphalt. He also stated he was not aware of a special use permit being required for a u-haul business.

MOTION:

Commissioner Wood made a motion to recommend approval of this request, to the City Council, as presented, with staff recommendations as presented. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

**PUBLIC HEARING SCHEDULED BEFORE THE
CITY COUNCIL MAY 20, 2013**

2. Request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD to develop a planned mixed-use development consisting of neighborhood commercial uses, including a financial institution facility, on 4.7 acres (+/-) located at the northwest corner of Eastland Drive North and Addison Avenue East. c/o Scott Allen, The Land Group on behalf of Thomas & Cheryl Arledge and TOMERYL, LLC (app. 2563).

APPLICANT PRESENTATION:

Scott Allen, The Land Group, was representing the applicant. He stated part of the request is for a financial use with a drive through window be allowed outright within this PUD Agreement, if approved. He reviewed exhibits on the overhead and explained the site consists of 5 lots. The primary use has always been residential. There is a flood zone through the property which requires a flood plain study at a later date. To the north is a developed subdivision, commercial use located to the east of the property, to the south a mixture of residential/professional uses, and to the west is a professional office/photo studio / residence. The intersection sees 26,000 and 30,000 vehicles per day. The agreement was originally worded so that the drive through would be located on the east side, since then a financial institute has shown interest but would like to relocate the drive through to reduce the impacts of light and safety issues for the equipment. There has been communication with the adjacent neighbors Jim & Mary Fort, who own the property along the entire west boundary, to discuss this change and they were in agreement subject to a few conditions. The request was to place trees at a high density along the drive through area to create a buffer for light trespass. The other area of concern was to reduce the amount of planting along the entry way so that their monument sign is not blocked by landscaping, low plantings will be planted within the first 60'. The remaining concern was access to their property and irrigation. There is not a bridge in this area that can be used to get to access to the north portion of their property without crossing this parcel. A plan for a gate to be installed that they would have a key to will provide them continued access. Another requirement for the NCO zoning designation is that if a building foot print is over 3000 sf. Then 50' of landscaping must be provided along the streets. This 50' landscaping buffer is shown along Eastland Drive and Addison Avenue and the trees that are shown meet the exact amount required per City Code.

The area along the west boundary per landscape plan is a 30' landscape strip and the reason for that is there is a flood plain in this area which does not allow for structures so this will provide a buffer to the neighboring property. The PUD lists a requirement for a minimum of 1 tree every 400 sf and 8' in height at time of planting with a 6' high fence along the west boundary. The landscaping buffer along the north is a 20' landscape strip because of the restrictive nature of the uses it was felt the impact was going to come from the parking areas. The other requirement for NCO zoning is that there has to be a 5' strip of landscaping between parking isles so cumulatively speaking for the entire site is at 30% code only requires 20%.

He reviewed an exhibit summarizing the different code requirements associated with each zone with regards to permitted uses, uses requiring zoning approval, setbacks, landscaping, screening and building heights. The NCO is fairly restrictive as it compares to the other zones in this area. The last item that the PUD Agreement addresses is signage. The PUD has identified three locations for signage, two for the financial institute, one facing each street frontage and one freestanding sign along Eastland Drive that will be a multi-tenant sign. This will reduce stacking of different monument signs and reduce the number of signs along the street frontages making for a cleaner site plan.

Dustee Woolstenhou, representing Idaho Central Credit Union, reviewed the business background. Currently there is a branch located on Pole Line Road with 11,244 active members in the branch. About 4-5,000 members live within 5 miles of this location and to give back they would like to build another facility in Twin Falls. The building will be approximately 5200 sf. and will employ/include 5 tellers, 4 accounts employees, loan desk and support staff, drive-up tellers and an ATM. The exterior will meet the requirements for the PUD and zoning code. The lighting heating and air conditioning will be energy efficient. They are open to being good neighbors and are willing to address any concerns.

STAFF PRESENTATION:

Planner I Spendlove displayed the exhibits on the overhead and stated this is a request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD on 4.7 acres (+/-) for property located at the northwest corner of Eastland Drive North and Addison Avenue East. This PUD Agreement will allow outright a drive through for the financial institute which under normal circumstance requires a special use permit. The landscape plan exceeds the City Code requirements. The exhibits were presented showing what the signage would look like and requiring a multi-tenant sign for the other buildings to reduce the number of individual signs allowed in the PUD. Compliance with current City Code requirements will be reviewed at the time of building plan submittal, for landscaping, storm water retention and parking. Access has been negotiated with the Engineering Department in exchange for right-of-way to improve the intersection. The development standard and building setbacks will all be reviewed in full to ensure compliance with the City Code and the PUD Agreement.

Planner I Spendlove stated upon conclusion should the Commission recommend approval of this request to City Council, staff recommends the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the section "Covenants 4-E-4: Signage" being amended as shown in "Attachment 12" of the staff report.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Wood asked if the requirement is that the additional buildings look a specific way.
- Planner I Spendlove stated the design requirements listed in the PUD Agreement and the NCO; Neighborhood Commercial Zoning District requires that the buildings look residential in nature and that they have pitched roofs.

Chairman Frank read into record a letter from a citizen regarding the mature landscaping that exists on the property and who requested that it be maintained as much as possible.

PUBLIC COMMENTS/QUESTIONS: OPENED

- Jim Fort, 2133 Addison Avenue East, stated that what has been presented is accurate and he would like it read into the record that current water shares will continue to be delivered as they exist currently.
- Paula Brown-Sinclair, 2146 Addison Avenue East, stated that they are proud of the transition from residential to commercial and are quite pleased with the request. She would recommend that existing trees not be removed if at all possible. Her only concern is the design of the egress and ingress to the property. She would request that it be looked at closely because of traffic concerns.
- Curtis Webb, 2158 Addison Avenue East stated he is very pleased to see this is the plan. He is in support of this request.
- Ken Stuart, 160 Larkspur Drive stated he is directly west across the pasture area. His concern is the lighting at the Stinker down the road, he is concerned that when the cars come in through the drive through the lights from the cars will be shining through the windows of the houses. He would like a little more of a barrier to address this issue. He asked if the project is going to be approved all at once or if the uses for the other buildings will come at a later date.
- Louise McManaman, 2196 Hillcrest Drive, asks if the zoning is for the entire parcel or just the parcel where the bank wants to build and what kind of retail would be allowed?

PUBLIC COMMENTS/QUESTIONS: CLOSED

CLOSING STATEMENTS:

Mr. Allen explained that until the drawings and plans are engineered the applicant will not be able to determine what trees can remain. He will convey the citizens' concerns to the developers. The PUD requires a light analysis to prevent light trespass to adjacent properties and for security; they will work with the neighbors on a schedule if necessary for lights to be turned off and on. There will not be big lights like the C-Store located down the street. The state does not allow them to hinder access to existing water uses. The City had an agreement with regards to access and right-of-way approaches. This agreement would require that the applicants provide additional right-of-way to the City along Addison Avenue and Eastland Drive and in exchange the City would pay for the approaches to the property to be constructed along with curb & gutter. After revising the plan the approaches are aligned with the approaches to the east on Eastland Drive so that there is not a conflict with one another. There were multiple approaches along Addison Avenue but these will be replaced with one approach as far west of the intersection as possible. This is per the agreement with the City in exchange for the right-of-way. The entire parcel is being requested to be rezoned from R-2 to R-2 NCO PUD.

Currently the intent is for Idaho Central Credit Union to purchase the southerly portion of the property for development. Then the remaining portions will be placed for sale. Uses specific to the sight have been listed in the PUD Agreement with some being outright permitted and uses allowed only with a Special Use Permit approval, which would require a public hearing process. The only uses that would be outright permitted without going through the Special Use Permit process is for the financial institution with a drive-through window on the south lot. Normally this type of use would require a Special Use Permit. One other thing to consider is that the site only has two sewer credits available so the property can't be developed on until the sewer issues are resolved for the City.

DISCUSSION FOLLOWED:

Commissioner Wood stated he would like to commend the applicants and the neighbors for working through this process.

MOTION:

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

**PUBLIC HEARING SCHEDULED BEFORE THE
CITY COUNCIL MAY 13, 2013**

**V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER
AND/OR THE PLANNING & ZONING COMMISSION:**

None.

VI. UPCOMING MEETINGS:

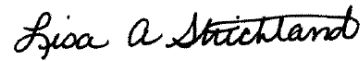
Next Planning & Zoning Commission public meetings:

Thursday, May 2, 2013 Public Meeting Planning & Zoning Work Session

Tuesday, May 14, 2013 Public Hearing Planning & Zoning Commission

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:50 pm



Lisa A Strickland
Administrative Assistant
Community Development Department



MINUTES
Twin Falls City Planning & Zoning
Commission
May 14, 2013-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo Munoz Chuck Sharp
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods

Vice-Chairman

CITY COUNCIL LIAISON

Suzanne Hawkins Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Derricott
Frank
Grey
Munoz
Sharp

ABSENT:

Boyd

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Woods

ABSENT:

CITY COUNCIL MEMBERS PRESENT: Hawkins, Mills-Sojka

CITY STAFF PRESENT: Carraway, Spendlove, Strickland, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Request for approval of the Preliminary Plat of the Westpark Commercial Subdivision #7- A PUD, consisting of 1 commercial lot on 2.5 (+/-) acres on property located at 1810 Washington Street North c/o Gerald Martens on behalf of Westpark Partners, LLC

IV. PUBLIC HEARING ITEMS

1. Request for the Commission's recommendation on a Zoning District Change and Zoning Map Amendment from C-1 PUD (Northbridge PUD and Northbridge #2 PUD) to C-1 PUD (Westpark Commercial #7 PUD) for 2.53 (+/-) acres to allow a commercial development consisting of a hotel and accessory uses on property located at 1810 Washington Street North, c/o Gerald Martens on behalf of Westpark Partners, LLC. (app. 2565)
2. Request for a Special Use Permit to operate a gas station and retail store operating 24 hours a day on property located at 883 Blue Lakes Boulevard North c/o Todd Meyers on behalf of Maverik, Inc (app. 2566)
3. Request for the Vacation of 15' x 125' alley (1875 sq. ft.) located west of 303 Shoshone Street North c/o EHM Engineers on behalf of First Federal Savings Bank (app. 2567)

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 present.

Chairman Frank announced that Commissioner Ihler has resigned from the Commission.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s):

Public Hearing Minutes: **April 9, 2013 & April 23, 2013**

Work Session Minutes: **January 3, 2013, February 6, 2013, March 7, 2013,
April 3, 2013 & April 23, 2013**

2. Approval of Findings of Fact and Conclusions of Law:

- Hertz Local Edition (SUP 04-09-13)
- Kregels/Wildland, LLC (SUP 04-09-13)
- Sabia (SUP 04-09-13)

MOTION:

Commissioner DeVore made a motion to approve the consent calendar as presented.
Commissioner Sharp seconded the motion.

UNANIMOUSLY APPROVED

Chairman Frank announced that Items III-1 and IV-1 will be presented by the applicant together. Staff will then provide a presentation for each item. A separate motion will be made on each item.

Commissioner Grey stepped down for the next two items.

III. ITEMS OF CONSIDERATION:

1. Request for approval of the Preliminary Plat of the Westpark Commercial Subdivision #7- A PUD, consisting of 1 commercial lot on 2.5 (+/-) acres on property located at 1810 Washington Street North c/o Gerald Martens on behalf of Westpark Partners, LLC

APPLICANT PRESENTATION FOR ITEMS III-1 & IV-1:

- Gerald Martens, EHM Engineering, Inc., is representing the applicants Westpark Partners, LLC. He introduced Jarrod Smith who represents Penbridge Capital, the group that wants to build the hotel. He then explained that this property requires two zoning actions in order for the project to move forward. The first step of the project requires that the lot be platted. Tonight the first request is for the Commission to approve the preliminary plat to create a subdivision consisting of 1 lot that is approximately 2.5 (+/-) acres.

The plan is for this property to be its own lot and have its own PUD Agreement restricting to construction a hotel. A special use permit is required for a Hotel to be constructed which is part of the second request to be heard. He reviewed exhibits on the overhead showing the site plan, landscaping, hotel layout and explained accessibility to the site. In summary the first action required will be for the approval of the preliminary plat, and the second action will be for a recommendation of approval for the zoning change.

- Jarrod Smith, introduced himself. He stated he is the owner of Penbridge Capital a franchise with Marriott. They are a local firm with three hotels, with intentions of building another hotel in Twin Falls. This will be long term project, Penbridge Capital will be the owners and operators of the hotel. A neighborhood meeting was held May 1, 2013 without any opposition to the project. They are excited about being a part of Twin Falls.

STAFF PRESENTATION ITEM III-1:

Planner I Spendlove explained that he was going to combine the history for both requests and review some exhibits on the overhead. In February 1993 there were some changes to the zoning, and platting of subdivision. He explained the portion that will be platted is part to the Westpark Commercial Subdivision however the lot that will become its own subdivision has a portion of the property in two separate PUD Agreements half being in Northbridge PUD and the other half being part of Northbridge PUD#2. In 2008 Walgreens platted its own subdivision, created its own PUD Agreement and had the same process approved.

The plat request includes 2.53 (+/-) acres and requires Commission approval to move forward with final plat approval. During the preliminary plat review staff determined it meets the requirements that are needed to proceed with the development.

Planner I Spendlove state upon conclusion staff recommends the Commission approve the preliminary plat of the Westpark Commercial Subdivision #7- a PUD, as presented, and subject to the following conditions:

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.
3. Subject to compliance with a "recorded" PUD Agreement, concurrent with approval of the final plat or prior to recordation of the final plat.
4. Subject to the deed being revised in Westpark Commercial Subdivision #3, Lot 4 to exclude this subdivision, if approved.

Presentation continued by Planner I Spendlove

IV. PUBLIC HEARING ITEMS

1. Request for the Commission's recommendation on a Zoning District Change and Zoning Map Amendment from C-1 PUD (Northbridge PUD and Northbridge #2 PUD) to C-1 PUD (Westpark Commercial #7 PUD) for 2.53 (+/-) acres to allow a commercial development consisting of a hotel and accessory uses on property located at 1810 Washington Street North, c/o Gerald Martens on behalf of Westpark Partners, LLC. (app. 2565)

STAFF PRESENTATION ITEM IV-1:

Planner I Spendlove state this portion of the presentation is in regards to the the Zoning District Change and Zoning Map Amendment again he reviewed the exhibits on the overhead and stated the construction of the building will be in conformance with City Code. The development is consistent with the area. Staff has requested that the landscaping will be seamless along the Washington Street North arterial between the Walgreens site and the Bach Storage Facility site to the north. A Master Development plan has been submitted with the PUD Agreement and the site will be constructed to comply with the Master Development Plan. At the preliminary PUD presentation the public and the Commission were informed that the signage for the Hotel would be a maximum of 100 sq. ft. monument sign. It was stated that the signage will be in compliance with the Northbridge PUD Agreement, currently signage has not been shown on the site plan, it will however have to comply with the PUD and City Code.

Planner I Spendlove stated upon conclusion should the Commission recommend the C-1 PUD zoning to the City Council as presented, staff recommends the following conditions

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.
3. Subject to landscaping being consistent and meeting or exceeding the Master Development Plan, as well as City Codes 10-4-8.3(F) and 10-7-12, whichever is greater.
4. Should the monument sign need to be placed in a utility easement, the property owner shall demonstrate that there is no other viable location for a sign, provide written approval from the utility company or companies and provide a recorded document releasing the City of any liability for repair or replacement of a sign damaged by work occurring within the utility easement, as per 10-9-5(D) 2.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Munoz asked if there will be any restaurants with beer and wine sold on-site.
- Mr. Martens stated there will be a continental breakfast provided for guest but not a restaurant for the public and nothing that will require a beer or wine license.
- Commissioner Munoz asked if there will be an event center provided on-site.
- Mr. Smith explained that this is a small facility. They will have three large rooms available but it will not be an event center.
- Commissioner Woods asked why the lot is not square.
- Mr. Martens explained that the lot is not square because of right-of-way that was used for the road. He also explained that the signs are monuments signs and will meet the requirements per City Code.
- Commissioner Woods asked what the area designated along the east side of the building is and if the north access is secondary.
- Mr. Smith stated the space identified on the east was going to be an outside patio area for guests to eat breakfast outdoors.
- Mr. Martens explained the access to the north will be a shared approach and will meet design criteria for an access.
- Commissioner Woods asked about signage and light impacting adjacent properties to the west from the signs.
- Mr. Smith stated that the signs that will face the residential area on the west will be channel letter so it will not be a cartouche sign. The signs along the east and facing Pole Line will be a cartouche type sign and will be brighter.
- Mr. Martens also explained that the face of the building is approximately 100' from the street and would be approximately 200' from the residential area to the west. The light will be bright enough to read but it doesn't shine like a something use to light an area.

PUBLIC HEARING: OPENED

- Kevin Grey 601 Sparks Street representing the Los Lagos Home Owners Association. He thanked the applicant for holding the neighborhood meeting. They would ask that the parking lot be posted with signage that does not allow large trucks to park in the lot overnight due to noise and disturbance from the trucks running all night. The other request is that the areas facing the neighborhoods be bermed high enough to prevent headlights from projecting onto the residential homes.

PUBLIC HEARING: CLOSED

CLOSING STATEMENT:

- Mr. Martens stated the landscaping along an arterial such as Washington Street North requires a certain type of landscaping, tree, shrubbery and a 30" high berm. The uniformity that is being required by staff will happen and it should address the concerns of the neighbor.
- Mr. Smith stated he is not sure that Marriot will allow for signs to be posted; regarding no truck parking, the other hotels that are currently operating do not have this type of clientele. They will not turn down clientele however if there is an issue, it will be addressed so that it doesn't disturb the neighbors or the other guests in the hotel.

DELIBERATIONS FOLLOWED ITEM III-1: WITHOUT CONCERNS

MOTION III-1:

Commissioner Derricott made a motion to approve the Westpark Commercial Subdivision #7 Preliminary Plat request, as presented, with staff recommendations. Commissioner Woods seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED, WITH STAFF RECOMMENDATIONS

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.
3. Subject to compliance with a "recorded" PUD Agreement, concurrent with approval of the final plat or prior to recordation of the final plat.
4. Subject to the deed being revised in Westpark Commercial Subdivision #3, Lot 4 to exclude this subdivision, if approved.

DELIBERATIONS FOLLOWED ITEM IV-1: WITHOUT CONCERNS

MOTION IV-1:

Commissioner Sharp made a motion to recommend approval of the Westpark Partners, LLC Zoning District Change and Zoning Map Amendment request, as presented to the City Council. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

APPROVED, 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 all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.
3. Subject to landscaping being consistent and meeting or exceeding the Master Development Plan, as well as City Codes 10-4-8.3(F) and 10-7-12, whichever is greater.
4. Should the monument sign need to be placed in a utility easement, the property owner shall demonstrate that there is no other viable location for a sign, provide written approval from the utility company or companies and provide a recorded document releasing the City of any liability for repair or replacement of a sign damaged by work occurring within the utility easement, as per 10-9-5(D)2.

PUBLIC HEARING SCHEDULED BEFORE THE CITY COUNCIL JUNE 03, 2013

Commissioner Grey returned to his seat.

2. Request for a Special Use Permit to operate a gas station and retail store operating 24 hours a day on property located at 883 Blue Lakes Boulevard North c/o Todd Meyers on behalf of Maverik, Inc (app. 2566)

APPLICANT PRESENTATION:

Todd Meyers, the applicant, stated that the property in question is located at the southwest corner of Blue Lakes Boulevard North and Falls Avenue. The property is zoned C-1; Commercial Highway District. In the C-1 zone a C-Store is an outright permitted use however a gasoline station and to operate 24 hours a day requires a Special Use Permit. The property is surrounded by mixed uses consisting of banks, another gas station, a restaurant and offices. The current site has been the Masonic Temple for many years on this property. There is a large landscaping area along Blue Lakes Boulevard North. This property was developed prior to the current arterial landscaping requirements so the property will be brought up to current code standards upon development. There is a private drive that goes along the south and west property line; that is where the street access to the site is located. These are shared accesses. The property line along Blue Lakes Boulevard North is brought back far enough for future widening. The old building is where the canopy would be installed with drive isles and landscaping. The storage tanks will be located between the right of way along Blue Lakes Boulevard North and the canopy structure because it provides safer access and is least congested. He reviewed exhibits on the overhead showing an outdoor picnic area and bike rack area for customers with renderings for the building and site plan. He also provided a traffic plan

for the fuel truck deliveries and explained how they would be routed into and out of the property. As for the staff recommendations they have reviewed them and are willing to comply with the requirements as written. They have had a meeting with the Engineering, Planning & Idaho Department of Transportation with regards to having a right turn lane constructed along Blue Lakes Boulevard North and access. They are still working through the process.

STAFF PRESENTATION:

Planner I Spendlove reviewed the exhibits on the overhead and stated the City of Twin Falls building files only date back to 1982 for this lot. At that time it was the Masonic Lodge, as it is today. The location has been zoned C-1 at least as far back as the 1970's. There is no further zoning history for this location. In recent years, a local farmer has been selling his produce while in season in the northeast corner of the property, closest to the intersection. The property is located at 883 Blue Lakes Blvd North. The site is zoned C-1; Commercial Highway the C-1 zone is intended to allow for large or small commercial businesses to take place along major corridors.. The applicant has submitted a site plan showing the proposed use of the property. The existing building would be removed and a new 4800 +/- sq. ft. building would be built in its place, along with 10 gasoline pumps (20 vehicles), these features would be facing Blue Lakes Boulevard North. The reason for this request is because a Special Use Permit is required to operate a gasoline service station and a 24 hour convenience store. As per 10-4-8.3; Required Improvements: Site improvements shall meet or exceed the C-1 development requirements. Per City Code 10-7-12: Gate Way Arterial Landscaping is required along the frontage of Blue Lakes Boulevard. The submitted site plan shows the applicant fulfilling the gateway arterial landscaping requirement of a minimum 35 foot wide bermed landscaped area behind the curb/future curb along Blue Lakes Blvd N. A full landscape plan to include trees/bushes/berming will be reviewed at the time of building permit application to ensure compliance with all landscape requirements. All improvements required by City Codes 10-11-1 thru 8 shall be reviewed during the time of building permit; these improvements include total landscaping, screening, parking areas, refuse area and drainage/storm-water management. The outside trash container is shown on the submitted site plan as enclosed and out of public view.

He reviewed the Engineering Comments: The City of Twin Falls Engineering Department has reviewed the application along with the Traffic Impact Study (TIS) prepared for and submitted by Maverik. Blue Lakes Blvd North is owned by the State and managed by the Idaho Transportation Department. Twin Falls City Engineering used the numbers provided by Maverik and in conjunction with ITD's Traffic Manual section 451.03 has determined that ITD shall require a right turn lane as warranted. Engineering feels this right turn lane is a benefit to the community and will help to offset the increased traffic impact Maverik will generate on the corner. However, since the staff report was generated there has been a meeting with all necessary parties and the City Engineering Department has accepted the traffic study as submitted and will not require the right turn lane because it is not warranted at this time. The Commission can strike condition #2 if they feel it is necessary.

Planner I Spendlove stated upon conclusion should the Commission grant this request as presented; staff recommends approval be subject to 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.
2. Subject To Site Plan Amendments, as required by City Engineer and Idaho Transportation Department in regards to a potential right turn lane.

COMMISSIONER QUESTIONS/COMMENTS:

- Chairman Frank asked Assistant City Engineer Vitek to address condition #2 and provide further clarification.
- Assistant City Engineer Vitek read directly from the traffic study the verbiage explaining why the right turn lane is not warranted at this time. At this time the City Engineer has accepted this traffic study.
- Commissioner Sharp asked if the right turn lane is required will that impact the gateway arterial landscaping.
- Assistant City Engineer Vitek stated yes it will impact the landscaping, if at some point the right turn lane is required the lane will be installed and the property owner will not be required to bring the landscaping back into compliance.
- Commissioner Woods asked to review the exhibit for the fuel trucks entering and exiting the property and stated his concern is that if the trucks are going to enter the property from Blue Lakes Boulevard North will it require a wide right turn into the property. If this is the case would it be possible to limit deliveries to off hours. If the truck enters the property from Falls Avenue it will have to cross two lanes of traffic which is not optimal either.
- Planner I Spendlove stated that the City has not in the past addressed delivery times but the applicant may be able to address the routing of the fuel trucks.
- Mr. Meyers stated that there could be some restrictions for delivery to reduce congestion issues and reduce the liability issue for Maverik.
- Zoning & Development Manager Carraway stated this would be hard to enforce without a condition listed on the Special Use Permit by the Commission. The applicant will do what it takes to protect their interest.
- Commissioner Sharp stated that truck drivers are typically aware of the situation and he doesn't see this becoming an issue and by adding this type of condition to the permit would be a detriment. The truckers are going to plan their route.
- Zoning & Development Manager Carraway stated there are also traffic rules that will need to be followed.
- Commissioner Grey asked if this issue was taken into consideration with the curb cut that is shown.
- Assistant City Engineer Vitek stated the curb cut is existing and if they modify the curb cut they have to approach the state and the state will require the right turn lane.

- Mr. Meyer clarified that in their discussions with the Idaho Department of Transportation as long as they don't make any changes to the approach they will not have to go through them for permits. Any alterations would require the right turn lane.
- Commissioner Frank asked if there is an agreement with the adjacent property owners with regards to the approaches and maintenance of them.
- Mr. Meyer stated they would own to the center and they would have to work with the adjoining property owners on maintenance of the internal road. The tight turning circles and heat may make it where the roads have to be replaced with concrete to support the heavy trucks.
- Commissioner Grey asked about the existing trees and if they would remain on site.
- Mr. Meyer stated they intend to keep as many as possible.

PUBLIC HEARING: OPENED

- Fran Florence, 4129 Hidden Lakes Drive, stated he has worked with the Masonic Lodge during the process for selling the property and now through the special use permit process for the Maverik. The accesses are good for the property because they are further away from the intersection which makes it safer. He would request that this be approved.
- Mike Perry, 805 and 835 Blue Lakes Boulevard North, stated adjacent to his property the trees will probably not survive. He feels the turn lane off of Blue Lakes Boulevard North will not allow truck to make this turn because it is very tight and he feels the right lane will be necessary. He welcomes the project, but he is concerned about the room for turning into the site and the structural integrity of the access for handling the weight of the trucks.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

- Mr. Meyers stated the accesses along the private drive into the fuel station area will be widened for the trucks and customers to get into the fuel area easily. The approaches along the arterials will not be altered. They are aware of the requirements related to asbestos testing and will follow those guidelines prior to removing the existing building.
- Assistant City Engineer Vitek stated as long as the approaches are not altered along the arterials, the state will not have any comments for the project.
- Commissioner Woods asked if the truck drivers are Maverik employees or private driver.
- Mr. Meyers stated that 98% of the drivers are employed by Maverik.

DELIBERATIONS FOLLOWED:

- Commissioner Woods stated he is convinced that Maverik will address any issues that may create traffic issues related to fuel delivery.
- Commissioner Munoz stated that this is a Special Use Permit which can be brought forward for revocation if necessary. As for the second condition regarding the right turn lane is vague enough that he doesn't see a need to strike the condition.
- Commissioner Grey asked who would make the decision when it's time to install the right turn lane, and who would enforce that decision.
- Assistant City Engineer Vitek stated the City Engineer has determined the right turn lane is not needed at this time.
- Commissioner Grey asked if there is a provision for a right turn lane in front of Fred Meyers.
- Assistant City Engineer Vitek stated that the State would have to have a major construction project for the right turn lane to be installed.

MOTION:

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

APPROVED, 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.
2. Subject To Site Plan Amendments, as required by City Engineer and Idaho Transportation Department in regards to a potential right turn lane.

Commissioner Derricott stepped down for this item.

3. Request for the Vacation of 15' x 125' alley (1875 sq. ft.) located west of 303 Shoshone Street North c/o EHM Engineers on behalf of First Federal Savings Bank (app. 2567)

APPLICANT PRESENTATION:

Tim Vawser EHM Engineering, Inc, representing the applicant, stated he is here to request a vacation of an alley. The property along the alley in question is owned by First Federal Savings Bank. The applicant has worked with the utility companies regarding the vacation request and has received their approval, with an agreement that any existing utilities will be moved at the expense of the applicant. The applicant has agreed to pay those costs and will be moving the utilities and dedicating an easement at the new location. The vacation is being requested so that a new building can be constructed to house their staff. He requested that the Commission recommend approval.

STAFF PRESENTATION:

Planner I Spendlove reviewed the exhibits on the overhead and stated the alley being requested for vacation was established as part of the Twin Falls Original Town Site. Development has occurred around the alley in the century since. This development included a vacation of an alley to the North as well. This previous vacation was due in part to the expansion of the Bank and the overall plan they had for the area.

The alley currently being proposed for vacation has been developed as a one-way drive aisle for the parking lot servicing 1st Federal Savings Bank. Over the years, the alley was converted into an access drive for the parking lot that services 1st Federal Bank. This function was in line with the intent of the original plan for the alley. This request to vacate the alley is part of a plan proposed by 1st Federal Bank to construct a new, larger, building on the corner of 3rd Ave N and Shoshone Street. Part of the new building will be built on the vacated alley. The requests for alley vacations in this part of town are not uncommon. Multiple locations have been granted alley vacations in the past. We do not anticipate substantial negative affects to occur in relation to this vacation request if it is approved. We have received all the required letters from the applicable utility companies stating their approval of the vacation of the tract. Some approvals were granted on a condition that currently installed utilities be moved into a new serviceable easement at the cost of the applicant. The applicant has stated in its narrative that all existing utilities will be moved at their own expense in order to facilitate the vacation. The vacation process requires a public hearing before the Planning and Zoning Commission. After receiving a recommendation from the Commission, the City Council holds an additional public hearing and if the request is approved an ordinance is adopted and published.

Planner I Spendlove stated upon conclusion should the Commission recommend approval of the request to the City Council as presented, staff recommends the following conditions:

- 1) Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
- 2) Subject to an easement being recorded for the relocated utilities.

COMMISSIONER QUESTIONS/COMMENTS:

Commissioner Sharp asked if where on the exhibits the utilities are being moved. Mr. Vawser displayed the exhibits on the overhead and showed on the site plan where the utilities will be relocated. He explained there will be 7 feet on each side for the trench for the easement.

PUBLIC HEARING: OPENED & CLOSED WITHOUT CONCERNS

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Sharp made a motion to approve 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 all applicable City Code requirements and Standards.
- 2) Subject to an easement being recorded for the relocated utilities.

**PUBLIC HEARING SCHEDULED BEFORE THE
CITY COUNCIL JUNE 10, 2013**

Commissioner Derricott returned to his seat.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

Zoning & Development Manager Carraway made the following announcements:

- Westpark Commercial PUD recommendation will be heard by the City Council on Monday June 10, 2013
- First Federal Savings Bank Vacation request will be heard by the City Council on June 10, 2013.
- Auger Falls will be closed for improvements after May 31, 2013
- The next Planning & Zoning Commission meeting will be on Wednesday, May 29, 2013 and there are 6 items scheduled.
- On Monday, June 17, 2013 the Twin Falls County will be hosting training for Commissioners provided by Jerry Mason from 1pm to 4pm. If anyone would like to attend please let her know so that the registration can be submitted.
- On June 8, 2013 from 7pm -10pm a Black Tie Affair sponsored by the Optimist Club will be held at the Canyon Springs Inn for Childhood Cancer.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meetings:

Wednesday, May 29, 2013 Public Hearing Planning & Zoning Commission

Wednesday, June 5, 2013 Public Meeting Planning & Zoning Work Session

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:45 pm.

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department



MINUTES
Twin Falls City Planning & Zoning Commission
May 29, 2013-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo Munoz Chuck Sharp Jolinda Tatum
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods

Vice-Chairman

CITY COUNCIL LIAISON

Suzanne Hawkins Rebecca Mills Sojka

ATTENDANCE

**PLANNING & ZONING MEMBERS
MEMBERS**

PRESENT:

Boyd
Derricott
Frank
Munoz
Sharp
Tatum

ABSENT:

Grey

AREA OF IMPACT

PRESENT:

Woods

ABSENT:

DeVore

CITY COUNCIL MEMBERS PRESENT: Mills-Sojka

CITY STAFF PRESENT: Carraway, Green, Spendlove, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION: **NONE**

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to allow an addition on an existing non-conforming detached accessory building greater than 1000 sq. ft. on property located at 1259 Madrona Street North c/o Mitchell and Brittany Moffitt (app. 2568)
2. Request for a Special Use Permit to operate a paint booth, detail, service and repair shop in conjunction with an existing automobile and truck dealership on properties located at 236 & 318 Shoshone Street West, 161, 140 & 186 3rd Avenue West, 235 Shoshone Street South and 139 3rd Avenue South c/o Wills Motor Company, Inc. (app. 2569)
3. Request for a Special Use Permit to operate a Chiropractic Office on property located at 2068 Addison Avenue East c/o Geoffroi Golay, DDC, PLLC (app. 2571)
4. Request for Special Use Permit to replace an existing 90' wood Wireless Communication Facility with a 93' monopole on property located at 2404 Addison Avenue East c/o Brandon Beagles on behalf of FLATCO, LLC (app. 2572)
5. Request for Special Use Permit to operate an automobile sales business on lots 1, 2, 3, & 5 of the Cowham Subdivision aka 629 Washington Street North and to include one (1) display pad site c/o Velasquez Enterprises, Inc. dba Cash Now and Auto Sales (app. 2574)

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 present. Chairman Frank introduced the newest member to the Commission Jolinda Tatum.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **None**
2. Approval of Findings of Fact and Conclusions of Law:
 - Maverik (SUP 05-14-13)
 -

THE FOLLOWING ITEM HAS BEEN WITHDRAWN AND IS NOT RESCHEDULED AT THIS TIME:

Request for a Special Use Permit to add a U-Haul truck and trailer rental business in conjunction with an existing retail store on property located at 850 Shoshone Street West c/o Wes Overlin on behalf of Twin Falls Community Market (app. 2554) **WITHDRAWN**

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to allow an addition on an existing non-conforming detached accessory building greater than 1000 sq. ft. on property located at 1259 Madrona Street North c/o Mitchell and Brittany Moffitt (app. 2568)

APPLICANT PRESENTATION:

Mitchell Moffitt, the applicant stated he and his wife recently purchased this property approximately 4 acres from the Reeder Family. The property was annexed into the City with plans for the property to be subdivided into small lots, which they are not interested in doing there is a barn on the property and they would like keep the 4 acres in tact with plans to eventually build a single family residence. The barn is a special part of this property and they would like to maintain the structure. The entrance to the barn is on the east side of the barn and faces the newer Reeder residence that was built in the late 1980's. The side on the west is a long wall with no entrance and no windows. They are proposing to add a similar addition to the west side that is on the east side making it more symmetric. There was an out cropping with an office in the building and they would like to build a similar structure on the west which will be the side closest to the proposed new residence. There would be an entrance and some old reclaimed windows making the building more functional. The City requires a special use permit approval to proceed with this plan which is why he is here tonight. They look forward to beautifying the property and maintaining the barn that has been there longer than any other structure north of Falls Avenue. He asked that the Commission approve the request.

STAFF PRESENTATION:

Planner I Spendlove reviewed the exhibit and the history of the property. He stated the property is currently zoned R-2. In 1986 a home was constructed on the greater piece of property. Later after some research it was discovered that the 4 acres was split off illegally and so a conveyance plat process was completed last year to make it a legal 4 acre parcel. This allowed the property to be sold. Platting would have to occur before someone could build on the 4 acre parcel. This request is just to

expand a non-conforming building. In the R-2 zone a special use permit is required to expand a legal non-conforming building. The barn is approximately 3500 sq. ft. Anything over 1000 sq. ft. in this zone requires a special use permit in order to expand the building and to bring it into compliance with City code. They would like to add an 8 x 20 addition with an entrance. There is no desire to use the building for a commercial business and the expansion will not create any addition impacts to the surrounding area.

Planner I Spendlove stated upon conclusion should the Commission approve the request, as presented staff recommends the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to a building permit being issued for the addition to the existing non-conforming detached accessory building.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Boyd thinks this will be a nice addition to the neighborhood and stated the barn is beautiful.
- Commission Munoz asked staff about access to the property and if hard surfacing would be required at this stage or would that be required at a later date.
- Planner I Spendlove state the driveway is hardsurfaced from the access to the barn and the paving would be triggered at the time the single family home is built.

PUBLIC HEARING: OPENED

- Ted Beyrodt, 1380 Galena Drive his property is just behind the barn. His question is what the plans are for future use of the barn.

PUBLIC HEARING: CLOSED

CLOSING STATEMENT:

Mr. Moffitt stated the barn has been used as a storage facility for the past 30 years. There are still personal items in the barn that belong to the previous owners, but for the future they would like to have a few animals. The corrals are currently in disrepair. They have no plans to raise large amounts of horses or cattle just a few animals for pets and mainly storage.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

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

APPROVED, AS PRESENTED, WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
 2. Subject to a building permit being issued for the addition to the existing non-conforming detached accessory building.
2. Request for a Special Use Permit to operate a paint booth, detail, service and repair shop in conjunction with an existing automobile and truck dealership on properties located at 236 & 318 Shoshone Street West, 161, 140 & 186 3rd Avenue West, 235 Shoshone Street South and 139 3rd Avenue South c/o Wills Motor Company, Inc. (app. 2569)

Commissioner Munoz stepped down for this item.

APPLICANT PRESENTATION:

Chris Wills, the applicant, stated the reason for the request is that in the process of planning a remodel it was discovered that there was a need to move an existing DEQ certified paint booth from one location to another. In the process of figuring out what was needed to do this, a request was made to have the records reviewed for zoning compliance. In the research it was found that the dealership has been there longer than the zoning code for that area and there were not any Special Use Permits for the original dealership. Through meeting with City staff it was decided it would be easiest, considering the remodel, to have all of the properties incorporated into one Special Use Permit to bring the property into compliance with zoning code. The property located at 161 3rd Ave W there is a paint booth not for retail use but for small cosmetic improves to be made to cars being reconditioned for sale. The plan is to move this paint booth to 186 3rd Avenue West, they have also recently purchased another parcel located at 140 4th Avenue that will be paved, lighted and used for display space which is also included in this Special Use Permit request. The building located at 236 Shoshone Street West has been used for administrative function and servicing will be demolished after adding onto 161 & 131 3rd Avenue West, trading floor space for lot space. Across the street 259 Shoshone Street a piece of property has been rented for overflow of vehicles so this property has been included in the request as well. Nothing in the scope of what the business currently does will change.

STAFF PRESENTATION:

Planner I Spendlove reviewed the exhibits on the history of the property. He stated the business has been operating in this location since 1946. City Ordinance 2012 rezone changed quite a few zones within the City limits including this area. In 1990 a special use permit was obtained to operate a service repair shop, there were conditions on that permit that addressed parking and landscaping and were followed, since that time nothing has change with the business. The request does encompass 41 Original Townsite lots with 3 buildings with multiple display lots. The business is in the stage of remodeling, a few months ago they came through with a consideration item to allow them to align with the current building setbacks. The reason for the request is for the paint booth and no matter what zone a paint booth is established in a special use permit is required. It was decided that with the paint booth being relocated that it would be best to include all of the services provided by the business as well as the auto dealership through the special use permit process to bring the property into compliance with current zoning code. In the future with

the remodel they will be able to have the ability to move things around without having to go through the process again. All of the locations are located in the P-2 or P-3 parking overlay, the minimum parking requirements have been met.

Planner I Spendlove stated upon conclusion should the Commission approve the request as presented staff recommends the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with applicable City Code requirements and standards.
2. Subject to the paint booth being limited to the Wills Motor Company for their reconditioning process to repair rock chips, rust spots, or other small scale paint issues.

PUBLIC HEARING: OPENED & CLOSED WITHOUT COMMENTS

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Boyd made a motion to approve the request as presented, with staff recommendations. Commission Derricott seconded the motion. All members present voted in favor of the motion..

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with applicable City Code requirements and standards.
2. Subject to the paint booth being limited to the Wills Motor Company for their reconditioning process to repair rock chips, rust spots, or other small scale paint issues.

Commissioner Munoz returned to his seat.

3. Request for a Special Use Permit to operate a Chiropractic Office on property located at 2068 Addison Avenue East c/o Geoffroi Golay, DDC, PLLC (app. 2571)

APPLICANT PRESENTATION:

Geoffroi Golay, the applicant, stated he has lived in Twin Falls for 45 years. The purpose of this request is to establish a Chiropractic Office at this location. He purchased the property from Russ Lively who is an architect and thought that the special use permit that was issued for the professional office would cover the property for use as a chiropractic office. After some review it was determined that the special use permit was issued specifically to Russ Lively and that the property would have to have a special use permit approved for the property to be used as a medical office. That is why he is here tonight to request that a special use permit be approved for a medical office. In the future professional office and medical office may be blended but as it stands currently the medical office use has to have a special use permit approved. The property has approximately 9 parking spaces and he cares for 2-3 people an hour. He would like to install a sign on the property and has proceeded with a Lytle Signs to finish the process. The sign would be a monument sign

similar to the one located to the east of the property. No change in the parking and landscaping is sufficient. He lives in the neighborhood and will be walking to work which will be really nice. The original special use permit for the professional office was approved in 1996 and approved by Planning & Zoning and Engineering. He has a dream to be self-employed and provide quality care to his patients; this is the last step to the process.

STAFF PRESENTATION:

Planner I Spendlove reviewed the exhibits on the overhead and the history of the property. He stated in 1995 Ordinance 2517 was approved rezoning this property from R-2 to R-2 Professional Office Overlay, in February of 1996 the Planning & Zoning Commission approved Special Use Permit #437 to allow a professional office at this location with no conditions for approval. In June of 2000 a new ordinance was passed amending Title 10; Chapter 4 to allow land uses by Special Use Permit adding additional development standard along the historic corridors. The property is zoned R-2 PRO and allows residential single households or duplexes with a professional office overlay. The request is to establish a chiropractic office which falls under the medical definition in the zoning code. If the Special Use Permit is granted it will allow the applicant to operate and change the use from a professional office to a medical office use. A professional office is defined in the zoning code as "services offered by persons engaged in the legal, engineering, architectural, design, planning, accounting, banking, auditing, and related professions." The narrative states that the applicant wishes to change the use from and architect office to a chiropractic office which is the reason for the request. The existing building 2300 sq. ft. would require 8 parking spaces, landscaping shall comply with Title 10- 4-18 which is 25% of the total area which equates to 3336 sq. ft. it is on a gateway arterial but is not commercially zoned. For the record paragraph four, of the staff report, has been stricken. The hours of operation will be Monday –Friday 8-6 with 3 employees and approximately 1-3 cars per hour. The request is consistent with the Comprehensive Plan which designates this area as residential business. To establish this as a medical office it is considered a change of use and will require a Certificate of Occupancy per building code. A full review to ensure code compliance shall be completed as part of the building permit review process and must be completed prior to operation of the business or residency. The sign permit will be issued once the application has been reviewed for approval. Staff for the record would like condition #2 of the staff recommendations removed.

Planner I Spendlove stated upon conclusion should the Commission approve the request, as presented, staff recommends the following conditions:

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

QUESTIONS/COMMENTS:

- Commissioner Munoz asked if there will be any retail items sold and will this be the only tenant for the building.
- Mr. Golay stated there will not be retail offered and currently he will be the only tenant.
- Commission Tatum asked staff if the applicant chooses to add a partner to the practice will the parking area accommodate the addition.
- Planner I Spendlove stated the parking requirements are based on the current building size, if the second tenant was a different type of use the request would be assessed at that time for compliance.

- Commissioner Munoz asked staff if the permit is applicable for just this applicant or the property.
- Planner I Spendlove stated the permit is specific to the use and this property.
- Commissioner Derricott asked if condition #2 that addressed hard surfacing requirements was removed because the area is already hard surfaced or for a different reason.
- Assistant City Engineer Vitek explained that zoning code does allow the Commission to require hard-surfacing of parking and maneuvering areas. The question that comes to play is where that stops, usually it stops at public right-of-way. The City owns the alley it is public right-of-way but it is not paved at this time, so when would the paving be required. Staff is going to bring this question to City Council to see how they would like this to be handled in this type of situation. For example if the alley is going to be used for the purpose of serving their business and an access for such things as drive thru windows, the use increases and will eventually create storm drainage issues, this change in use of the alley could be a reason for reviewing the Special Use Permit and the need for hard-surfacing. At this time staff is going to request for clarification and interpretation by City Council.
- Commissioner Munoz agreed that this needs to be clarified because it can be a hardship for people to have to pave an alley that is not going to have any additional use than what already exists.

PUBLIC HEARING: OPENED & CLOSED WITHOUT COMMENTS

CLOSING STATEMENT:

Mr. Golay clarified to the Commission that he does offer supplements to his patients but that would be the only retail.

Commissioner Munoz explained his question was to clarify that this will not be a retail shop with displays for people to just stop and shop. He is not concerned with what was presented.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

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

APPROVAL, AS PRESENTED, WITH FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
4. Request for Special Use Permit to replace an existing 90' wood Wireless Communication Facility with a 93' monopole on property located at 2404 Addison Avenue East c/o Brandon Beagles on behalf of FLATCO, LLC (app. 2572)

APPLICANT PRESENTATION:

Megan Fuller, representing the applicant, stated the request is to replace a wood monopole with a new 93' monopole for AT&T, Verizon is co-located on the pole as well. The additional antenna equipment has standards requirements for telecommunication sites as well as new technology. The site is located at 2404 Addison Avenue East, this is just a replacement of the existing structure, and it should not have any new or additional impacts on the surrounding area and in fact should improve the wireless service.

STAFF PRESENTATION:

Planner I Spenlove reviewed the exhibits on the overhead and the history of the property. He stated Ordinance 2012 passed in 1981 rezoned the property to a commercial zone. There have been two Special Use Permits issued for this property; the first was Special Use Permit #704 allowing the construction of a construct a 90' wireless communications tower on-site. The approval was for a 90' wooden utility pole, as presented. This request is to change the materials and color of the pole which requires a new Special Use Permit. In 2003 Special Use Permit #832 was approved to allow for additional storage of vehicles in conjunction with the retail business. Special Use Permit #832 has never been acted upon or established as a use. When the original Special Use Permit was granted it was for 90' and the applicant has indicated this pole will be removed and replaced with a new steel pole, the new pole will be the same height however the new antenna's will be 3' higher than what is currently on-site. This will allow for additional co-location of other wireless communication companies. City Code 10-7-17 governs all wireless communication facilities which addresses, height, setbacks, lighting and maintenance. The landscaping shown on the site plan does not meet current code requirements; review for full compliance will be occurring during the building permit review process.

Planner I Spenlove stated upon conclusion should the Commission approve the request as present, staff recommends the following conditions:

1. Subject to the site plan amendments as require Building, Engineering, Fire & Zoning Officials to ensure compliance with applicable City Code requirements and standards.
2. Subject to full compliance with City Code 10-7-17 at time of building application.

PUBLIC HEARING: OPENED & CLOSED WITHOUT COMMENTS

CLOSING STATEMENTS:

Ms. Fuller clarified that the current antennas are 3' about the 90' monopole already. She is not sure how the pole was permitted originally but in order for them to continue service without problems they will be exchange pole for pole so they don't have to reapply for the FAA approvals. She would also like to make it clear that other providers will be co-located on the pole as they are currently.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

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

APPROVAL, AS PRESENTED, WITH THE FOLLOWING CONDITIONS

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

2. Subject to full compliance with City Code 10-7-17 at time of building application.
5. Request for Special Use Permit to operate an automobile sales business on lots 1, 3, & 5 of the Cowham Subdivision aka 629 Washington Street North with no display pad site c/o Velasquez Enterprises, Inc. dba Cash Now and Auto Sales (app. 2574)

APPLICANT PRESENTATION:

Scott Allen, The Landgroup, Inc, representing the applicant stated that Roger Laughlin the architect that worked with Mr. Velasquez has asked the he make the presentation. The property is known as The Vault Storage on Washington Street North, the property is part of a the Cowham Subdivision and will incorporate only a few of the lots for the business. The applicant is requesting a Special Use Permit to operate an automobile sales facility. He reviewed on the overhead where employees and patrons will park as well as where the automobiles for display will be located. The south approach shown on the exhibit along Washington Street North will be relocated along Wirsching Avenue. The landscaping was impacted when the widening occurred along Washington Street North, but with the relocation of the approach on Wirsching Avenue there should be room to meet the landscaping requirement. Hours of operation will be Monday-Friday 10:00 am -6:00 pm, Saturday 10:00 am – 2:00 pm. Staff has reviewed this and the applicant is aware of the staff recommendations, and he asked that the Commission approve the request.

STAFF PRESENTATION:

Planner I Spendlove reviewed the exhibits on the overhead and the history of the property. He stated the request is for lots 1, 3 & 5 and does encompass the area that was reviewed by Mr. Allen. The property platted in 1960, and then Ordinance 2012 approved in 1981 rezoned a lot of areas in the City and this property was rezoned C-1. There was a Special Use Permit approve in 1992 for the storage units. The property is zoned C-1: Commercial Highway District, the property is approximately 24,000 sq. ft. and the existing building is approximately 3500 sq. ft. The site plan shows an improvement to the property, the existing volt storage will continue to be used and the dealership will be in the space furthest south. The vacant dirt area will be paved for the car storage. City Code 10-4-8.2 B 10C requires a Special Use Permit for the operation for an automobile or truck sales/rental if the special use is approved, it would change from a vacant undeveloped property with a regular C-1 zone retail based business. The narrative states the hours of operation 10-6 Monday-Friday, 10-2 Saturday with approximately 1-5 customers per hour with 4-5 employees. There will not be a public address system and considering the surrounding area this use would be conducive to the area and would not be any different than the existing businesses in the area. Gateway arterial landscaping is required along Washington Street North when the development occurs. There is not a building going in, therefore the landscaping doesn't apply however the applicant is putting in more landscaping than was there and it has already made an improvement to the site. City Code 10-10 addresses the off-street parking; it is required for the storage office, the car lot office and any other office that operates from this building. The parking is determined by square footage of the building and in this case 14 spaces are required, the applicant is showing 19 total spaces satisfying the parking requirement. The change previously requested a display pad, however the location would have placed the car in the sight triangle and therefore this was removed from the request.

Planner I Spendlove stated upon conclusion should the Commission approve the request, as presented, staff recommends the following conditions:

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

QUESTION/COMMENTS:

- Commissioner Frank asked with this additional use to the property will there be enough room for the RV/Motorhomes to maneuver through the site without problems.
- Mr. Allen explained that the parking was established with the original plan and the new use will not be making alterations to the area. He showed photos of the site previous to this request and explained that he has made major improvements to the appearance of the building.
- Commissioner Frank asked if this will be a multi-tenant building or the applicant will be using the entire space and lastly if the parking will be sufficient.
- Mr. Allen stated currently it is set up for multiple tenants and will be occupied by the applicant, volt storage, and existing tenant, and one additional space that has not been leased.
- Planner I Spendlove stated that the parking is based on the square footage of the building and currently the spaces shown exceed the parking requirements.
- Commissioner Tatum asked if the applicant is limited to the hours of operation as presented in the request.
- Planner I Spendlove explained if the applicant wants to operate from 7am-10pm the commercial zoning code allows that without making an addition request for special use permit.
- Commissioner Munoz asked if when the access is removed along Washington Street North and relocated to Wirsching Avenue if the curb, gutter and sidewalk will be installed along Washington Street North.
- Mr. Allen explained that yes new curb, gutter and sidewalk will be installed and the applicant has already upgraded the landscaping along both Washinton Street North and Wirsching Avenue.

PUBLIC HEARING: OPENED & CLOSED WITHOUT COMMENT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Sharp made a motion to approve the request, as presented without the display pad, with staff recommendations. Commissioner Woods seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

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

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meetings:

Wednesday, June 5, 2013 Public Meeting Planning & Zoning Work Session

Tuesday, June 11, 2013 Public Hearing Planning & Zoning Work Commission

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:15 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department



CORRECTED MINUTES

Twin Falls City Planning & Zoning
Commission

June 11, 2013-6:00 PM

City Council Chambers

305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Munoz Chuck Sharp Jolinda Tatum
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods

Vice-Chairman

CITY COUNCIL LIAISON

Suzanne Hawkins Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Boyd
Derricott
Frank
Grey
Munoz
Sharp

ABSENT:

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Woods

ABSENT:

CITY COUNCIL MEMBERS PRESENT: Hawkins

CITY STAFF PRESENT: Carraway, Spendlove, Strickland, Vitek, Wonderlich

AGENDA

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of Staff

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **May 14, 2013 & May 29, 2013**
2. Approval of Findings of Fact and Conclusions of Law:
Moffitt-(SUP 05/29/13) Wills Motor Company (SUP 05/29/13)
Golay-(SUP 05/29/13) Velasquez Enterprises, Inc (SUP 05/29/13)
Flatco (SUP 05/29/13)

THE FOLLOWING ITEM HAS BEEN WITHDRAWN AND IS NOT RESCHEDULED AT THIS TIME:

1. Request for a Zoning Title Amendment to amend 10-4-8.3 (D) 1 to allow a *porte-cochere* within the required building setback c/o Bridgeview Estates (app. 2576) **WITHDRAWN**

III. ITEMS OF CONSIDERATION:

1. Reactivation of Special Use Permit #1153, granted on July 28, 2009 to Lisa McClain for the purpose of operating a drive through coffee shop on property located at 778 Falls Avenue, c/o Lisa McClain. (app. 2321)
2. Presentation on a proposal for consideration of an alternative landscape material by Hailey Barnes.

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to operate an automobile and pickup retail sales business on property located at 347 Washington Street North c/o Michael Leung (app.2575)

2. Request for Special Use Permit to serve alcoholic beverages for consumption on-site in conjunction with a restaurant on property located at 1563 Fillmore Street, Unit 1B c/o Teodora Caffè, LLC (app. 2577)
3. Request for a Special Use Permit to operate a religious facility on property located at 136 2nd Avenue South c/o Church on a Mission (app. 2578)
4. Request for Special Use Permit to operate a motorcycle, ATV, and snowmobile repair shop on property located at 506 Addison Avenue West c/o Expedition Motor Sports, LLC (app. 2579)

I. CALL MEETING TO ORDER:

Chairman Frank called the meeting to order at 6:15 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **May 14, 2013 & May 29, 2013**
2. Approval of Findings of Fact and Conclusions of Law:
 - Moffitt-(SUP 05/29/13)
 - Golay-(SUP 05/29/13)
 - Flatco, LLC (SUP 05/29/13)
 - Wills Motor Company (SUP 05/29/13)
 - Velasquez Enterprises, Inc. (SUP 05/29/13)

MOTION:

Commissioner Sharp made a motion to approve the consent calendar with the request that Jolinda Tatum be added as an attendee for the May 29, 2013 meeting. Commissioner Munoz seconded the motion.

UNANIMOUSLY APPROVED

THE FOLLOWING ITEM HAS BEEN WITHDRAWN AND IS NOT RESCHEDULED AT THIS TIME:

2. Request for a Zoning Title Amendment to amend 10-4-8.3 (D) 1 to allow a *porte-cochere* within the required building setback c/o Bridgeview Estates (app. 2576) **WITHDRAWN**

III. ITEMS OF CONSIDERATION:

1. Reactivation of Special Use Permit #1153, granted on July 28, 2009 to Lisa McClain for the purpose of operating a drive through coffee shop on property located at 778 Falls Avenue, c/o Lisa McClain. (app. 2321)

APPLICANT PRESENTATION:

Lisa Reeder, the applicant, stated she is here to request a reactivation of a Special Use permit and it was for a coffee kiosk with a drive through. The Special Use Permit was never activated and she is ready now to proceed with her plans.

STAFF PRESENTATION:

Planner I Spendlove displayed the exhibits on the overhead and reviewed the history of the property. He stated on July 29, 2009 a Special Use Permit was issued with three conditions for approval. Nothing has change for the surrounding area, but because the Special Use

Permit has been inactive for over a year, the applicant has to request a reactivation if they plan to initiate the use of the permit. This request is to reactive Special Use Permit #1153 to operate a drive through coffee shop on property located at 778 Falls Avenue. There are a few things that have to be considered when a request for reactivation is presented. The Commission must assess whether or not something has significantly changed in the area and whether or not circumstances have changed in the area from the time the original Special Use Permit was approved. The Commission can approve a reactivation of a Special Use Permit subject to the same original conditions. He stated the surrounding area has not changed since the original Special Use Permit was approved in 2009 and has continued to be a retail area. A building will need to be constructed for this use and a review for any required improvements at the time of construction will be completed during the building application process.

Planner I Spendlove stated upon conclusion staff recommends the reactivation of Special Use Permit #1153, granted on July 28, 2009 to Lisa McClain for the purpose of operating a drive through coffee shop on property located at 778 Falls Avenue, with the same original 3 conditions.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Munoz asked about the hours of operation and if the Commission could modify the hours of operation along with the reactivation.
- Planner I Spendlove explained the conditions on the original Special Use Permit cannot be modified at this time, if the applicant would like to change the hours of operation a request for an amendment to the Special Use Permit would require a new public hearing.

PUBLIC COMMENTS/QUESTIONS: OPENED & CLOSED WITHOUT CONCERNS

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

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

APPROVED, AS PRESENTED, SUBJECT TO THE ORIGINAL CONDITIONS AS FOLLOWS:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to a cross-use-agreement for parking and access between the lots of the Turf Plaza Subdivision and the The Turf Club
3. Subject to the hours of operation being from 7:00am to 6:00pm Monday through Saturday.

2. Presentation on a proposal for consideration of an alternative landscape material by Hailey Barnes.

PRESENTATION:

Hailey Barnes, 815 Yakama Street Filer, ID, stated that she is here to make a presentation on synthetic turf. She stated that she and her husband own a company called Final Cuts and have been operating for about a year. The reason for starting the company is that she is a Civil Engineer and few of the concerns that come up when planning for landscaping is water rights and drought. Using traditional grasses can have a dramatic impact on water use and maintenance. She and her husband thought the synthetic grass would be a good alternative material, besides the fact that it would be more environmentally friendly. The product manufacturer is Synthetic Turf International and they have been in business since 1995, they started out in the golf industry and have moved into residential, commercial and playgrounds. She then presented sample to the Commission of the types of synthetic grass product they offer. She stated with this type of material the customer gets the look of grass year round, without the need for maintenance and chemicals required to manage real grass. The installation of the product requires about 4" of sub base to be removed and replaces with compacted road base so the material drains through at approximately 13 gallons per minute. It is backed with a polypropylene liner that is a weed barrier and also prevents worms, grubs and other bugs from damaging the product. Currently they are offering the product to residential property owners, some have used it for their entire yard, others have had it installed under their playground equipment for their kids, another customer just wants it for a pretty area in her yard, and one has installed it for a putting green. Tonight's presentation is to request that the City look into considering the use of this product in areas that may require special maintenance, are difficult to maintain, or have limited water resources. For example, the mow strips along Washington Street North, the look nice however when the maintenance is being done at this location it creates traffic hazards and employee safety concerns. The water is wasted because it sprays onto the road, weeds are a nuisance and mowing along the road can be dangerous, so for some areas this product makes sense. Financially the product makes sense, it reduces the cost of maintenance substantially compared to regular maintenance for natural grass. Water use is for example 2000 sq. ft. of grass would require 112,000 gallons annually; this alone is a tremendous savings. She spoke to the Parks & Recreation Director about using the product and when the padding is installed underneath the product it makes the surface ADA compliant. The product has a lot of benefits and she asks that the City consider the product as an alternative material.

STAFF PRESENTATION:

Zoning & Development Manager Carraway explained to the Commission that City Code does not have a definition for landscaping and have allowed other ground cover materials besides grass, such as gravel and bark. A residential property can use any of this material unless their CCR's addresses landscaping materials, but again City does not enforce those. The Code does not regulate ground cover; however it does require a certain amount

of trees and bushes for development sites. This is being presented tonight because there is not a clear definition in the City Code that defines what an acceptable alternative ground cover is. Only a couple of zones address required landscaping more specifically, one is CSI-Zone which lists grass as a required ground cover material and the OS-Open Space Zone which requires natural ground cover as a material. These materials are not defined in the landscaping definition within the City's Code. Mrs. Barnes did provide a presentation to the Parks & Recreation Commission asking them to consider this product for areas that they would find the product beneficial, and the Parks & Recreation Commission voted to recommend that this product be an acceptable alternative material that they would like to see used.

Some of the advantages mentioned such as water conservation, weed management and maintenance cost were considered by the Parks & Recreation Commission, to be in the City's best interest. Staff is asking the Commission to take a look at this product and determine whether or not it could be considered an approved alternative landscape material. The areas being looked at for this type of material could include medians and along gateway arterials.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Grey stated the first thing that came to mind for this product was the medians along Washington Street North. He asked how it was decided that these medians would be planted with grass. This would be the perfect application for this type of product.
- Commissioner Woods stated he thought of Washington Street North as well because of the safety issues involved with maintaining the median strips. He has seen this product used in other places; however he would be cautious with large spaces because over time it will become worn if it is not maintained properly. For use in median strips and along gateway arterials in front of businesses would be good places for this product. It concerns him that the landscaping requirements infer grass and trees and shrubs and at the same time we are fighting drought conditions. This seems to be a way to meet the aesthetic requirement and cut down water uses.
- Commissioner DeVore asked where the product is made, what is the life expectancy, and is there a warranty.
- Mrs. Barnes explained that the product has a life expectancy of approximately 20 years with annual maintenance which consists of using a power broom yearly and they provide a maintenance program. The warranty for installation is 1 year and the manufacturer has an 8 year warranty on the product.
- Commissioner Sharp had questions about the dirt that gets under the product because of the wind and where that dirt will go.
- Mrs. Barnes explained the infill that they use with this product is a silica sand product because it doesn't compact and when the fine windblown silt, rain and dust lands on the product it actually can filter down through the product into the sub base.
- Commissioner Grey asked about the cost of the product.

- Mrs. Barnes stated they charge for materials and also have a charge for installation. Materials range from \$2.09 to \$4.50 sq. ft. and installation is an additional \$3.50 to \$4.50 sq. ft. depending on the requirements for installation.
- Commissioner Woods asked about flammability.
- Mrs. Barnes stated all of the fibers are nylon, polyethylene or polypropylene. It would be flame resistant to a cigarette butt and extreme heat would cause it to melt.
- Commissioner Munoz stated his concern is listing artificial grass as an acceptable alternative could open the door for other products that are not of the same quality. Is there a way to define the materials and the quality expected?
- Zoning & Development Manager Carraway stated this evening's discussion is to determine whether or not the Commission would like the City to look into this product more to decide whether or not to make it an acceptable alternative. Staff is looking for some direction from the Commission regarding the product.
- Commissioner Munoz asked if the product were to be used in the future would the Commission look at the sample material associated with a request.
- Zoning & Development Manager Carraway stated that if this product were accepted as an alternative material it would open the door for a more intense review of the landscaping definition, storm water calculations and could require Commission approval if used. For many years staff has encourages xeriscaping. This product could offer another choice.
- Commissioner Frank stated he likes the product however it looks almost to perfect. He thinks the current code needs to be reviewed. His experience has been that it looks artificial when it is used in larger areas or throughout neighborhoods.
- Commissioner Sharp stated he wants to see how sustainable the product is with the local weather changes that we experience and would recommend using in limited quantities for a 10 year period possibly to see if it lasts.
- Commissioner Woods stated he can see how it would be beneficial for use in park area around the playground equipment.
- Commissioner Munoz stated if this material becomes an alternative choice, medians and some areas managed by the Parks Department could be a good place to start. He would like the opportunity to see the material if someone wants to use this type of product in a different setting. There should be some review and possibly Commission approval.
- Commissioner Derricott stated he thinks it would be good alternative for sites that don't have pressurized irrigation and don't want to use rock for the landscaping material and it save potable water.
- Commissioner Woods asked if it could be done through an administrative approval if allowed.
- Commissioner Frank explained it is a material this is not allowed in certain aspects such as public areas and the request is to see if the Commission would like to consider using this product in these areas.
- Commissioner Munoz would recommend an alternative landscape plan be provided and reviewed by the Commission whenever this product is proposed.

- Commissioner Frank stated he has some reservations about the product but would like to see more information. Code clarification is what needs to happen.

MOTION:

Commissioner Boyd made a motion to have staff review the product and specific applications for use of the product. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to operate an automobile and pickup retail sales business on property located at 347 Washington Street North c/o Michael Leung (app.2575)

APPLICANT PRESENTATION:

Michael Leung, the applicant stated he is here tonight because he would like to relocate his family to Twin Falls, ID and in order to do that he has to have the ability to provide for them. He has been in the car business since 1995 and currently works as a used car manager for Ford in Modesto, CA. He stated he is 53 and would like to finish his career standing in front of his own business instead of someone else's. He would like to request a Special Use Permit to operate a car dealership at 347 Washington Street North.

STAFF PRESENTATION:

Planner I Spendlove stated reviewed the exhibits on the overhead and the history of the property. He stated the property was zoned C-1; Commercial in 1981 and the building has had various retail uses. Most recently it was The Smokin Head and most recently the building has been vacant without any activity on the lot. His narrative indicates there will be noise and fumes that could impact the neighbors, occasionally with the starting and moving of cars. The hours of operation the applicant listed are Monday-Saturday 9am-6:30pm. He plans to have a couple of employees with his wife being one of them. The C-1 Zone requires a Special Use Permit for automobile/truck sales, which is the reason for the request. Gateway arterial landscaping is required along the frontage of Washington Street North when development occurs. No future building is designed for this lot and the existing building is not applying for a building permit. The site plan does follow all current zoning codes and therefore the 10' of arterial landscaping is not required. To mitigate some of the impacts staff believes there should be some landscaping. He has a site plan that was submitted showing 10' of landscaping, the applicant would like to reduce this because of the size of the lot. Staff believes an alternative landscape could satisfy the concern with the review and approval of the plan by the Commission. Off street parking requirements are met. The neighboring land uses are residential therefore a screening fence should be maintained or built in order to mitigate some negative impacts to the neighboring residences. There is currently a fence on the west side of the property that should be maintained and on the north side a fence should be installed. The landscaping alternative

plan will help to beatify and negate visual impacts. The deadline for approval of the alternative landscaping plan by the Planning & Zoning Commission will be September 10, 2013.

Planner I Spendlove stated upon conclusion should the Commission approve the request as presented, staff recommends 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 a screening fence being maintained or constructed on the North and West sides of the property with the screening material being approved by staff.
3. Subject to an alternative landscaping plan being approved by the P&Z Commission and installed with a deadline of September 10, 2013.
4. Subject to no PA system being used or installed.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Woods asked about lighting conditions to keep it from impacting surrounding properties. Light intrusion to adjoining properties is a concern.
- Planner I Spendlove stated that the Commission could add a lighting condition, staff did not feel that it would be an issue, there is one light that is located on the front of the building that would shine on the cars.
- Commissioner Munoz asked about 12-15 units but looking at the site plan there are only 8 parking spaces. Are there restrictions for how many spaces have to be designated for customer parking?
- Planner I Spendlove stated there has to be 4 customer spaces and a drive isle has to be maintained. He can only have so many vehicles on site and an revised site plan was submitted to address these concerns.
- Mr. Leung responded to the Commissions question about lighting and stated the plans is to place some spot lighting on top of the awning and it will face the lot, it is not going to shine on the adjacent properties, and the sign will not be a pole sign that could shine onto the adjacent properties.
- Commissioner Frank asked the applicant if he was aware of the staff recommendations and if he was willing to comply.
- Mr. Leung stated yes he is aware and will comply.

PUBLIC HEARING: OPENED

- Marie Mondragon, 160 Wiseman Avenue, she stated she has lots of concerns. This property is just up the street from her. To get into this business you can only go one direction which is south which impacts the neighbors by forcing traffic through the residential area when they need to get to a property on the opposite side of the median. She has seen the increase in traffic because of the median and this business will just create more traffic. She stated that with The Smokin Head business it was very disruptive to the neighborhood. She just doesn't want this to be the same thing.

- Birgit Allred-Martinez, 170 Wiseman Avenue, she stated that the neighborhood has not recovered from the impacts that The Smokin Head created. When she saw the site plan she stated it doesn't look like there is enough room for the vehicles the applicants want to display, and doesn't think it makes sense to have a car lot with only 4 or 5 cars to sell.

PUBLIC HEARING: CLOSED

CLOSING STATEMENT:

Mr. Leung stated he will have to comply with the conditions of approval regarding the number of cars, parking requirements, landscaping & fencing. He hopes to have a lot of traffic and as for safety in the neighborhood he is willing to work with the neighbors. He wants to be a good neighbor and part of the community. He wants to provide quality merchandise and wants this business to be a success. The traffic should be minimal compared to the previous business.

Commissioner Frank asked if staff has any concerns with the approaches into and out of this property.

Assistant City Engineer Vitek stated the approaches were agreed upon at the time the widening project was done and there are not any concerns currently. Staff will work with the applicant to make the lot safe for customer parking and for display of the vehicles.

DELIBERATIONS FOLLOWED:

- Commissioner Wood stated the applicant is trying to take advantage of the existing traffic, and doesn't think that there will be an increased impact to the surrounding properties.
- Commissioner Munoz stated he hears the neighbors' concerns but at the same time there could be a lot of other business that would be allowed without a Special Use Permit that would have a bigger impact on the surrounding properties. The level of traffic associated with a car dealership is minimal compared to a convenience store open all hours. The fact that this is a Special Use Permit allows citizens to file a request for revocation if the conditions of approval are not being met.
- Commissioner Frank stated his only concern is that he would like the lights to be downward facing to reduce the impacts to adjacent properties and traffic.
- Commissioner Woods asked if the downward lighting condition could be included in the original motion for approval.
- Commissioner Grey asked what the Commission will be looking at for an alternative landscaping plan when it comes up for approval.
- Planner I Spendlove stated staff will work with the applicant on the alternative landscaping giving the Commission the opportunity to approve the plan or make changes. It will be a consideration item and will not require a public hearing.
- Commissioner Boyd stated she understands the neighbors' concerns, but that this project will be an improvement to this corner. There is going to be a business at this location and this business will be low impact compared to other businesses.

MOTION:

Commissioner Woods made a motion to approve the request, as presented, with staff recommendations and an additional condition that the approval is subject to downward facing lights to minimize the impacts to the surrounding properties. Commissioner Boyd 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 a screening fence being maintained or constructed on the North and West sides of the property with the screening material being approved by staff.
 3. Subject to an alternative landscaping plan being approved by the P&Z Commission and installed with a deadline of September 10, 2013.
 4. Subject to no PA system being used or installed.
 5. Subject to downward facing lights to minimize the impacts to the surrounding properties.
2. Request for Special Use Permit to serve alcoholic beverages for consumption on-site in conjunction with a restaurant on property located at 1563 Fillmore Street, Unit 1B c/o Teodora Caffè, LLC (app. 2577)

APPLICANT PRESENTATION:

Jeff Glen, representing the applicant, stated that he is here to request a Special Use Permit to allow for alcoholic beverages to be consumed onsite. This will be a family oriented restaurant and providing this would be a benefit to the business.

STAFF PRESENTATION:

Planner I Spendlove stated reviewed the exhibits on the overhead and the history of the property. He stated in 1989 the City Council approved Ordinance #2295 for rezoning the property to C-1 PUD the agreement was finalized in May of 1990. There are various retail uses in this plaza and the majority of the zoning in this area is C-1. The reason this application is being made is because the property is within 300' of a residential use which requires a Special Use Permit. The restaurant has approximately 20 seats and they don't expect approval of this permit will increase traffic or have any negative impacts to the surrounding properties. It is in compliance with the Comprehensive Plan.

Planner I Spendlove stated upon conclusion should the Commission approve the request, as presented, staff recommends the following conditions:

1. Subject to permit being limited to beer and wine consumption in conjunction with a restaurant at this location.
2. Subject to compliance with State, County and City requirements for beer and wine licensing for sale & consumption on site.

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

PUBLIC HEARING: OPENED & CLOSE WITHOUT CONCERNS

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

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

APPROVED, AS PRESENTED, WITH THE FOLLOWING CONDITIONS

1. Subject to permit being limited to beer and wine consumption in conjunction with a restaurant at this location.
 2. Subject to compliance with State, County and City requirements for beer and wine licensing for sale & consumption on site.
 3. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
3. Request for a Special Use Permit to operate a religious facility on property located at 136 2nd Avenue South c/o Church on a Mission (app.2578)

APPLICANT PRESENTATION:

Paul Jordan, representing the applicant, stated that he is requesting a Special Use Permit that will allow a retail space to be approved for use as a Church. They like the downtown area and have been operating in the area for a little while. There is minimal traffic during their hours of operation and they feel that the impacts to the surrounding area will be minimal. They currently have 3 employees, the pastor, maintenance person and a secretary. There is no set parking for this building but there is room for 5 spaces in the front with a lot of parking available across the street. They need a larger space and feel this location will fit their needs.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Frank asked if they provide services for Weddings and Funeral outside of the hours stated.
- Pastor Jordan, stated they have done weddings on a small scale and could possibly provide memorial services.

STAFF PRESENTATION:

Planner I Spendlove stated reviewed the exhibits on the overhead and the history of the property. This property was rezoned to CB; Central Business Zone in 1981. The building file has multiple mercantile businesses at this location. The most recent use of the building was

a photography studio that is moving. There will be occasional events throughout the year that the building will be used however staff feels this will have minimal impacts to the surrounding properties. Traffic anticipated will be 5-10 cars on Wednesday evenings and 10-20 cars on Sunday mornings. There will be noise/music for services during hours of operation. No other effects on adjoining properties are anticipated by the applicant. The site plan does meet City Code requirements, and the CB-Zone requires a Special Use Permit to operate a religious facility. The property is in a P-1; Parking Overlay, which does not require off street parking. The parking areas proposed for use are public lots and should not create a problem. The required improvements as applied to this building will be reviewed for compliance with current City Code at the time of building permit application.

Planner I Spendlove stated upon conclusion should the Commission approve the request, as presented, staff recommends the following conditions:

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

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Frank asked if there have been any problems reported with the current location of the church.
- Planner I Spendlove stated the City has not received any complaints.
- Commissioner Sharp asked if the existing businesses with beer, wine or alcohol licenses would that impact the businesses from being able to renew their license if it is within 300' of the church.
- Planner I Spendlove stated the existing businesses would not be impacted by the 300' rule, however new businesses wanting to serve alcohol may be impacted.
- Commissioner Grey asked if the businesses would have to go through the Special Use Permit process because of the church.
- Zoning & Development Director Carraway stated in this zone serving alcoholic beverages for consumption on-site is outright permitted. This approval would not impact a new business. A new business would have to comply with state licensing requirements.
- Commissioner Frank asked for clarification.
- City Attorney Wonderlich explained that state licensing does prohibit a new business from serving alcohol if it is within 300' of a church. It is still possible for the license to be approved; it has been done in the past.
- Commissioner Sharp stated his only other concern is having the patrons cross 2nd Avenue safely.

PUBLIC HEARING: OPENED & CLOSED WITHOUT CONCERNS

MOTION:

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

APPROVAL, AS PRESENTED, WITH THE FOLLOWING CONDITIONS

1. Subject to the site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with applicable City Code requirements and standards.
4. Request for Special Use Permit to operate a motorcycle, ATV, and snowmobile repair shop on property located at 506 Addison Avenue West c/o Expedition Motor Sports, LLC (app. 2579)

APPLICANT PRESENTATION:

Kevin Young, the applicant state he is here to request approval of a Special Use Permit. He currently has an established motorcycle, ATV, and snowmobile repair shop by Curry and he is looking to relocate to the 506 Addison Avenue West property.

STAFF PRESENTATION:

Planner I Spendlove stated reviewed the exhibits on the overhead and the history of the property. In 1981 this property was zoned C-1 and the latest tenant in the building was an animal shelter/pet store. Most recently the building has been vacant and the lot empty of any activity. The owner operated business will have one-two employees and operate between the hours of 8am & 6pm Monday-Saturday. There will be noise and fumes associated with repairing and starting of motorcycles and ATV's. The anticipated number of customers is anticipated at 5-10 per day. Sporting vehicles and motorcycle service and repair requires a Special Use Permit within the C-1 zone. The existing building does not meet setback standards for the area. If in the future the building is expanded it will need to apply for a non-conforming building expansion permit. The landscaping requirements for the lot are 198 sq. ft. The site plan provided by the applicant shows 370 sq. ft. of landscaping but does not include the 10' of gateway arterial landscaping which will be required. The site will require 5 off street parking spaces which has been shown on the site plan. All of these requirements will be reviewed for compliance at the time of building permit application. The City Engineer has made comments regarding the lack of sidewalk along Rose Street North and a deferral for this requirement is recommended. The approach along Addison Avenue West would need to be closed because of safety issues. The 10' of gateway arterial landscaping could be located along this area. The applicant shows a privacy fence along the north side of the property to provide screening.

Planner I Spendlove stated upon conclusion should the Commission approve the request, as presented, staff recommends the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with applicable City Code requirements and standards.
2. Subject to recording a deferral for sidewalk along Rose Street North with the City of Twin Falls.
3. Subject to closing the approach on Addison Avenue West, as shown on site plan.

4. Subject to a privacy fence with sight obscuring material being approved by staff prior to installation.
5. Subject to all parts, and vehicles waiting for repair, to be stored inside the building, or within a screened storage area.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Frank asked about requirements for grease traps associated with this use.
- Planner I Spendlove stated this will be part of the building application requirements.
- Commissioner Woods asked if there is any noise restrictions associated with this type of use.
- Planner I Spendlove explained that the Police Department responds to noise complaints.
- Commissioner Woods asked the applicant if there will be an overhead door and if it would be difficult to keep the door down when the engines are being tested.
- Mr. Young stated ventilation would be an issue if the door was closed however the testing only takes a few minutes, most of the work is done in the building. He will not be working on vehicles before 8:00am or after 6:00pm.
- Commissioner Munoz asked if any painting will be done.
- Mr. Young stated he will not be doing any type of painting.
- Commissioner Sharp asked if the applicant will be using the property to the north for loading or unloading a larger trailer.
- Mr. Young explained that he will be using the east side of the building. There will be plenty of room.

PUBLIC HEARING: OPENED

Johnny Urrutia, owner of the property, stated that this offer is pending. The building has not been used since 1970's and it would benefit the area by bring the site up to code and approving this use.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Tatum made a motion to approve the request, as presented, with staff recommendations. Commissioner Grey 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 & Zoning Officials to ensure compliance with applicable City Code requirements and standards.

2. Subject to recording a deferral for sidewalk along Rose Street North with the City of Twin Falls.
3. Subject to closing the approach on Addison Avenue West, as shown on site plan.
4. Subject to a privacy fence with sight obscuring material being approved by staff prior to installation.
5. Subject to all parts, and vehicles waiting for repair, to be stored inside the building, or within a screened storage area.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

Zoning & Development Manager Carraway gave an update on the following items:

- The request to approve an amendment to a PUD Agreement by Greg Olsen (Muni-storage) was upheld by the City Council as presented. Mr. Olsen is asking for a reconsideration related to the paving requirement and that has been scheduled for another public hearing in front of the City Council on July 1, 2013.
 - The vacation for First Federal Savings Bank was approved and the ordinance is on the June 17, 2013 City Council Agenda.
 - The Westpark Commercial PUD for the hotel and the plat has both been approved.
 - The vacation for Desert Rose was heard by the Highway District twice and the final decision was to deny the request; subject to Mr. LeBaron purchasing another lot two lots west of the Hagan's property and provides a new access going north. If they reconsider the decision then it will be scheduled with the Twin Falls Board of County Commissioners.
-
- Commissioner Woods asked about the Canyon Park development.
 - Zoning & Development Manager Carraway stated they are continuing the work for the round-about, but there have not been any building permits submitted. They are moving forward with the project.

VI. UPCOMING MEETINGS: (held at the City Council Chambers unless otherwise posted):

1. Public Hearing-Tuesday, June 25, 2013 6:00pm
2. Work Session-Wednesday July 3, 2013 12:00 pm

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 8:01 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department



MINUTES
Twin Falls City Planning & Zoning
Commission
June 25, 2013-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Munoz Chuck Sharp Jolinda Tatum
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods

Vice-Chairman

CITY COUNCIL LIAISON

Suzanne Hawkins Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Derricott
Frank
Sharp

ABSENT:

Boyd
Grey
Munoz
Tatum

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Woods

ABSENT:

CITY COUNCIL MEMBERS PRESENT: Hawkins, Mills-Sojka

CITY STAFF PRESENT: Carraway, Strickland

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **June 11, 2013**
2. Approval of Findings of Fact and Conclusions of Law:
 Leung (SUP 06-11-13) Teodora Caffe, LLC (SUP 06-11-13)
 Church on a Mission (SUP 06-11-13) Expedition Motor Sports, LLC (SUP 06-11-13)

III. ITEMS OF CONSIDERATION: **NONE**

IV. PUBLIC HEARINGS:

1. Request to amend condition #3 on Special Use Permit #1286, granted April 9, 2013 allowing the operation of an indoor recreation facility with extended hours of operation on property located at 516 Hansen Street South. Condition #3 requires the applicant to develop land behind the building for parking area for the building.
 c/o Edward Sabia (app. 2561)

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

VI. UPCOMING PUBLIC MEETINGS (held at the City Council Chambers unless otherwise posted):

1. Work Session – **Wednesday, July 3, 2013** 12:00 pm – 1:00 pm
2. Public Hearing – **Tuesday, July 9, 2013** 6:00 pm

VII. ADJOURN MEETING:

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 present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **June 11, 2013**
2. Approval of Findings of Fact and Conclusions of Law:
 - Leung (SUP 06-11-13) Teodora Caffé, LLC (SUP 06-11-13)
 - Church on a Mission (SUP 06-11-13) Expedition Motor Sports, LLC (SUP 06-11-13)

MOTION:

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

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Request to amend condition #3 on Special Use Permit #1286, granted April 9, 2013 allowing the operation of an indoor recreation facility with extended hours of operation on property located at 516 Hansen Street South. Condition #3 requires the applicant to develop land behind the building for parking area for the building.
c/o Edward Sabia (app. 2561)

APPLICANT PRESENTATION:

Edward Sabia, the applicant, stated that a Special Use Permit was issued for 516 Hansen Street South with a condition #3 that the applicant develops land behind the building for parking. He stated there is parking across the street from this location that is available for the customers and employees to park. The parking condition listed on this Special Use Permit would provide 13 on-site parking spaces but would also require the removal of the back decking from the building. The request tonight is to have the Commission reconsider the paving condition. After the building permit was reviewed the occupancy load for this building would require 57 parking spaces, which is considerably less than what was originally expected. The parking lot along Minidoka Street has 79 spaces, the one in front of the building would provide 20 spaces, and the parking lot just west of the building would provide additional spaces. The cost of the additional parking was approximately \$130,000.00, as the tenant he was asked by the owner to request reconsideration of this condition.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated there was a public hearing on April 9, 2013 which approved the Special Use Permit #1286, there were five conditions of approval. The 3rd conditions reads as follows: Subject to the undeveloped portion of the northwest side lot being developed as a parking lot per City Codes

10-11-4, 10-4-13.3(F)2 and 10-4-22.3. After the Special Use Permit was granted the owner of the property came in and spoke with staff and submitted a letter requesting reconsideration of the condition. City Code does allow for reconsideration through a public hearing process. This property is located in a P-3; parking overlay. Code does not have a specific number of spaces required. Staff is very aware of the down town area as to how it was platted and developed and so the P-3; parking overlay allows for some consideration for alternative parking plans. The applicant is requesting that the current public parking areas be allowed to meet the parking requirements. The owner of this building does have a parking lot northwest of this property that has approximately 77 spaces, it was indicated in the narrative that this parking area provides parking for offices and in the evening the spaces are available for use. Staff has reviewed this request and is aware of the parking situation down town. The Community Development Director has stated that through the strategic planning process there were quite a few discussions regarding the downtown and parking was a primary concern. The City is going to hire someone to give the City a cost estimate to actually review this part of the downtown including the OT; old town zone, M-2 & M-2; industrial zone and CB; central business zone to address the parking issue. Staff is excited that there are new businesses coming into the downtown area and staff is aware of the parking issues. Staff is in support of this request.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Frank asked if there is a way to determine what has been promised to the businesses through the Special Use Permit process.
- Zoning & Development Manager Carraway explained that the scope and cost estimate is what the City will use as a way to determine the parking needs.
- Commissioner Wood stated his concern is whether or not the property to the west is going to be turned into a weed lot. Can a condition regarding maintenance for the area if the parking requirement is removed.
- Zoning & Development Manager Carraway state that the owner of this property, the Urban Renewal Agency and the City have been working in this area to make improvements and staff feels like this will not be an issue, if this condition is removed.
- Commissioner Frank stated there is a curb cut along this part of the property and with the current code parking is not allowed in this area unless it is paved.
- Zoning & Development Manger Carraway confirmed Commissioner Frank's statement.
- Commissioner Sharp asked if the decision should be to wait on the decision or specify a certain amount of paving to be required.
- Zoning & Development Manager Carraway stated the plan is coming under review with the scope and estimate the City is going to request. This area has not been an issue in the past that staff is aware of and this building had been utilized for quite a few years. Staff would be hesitant to recommend a percentage of paving.

PUBLIC HEARING: OPENED & CLOSED WITHOUT CONCERNS

CLOSING STATEMENT:

Mr. Sabia stated he has removed the weeds and watering the property has already started. The Employees will be parking across the street. He is willing to block off the access to prevent people from parking.

DELIBERATIONS FOLLOWED:

Commissioner Frank asked if the paving condition was removed if the applicant would place the railroad ties along the access to prevent people from parking in that area.

MOTION:

Commissioner Woods made a motion to remove condition #3, as requested, and added 2 conditions that approval be subject to a) the applicant blocking the approach from 5th Avenue South to prevent parking behind the building, and b) the area behind the building be maintained free of weeds and watered as necessary. Commissioner Sharp seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED, WITH THE FOLLOWING CONDITIONS

1. Subject to the applicant contacting the City of Twin Falls Police Department on every event/show to determine if a Special Events Permit and/or Catering Permit are required including a review of the security and trash clean-up plan.
2. Noise level is not to exceed 78 decibels at any point ten (10) feet from the exterior walls of the building.
- ~~3. Subject to the undeveloped portion of the northwest side lot being developed as a parking lot per City Codes 10-11-4, 10-4-13.3(F)2 and 10-4-22.3.~~
4. Subject to the applicant complying with all City, County and State Alcohol licensing regulations.
5. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards
6. Subject to the applicant blocking the approach to prevent parking behind the building and that this area be maintained.
7. Subject to the area behind the building be maintained free of weeds and watered as necessary.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION: **NONE**

VI. UPCOMING MEETINGS: (held at the City Council Chambers unless otherwise posted):

1. Work Session – **Wednesday, July 3, 2013** 12:00 pm – 1:00 pm
2. Public Hearing – **Tuesday, July 9, 2013** 6:00 pm

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 06:25 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department



MINUTES
Twin Falls City Planning & Zoning
July 9, 2013-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Munoz Chuck Sharp Jolinda Tatum
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods

Vice-Chairman

CITY COUNCIL LIAISON

Suzanne Hawkins Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Boyd
Derricott
Frank
Grey
Sharp
Tatum

ABSENT:

Munoz

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Woods

ABSENT:

CITY COUNCIL MEMBERS PRESENT: Hawkins

CITY STAFF PRESENT: Carraway, Spendlove, Strickland, Vitek, Wonderlich

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **June 25, 2013**
2. Approval of Findings of Fact and Conclusions of Law:
 - Ed Sabia (SUP-Amended 06-25-13)

III. ITEMS OF CONSIDERATION: **NONE**

IV. PUBLIC HEARINGS:

1. Requests the Commission's consideration for an amendment to Special Use Permit 1282, granted January 23, 2013, specifically Condition #4, which reads "Subject to the vehicles that require overnight stay are stored within a sight obscuring fenced area or inside an enclosed building be in compliance by July 30, 2013 c/o Kevin Powers d/b/a Blue Lakes Auto (app. 2540)

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

VI. UPCOMING PUBLIC MEETINGS (held at the City Council Chambers unless otherwise posted):

1. Public Hearing – **Tuesday, July 23, 2013** 6:00 pm
2. Work Session – **Wednesday, August 1, 2013** 12:00 pm – 1:00 pm

VII. ADJOURN MEETING:

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 present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **June 25, 2013**
2. Approval of Findings of Fact and Conclusions of Law:
 - Ed Sabia (SUP-Amendment 06-25-13)

MOTION:

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

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Requests the Commission's consideration for an amendment to Special Use Permit 1282, granted January 23, 2013, specifically Condition #4, which reads "Subject to the vehicles that require overnight stay are stored within a sight obscuring fenced area or inside an enclosed building be in compliance by July 30, 2013 c/o Kevin Powers d/b/a Blue Lakes Auto (app. 2540)

APPLICANT PRESENTATION:

- Kevin Powers, the applicant would like to make a request to amend the Special Use Permit, no non-operating vehicles or parts allowed outside of a screened area.
- John Larimer, representing the applicant, stated that there was a previous condition regarding vehicle storage on the lot in Special Use Permit #562 stating: No non-operating vehicles or vehicle parts allowed outside of a screened enclosure and landscaping to be completed within 12 months. The most recent Special Use Permit #1282 stated: Subject to the vehicles that require overnight stay are stored within a sight obscuring fenced area or inside an enclosed building be in compliance by July 30, 2013. The proposal is that an amendment be made to match the verbiage from the original Special Use Permit #562 stating: No non-operating vehicles or vehicle parts allowed outside of a screened enclosure. This change would not preclude customers from dropping their car off at night and putting their keys in the key box for next day service. The parking lot would have licensed running registered vehicles, so if you drive by it will look like any other parking lot in front of a business.

STAFF PRESENTATION:

Planner I Spendlove reviewed the exhibits on the overhead and reviewed the history of the property. The property is zoned M-1; Light Manufacturing District. In January of this year a

Special Use Permit was approved for the purpose of expanding and existing automobile repair business by more than 25% on property located at 490 Washington Street South. An expansion

over 25% requires a Special Use Permit at the time of this request the file was reviewed for compliance and during that time it was determined that they will need 33 parking spaces. The question previous to this Special Use Permit request was whether or not some of these parking spaces could be used for non-operating vehicles, it was determined at that time this would not be allowed, so they had to provide another area for storage. With this request they are asking that some of the spaces be used for non-operational vehicles in the back and this area be screened. The site plan has been changed to read screened enclosure. In August of 1998 Special Use Permit #562 was approved that original permit did read; No non-operating vehicles or vehicle parts allowed outside of a screened enclosure. In April of 2005 another Special Use Permit was approved and the conditions verbiage changed to include all vehicles that require overnight stay are stored within a sight obscuring fenced area or inside an enclosed building. On the most recent Special Use Permit #1282 staff kept the condition from the most recent Special Use Permit. They are now requesting that the verbiage be changed to match the verbiage on the original Special Use Permit #562 issued in 1998. The applicant stated the screened area behind the building will be used to store non-operating, disassembled vehicles and parts. The parking lot in the front will be used for functional vehicles that need maintenance or part upgrades, they will be licensed, and running registered vehicles. The intent on the condition for last approved Special Use Permit was to eliminate the possibility of the property in the front looking like a junk yard with wrecked non-operational vehicles. Staff believes that has been the intent of the condition for the previous Special Use Permits as well. This owner does operate a clean well maintained business; Special Use Permits are typically attached to the land itself which in turn means that if the property sells to someone who wants to operate the same type of business the Special Use Permit is still valid under different ownership. In this case it may be beneficial to modify the condition as requested and add another condition that limits the Special Use Permit to Kevin Powers specifically.

He stated, on January 23, 2013 to Blue Lakes Auto c/o Kevin Powers whose address is 490 Washington Street South Twin Falls, ID 83301 for the purpose of expanding and existing automobile repair business by more than 25% on property located at 490 Washington Street South subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Assure compliance with conditions of SUP #0562 & SUP #0918, specifically the screening or storing of vehicles requiring overnight stays.
3. Dedication of right-of-way for Washington Street South, and the future development of Park Ave West, per Master Transportation Plan and as per City Engineer approval.
4. Subject to the vehicles that require overnight stay are stored within a sight obscuring fenced area or inside an enclosed building be in compliance by July 30, 2013.

Planner I Spendlove stated upon conclusion staff recommends Special Use Permit #1282 is amended by removing condition #2 and #4 and adding the following:

1. Subject to non-operating, un-registered, or un-licensed vehicles and all parts being stored indoors or behind a sight obscured screened area; to be in compliance by July 30th 2013.
2. Subject to this permit being issued to Blue Lakes Auto, c/o Kevin Powers. Any change in ownership will require a renewal of this Special Use Permit.
3. Subject to the two (2) lots at 490 & 492 Washington Street South being combined by survey and a new warranty deed being recorded. The recorded warranty deed shall be provided to the City of Twin Falls before a final Certificate of Occupancy for the expansion will be issued.

COMMISSIONER QUESTIONS/COMMENTS:

PUBLIC HEARING: OPENED

- Pete Johnston, 312 Washington Street South, stated he is not opposed to business but he does have some concerns about the square footage of the building and you can see on any day of the week or weekend cars that need to be repaired, with wreckers dropping off cars for repairs all hours of the night. He does need the expansion, but there still are some concerns with the vehicles staying longer than 24 hours in the parking area waiting for repair. He thinks the conditions for the previous Special Use Permits should be met prior to another expansion approval.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

- Mr. Powers stated that the operation of the business is Mon-Fri 9-5:30 and they try to keep the site clean.

DELIBERATIONS FOLLOWED:

- Commissioner Woods asked what the standards are for other auto repair shops with regards to the storage of non-operating vehicles and parts.
- Zoning & Development Manager Carraway stated the concern is that the properties can turn into junk areas for motor vehicle repair shops. This is a standard condition for this type of Special Use Permit. The applicant has been in business since 1998 and staff is not aware of any complaints about the business. If a Special Use Permit was issued previous to this policy it may not be a condition on some of the older Special Use Permit applications. As previously mentioned change in ownership or business name does not make the current Special Use Permit invalid, so if this condition was not part of the original Special Use Permit as a condition it would not be updated. Staff has tried to be consistent with the conditions.

- Commissioner Woods stated he thinks this is the nature of the business and by making the Special Use Permit specific to the applicant is a good plan. If the hours of operation are Mon-Fri 9-5:30 the weekend traffic to the site could be an issue, but it does require some due diligence by the business.
- Commissioner Grey stated the Special Use Permit is subject to compliance with the conditions, and if it is discovered that the applicant is not in compliance the Special Use Permit can be considered for revocation.

MOTION:

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

APPROVED, 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 all applicable City Code requirements and standards.
- ~~2. Assure compliance with conditions of SUP #0562 & SUP #0918, specifically the screening or storing of vehicles requiring overnight stays.~~
2. Dedication of right-of-way for Washington Street South, and the future development of Park Ave West, per Master Transportation Plan and as per City Engineer approval.
- ~~3. Subject to the vehicles that require overnight stay are stored within a sight obscuring fenced area or inside an enclosed building be in compliance by July 30, 2013.~~
3. Subject to non-operating, un-registered, or un-licensed vehicles and all parts being stored indoors or behind a sight obscured screened area; to be in compliance by July 30th 2013.
4. Subject to this permit being issued to Blue Lakes Auto, c/o Kevin Powers. Any change in ownership will require a renewal of this Special Use Permit.
5. Subject to the two (2) lots at 490 & 492 Washington Street South being combined by survey and a new warranty deed being recorded. The recorded warranty deed shall be provided to the City of Twin Falls before a final Certificate of Occupancy for the expansion will be issued.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

- Zoning & Development Manager Carraway wanted to make sure the new schedule for the Planning & Zoning Work Session changing the location of the meeting from 324 Hansen Street East to the City Council Overflow Room at 305 3rd Avenue East was received by the Commissioners.
- On July 3, 2013 approval was granted by the Twin Falls Highway District for the vacation of Dessert Rose Drive for Lance LeBaron subject to a recorded easement for the dedication of an alternate location of a 50' public road. She contacted Twin Falls County and scheduling for their public hearing has not occurred. She will keep the Commission informed on this item as progress is made.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meetings:

1. Public Hearing – **Tuesday, July 23, 2013** 6:00 pm
2. Work Session – **Thursday, August 1, 2013** 12:00 pm – 1:00 pm

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 06:28 pm



Lisa A Strickland
Administrative Assistant
Community Development Department



MINUTES
Twin Falls City Planning & Zoning
Commission
July 23, 2013-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Munoz Chuck Sharp Jolinda Tatum
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods

Vice-Chairman

CITY COUNCIL LIAISON

Suzanne Hawkins Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Derricott
Munoz
Tatum

ABSENT:

Frank
Grey
Sharp

AREA OF IMPACT MEMBERS

PRESENT:

DeVore

ABSENT:

Woods

CITY COUNCIL MEMBERS PRESENT: Hawkins, Mills-Sojka

CITY STAFF PRESENT: Carraway, Spendlove, Strickland

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **July 9, 2013**
2. Approval of Findings of Fact and Conclusions of Law:
 - Powers (SUP-amended 07-09-13)

III. ITEMS OF CONSIDERATION:

1. Request for consideration of reinstatement of Special Use Permit #1052, granted August 14, 2007 for the purpose of constructing an 1890 sq ft detached accessory building on real property located at 1093 Kenyon Road Twin Falls, ID 83301, c/o Chuck Thompson (App 2155)

IV. PUBLIC HEARINGS: **NONE**

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

VI. UPCOMING PUBLIC MEETINGS (held at the City Council Chambers unless otherwise posted):

1. Work Session – **Thursday, August 1, 2013** 12:00 pm – 1:00 pm
(will be held at the City Council Overflow Room, 305 3rd Ave E)
2. Public Hearing – **Tuesday, August 13, 2013** 6:00 pm

VII. ADJOURN MEETING:

I. CALL MEETING TO ORDER:

Vice-Chairman DeVore 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 present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **July 9, 2013**
2. Approval of Findings of Fact and Conclusions of Law:
 - Powers (SUP-amended 07-09-13)

MOTION:

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

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. Request for consideration of reinstatement of Special Use Permit #1052, granted August 14, 2007 for the purpose of constructing an 1890 sq. ft. detached accessory building on real property located at 1093 Kenyon Road Twin Falls, ID 83301, c/o Chuck Thompson (App 2155)

APPLICANT PRESENTATION:

Chuck Thompson, the applicant stated he is requesting a reinstatement of a Special Use Permit for a detached accessory building that was issued in 2007. He stated he recently purchased the property located at 1093 Kenyon Road. The previous owner had the Special Use Permit approved, started the work and never finished the project. He would like to finish the accessory building for personal storage; he has three hot rods, a boat and will not be doing any business from the building. Originally there were some issues regarding paving of the road that has been completely paved. In 2010 the neighboring property owner paved the lane so that he could construct a 4000 sq. ft. accessory building on his property.

STAFF PRESENTATION:

Planner I Spendlove displayed the exhibits on the overhead and reviewed the history of the property. A Certificate of Occupancy was issued for a single residence located at 1093 Kenyon Road in May of 2000. Originally this was one parcel and was later approved in 2001 for a rezone and the lot was split so that a portion of it could be sold, making both lots 1.25 acres each. In 2004 the property was rezoned to the current zone which is R-4; residential medium density district. After the Special Use Permit was issued in 2007, the only activity that occurred was the footings. The impacts of an accessory building that are concerns are the visual impacts and that the shop does not get used to operate a business. Both of these issues have been addressed in the original Special Use Permit conditions as well as in Mr. Thompson's presentation. Should the Commission approve the reinstatement of the Special Use Permit, the original conditions will remain in place and enforced. There have been some changes in the area since the Special Use Permit was approved. In 2010 Special Use Permit # 1185 was granted to Jeff Wills to construct his 4800 sq. ft. accessory building. At that time there were not any complaints about this shed nor have we received any since it was constructed. With this reinstatement the area may have properties with new ownership, because this is not a public hearing none of these new owners would have been notified of this meeting. However new ownership does not indicate that it should not be reinstated.

Planner I Spendlove stated upon conclusion should the Commission reinstate Special Use Permit #1052, as presented staff recommends it be subject to the original conditions as listed:

1. Subject to accessory building being used for private residential use only.
2. Any lighting be downward facing and screened to mitigate possible impact to adjoining properties.
3. Subject to a standard deferral agreement for development of curb, gutter and sidewalk on Kenyon Road.
4. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

PUBLIC COMMENTS/QUESTIONS: OPENED & CLOSED WITHOUT COMMENT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

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

SPECIAL USE PERMIT # 1052 REINSTATED, AS PRESENTED, SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to accessory building being used for private residential use only.
2. Any lighting be downward facing and screened to mitigate possible impact to adjoining properties.
3. Subject to a standard deferral agreement for development of curb, gutter and sidewalk on Kenyon Road.
4. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

IV. PUBLIC HEARING ITEMS: NONE

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

- Planning & Zoning Development Manager Carraway reminded the Commission that the next work session will be August 1, 2013 and will be in the City Council Overflow room.

VI. UPCOMING MEETINGS:

1. Work Session – **Thursday, August 1, 2013** 12:00 pm – 1:00 pm
(will be held at the City Council Overflow Room, 305 3rd Ave E)
2. Public Hearing – **Tuesday, August 13, 2013** 6:00 pm

VII. ADJOURN MEETING:

Vice-Chairman DeVore adjourned the meeting at 06:12 pm

Lisa A Strickland
Administrative Assistant
Community Development Department



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
August 13, 2013 6:00PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Munoz Chuck Sharp Jolinda Tatum
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods

Vice-Chairman

City Council Liaisons

Suzanne Hawkins Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

Present

Boyd

Frank

Grey

Munoz

Sharp

Tatum

Absent

Derricott

AREA OF IMPACT MEMBERS

Present

Woods

Absent

DeVore

LIAISONS

Present

Hawkins

Absent

Mills Sojka

CITY STAFF: Carraway, Spendlove, Strickland, Vitek, Wonderlich

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **July 23, 2013**
2. Approval of Findings of Fact and Conclusions of Law: **NONE**

III. ITEMS OF CONSIDERATION:

1. Consideration of a recommendation to the City Council regarding a proposed amendment to the Urban Renewal Plan #4 that expands Revenue Allocation Areas #4-1 c/o Melinda Anderson, Economic Development Director (app. 2591)

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to add a U-Haul truck and trailer rental business in conjunction with an existing retail store on property located at 850 Shoshone Street West c/o Wes Overlin on behalf of Twin Falls Community Market (app. 2554) **WITHDRAWN**
2. Request for a Non-Conforming Building Expansion Permit to add 1188 Sq. ft. to an existing legal non-conforming building on property located at 1519 Kimberly Road c/o Mary Pierce dba Pioneer-Club (app. 2584)
3. Request for a Special Use Permit to operate a Community Event Center, to include private parties, weddings, receptions, art shows, plays, with extended hours of operation until 1 AM seven days a week, on property located at 136 Main Ave North c/o Lisa Douda (app. 2588)
4. Request for a Special Use Permit to operate a hookah lounge with extended hours of operation from 6:00 PM to 1:00 AM on weekdays and 6:00 PM to 3:00AM on weekends, on property located at 677 #D Filer Avenue/Campus Commons Shopping Center c/o Artem Petrosyan on behalf of the Hookah Paradise (app. 2589) **WITHDRAWN**

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V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

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

1. Public Hearing-**Tuesday, August 27, 2013** 6:00 PM
2. Work Session-**Wednesday, September 4, 2013** 12:00 PM-1:00 PM

VII. ADJOURN MEETING:

MINUTES

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 present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **July 23, 2013**
2. Approval of Findings of Fact and Conclusions of Law: **NONE**

III. ITEMS OF CONSIDERATION:

1. Consideration of a recommendation to the City Council regarding a proposed amendment to the Urban Renewal Plan #4 that expands Revenue Allocation Areas #4-1 c/o Melinda Anderson, Economic Development Director (app. 2591)

APPLICANT PRESENTATION:

Melinda Anderson, Economic Development Director, stated she would like to update the Commission on the Urban Renewal Agencies recent activity. Yesterday the URA closed Revenue Allocation Area 4-2. This area was actually created in 2007 to assist JAYCO with their expansion. Originally JAYCO came to Twin Falls in 2005 and began business in an existing building located on Washington Street South. The building and the property was not ideal for their operation so they decide to build a brand new facility. The new building was construction on Hankins Road just south of Eldridge and the property consisted of approximately 176 acres. The kept 76 acres for their own operations and created an industrial park with the remaining 100 acres. To help JAYCO with their investment the URA created Revenue Allocation Area 4-2 to help pay for Eldridge Road which was extended through the business park and JAYCO was reimbursed for the infrastructure. When the Revenue Allocation Area 4-2 was created the total assessed value of this area in 2007 was approximately \$2.7 million dollars as of last year in 2012 the assessed value of this same area was \$14.8 million. The Revenue Allocation Area 4-2 was created to last for 10 years to close in 2017 but because the agency has completed its reimbursement requirement to JAYCO the URA Board decided to close the area. Within the past year the Agency has received about \$200,000.00 in property tax income from Revenue Allocation Area 4-2, this money would normally go to the URA however now that this area has been closed the money will go to all seven of the taxing districts.

She stated tonight's request is about a proposal to amend the URA Plan #4 and expand Revenue Allocation Area #4-1. At the July Urban Renew Agency meeting the Board approved the expansion of Revenue Allocation Area 4-1. This area is the oldest and largest of the TIFF Districts. She

reviewed on the overhead the existing area and the expansion. The Revenue Allocation Area 4-1 consists of approximately 608 acres. Once a district is created a plan is created for that district, this plan tells the public what is going to be done in the area, how much money it is going to take and how much money would be received in property tax income. The plan can be amended once after it is created; it can't expand over 10% of the existing districts geographic area. This expansion is approximately 60.5 (+/-) acres; it still has to remain under 10% of the City's total assessed value. The boundaries of the expansion must be adjacent to current district boundaries; it can't go passed the current expiration date and the current 4-1 plan has an expiration date of 2022. So the reason for this expansion is because that has been an increased focus on the downtown area and the current downtown infrastructure could use some major help. The water and sewer lines are old deteriorating or just in adequate in size. There is a need for sidewalks, lighting, landscaping, street improvements and possibly new parking. These are things the URA can provide assistance with in order to create investment into downtown. The estimate over an 8 year period could cost an estimated \$10 million dollars. The plan was created to address the improvements and gathered public input.

STAFF PRESENTATION:

Zoning & Development Manager Carraway displayed the exhibits on the overhead and reviewed the request. The role of the Commission with regards to this request is to provide a recommendation to the City Council whether or not this request is in conformance with the long term planning documents to include the Comprehensive Plan and the Strategic Plan. The Strategic Plan addresses parking structures and issues in the downtown area; this change should help potential businesses that are leery about investing in the downtown area. Staff is in support of this change.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Woods asked if this did not get approved how these improvements would occur.
- Economic Development Director Anderson stated it would have to come out of the City budget and currently there are not any funds budgeted for these types of projects. Therefore the Citizens would be paying for the improvements. The mechanism that allows for these improvements comes from increased property value in the overall district. So the 608 (+/-) acres included in the original Revenue Allocation Area 4-1 has continually gone up in value over the years by adding these 17 blocks it will increase that value. As properties get on the tax rolls the assessed value will go up. For example; last week there was a grand opening for Glanbia Headquarters and their Cheese Innovation Center, because that investment was made and is owned by a private party the increase value will go into the Revenue Allocation Area 4-1; which in turn will help with new projects that want to move forward.
- Commissioner Frank confirmed that the projects essentially pay for themselves.
- Economic Development Director Anderson, she explained that the base taxes that are currently calculated for the 17 blocks continues to be paid to the 7 taxing districts, any new property tax generated because the property values have increased would then go to the URA for the next 8 years to help pay for the infrastructure work that needs to be done.
- Commissioner Woods asked if there has been any pre-planning for what needs to be done and have the property owners in this area had input on the project.
- Economic Development Director Anderson stated that currently the URA is working with JUB Engineering to do a full infrastructure assessment, primarily in old town but also in some areas of downtown. They have been working with the merchants and will continue to work with the merchants throughout the process.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT CONCERNS

DELIBERATIONS FOLLOWED:

Commissioner Munoz stated this should be a win/win situation because the improvements will increase the property value and will bring growth into the area.

Commissioner Grey asked if there is a priority for projects when planning takes place.

Assistant City Engineer Vitek explained that there is major infrastructure repair needed in this area, which would be a priority. There are portions of the sewer and water system that have been there since the original townsite. They have found undersized pipes, some that go through basements that need to be rerouted, parking structures would be considered if a major business came into the area with a proposal for one.

Commissioner Woods stated there are only two things that can happen, things can only move forward or go backwards, things can't stay the same. If improvement of the downtown area is a priority this needs to happen.

Commissioner Munoz stated he thinks that the infrastructure repairs need to happen and that this plan is in conformance with the Comprehensive Plan and the Strategic Plan.

City Attorney Wonderlich stated that the motion is to find that the amended plan is in conformance with the Comprehensive Plan and approve the Findings of Fact and Conclusions of Law. He explained that the Commission can say so moved. He explained the first decision is to determine if the request is in conformance with the Comprehensive Plan and the second is to decide if the request should be recommended for approval to the City Council

MOTION:

Commissioner Frank accepted the motion, as presented, that the proposed Amended Urban Renewal Plan for Revenue Allocation Area #4-1 is in conformance with the Comprehensive Plan, the objective of the zoning ordinance, and is in conformity with the general plan for the development of the municipality as a whole and to recommend approval of the request to the City Council. Commissioner Tatum seconded the motion. All members present voted in favor of the motion.

**RECOMMEND THAT THE CITY COUNCIL OF APPROVE THE
AMENDED URBAN RENEWAL PLAN FOR REVENUE ALLOCATION AREA #4-1, AS PRESENTED**

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to add a U-Haul truck and trailer rental business in conjunction with an existing retail store on property located at 850 Shoshone Street West c/o Wes Overlin on behalf of Twin Falls Community Market (app. 2554) **WITHDRAWN**
2. Request for a Non-Conforming Building Expansion Permit to add 1188 Sq. ft. to an existing legal non-conforming building on property located at 1519 Kimberly Road c/o Mary Pierce dba Pioneer-Club (app. 2584)

APPLICANT PRESENTATION:

- Marv Pierce, the applicant is requesting to put a storage unit on unused land that is located behind the Pioneer Club. There will be no increase in employees due to this change, parking spaces will not be removed and it will make the property look cleaner. He stated that the fencing on the northern property line will be replaced; however he does have an issue with fencing along the east. He stated that an agreement was made a few years ago with the

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property owner to the east so that the cars for the neighboring property would be able to get into and out of the residential property that is next door. He has a proposal to install a fence on a portion of the east property and leave the shrubs in place to provide better screening between the parking area and the adjacent residential property. He stated that when this project is complete the parking area will be resurfaced, striped and have the handicap space redone.

- John Larimer, the Engineer, stated that the reason for the request is because the building is too close to the center line of Kimberly Road, making this an expansion to a non-conforming building.

STAFF PRESENTATION:

Planner I Spendlove displayed the exhibits on the overhead and reviewed the request along with the history of the property. The building files go back as far as 1976 for this lot. In 1981 an Ordinance was passed which created the zoning of the property which is currently zoned C-1; Commercial Highway District. In 2005 the applicant applied for a Non-Conforming Building Expansion Permit which was approved with the condition that parking and maneuvering areas be paved and striped, these conditions were met. In 2008 the applicant applied for another Non-Conforming Building Expansion Permit for a walk-in cooler with no additional conditions. The building which is being expanded upon is within the 80' center line setback. The expansion will take place on the north side of the building, it will not decrease the existing parking nor will it change any other function of the lot or operations. The space is going to be used for storage; the property is surrounded by commercially zone property. The reason for the request is for Non-Conforming Building Expansion permit. The main impact to the neighboring properties is the construction of the facility and visual impacts to the neighbors to the north and east that are by products of a commercial business. With this in mind, it would be appropriate to have a sight obscuring fence installed along the north and east property lines to separate the commercial use from the existing residential uses.

Planner I Spendlove stated upon conclusion should the Commission grant this request, as presented, staff recommends the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with applicable City Code requirements and standards.
2. Subject to the installation of a sight obscuring fence being constructed on the North and East portion of the property.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Frank asked if shrubbery can account for screening between properties.
- Planner I Spendlove stated it could there have been other places where staff has accepted this as an alternative to a fence.
- Zoning & Development Manager Carraway confirmed that staff would be willing to work with the applicant with regards to the screening materials, especially since the applicant has worked with the neighbor on this issue.
- Commissioner Munoz asked if the applicant could clarify what the finished product will look like when it is complete.
- Mr. Pierce stated that the materials on the exterior will be tongue and groove cedar and will blend in with the existing building.

PUBLIC HEARING:

Carl Wormsbaker 3770 N 3700 E Kimberly, Id asked about the parking and if the expansion is for storage or expansion of the bar.

Mr. Pierce explained this will not reduce the parking and it will only be used for storage.

DELIBERATIONS FOLLOWED:

Commissioner Munoz stated he didn't have any concerns.

Commissioner Woods stated he sees this as an opportunity to repair and replace the fencing with better sight obscuring materials.

MOTION:

Commissioner Woods made a motion that the request be approved as presented with an amendment to condition #2 stating that the applicant will work with staff regarding screening materials. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENT, SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with applicable City Code requirements and standards.
2. Subject to the installation of a sight obscuring fence on the North property line and an alternative screening material along the East property line as approved by City Staff.
3. Request for a Special Use Permit to operate a Community Event Center, to include private parties, weddings, receptions, art shows, plays, with extended hours of operation until 1 AM seven days a week , on property located at 136 Main Ave North c/o Lisa Douda (app. 2588)

APPLICANT PRESENTATION:

Lisa Douda, the applicant stated they would like to use this space to have an event center. The hours of operation are being request to be open until 1:00 AM because it is consistent with regular bar hours. They are not interested in catering and will be encouraging the use of other businesses for this type of service. They will be operating mostly during the time that the businesses in the area are not open. They have provided a parking clause in their contract showing the primary parking designation area and showing the clients where there patrons are asked to park allowing Main Avenue to stay open for customer parking for local businesses. The client has to go through a business that has a catering license and the applicants will provide the onsite security.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Woods asked what the plan is for handling dumpsters.
- Ms. Douda stated they are responsible for managing their trash and there is a dumpster on site.
- Commissioner Woods asked if the parking area is lighted.
- Ms. Douda stated there are lights on a timer but at a certain time the light remains on for safety.
- Commissioner Munoz asked about the cleaning-up of the event center and the parking area.

- Ms. Douda stated they attend all of the parties and they are responsible for keeping the front of the building to the center of the street and from the back of the building to the center of the alley clean. The clients are not allowed to use glass and will be supervised if they are outside of the building.

STAFF PRESENTATION:

Planner I Spendlove displayed the exhibits on the overhead and reviewed the request along with the history of the property. In 1981 an Ordinance was passed which created the zoning of the property which is currently zoned CB, Central Business District with a P-1; Parking Overlay for this property. The purpose of the request is for a Special Use Permit to operate an event center with extended hours. Currently the applicant operates a retail space in the building for rentals which is an allowed use in this zone. The Special Use Permit is specific to the party event area. There are no setbacks or landscaping requirements because there is no parking area required in this area and no off-street parking is required because it is in the P-1; parking overlay zone. The applicant has provided a plan to show where they are going to direct people to park leaving the parking spaces along Main Avenue open for the businesses along that street, minimize impacts to the neighbors. This property is in a commercial retail area with a variety of business along Main Avenue, staff does not expect the approval of this request to impact the area adversely. The event center being allowed in the space prior to the neighboring spaces being occupied allows the new tenants the opportunity to know this is an event center and what to expect. Staff would request a written statement from the applicant regarding a plan for managing litter outside the building, additional security risks and noise levels. Parking for the events will have an impact and because this is public parking it will be a first come first serve basis.

Planner I Spendlove stated upon conclusion should the Commission approve the request as presented, staff recommends 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 a written plan addressing trash cleanup, security and noise level for events being approved by staff.
3. Subject to permit being issued to Soiree 12 c/o Lisa Douda, with any change of ownership requiring resubmittal for a Special Use Permit.

PUBLIC HEARING: OPENED & CLOSED WITHOUT COMMENTS

DELIBERATIONS FOLLOWED:

- Commissioner Woods asked if the Commissions should consider future plans for the area and noise impacts to the area.
- Commissioner Frank stated the residents had an opportunity to come and speak for or against the request tonight and as for the future this would be an existing business at the time, and they were there first.
- Commissioner Munoz stated there may be some impacts to the neighboring buildings but not very much. The business needs to be in place to attract the growth in the area.
- Commissioner Woods stated his gut says first come first serve so he is not too concerned but he wanted to see how the rest of the Commission felt.
- Commissioner Frank stated he is not concerned.

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- Commissioner Tatum asked what the maximum occupancy would be for the space.
- Planner I Spendlove stated this has not been determined the applicant has to have the Special Use Permit first and this information is determined upon review of the building permit application.

MOTION:

Commissioner Tatum made the motion to approve the request, as presented, with staff recommendations. Commissioner Grey seconded. All members present voted in favor of the motion.

APPROVED, AS PRESENTED, 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 a written plan addressing trash cleanup, security and noise level for events being approved by staff.
3. Subject to permit being issued to Soiree 12 c/o Lisa Doua, with any change of ownership requiring resubmittal for a Special Use Permit.
4. Request for a Special Use Permit to operate a hookah lounge with extended hours of operation from 6:00 PM to 1:00 AM on weekdays and 6:00 PM to 3:00AM on weekends, on property located at 677 #D Filer Avenue/Campus Commons Shopping Center c/o Artem Petrosyan on behalf of the Hookah Paradise (app. 2589) **WITHDRAWN**

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION: NONE

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

1. Public Hearing-**Tuesday, August 27, 2013** 6:00 PM
2. Work Session-**Wednesday, September 4, 2013** 12:00 PM-1:00 PM

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:15

Lisa A Strickland
Administrative Assistant
Community Development Department



MINUTES
Twin Falls City Planning & Zoning
Commission
August 27, 2013-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Munoz Chuck Sharp Jolinda Tatum
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods
Vice-Chairman

CITY COUNCIL LIAISON

Suzanne Hawkins Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Boyd
Derricott
Frank
Grey
Munoz
Sharp
Tatum

ABSENT:

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Woods

ABSENT:

CITY COUNCIL MEMBERS PRESENT: Hawkins, Mills-Sojka

CITY STAFF PRESENT: Carraway, Spendlove, Strickland, Vitek, Wonderlich

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **July 23, 2013 & August 13, 2013**
2. Approval of Findings of Fact and Conclusions of Law:
 - Marv Pierce-NCBE 08-13-13
 - Lisa Douda-SUP 08-13-13

III. ITEMS OF CONSIDERATION: **NONE**

IV. PUBLIC HEARINGS:

1. Requests a Special Use Permit to add more than 25% expansion to an existing automobile repair business on property located at 419 4th Avenue West c/o Ken Rogers on behalf of Snake River Auto Body (app. 2590)

Applicant Presentation:

Ken Rogers, the applicant, stated they would like to construct an addition to the existing automobile repair shop located at 419 4th Avenue West. The space will provide more work space and accommodate work flow. The hours of operation are 8:00 AM – 6:00 PM with 10-15 employees which will remain the same. They don't anticipate any additional changes in noise, glare, odor, fumes or vibrations that may impact the adjoining properties. The desire is to be considerate and compatible with the surrounding area.

Questions/Comments:

Commissioner Munoz asked if there will be any additional paint booths or expansions to the existing paint booth.

Mr. Rogers explained that in 2000 the paint booths were installed and there will not be any additional paint booths with this expansion.

Staff Presentation:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. In 1981 Ordinance 2012 was passed in 1981 rezoning the property to its current zone which is CB; Commercial Central Business District with a P-2; Parking Overlay. This zoning designation includes business as well as some residential and has gradually changed to a more commercial area. In 1982 a Special Use Permit was issued to this property for an auto body repair shop. Another Special Use Permit was issued in 2002 for an expansion to the auto body repair shop. Both of these Special Use Permits had conditions placed on them by the Commission. The applicant reviewed the operation of the business in his presentation along with the intent of this request.

Upon review of the request City Code 10-4-7.2 requires a Special Use Permit to operate an automobile and truck service and repair business. This request is to expand this business more than 25% therefore another Special Use Permit is required. There are residences nearby, particularly across 4th Avenue West; the proposed addition may increase traffic due to the availability of additional workspace. However, it will also give the business more space to store vehicles which are in need of repair, thus potentially reducing the visual impacts to the surrounding area. The business currently operates as a body shop, which inherently causes some noise, glare, odor and vibration. These impacts will most likely not increase dramatically with the addition. All improvements made on the subject property are required to comply with standards set forth in the Twin Falls City Code.

Upon review of the site plan that was submitted with a building permit that is currently under review shows 26 parking spaces, due to the expansion they will be required to provide 38 parking spaces. The property is also in a P-2; Parking Overlay which allows for a 30% reduction in the number of required parking spaces, with this factored in, the required number of spaces equals 27, therefore one additional parking space will need to be shown on the site plan for approval. Another required improvement for the site will be to meet the landscaping requirement. Currently no landscaping is found on the project area. Along the majority of the block, concrete has been installed in front of the businesses. The minimum required landscaping area equals (243 sq. ft.) per City Code which equals (1) tree and (3) bushes. Taking into consideration the pre-existing condition with the concrete, it would be acceptable to allow the required number of trees and bushes to be installed using an alternative landscape plan. All parking and maneuvering areas war required to be paved in the CB Zone. The owner has expressed a desire to apply for a staged deferral on portions of the parking area. The deferral must be approved by the City Council. Prior to the city issuing a final Certificate of Occupancy, the parking lot will either need to be paved completely, or have an approved staged deferral on the property. Possible additional impacts to the area should be minimal; the visual impacts to the area associated with this type of business can be mitigated by requiring that all inoperable, unlicensed, or junk vehicles and all parts be stored inside or behind a sight obscuring fence that has been approved by staff.

Planner I Spendlove stated upon conclusion, should the Commission grant this request, as presented, staff recommended 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 an alternative landscape plan being provided to City Staff for approval, and installed by applicant no later than October 8th 2013.
3. Subject to all un-operable, un-licensed, or junk vehicles, and all parts being stored inside, or behind a sight obscuring fence that has been approved by staff.
4. Subject to the parking and maneuvering area being paved in conjunction with the construction of the addition, or an approval of a staged three (3) year deferral that would require portions of the area to be paved each year ; with the entire area to be paved no later than August 27, 2016.

Questions/Comments:

- Commissioner Woods asked what the purpose is for the landscaping requirements.
- Planner I Spendlove explained it is required by City Code and the reason for this is to beautify the area and make the street more aesthetically pleasing.
- Commissioner Woods asked why a deferral is being considered on this site.
- Assistant City Engineer Vitek explained that if the costs of the improvements exceed a certain percentage of the improvement of the building the applicant can request to do a staged deferral.
- Commissioner Woods asked what the plan is for weekend or after hour drop offs.
- Mr. Rogers stated that most of the time there aren't any vehicles dropped off on the weekends. Typically the cars go to a secured towing yard and are brought over when the work is to be completed. If there is one dropped off, there is an office directly across the street where someone can drop off the key. They prefer that nobody drop off a care on the weekend.
- Commissioner Sharp asked if there will still be space for parking the inoperable vehicles or will they all be stored inside.
- Mr. Rogers stated that there will be plenty of space, sometimes vehicles are left on the property because there is nobody to pay for the repairs. In this type of situation they have these vehicles towed off to a towing yard. They will have most of the cars parking inside the building, and there will be room for the few that are waiting for repairs.
- Commissioner Grey asked about storing the parts and things in a screened area because it is an eyesore for neighboring properties and it was part of the original conditions for approval.
- Mr. Rogers the parts and things will be stored inside.
- Commissioner Munoz asked about storm water retention and oil traps.
- Assistant City Engineer Vitek explained that the additional paving will require that a storm water retention area be installed to maintain runoff on the property and they will be required to manage the fluids.
- Commissioner Boyd referred back to the landscaping question. She asked what the alternative method for this requirement would be, if they have to have (1) tree and (3) bushes. She is concerned about the maintenance of the landscaping.
- Planner I Spendlove stated it is a requirement, by considering that concrete is in place the alternative is to find a method that works that allows for the required trees and bushes.
- Commissioner Grey asked about the possibility of beautifying the building versus plant materials. For example an awning or dressing up the outside of the building without landscaping.
- Planner I Spendlove stated that these requirements are triggered by the request to add onto the existing building. If this did not require a building permit the improvements would not be required.
- Commissioner Frank stated that this is a code requirement.

- Commissioner Munoz stated the code requires a certain square footage of the landscaping by allowing an alternative they can just provide 1 tree and 3 bushes, they are not required to break up the concrete to plant.
- Commissioner Woods stated there should be a mechanism for looking at the code and send a message to the City Council for a possible code change.
- City Attorney Fritz stated this group is responsible for reviewing planning and zoning issues, currently the issue tonight is related to a zoning issue, but if there are things in the code that don't look correct then the Commission needs to recommend to staff that this item be added to the list for code review. The list can then be presented to City Council for discussion. Tonight is the night to resolve requirement issues but it could be the night that the Commission requests that staff add the item to the list for review.

Public Hearing: Open

Randy Steel, 447 Bracken Street, stated he has lived here his whole life and this lot has been taken care of and he is not opposed to the request.

Public Hearing: Closed

Closing Statements:

Mr. Rogers stated that his group has made large improvements to the property. He is not opposed to the landscaping putting up plants and trees. He has put trees out on this property but they have been stolen. He doesn't have any issues with landscaping he wants to make the property look nice.

Discussion Followed: Without Concerns

Motion:

Commissioner Munoz made a motion to approve the request, as presents, with staff recommendations. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED, 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 an alternative landscape plan being provided to City Staff for approval, and installed by applicant no later than October 8th 2013.
3. Subject to all un-operable, un-licensed, or junk vehicles, and all parts being stored inside, or behind a sight obscuring fence that has been approved by staff.
4. Subject to the parking and maneuvering area being paved in conjunction with the construction of the addition, or an approval of a staged three (3) year deferral that would require portions of the area to be paved each year ; with the entire area to be paved no later than August 27, 2016.

2. Requests a Special Use Permit to serve alcohol for consumption on site in conjunction with a restaurant on property located at 611 Blue Lakes Boulevard North c/o Knox Family, LLC dba Genghis Khan Mongolian Grill (app. 2592)

Applicant Presentation:

David Knox, the applicant, stated he is here tonight to request a Special Use Permit to allow for beer and wine to be served on site in conjunction with a restaurant. The hours of operation are from 11:00 AM to 9:00 PM. He doesn't think this will have any negative impacts to the neighbors; he would just like to offer this as a choice on the menu.

Staff Presentation:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. He stated the request is for Special Use Permit to allow for beer and wine to be served on site in conjunction with a restaurant. The business anticipates a traffic load of 300 guests with approximately 25 employees. This use should be compatible with the surrounding uses which are restaurants and fast food businesses.

Upon review of the request City Code 10-4-8.2 requires a Special Use Permit if the location is within 300' of a residential property and alcoholic beverages are to be consumed on the premises where sold. This requirement is to reduce the impacts to the residential neighbors. The property is boarding residential property along the west and southwest boundaries. The location of this restaurant is along a major commercial corridor, and the residences are not accessible through the subject property. All traffic enters the site directly from Blue Lakes Boulevard North and does not directly impact the adjoining properties. The property boundaries adjoining the residential property already has a sight obscuring fence and is required to remain in place and be maintained by City Code.

Required parking spaces for this use are assessed at one space per 4 chairs. These requirements along with other required improvements to the property are required to be in conformance with City Code at the time of building permit; the other improvements may include landscaping, screening, parking areas, drainage and storm water retention. These items were reviewed with the original building permit submittal and have met the minimum requirements set forth by City Code. Currently only an interior remodel application has been submitted without any anticipated changes to the outside, if that should change these items will be reviewed again for compliance.

A restaurant is listed as a permitted use in the C-1 zone, inherently; commercial activities mainly impact residential uses by an increase in noise, traffic and other visual related matters. To mitigate these impacts City Code requires a sight obscuring fence to help minimize the noise and visual impacts. Traffic is mitigated by limiting access to residential areas. Serving beer and wine by the drink in conjunction with a restaurant is not anticipated to increase the previously stated impacts, nor is it anticipated to create any new adverse impacts to the area.

Planner I Spendlove stated upon conclusion should the Commission grant this request, as presented, staff recommends 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 the applicant maintaining the sight obscuring fence along the property lines which adjoin residential uses.

Discussion Followed:

Commissioner Munoz asked if the fence was continuous or if it had any openings. Planner I Spendlove explained he did not see any openings.

Public Hearing: [Opened and Closed Without Public Comment](#)

Deliberations Followed: [Without Concerns](#)

Motion:

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

[APPROVED, AS PRESENTED, 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 the applicant maintaining the sight obscuring fence along the property lines which adjoin residential uses.
3. Requests a Special use Permit to allow an indoor recreation facility in conjunction with a medical office on property located at 170 South Park Avenue. c/o Curtis Mason on behalf of Elite Physical Therapy and Health, LLC (app. 2593)

Applicant Presentation:

Curtis Mason, the applicant, stated they would like to have an indoor recreation facility in conjunction with a medical office on property located at 170 South Park Avenue. The reason for the request is to operate the gym 24 Hours. This building has been empty for a while and so the change may have a small impact on the area because there will be traffic coming to the sight again. The majority of the traffic is there during office hours however there will be staff on sight 24 hours. The access to the building would be through a card system. Noise from the gym should be minimal, however they do provide Zumba classes that can be a little loud but the wall thickness should minimize any impacts to neighbor and the classes will end before 10:00PM. There are lots of neon lighting on the building that they plan to restore and use. The majority of traffic will occur Mon-Fri and the busiest time of the year occurs Jan-Mar, with the maximum number of customers ranging from 30-40 people.

Questions/Comments:

- Commissioner Boyd asked what a Zumba room is.
- Mr. Mason explained it's an aerobics classroom; Zumba is just a style of aerobics.
- Commissioner Munoz asked about the impacts of the neon lights to the neighbors, and if they can be controlled so that it doesn't impact the adjacent neighbors. Is there lighting for the parking lot for safety.
- Mr. Mason stated there should be sufficient lighting in the parking area for evening hours. As for the homes the shine should be minimal and should not be bright enough to impact the neighbors. He could manage the outside lighting but it could impact the lighting of the parking lot, either way they will manage the lights to reduce any impacts.

Staff Presentation:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. In 1981 Ordinance 2012 was passed in 1981 rezoning the property to its current zone which is C-1. This location has had multiple commercial uses on the property. Some of these included restaurants which received Special Use Permits for a drive-thru and to serve alcohol by the drink for onsite consumption from 1994-2005. These previously issued permits are currently void due to inactivity of the particular uses as this location. No other zoning history is known at this time.

The applicant has provided a narrative outlining the hours of operation and the proposed use of the property and building. There will be 24 hour lighting provide for safety and they will ensure that the lighting will be contained and not intrude onto the neighboring properties. The noise from the gym should not penetrate to the exterior walls of the building and should not be problem for neighboring uses. The applicant has identified the existing fence that abuts residential uses that shall be maintained to provide a sight obscuring barrier between commercial uses and residential uses.

Per City Code 10-4-8.2: Rehabilitation services/offices area an allowed use in the C-1 Zone. A fitness center however falls under the indoor recreation facility, therefore requires a Special Use Permit to operate. In the past the building has been used for multiple restaurants and other various establishments. A fitness center would normally have fewer traffic impacts than a restaurant. The 24 hours of operation could be a concern with neighboring residences. The applicant stated that the noise from within the business will not be audible outside the building. It should be noted that any noise or disturbances occurring after hours can be dealt with through the noise ordinance enforced by the police department. The applicant also states that all the lighting, besides the minimum required levels for the parking lot will be directed downward or toward the building. These measures by the applicant should minimize the imposing impacts of light and noise that may occur with this business operation. Staff has spoken with the applicant about the lighting impacts. The required improvements associated with this use will be reviewed and enforced at the time of occupancy change with a building permit. All the minimum requires will have to be met in order to operate. One item that staff recommends a condition on is the landscaping; the applicant has noted that shrubs along the perimeter will be maintained and this should help minimize the light trespass from vehicles that happen to park facing the residences. However, there are spots that this vegetation is not sufficient to minimize the potential impacts. It would be practical to place a condition on the Special Use Permit to increase the number and/or size of shrubs along those portions of the parking lot directly across the road from residential uses, in order to minimize the potential impacts.

Planner I Spendlove stated upon conclusion, should the Commission grant this request as presented; staff recommends 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 the applicant increasing trees and/or shrubs along perimeter of parking lot directly across the street from residential uses per staff approval.

Questions/Comments:

Commissioner Woods asked if staff would specify the type of tree or bush that needs to be installed, it would not provide a barrier if it loses its leaves in the winter.

Planner I Spendlove would recommend that the shrub provide a barrier year round and staff would have to approve the landscaping.

Discussion Followed:

Steve Montoya, 562 Pica Boo Drive, he would like to see this facility be successful. He would like to make a difference, and to do so they offer discounts to the customers based on use. The extended hours allow people that work shifts the opportunity to work-out. The size of this location is smaller than the existing facility in Burley, so the traffic will not be as high. The goal is provide a place where people can go to get healthy.

Deliberations Followed:

Commissioner Sharp stated that he thinks that the previous impacts associated with locations use had a larger impact to the neighbors than this use will have. He is glad to see something going into the building.

Commissioner Frank stated he agrees this should have less of an impact than previous uses.

Commissioner Munoz stated this will be low impact, he agrees there has to be some lighting for safety and any noise can be reported to the police if that becomes an issue.

Closing Statement:

Mr. Mason explained that there will be camera surveillance both inside and out. The parking will occur against the fence and he is not sure how much landscaping will be required but they are willing to comply.

Motion:

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

APPROVED, AS PRESENTED, 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 the applicant increasing trees and/or shrubs along perimeter of parking lot directly across the street from residential uses per staff approval.

Commissioner Woods step down from his seat.

4. Requests a Special use Permit to construction a detached accessory building over 1000 sq. ft. (2500 sq. ft.) on property located at 3268 Highlawn Drive. c/o Bob Veeh (app. 2594)

Applicant Presentation:

Bob Veeh, the applicant, would like to increase the size of an existing detached accessory building the 1800 sq. ft. space would use it to park vehicle and RVs in the building. The building will blind in with the existing home, it will have eaves and windows and be totally enclosed. The size is what requires Special Use Permit approval.

Staff Presentation:

Planner I Spendlove stated in 1981 Ordinance 2012 was passed rezoning the property to its current zone which is SUI; suburban-urban interface, this property is also located within the City's Area of Impact. The request is for a Special Use Permit to construct an 1800 sq. ft. building. In the SUI zone a Special Use Permit is required for an accessory building over 1500 sq. ft. The applicant does not anticipate any significant impacts to the neighboring residences. The surrounding properties in this area have several of these types of building some of which did require a Special Use Permit before construction.

City Code 10-4-2.3 requires a rear yard and side yard setback to be 3 feet from the property lined for detached accessory buildings in this zone. The applicant has supplied a site plan showing these requirements being exceeded, therefore meeting the minimum standard.

Possible impacts to the neighboring uses are the impacts while the building is being constructed. The applicant has provided a short narrative detailing some of the construction details that will occur. The construction is anticipated to take place Monday through Saturday, between the hours of 8:00 AM to 6:00 PM with 3-6 workers on site until the building is complete. This should minimize the construction impacts to the neighbors.

Planner I Spendlove stated upon conclusion, should the Commission grant this request as presented; staff recommends 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 the accessory building being used solely for private non-commercial uses.

Questions/Comments:

Commissioner Munoz asked if the commercial use restriction applies to storage or vehicles with signs on them.

Zoning & Development Manager Carraway stated if the use of the vehicle is for traveling back and forth for work and it happens to have a sign on the side then that would not be considered a commercial use.

Public Hearing: [Opened and Closed Without Public Comment.](#)

Deliberations Followed: [Without Concerns](#)

Motion:

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

[APPROVED, AS PRESENTED, 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 the accessory building being used solely for private non-commercial uses.

Commissioner Woods returned to his seat.

5. Requests a Special Use Permit to allow a drive-through window in conjunction with a financial office on property located at 1907 Blue Lakes Boulevard North c/o Idaho Central Credit Union (app. 2595)

Applicant Presentation:

Gerald Martens, EHM Engineers, representing the applicant stated that ICCU plans to build a new facility at 1907 Blue Lakes Boulevard North and the request will meet all of the requirements as Canyon Park West PUD defines. The SUP is required for a drive thru and the property has to prove it is needed, there is adequate stacking, and will meet the requirements. He reviewed the exhibits on the overhead showing the elevations of the building and the location of the drive through area.

Questions/Comments:

Commissioner Munoz asked if an ATM will be included in the drive through.
Mr. Martens stated yes and ATM will be provided with a drive through.

Staff Presentation:

Planner I Spendlove stated in 1981 Ordinance 2012 was passed creating the zoning districts we currently use for properties within the City limits. Multiple PUD's have been proposed and approved that included this particular area over multiple years. The latest zoning action occurred in August, 2012 when the Canyon Park West Amended C-1 PUD was approved and recorded.

The applicant has supplied a narrative outlining the details of the proposed use which is a banking facility the drive through hours of operation will be 8:30 Am to 6:00 PM (Mon-Fri) and 9:00 AM to 3:00 PM (Sat) closed on Sunday. The maximum number of employees at the location will be 17. The anticipated traffic load will be that which is similar to other banking facilities. The applicant believes the impacts to the neighboring land uses will be negligible. The applicant also stated that all the lighting will comply with the standards outlined in the approved Canyon Park West PUD. The location for this financial office and attached drive-through windows are not located in the CRO; Canyon Rim Overlay District.

All drive-through establishments in the C-1 Zone are required to obtain a Special Use Permit to establishing the use. The location of this financial office is along a major commercial corridor, and should have minimal impacts to the surrounding areas.

Required improvements to the property are required to be in compliance with the City Code or the PUD, whichever is applicable, at the time of building permit. All required improvements including landscaping, screening, parking areas, drainage and storm water retention will be reviewed with the building permit submitted to the city and will meet the minimum requirements.

Planner I Spendlove stated upon conclusion should the Commission grant this request, as presented, staff recommends 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.

Public Hearing: **Opened and Closed Without Public Comment.**

Closing Statement:

Mr. Martens stated this will not be like a fast food drive through and the hours of operation should have minimal impacts. He did remind the Commission that this property is included in a PUD Agreement that is very restrictive. The development will meet the conditions of the Special Use Permit and be in compliance with City Code and the PUD Agreement.

Deliberations Followed: Without Concerns

Motion:

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

APPROVED, AS PRESENTED, 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.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

- Commissioner Woods stated that he thinks one of the duties of the Commission is to bring attention to things that don't seem right in the code, so that someone can take a second look. The item he would like reviewed currently is the landscaping requirements. To him there are applications where the code is absolutely without question applicable, however there are some requests where the code requirements are questionable and he believes there should be a means for the staff to apply their skills. The staff is very capable of making good decisions. For example the landscaping requirement for one of the requests tonight is for an existing building that has concrete all over the place which would require the applicant to plant one tree and three shrubs. This requirement will also include the need for water to be provided to the landscape and depending on the type of tree it could have a root system that busts up the street, the concrete and possibly sewer lines and this just doesn't make any sense. He thinks the City staff could make those decisions. He would like to have something presented to the City Council that would provide an addendum to allow City staff to use their experience and efforts to make this happen. Possibly there could be some alternatives; for example instead of planting three trees on their property they could offer to plant them somewhere else where trees are needed.
- City Attorney Wonderlich stated that possibly the situation tonight was created by bad facts that created a bad ordinance. He understands this is a struggle and downtown is a difficult area because of the property issues; however he would ask that before this gets too far along he thinks the Commissions should tour the area and get a feel for what should possibly happen. For example the new Glanbia facility landscaping requirements were imposed and it looks really nice but the job was starting from scratch which makes it easier to impose the requirements. The Commission needs to decide where they think the landscaping makes sense and where it doesn't. He would also like to state that staff does not want the responsibility of using discretion for when to impose the code and when it needs to be altered.
- Commissioner Boyd asked where all the concrete came from.

- Planner I Spendlove stated that is the point previous to the concrete they applicant planted trees several times and they were stolen. They were tired of replacing the trees so he poured concrete without a permit. Anyone can take out landscaping which is a violation of code and it happens.
- Commissioner Boyd stated she understands how this happens and she would love to have lots of landscaping but it's not everyone's favorite hobby. She would much rather have concrete and a sidewalk area that is safe and clean and goes with being an auto body shop. It is not like this area is a concrete jungle, so it seems appropriate to not require the landscaping.
- City Attorney Wonderlich stated the Commission might consider is what the trigger is for the landscaping. Our City Code states if there is a 25% expansion or a change of use this type of improvement would be triggered as a requirement. Unless the thought is that maybe in this district is shouldn't be required. He does encourage the Commission to consider the impact that this will have to the other properties in the area.
- Commissioner Munoz stated the discretion should not be left to staff, he thinks we need to have alternatives. The idea is to beautify the property that is in question, so possibly there could be other options such as awnings, benches, or painting something on the building. Possibly have a beautification alternative versus just landscaping.
- Commissioner Woods agrees that this is not something that can be corrected in one discussion; it is a topic that should be reviewed and considered. Beautification can happen with other things besides landscaping such as benches, lighting, painting and other things.
- Council Liaison Mill Sojka stated she appreciates the discussion. She is comfortable with the requirements because it is uniform it applies to everyone but there are situations where discretion could apply. With that said she would recommend that the discretion be place at the City Council level and not be left with the staff. This would be a huge liability for the City and staff and they don't want that responsibility. There is process available for the applicants to request that a condition be reviewed by the City Council, leaving it up to the elected officials to make the final decision. She would recommend this item be listed on the next Planning & Zoning Work Session Agenda for further discussion.
- Commissioner Sharp stated the requirements are listed and staff has to approve the improvements. If the improvements are approved and they work with staff it shouldn't be a problem.
- Commissioner Tatum stated she thinks the Commission should also keep in mind that there is a discussion underway for alternative landscaping issues like artificial turf and greenery. There are other options being considered that don't necessarily require water.
- Commissioner Grey stated he thinks a pamphlet the could be provided to the applicant outlining an alternative list of choices that were pre-approved by the Council then the applicant could provide a site plan showing what approved alternative they will use to meet the requirement.
- Planner I Spendlove explained that the requirement for this particular request was that they have to provide 238 sq. ft. of landscaped area. The alternative was to allow them to provide the equivalent number of trees and bushes which is one tree and three bushes. So the alternative is that the applicant doesn't have to remove 238 sq. ft. of concrete they can be planted in something else. The landscaping that is counted is trees and bushes ground cover is not even counted as landscaping.
- Commissioner Munoz stated he is looking at this from a citizen's perspective rather than planting landscaping I am going to pour concrete and be done, without options people feel like they can't meet the requirement.
- Commissioner Derricott stated he disagrees that this requirement is a hardship it is not a huge cost it is more an inconvenience.
- Commissioner Boyd stated pouring the concrete solved the problem at the moment but because of the 25% expansion the landscaping is required and the applicant is willing to comply.
- Zoning & Development Manager Carraway stated the applicant was well informed and he is willing to comply.

- Commissioner Munoz stated the law in this situation doesn't make sense to be black and white maybe it needs to be evaluated, and if there are any other options available.
- Commissioner Grey stated this has happened before and this is an issue that needs to be reviewed.
- Zoning & Development Manager Carraway stated the 25% expansion rule is a trigger for all of Title 10 Chapter 11 required improvements. As for the landscaping, storm water retention is another issue in the downtown area, a small area of landscaping can provide a place to manage some water runoff.
- Commissioner Frank asked if alternative landscaping is being reviewed by the Zoning Ordinance Amendment Committee.
- Planner I Spendlove stated yes it is an item up for review.
- Commissioner DeVore stated he would caution making changes because it can create other issues that aren't considered.
- Commissioner Frank reassured the Commission that this is an item up for discussion and will be added to the agenda for the ZOAC meeting and possibly the work session meeting.

VI. UPCOMING PUBLIC MEETINGS (held at the City Council Chambers unless otherwise posted):

1. Work Session – **Wednesday**, September 4, 2013 12:00 pm – 1:00 pm
2. Public Hearing – **Tuesday**, September 10, 2013 6:00 pm

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:45 PM.



Lisa A Strickland
Administrative Assistant
Community Development Department



MINUTES
Twin Falls City Planning & Zoning
Commission
September 10, 2013-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Munoz Chuck Sharp Jolinda Tatum
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods
Vice-Chairman

CITY COUNCIL LIAISON

Suzanne Hawkins Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Boyd
Derricott
Frank
Grey
Munoz
Tatum

ABSENT:

Sharp

AREA OF IMPACT MEMBERS

PRESENT:

ABSENT:

DeVore
Woods

CITY COUNCIL MEMBERS PRESENT: Hawkins

CITY STAFF PRESENT: Carraway, Spendlove, Strickland, Vitek, Wonderlich

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 present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **NONE**

Approval of Findings of Fact and Conclusions of Law:

- Ken Rogers-SUP 08-27-13
- Knox Family-SUP 08-27-13
- Curtis Mason-SUP 08-27-13
- Bob Veeh-SUP 08-27-13
- Idaho Central Credit Union-SUP 08-27-13

III. ITEMS OF CONSIDERATION:

1. Request to approve the preliminary plat Desmond Estates Subdivision approximately 3.37 (+/-) consisting of 3 residential lots located at 2851 Pole Line Road East c/o EHM Engineers, Inc.

Applicant Presentation:

Hailey Barnes, EHM Engineers, Inc., stated that the applicant owns 3.37 acres and they would like to divide the property in to 3 residential properties. Part of the subdivision is extends from Pole Line Road East and is a gravel road to the existing home. City has requested that a 20' wide section be paved to provide access to the lots and this will be completed upon sale of the first lot. There is also a bridge that crosses the property that is too narrow for fire truck access. The applicant has agreed to widen this bridge to 30' upon sale of the first lot also. The applicant has also requested that the plat name be changed to Pillar Falls View Subdivision instead of Desmond Estates.

Staff Presentation:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. On January 5, 1994 Variance #363 was approved for a 35' Snake River Canyon rim setback. This variance was denied by Planning & Zoning and appealed to the City Council. The City Council approved the request. The decision was appealed to the Area of Impact Appeals Board. The Board upheld the City Council's decision, also finding the appellants had no standing to appeal the request.

This Preliminary Plat for the Desmond Estates Subdivision includes 3.37 (+/-) acres and is zoned SUI CRO in the Area of Impact. The request is to plat three (3) lots. The site is located at 2851 Pole Line Road East (extended). Pole Line Road East extended crosses a waterway with a private wooden bridge and is a private drive to the proposed subdivision. The existing bridge and private drive are inadequate for emergency vehicles and are not compliant with current zoning code. The Developer shall reconstruct/improve the bridge to 30' wide to allow access of emergency vehicles. The Developer will widen the proposed private drive where it is too narrow as approved by the City Engineering Department. The drive will be constructed of adequate all weather surface material. A full review of required improvements will be made by the Building, Planning, Fire and Engineering Departments for full compliance with minimum development standards prior to issuance of any building permits.

This is the first step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development. The plat is consistent with other subdivision development in the area, city code criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for urban village/urban infill uses.

Planner I Spendlove stated upon conclusion should the Commission approve the request, as presented staff recommends the following conditions:

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to final technical review and amendments as required by Engineering officials of the development of the private bridge over the waterway.
3. Subject to final technical review and amendments as required by Engineering officials to ensure compliance with all applicable City Code requirements and standards of the development of the private drive to the proposed subdivision.
4. Subject to final approval by the Twin Falls Board of County Commissioners.

Questions/Comments:

- Commissioner Boyd asked for clarification of the location of the property.
- Commissioner Munoz asked when the road improvements would be required.
- Assistant City Engineer Vitek stated that the improvements would have to be completed prior to a building permit being issued.
- Commissioner Tatum asked what the distance is from this property and the Evil Knievel jump site.
- Planner I Spendlove stated he would estimate it to be approximately 200-300'. There is a PUD "The Preserve" attached to the property adjacent to these lots that requires a trail to be developed that may allow access to the Evil Knievel jump site.
- Commissioner Boyd asked about trail requirements for these lots.
- Planner I Spendlove explained that these will be private lots and the trail requirements will not be connected to the development of these lots. The City Council voted at their last meeting to have the Evil Knievel jump site annexed into the City Limits and it will become City property.

- Assistant City Engineer explained that the reason there is not a request for the bike path to be constructed along the north portion of these lots is because as part of "The Preserve" PUD a trail will be provided and will connect to a development further east.

Public Hearing:

- Forrest LeBaron, 246 9th Avenue North asked if the road to be paved is private or public and if the bridge widening is to be paid for with the sale of first lot and if there are others that will need to assist with the cost.
- Assistant City Engineer Vitek explained it will be the developer's responsibility and in order to subdivide the property proper fire access is required.

Discussion Followed:

- Commission Munoz explained his concern about when the road and the improvements will be made is because of the funding necessary to complete the improvements. There could be an issue with this later if the lots change hands and the person wants to build on the lot before the improvements have been made.
- Zoning & Development Manager Carraway explained there have been numerous discussions with the property owner as well as the engineering firm about these requirements. This situation is a little different because there is already development on the rim that has been there for a long time. This road according to City Code cannot remain the way it is, if the developer is able to work with the other property owners that would be acceptable however the improvements will have to be complete before any building permits will be released.
- City Attorney Wonderlich stated the City that a note on the plat would probably be beneficial explaining that the required improvements must be in place prior to a building permit being issued.

Motion:

Commissioner Munoz made a motion to approve the request, as presents, with staff recommendations with the addition of a note on the plat that explains there will be no building permit issued until the required roadway improvements for the road and bridge are completed. Commissioner Derricott seconded the motion. All members present voted in favor of the motion.

Approved, As Presented, With The Following Conditions

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to final technical review and amendments as required by Engineering officials of the development of the private bridge over the waterway.
3. Subject to final technical review and amendments as required by Engineering officials to ensure compliance with all applicable City Code requirements and standards of the development of the private drive to the proposed subdivision.
4. Subject to final approval by the Twin Falls Board of County Commissioners.
5. Subject to a note being placed on the final plat that no building permits will be issued until the roadway improvements for the road and bridge are completed.

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to build a mini-storage unit facility on a 2 (+/-) acres portion of undeveloped land located south of 221 Carriage Lane North, aka Carriage Lane Apartments c/o Forrest LeBaron (app. 2599)

Applicant Presentation:

Forrest LeBaron, the applicant stated he is proposing to build a mini storage unit facility on the property located at 221 Carriage Lane North. He feels this will be a good fit for the area. He has been working closely with EHM Engineering and the city staff with regards to design and code requirements. He has read the conditions listed by staff and has no concerns at this time.

Staff Presentation:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. In 1981 Ordinance 2012 was passed in 1981 rezoning the property to its current zone which is C-1. In June of 1997 the Cedar Park PUD was approved by the City of Twin Falls, this zoned the particular area to C-1 PUD. No further zoning history is known at this time.

The applicant has supplied a narrative outlining the details of the proposed use of the property. The storage facility will have 250 units total. The office hours of operation will be 9am – 5pm; Mon – Friday, or by appointment. The tenants will have access from 7:30am – 9:30pm every day. The applicant anticipates 10-15 vehicles per day will visit the storage units. The facility will have two employees. The applicant states a screening fence will be installed along the perimeter that will match the adjoining properties. The applicant does not anticipate any negative impacts to neighbors in the form of noise, glare, odor or vibration.

Upon review of the application per City Code 10-4-8.2: Mini-storage units in the C-1 Zone are required to obtain a Special Use Permit prior to establishing the use due to potential impacts on neighboring properties. The location of this storage facility is within a PUD that has a master development plan designating this area as a C-1 Zone. Although it is not directly along a major commercial corridor, the overall development is along Addison Avenue East. The impacts to surrounding areas are not anticipated to greatly increase as it pertains to traffic, noise, or glare. The greatest impacts of storage units are typically of a visual matter. All required improvements made on the subject property are required to comply with standards set forth in the approved Cedar Park PUD.

Per City Code 10-10: The required number of parking spaces is counted for the office portion of the development. Actual storage spaces do not require a parking space. The office shown on the site plan is approximately 1200 sq. ft. The applicant has provided 4 parking spaces which meets the minimum City Code requirement. Per City Code 10-11-1 thru 8: Required improvements to the property are required to be in conformance with City Code or the PUD, whichever is applicable, at the time of building permit. Additional landscaping is required along Carriage Lane, certain building material and standards are prohibited or required, and that other pertinent standards will need to be met per the approved Cedar Park PUD.

The proposed project conforms to the approved master development plan found in the Cedar Park PUD, which designated this area as a C-1 zone with its associated uses. The applicant has stated that access to the units will be during normal business hours. Any increase in traffic, noise, odor, or glare is not anticipated to be significantly increased to unacceptable levels for neighboring land uses. The potential visual impact of storage units have been reasonably addressed by the applicant. No outside storage is shown on the site plan, and the storage units all face the interior of the development. The exterior of the development will be a pour-in-place concrete that will be painted in earth tones. Additionally, the site plan shows landscaping that parallels the perimeter of the entire development, as well as a screening fence being installed on the perimeter. It is anticipated that the proposed storage units will not have significant impacts additional to those previously addressed that need to be mitigated by special conditions.

Planner I 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 recordation of the Final Plat.
3. Subject to all requirements of the Cedar Park PUD being met

Public Hearing: Opened & Closed Without Public Input

Closing Statements:

Forrest LeBaron made a clarification regarding the screening fence. The concrete wall will be approximately 10-14' tall around the perimeter of the property. The north side of the property it will be approximately six inches (6") from the property line on the south side it will be built five feet (5') from the property line. There will be two points on the property for fire access that will create a break in the wall and those two points will have slatted fencing to provide screening. The wall will be the screening fence between the properties.

Discussion Followed:

- Assistant City Engineer Vitek explained to the Commission that the applicant is working with the City on gaining a "Will Serve" letter for this property.
- Commissioner Tatum asked about the landscaping requirements.
- Planner I Spendlove stated the landscaping requirements area addressed in the Cedar Park PUD and it exceeds City Code requirements.

Motion:

Commissioner Derricott made a motion to approve the request, as presents, with staff recommendations. Commissioner Tatum 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 recordation of the Final Plat.
3. Subject to all requirements of the Cedar Park PUD being met.

Commissioner Munoz stepped down from his seat.

2. Request for a Special Use Permit to establish a drive-through ATM in conjunction with an existing bank on property located at 215 Blue Lakes Boulevard North c/o Jason Smith on behalf of D.L. Evans Bank (app. 2598)

Applicant Presentation:

Jessica Aguilar, the applicant stated that D.L. Evans is in the process of updating their ATM's and this is one of the locations that needed to be updated. The original plan was to put the new ATM in the existing drive thru on the last lane, however the existing island was not wide enough to support the new ATM and to widen the lane would require encroachment into the alley. Encroaching into the alley was not an option for the improvement therefore they are requesting to relocate the ATM to the front of the building to allow it to become a drive-through ATM facility. There is an existing drive lane in this area, they would keep the ATM on the sidewalk and attach it to the building with directional signs place appropriately for traffic. There would not be any modifications to egress or traffic flow.

Staff Presentation:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. In 1981 Ordinance 2012 was passed in 1981 rezoning the property to its current zone which is C-1. Multiple commercial establishments have been located in this building, including some restaurants (Red Steer) and the current Bank.

The applicant has supplied a narrative outlining the details of the proposed use of the property. The drive-thru will be located on the south and east sides of the building for a freestanding ATM. The desire for a drive up ATM is for convenience to its customers. The hours of operation for the bank, number of employees and general traffic to and from the property are not anticipated to change. The applicant does not believe there will be any adverse effects on the adjoining property owners by moving the ATM from the NE corner of the building to the East side of the building.

Upon review of the application per City Code 10-4-8.2: All drive-through establishments in the C-1 Zone are required to obtain a Special Use Permit prior to establishing the use. The use of a drive-thru on the property has been in place for quite some time. The additional drive through lane will be placed on the east side of the building away from residences. This particular location will mitigate most of the potential impacts it may generate. The location of this financial office is along a major commercial corridor. The impacts to surrounding areas are not anticipated to greatly increase as it pertains to traffic, noise, or visual matters.

Per City Code 10-7-13: Drive-in banks require nine (9) stacking spaces, or such other number as approved by the Planning and Zoning Commission, but not less than six (6) spaces. The submitted site plan shows enough space for six (6) stacking spaces. Any establishment with a drive-through has the potential to have negative impacts to neighboring land uses. These impacts generally include an increase in traffic, noise, as well as light trespass from headlights and security lighting. Typically these impacts are greater on residential uses. This particular location has residences located west across an alley. Generally, the impact of traffic and noise will occur during the daytime due to the limited bank hours. The drive-thru for ATM service being placed on the East side of the building will greatly mitigate the impacts for after-hours service. The site is designed to require access for the new drive-thru via Shoup Ave on the South; the natural exit will then be via Blue Lakes Blvd.

It is anticipated that the proposed drive-through ATM will not have significant impacts to the area that need to be mitigated by special conditions.

Planner I Spendlove stated upon conclusion should the Commission grant this request as presented; city 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.

Questions/Comments:

- Commissioner Frank asked with the traffic returning back onto Blue Lakes Boulevard North and if there are any restrictions for making it a right in and right out only.
- Assistant City Engineer Vitek stated this egress already exists so the City could not ask for that type of change. In the past this has not been successful without putting an island out in the main road such as Blue Lakes Boulevard and to do this it would require Idaho Department of Transportation approval.

Public Hearing:

Judson Arrington, 210 Lincoln Street, stated he is here because he is concerned that the ATM will become a full service 24 Hour banking ATM. This will increase traffic to the site without restrictions on the hours of operation. The other concern is once one of these is authorized and they want to change or add more of the 24 Hour full service ATMs will it require additional public hearings, the drive through lanes already exist. His other issue is the lighting of the drive-thru, currently the lights are very bright and they shine directly into his bedroom. The customers are not the issue, but the traffic after hours is continuous because the lights are so bright. The summer is particularly worse than the winter because he has to open his windows and doors to keep the house cool and they can hear everything.

Gerardo Munz, 410 Aspenwood Drive, he stated he has some comments to offer because he works for the bank however he is speaking as a Citizen. There is no intent to become a 24 hour banking facility through the ATM machine. There should not be an increase in traffic and there are ADA requirements that need to be met by the ATM machine, which is the reason for replacing the machine.

Flori Arrington, 210 Lincoln Street, asked for more clarification for access to and from the bank. If the main access is going to the ATM will be from Shoup Avenue, the concern is that the cars are going to be traveling along an area close to her flower beds and where she is quite often.

Closing Statements:

Ms. Aguilar stated that the ATM upgrade is for ADA compliance requirements. There will not be any foreign currency handled through the ATM. The plan involves moving the existing ATM (5') five feet from where it is currently. Security lighting is on a timer and this is the first time she has heard any concerns about the lighting. There are ways to mitigate these concerns. The traffic pattern is not going to change much, and there will be customer education provided. Additional traffic coming in from Shoup Avenue will be minimal because that access already provides a difficult means of accessing the property. The customers have already been trained how to enter and exit the property. The majority of the customers will most likely loop around to use the ATM machine once it is converted to a drive-thru lane. The additional signage will not be lit and will just be used to direct the traffic.

Discussion Followed: Without Concerns

Motion:

Commissioner Derricott made a motion to approve the request, as presents, with staff recommendations. Commissioner Grey 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.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

Zoning & Development Manager Carraway stated that the next agenda has two scheduled hearing items. One is to request an amendment to a Special Use Permit and the other item was rescheduled because the property was not correctly noticed when it was originally scheduled.

VI. UPCOMING PUBLIC MEETINGS (held at the City Council Chambers unless otherwise posted):

1. Public Hearing – Tuesday, September 24, 2013 6:00 pm
2. Work Session – Thursday, October 3, 2013 12:00 pm – 1:00 pm

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:00pm.

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



MINUTES

Twin Falls City Planning & Zoning Commission
September 24, 2013-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Munoz Chuck Sharp Jolinda Tatum
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods

Vice-Chairman

CITY COUNCIL LIAISON

Suzanne Hawkins Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Boyd
Derricott
Frank
Grey
Munoz
Sharp
Tatum

ABSENT:

AREA OF IMPACT MEMBERS

PRESENT:

Woods

ABSENT:

DeVore

CITY COUNCIL MEMBERS PRESENT: Hawkins, Mills-Sojka

CITY STAFF PRESENT: Carraway, 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 present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s):

May 2, 2013 Work Session
July 3, 2013 Work Session
August 27, 2013 Public Hearing
September 10, 2013 Public Hearing

2. Approval of Findings of Fact and Conclusions of Law:

- Desmond Estates (Pre-plat 09-10-13) • Forrest LeBaron (SUP 09-10-13)
- D.L. Evans (SUP 09-10-13)

Motion:

Commissioner Munoz made a motion to approve the consent calendar, as presented. Commissioner Tatum seconded the motion. All members present voted in favor of the motion.

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

1. Request for Special Use Permit to operate a retail hookah lounge with extended hours of operation to be open until 1 AM seven (7) days a week, on property located at 677#C Filer Avenue c/o Artem Petrosyan, on behalf of the Hookah Paradise (app. 2589)

Applicant Presentation:

Adel Marwan, 677 Filer Avenue Ste. C, stated the request is to be able to have the business open unit 1:00 am. There was a request prior to tonight for this however they, he didn't have the information posted on the property correctly so it was postponed. They have difficulty keeping customers without staying open later, staying open later will help the business. Considering noise complaints, there is already a bar at this location and there will not be any increase in the noise. They have not had any complaints from the other businesses; the parking area is lit well for safety.

Questions/Comments:

- Commissioner Munoz clarified that the request is to stay open until 1:00am.
- Mr. Marwan explained yes that is correct.

Staff Presentation:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. He proceeded to explain that the regular hours of operation for a retail business are 7:00am-10:00pm. This request is to extend those hours for retail beyond 10:00pm to 1:00am. In 1981 Ordinance 2012 was passed in 1981 rezoning the property to its current zone Campus Commons building is currently zoned C-1 but outside of the complex it is surrounded by R-2 which is a residential zone.

Campus Commons as a whole has seen multiple tenants in its various spaces over the years. More recently it has seen some redevelopment on the East end of the area with the Europe Bar, Hair Salon, and other service and retail establishments. The applicant has supplied a narrative outlining the detail of the proposed operation and use of the property. Currently the applicant is operating an outright permitted retail establishment. They submitted a request for an SUP to extend business hours at the established Hookah Paradise Lounge Café at 677 #C Filer Avenue. The extended hours requested are that they be permitted to be open until 1:00 AM seven (7) days a week. The applicant claims current traffic patterns/customer numbers are 10-20 people on weekdays and 20-50 people on weekends. The applicant states 2-3 employees will be on-site during weekday hours, and 5 on the weekends. Generally the applicant would like to have 1 employee for every 10 customers. The applicant does not anticipate any significant impacts to neighboring businesses.

Per City Code 10-4-8.2: Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) AM to ten o'clock (10:00) PM require a special use permit in the Commercial Highway District (C-1). The C-1 Zone is intended to provide commercial activities of various sizes from large retail stores to small specialty shops with residential opportunities for persons wishing to work and live in a unified environment.

Per City Code 10-4-8.3: There are no rear and side yard setbacks, and landscaping requirements are equal to five percent (5%) of the total parking area. Consequently this shopping center was established and developed prior to current landscaping requirements being established.

Per City Code 10-10: Off Street Parking is required for this business at a rate of one space for each two hundred fifty (1:250) square feet of floor area. This results in a parking requirement of twenty (20) parking spaces. The shopping center has a cross use agreement for all tenants and parking has been satisfied with that agreement.

Possible Impacts: The neighboring uses within the Campus Commons shopping center are commercial/retail/office in nature. These various restaurants, specialty shops, offices and other businesses may not be greatly impacted by these proposed extended hours.

However, the areas surrounding the Campus Commons shopping center are existing residential neighborhoods. The operation of a retail establishment open until 1:00 am is a cause for concern. Due to the late hour which customers will be allowed to enter the establishment, it is reasonable to believe that customers will not leave the general area at the appointed 1:00 AM. This could lead to an increase in disturbances to neighboring residences.

A possible increase in disturbances and calls for police service could be hazardous or disturbing to existing or future neighboring uses, this correlates directly with City Code 10-13-2-2(D): Standards Applicable to Special Uses - #4: Will not be hazardous or disturbing to existing or future neighboring uses.

The possible increase in disturbances to the neighborhood was confirmed by an inquiry to the Twin Falls Police Department. Multiple calls for service have already been placed to our Police Department regarding this particular location. For further details about those calls please refer to the memorandum furnished by the Police Department in the staff report attachments. City Staff as a whole feels that extending the operating hours of this business is not a good fit for the neighborhood in general, and we have a legitimate concern for the safety of patrons and the quality of life for the surrounding residents.

If the Commission grants this request, a condition that it may be subject to expiration in one (1) year may be appropriate due to the concerns previously expressed. This would allow the Commission, neighbors and the police department to better determine the impacts to the surrounding neighborhoods.

Planner I Spendlove stated should the Commission grant this request as presented; city staff would recommend 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 the noise level remaining at an acceptable level with respect to the surrounding residential neighborhoods.
3. Subject to hours of operation not exceeding 1:00 AM.
4. Subject to all activity taking place indoors at all times.
5. Subject to this Special Use Permit expiring on September 24, 2014.

Chief Pike, stated that they are in support of local businesses, they work closely with business to encourage public safety and successful businesses in the community. The business owner's are responsible to the City, the community and residents that live in an around their establishment. The concern for the police department is that at this time the normal hours of operation have not been followed, so compliance is a real concern. They are out of compliance generally and the question is whether or not the business will comply with the Special Use Permit. The main thing is that they be a good partner and comply. There are several officers available for questions regarding service calls.

Staff Sargent Garner stated he has statistics for this location and some from their previous location. The majority of the complaints relate to the parking lot at the Main Avenue location there were also some complaints for activity in the alley as well. Most of the disturbance complaints are generated from outside.

Questions/Comments:

- Commissioner Boyd asked what a noise disturbance would include.
- Staff Sargent Garner stated it can include fireworks, crowds, loud music, loitering after hours, speeding and fights. There was a stabbing at the Main Avenue location.
- Commissioner Tatum asked if the calls could be directly correlated to the business.
- Staff Sargent Garner stated he compiled his numbers by calls to the specific address of the business.
- Commissioner Sharp asked about the calls that have come in regarding this location.
- Staff Sargent Garner stated they have had a couple complaints about the parking lot and noise disturbances. They had a rape reported at 4:00am and reports that people were being charged a cover charge after operating hours.
- Commissioner Frank asked about previous business operations at this location.
- Staff Sargent Garner stated he is not sure what business operated at this location previously
- Commissioner Wood asked if there are reports for the Euro bar.
- Staff Sargent Garner stated they have had service calls for the Euro Bar also but he did not compile those numbers for the meeting.
- Commission Sharp asked if after their relocation to this spot if it seems like they have tried to clean up the problems.
- Staff Sargent Garner stated they have had fewer service calls.
- Commissioner Boyd asked how this could be attributed to the Hookah Bar and the disturbance is in the parking lot how do you keep it separated from the Euro Bar customers.
- Staff Sargent Garner stated the address and description if it said Hookah Bar the service call was included in his numbers.
- Commissioner Tatum asked if the calls came from the Hookah Bar was it to prevent impacts to the surrounding neighborhoods.
- Staff Sargent Garner stated it could however the calls didn't come from the Hookah Bar it came from the surrounding neighbors.

- Planner I Spendlove stated for clarification could Staff Sargent Garner address how long the Hookah Bar has operated. The records for this address indicate they moved in around the beginning of July, 2013
- Staff Sargent Garner explained the calls for service for the Main Avenue location date back approximately 2 years from 2011 to until they relocated to this location.
- Commissioner Frank asked if the office could explain how many service calls have been made to the new location since they began operation.
- Staff Sargent Garner stated the number of calls for this location is (7) seven.
- Commissioner Frank asked if statistically this number is high for one business.
- Staff Sargent Garner stated in his opinion that number is high.
- Commissioner Munoz asked about the previous location and what time they operated.
- Planner I Spendlove stated the allowed retail hours of operation would have been 7:00am to 10:00pm. He did not review the history at the previous location.
- Zoning & Development Manager Carraway stated that they establishment did have an approved Special Use Permit to allow retail until 1:00am.
- Commissioner Frank asked if this location had service calls for the previous tenant.
- Zoning & Development Manager Carraway stated as for zoning issues she does not recall having any complaints about the previous tenant. She stated she remembered the previous tenant to be Garibaldi's.
- Staff Sargent Garner stated he does not recall any calls to Garibaldi's when they operated at this address.
- Commissioner Boyd asked when the Hookah Bar operated at the Main Avenue location was the establishment next to any bars.
- Staff Sargent Garner stated there were not any bars operating until 1:00am in this area on Main Avenue.
- Commissioner Boyd stated she is trying to determine if it is the mix of having the bar next door that creates a bigger disturbances or if it is the Hookah Bar alone.
- Commissioner Derricott asked if Staff Sargent had any comparison for service calls concerning the Euro Bar versus the Hookah Bar.
- Staff Sargent Garner stated he doesn't have the numbers with him but the numbers could be researched.

Public Hearing: Opened

- Valerie Van Leeuwen, 577 Polk St, stated she grew up in this neighborhood. A few years ago she purchased the home she grew up in and seen a rejuvenation in the neighborhood. The concern is the late hours close to a residential area the other businesses are closed at this time. She doesn't want people walking through the neighborhood at 1:00am. This is not a good match for a neighborhood. She requests that the Commission deny the request.
- Cindy Brown, 4105 Fillmore St, stated she is located on the other side of Filer Avenue. This location has been revitalized with new families and she is concerned with the late hours of operation. This is a residential area with several young children and families in this area, being open until 1:00am will create safety concerns with fights, people congregating in the parking lot, stabbings and rapes. She was not sure what a Hookah Bar was, researching it she has discovered it is the use of special machinery to smoke tobacco products and how does anyone know the products being used are not going to impair judgment. She hopes that the Commission hears the citizens' concerns and protects the citizens by denying the request.

- Cathy Brown, 583 Fillmore St, she lives along the back alley of this property. They have lived in this neighborhood for 40 years. The businesses in the Campus Commons building have always had neighborhood friendly businesses. The tenants in the building have changed quite a bit lately and the Hookah Bar has presented some questionable clientele. She has made calls to the police department because of safety concerns and disturbances. The facility that was at this previous address was a restaurant with a bar and there were not any issues. They don't know what impact this is going to have and currently they don't feel safe because of this business.
- Dave Burgess, 477 Fillmore St, stated he lives three houses south of this property, where he and his wife enjoy sitting outside and walking through the neighborhood in the evening. He stated that just last night there were 2 cars coming out of the Hookah Bar parking lot racing down the street at approximately 50 mph. There are fights, loud music in the parking lot and it has escalated recently. He has been in the neighborhood for 20 years and things have changed at this location.
- Tim Parker, 548 Fillmore St, July 4, 2013 was the opening of the Hookah Lounge. There have been loud disturbances since then. Recently they have had to be quieter while waiting on this process to take place but people are still showing up there. They don't show up until 9:30 and the people congregate in the parking lot. His children have heard and witnessed things that are not appropriate; including people urinating on the side of the building. If this is any indication of how the business is going to operate when they have to close at 10:00 how is it going to be if they are operating until 1:00am. There is trash in the parking lot, people loitering in the parking lot all hours of the night. The need to move it to a different location.
- Gene Sturgill, 567 Polk St, has lived in this area 60 years and enjoyed this area. It is a nice neighborhood, he doesn't worry about his children because they are grown, however he is concerned for the neighborhood's children. The young families are his concern and he wants the area to continue to be a nice place to live. Bars do not lend to a residential area. This business generates quite a bit of traffic at night and he thinks this is not good for the neighborhood.
- Melissa Parker, 548 Parker, she says there are cars that race along the street 50-80mph. She has found bullet casings in her yard, picked up beer bottles and boxes. They have patrons that urinate on the side of the building and she pleads that the Commission deny this request.
- Linda Burgess, 477 Fillmore St, stated in her neighborhood she has seen homes purchased and the neighborhood is rejuvenating. They hear the noise, the fights, and the cars with loud music racing up and down the road from their back yard. She also asked if the patrons can go back and forth between the Hookah Bar and the Euro Bar from the inside, if so how do you know what is really going on.
- Julie Sturgill, 567 Polk St, she is not speaking for her office but as a neighbor to this business. She can provide some insight to Hookah Bars based on her prosecuting experience. They have prosecuted many things that have occurred outside of this Hookah Bar. Most recently there was a stabbing affiliated with the Hookah Bar, and they will tell everyone they can't control the people once they exit their business, and that all they sell is flavored tobacco. The problem is the clientele they attract. The owner of this bar was prosecuted in 2011 for possession of a controlled substance called spice and haze. You don't make money off of flavored tobacco it is made off of something that is more expensive, whether it is illegal doesn't matter the chemical they put on it has the same effect. The chemicals are designed to help people who have things like Parkinson's. If you do not have Parkinson's the chemical binds with your natural chemicals and exacerbates the effects of the drug. So you will get someone who is on soaped up on marijuana. They are always experimenting trying to make sure it slides underneath the code, but it still has the

- same affect. These things and the clientele that the Hookah Bar attracts do not need to be in a neighborhood it is a danger to the community. She understands that the man here tonight is representing the applicant, but the applicant has tried on multiple occasions at several locations to make this work. He has had to move several times and the question is why, most likely it is because of the clientele and the lessors do not want this type of business on their property.
- Mathew Thompson, 634 Taylor St, stated his concern is the safety, noise and the types of clientele this business brings to a residential area. This is a nice safe neighborhood and he doesn't want this to change.
 - Robert C Brown, 583 Fillmore St, directly behind this location. They heard a fight from the establishment and the people went back in when the police showed up. The noise problem was an issue when it was Garibaldis but it was taken care of as soon as they spoke to the business owner. The cars will travel up and down the alley and has created a problem since the opening of the business during the summer.
 - Norman Carlson, 553 Polk St, stated in the past individuals planning to go into the bar missed the parking lot and ended up in the neighbors basement with their car. If the permit is granted for them to operate until 1am, is there a means for Garibaldis to request the same hours of operation.
 - Jeremy Brown 465 Fillmore St, stated why we would want to promote a business like this to attract college students.
 - Jonathan Spendlove stated this establishment is not a bar, it is next door to a bar. This establishment is a lounge strictly for the retail sale of tobacco which is a permitted use per code and this request is to extend the hours of the retail establishment past 10:00pm to 1:00am.
 - Commissioner Woods asked the permitted use is for the sale and use of the product. This so that the applicant can sell the tobacco after 10:00pm.
 - Zoning & Development Manager Carraway stated that a community gathering place is allowed and does not have limited hours of operation in this zone. The retail hours are what are limited in this zone. Public assembly does not have hours of limitation a retail business does.
 - Commissioner Grey asked if the Eurobar has a Special Use Permit to operate with extended hours.
 - Zoning & Development Manager Carraway stated that a previous occupant at this location had a Special Use Permit to sell alcohol with extended hours so a change of name doesn't change anything, so yes they are operating under an approved Special Use Permit.
 - Commissioner Woods asked a neighbor that previously spoke for clarification as to whether or not the activity at this location has changed from before the Eurobar to the time the Hookah Bar was established.
 - Valerie Van Leeuwen, stated that since July of this year when the Hookah Bar was established the disturbances have increased. The noise has increased, the car racing and traffic in this area has increased significantly since July. The other businesses seem to be contained well, but since the Hookah Bar has opened the people congregate out in the parking lot and smoking their product.

Public Hearing: **Closed**

Closing Statements:

Adel Marwan, representing the applicant, stated this business has operated for 4 years and just recently he has invested his own money into the business. He understands, noise complaints can be disturbing. The customers for the bar are the same customers for his business. The people go to the bar and come out and fight because they are drunk. He has purchased cameras for security and he can report the disturbances. Hookah is a hobby for the people that come into the business. Closing at 10pm has impacted his business financially. Having it open after 10pm allows his customers to come in and purchase tobacco when they get off work or are done with their school work. He has tested the noise level from the parking area when the music is loud and the doors are closed. He can't hear the music from the business. He put up the cameras to help keep track of the fights. He can't control the fights he has tried to prevent the fights, but the bar is the reason for the fights. The flavored tobacco that they sell is like tobacco for cigarettes. He has cleaned up the parking lot and he has spoken to the building manager about complaints. He has tried to keep the business in compliance, but he can't control people.

Discussion Followed:

- Commissioner Woods asked if the cameras were installed at the time the fights occurred and the police were called.
- Mr. Marwan, explained the cameras were put up after the fight.
- Commissioner Woods stated the applicant spoke about the music coming from the establishment, but didn't address the noise that comes from the outside parking area. He is trying to get a feel for the entertainment environment versus the restaurant environment. The owner doesn't have direct control over the patrons of the business once they leave the bar. The owner does however have some indirect control by explaining to the customers that their behavior impacts the business. This neighborhood is being impacted and he is struggling with whether or not the establishment fits in the neighborhood. He wonders if there is room for compromise, if the time could be extended until 11pm with a two month trial, allowing the applicant to prove they will comply.
- Commissioner Munoz stated in reviewing the standard for approving a Special Use Permit He has concerns with standard #3 that states it 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. He feels that this use has and will continue to change the essential character of the area. This type of business adjacent to a residential area has impacts, because it is commercially zoned does not met this is the correct place for this type of business. This request in his mind does not comply with standard #3 for approval.
- Commissioner Grey stated that this is detrimental to the neighborhood and there is not a transitional zone for this building and it is not a good fit.
- Commissioner Sharp stated that the testimony showed that the complaints have gone up since the business has been at this location.
- Commissioner Boyd stated there used to be a grocery store at this location she could ride her bike and raise her family. Having a business in Campus Commons is not the hot spot for a business. She is not against someone making a living and is familiar with a Hookah Lounge, however being open until 1:00am is not a new threat on the neighborhood but the clientele that this business brings to the area is not a good fit.
- Commissioner Munoz stated they have the responsibility of making a decision based on facts and conditions.

- Commissioner Frank stated that he is not sure that it's the business or the clientele that brings the problem.
- Commissioner Grey stated seven calls within two to three months of the establishment being open is concerning. The location of the business can impact the number of calls; it is not as likely to get calls when it is located in downtown environment versus a neighborhood.
- Commissioner Frank stated no matter what you are responsible for the clientele he doesn't agree that they have no control after they leave the door. There is nothing that would stop them from operating at this location during the regular retail hours, giving them an opportunity to prove they can control the situation. If at that time they want to apply again for extended retail hours they could do so.
- Commissioner Munoz stated not having the statistics makes it difficult however he wanted to remind the neighbors that the Eurobar is operating under a Special Use Permit and if they are having difficulties with that business they can request that the Special Use Permit be reviewed for revocation.

Motion:

Commissioner Derricott made a motion to approve the request, as presented, with staff recommendations. Commissioner Woods seconded the motion. All members present voted to deny the motion. The motion failed.

SUP WAS Denied

5 minute break taken at 7:30 to 7:35 pm

Commissioner Tatum stepped down.

2. Requests for an amendment to Special Use Permit #1257, granted on December 28, 2011, to allow the operation of an aerial tour business on the Canyon Springs Golf Course limited to operation during daylight hours. The request is to allow operation of the zip line tours at night for a maximum of ten (10) nights per calendar year in which the business may operate until one-o'clock (1:00)A.M. on those operating nights. c/o Jolinda Tatum on behalf of Magic Valley Flight Simulation, LLC (app.2600)

Applicant Presentation:

Jolinda Tatum, the applicant stated she is here to request that their Special Use Permit be amended. She provided photo copies of the equipment that will be used during the evenings while operating after dark. They have worked hard to become a viable business a good neighbor and she brought with her comments about their business. She stated she did not advertise this request on their website or Facebook page nor did she solicit patrons for their feedback regarding this request. She has read the letters and will try to address the concerns so they can continue to be good neighbors. They believe they have proven themselves to be a viable business, they have served 4981 riders. They have had no complaints filed with the County, the City or the Police Department regarding the business; they have moved from the 9th spot on the Thing to Do in Twin Falls list to the #2 spot and are a five star business. They have provided free passes and discounted passes to local businesses and charities and feel they have become a part of this community. Local business have used them as a business event, hundreds of families have come and celebrated birthdays and anniversaries. All have come and rediscovered the canyon. This request for night tours is a direct result of customer requests. Now that they have been open a year they feel confident that they can safely

provide night time tours on a limited basis. The specific request is to allow them to be open at night for rides specifically for Halloween, New Year Eve and July 4th.

To address the neighbors' concerns they have scaled back the original lighting plan and will be using two head lamps on a helmet. Originally the plan was to have plant lights to illuminate the entire canyon floor so they could see the riders; they have decided to go with lights on the helmets to reduce the neighbors' concerns with lighting. They will also have glow in the dark bracelets on their wrists and ankles so they can see how the rider is coming in on the line with glow in the dark paint and makeup. They will request that if someone comes in a costume that they have something else on them that glow in the dark. The trail will be illuminated with solar yard lights that can be turned on and off with a switch. Additional lamps will be available for illuminating the stairs and platforms. The locals have asked to be able to zip at night. Another concern for the neighbors' was alcohol use with impaired drivers driving up and down the road. They can make it abundantly clear, the seats will be pre-scheduled and people will know when they are scheduled. Advertising will be clear that there is no alcohol allowed on the tour, there is no alcohol allowed within the premises and they reserve the right to refuse service to anyone who appears impaired. It is something they have done in the past, because the golfers tend to enjoy alcoholic beverages, and think they will have some liquid courage and ride the zip-line. They have turned people away in the past and will continue to do so, it is not safe. They can be completely off the zip-line by 12:00am this coming Halloween Season this fall. They believe that night tours would be a bonus within the community keeping some of the locals at home. Currently the closest haunted houses are in Gooding and Albion, this could draw people here for the Haunted Desert Tours, keeping the local closer to home. It will be something fun for people to do that does not involve alcohol. The tours will be pre-sold and pre-scheduled so people will know when they will need to be there and won't be wondering around in the canyon or standing in line for the next tour. They believe they have proven themselves as viable business and have been good neighbors as well as becoming integrated with the community. They would like to be able to offer a service that has been requested by the community.

Questions/Comments:

- Commissioner Frank asked for clarification if they can have everyone off by midnight why should the hours be extended to 1:00am.
- Ms. Tatum explained it was for simplicity, in the narrative it says during fall hours when it gets dark earlier they were planning to have a tour that starts at 8:00pm followed by another tour at 10:00pm. They can process 14 people per tour within two hours safely. The request for 1:00am is because the July 4th tour is in the summer and it doesn't get dark as early. If they have to wait until 10:00pm to operate she is not sure they would be able to be off the course safely by midnight if they run two tours.
- Commissioner Woods verified that the powered lighting with generators is no longer the plan and should not be a concern.
- Ms. Tatum confirmed.
- Commissioner Sharp asked what days the Halloween tour would operate and if they have plans for the July 4th event.
- Ms. Tatum stated they have no plans for the July 4th Holiday, they have a tentative plan for Halloween to operate from Friday, October 25th to Thursday, October 31st, closed Sunday. They have had a request for a New Year's Eve tour, she is not sure they would even do that tour but it has been requested so they included it in the request. If tickets don't sell, obviously the tour will not be provided.
- Commissioner Sharp asked how the 10 days are spread out amongst the holidays.

- Ms. Tatum stated they thought was that they would have one day for the July 4th tour, one day for New Year's Eve and 7-10 days for Halloween. Traditionally the haunted houses are open before the holiday and one tour for just Halloween night would only allow 28 people to ride. That would be not economically viable to decorate the trail and just have one night of tours. People tend to have parties and celebrate Halloween throughout the week of the Holiday.
- Commissioner Munoz asked about the noise from the people screaming on the ride especially on a haunted ride.
- Ms. Tatum stated she would argue that the noise level would be any more than what is currently on the canyon whenever special events are held on the canyon rim. Currently if there is an event going on at Canyon Crest or open bands you can hear the music throughout the canyon. There is also the golf course with a restaurant and bar that hosts events with people coming and going from there all the time. There will be screaming, they can discourage the screaming and ask them to be scared quietly, but whether it is doable or not is questionable. However by making sure the tours are over and off the course by midnight they know there should be no other noise generated from their business after that time.

Staff Presentation:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. He explained that if this request is approved it will allow the applicant to proceed with special after daylight operating hours no more than 10 days in a calendar year. As specified, the hours would be midnight certain times of the year and 1:00am other times.

On December 13, 2010, the City Council approved a Zoning Title Amendment with Ordinance 2997 which added a definition to §10-2-1 for a zip line and added that "Zip Lines operated by outfitters and guides licensed by the Idaho Outfitters and Guides Licensing Board" may be allowed by Special Use Permit in the Open Space (OS) zone.

The Planning and Zoning Commission denied a request of the applicant for a Special Use Permit for a zip-line on February 8, 2011, with a tied vote of three (3) for and three (3) against. The action was appealed to the City Council by the applicant and was scheduled for March 14, 2011 hearing. The application was withdrawn as the City worked with the Twin Falls County Commissioners on an amendment to the Area of Impact agreement regarding code changes. That matter was resolved as the County now accepts all zoning decisions made by the City in the Area of Impact.

The Planning and Zoning Commission approved Special Use Permit #1257 for the installation and operation of an aerial tour business on the southeast portion of the Canyon Springs Golf Course on December 28, 2011 subject to seven (7) conditions. The conditions are as follows:

1. Subject to a review by the building Department to determine if a Certificate of Occupancy is required for the use of the Clubhouse facility for the zip-line staging area;
2. Subject to a review of parking requirements for the clubhouse and zip-line use to determine if additional parking is required;
3. Subject to the launch site having a security fence or suitable enclosure to provide security to the site;
4. Subject to signage on Canyon Springs Road being placed by operator indicating that no parking or stopping is allowed on the road way in the vicinity of the launch area at any time;

5. Subject to the zip-line(s) being operated by outfitters and guides licensed by the Idaho Outfitters and Guides Licensing Board. Documentation provided to City prior to operation;
6. Upon abandonment or discontinuation of use, the property owner/business owner shall physically remove all structures associated with the zip-line(s) facility within ninety (90) days of the date of abandonment and/or discontinuation of use, and restore the site to its original condition. The property owner/business owner shall provide to the City, prior to issuance of a permit, a performance bond in the amount of twenty thousand dollars (\$20,000.00) or a bond equal to a written estimate from a qualified contractor to guarantee that the facility will be removed when no longer in use and site restored. The City shall be named as an obligee in the bond and must approve the bonding company;
7. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Approval was appealed to the City Council on January 23, 2012. The City Council tabled the issue. On February 6, 2012 the Council voted to uphold the Planning and Zoning Commission's decision to approve the Special Use Permit. The County Commissioners approved the request for the Special Use Permit for the installation and operation of an aerial tour business on February 24th, 2012.

There is no further zoning or complaint history associated with this use after that February date.

This property is located in the OS, Open Space District, adjacent to the Canyon Springs Golf Course and Centennial Park. The zip line area is about 10 acres and the trail length from the Canyon Springs clubhouse to the launch site is about 2/3 mile. The applicant would like to amend the approved Special Use Permit #1257, which allowed operation of a zip line-based recreation and education program and facility during seasonal daylight hours, to allow limited night-time operation of the zip line facilities.

The applicant has included a description of the after-hours zip line operations. The applicant will limit the night-time operations to a total of ten (10) calendar days. The night hours described in the narrative would extend to 12:00 AM during the months of October – April and to 1:00 AM June - September. The number of participants will be limited to fourteen (14) per tour, with a limit of two (2) tours per night. All participants will be required to pre-purchase/reserve tickets for tours. The applicant does not foresee the noise after dark being any more of an impact than that which is currently present with other businesses on the canyon rim which hold night time events.

The amendment being asked for is a change in hours of operation that the applicant had placed on themselves during the original SUP presentation in 2011. During the original hearing process, the business was portrayed as operating during daylight hours only. Since that time, the business has operated fully within compliance of the approved Special Use Permit. City Staff has not received complaints regarding the business operations in terms of increased traffic, noise, or any other miscellaneous complaints.

Recently Staff has received multiple letters of concern that will be read into the record and maintained in the application file.

Possible Impacts: Possible impacts to neighboring land owners include light intrusion, and noise. The original application had the plant lighting that included a generator and massive lighting of the entire canyon. Because that has been changed the light intrusion and the noise issues staff had concerns with have been addressed and there are no other issues staff can foresee with the approval of this request.

The applicant has expressed that the time of year these night-time excursions could potentially occur will be around Halloween, New Years, and the 4th of July. General activities during these times typically extend beyond normal daylight hours, and include some outdoor activities that generate noise. It is not believed that the noise generated by the customers would be beyond reasonable noise levels already prevalent in the area during the time of year the applicant wishes to have these extended hours. It is not anticipated that there will be any additional odor, fumes, vibration, or glare to the area should this request be implemented.

Planner I Spendlove stated upon conclusion should the Commission approve the request to amend SUP #1257, as presented, staff recommends the following conditions be placed on this permit:

1. Subject to the original conditions of SUP#1257 remaining in place, and in full force.
2. Subject to generators being prohibited during night-time operations and large area lighting to be downward facing.
3. Subject to the applicant/Zip Line Representative informing P&Z Staff a minimum of ten (10) days prior to any night time event.

Chairman Frank read the public comments (6) submitted prior to the public hearing.

Public Hearing: Opened

- Barbara Beck, 699 Riverview Dr, stated when the controversy surrounding the original request for approval of the Zip-line Special Use Permit, it was stated they would be providing an educational tour and that it was not a carnival ride. The hours of operation were to be during daylight hours only no lighting would disrupt the night time sky. They now want to extend the hours of operation into the night well beyond the closing of our city and county parks which state 6:00pm in winter months and 10:00pm in summer months. They also want to decorate the zip line, the trails the course and use illuminated lights body paints, glow in the dark paint and advertise for best costumes. This is considered a carnival like atmosphere whether this it is just coincidence that they want their closing hours to be the same as the bars could be point for discussion, but she guarantees the two will go hand in hand. Encouraging the light night visitors to the zip-line and having them drive up a dark narrow winding canyon should be enough to cause grave concern let alone noise disturbances to passing neighborhoods to well past 1:00am in the morning. Twin Falls City Ordinance states the zip line is to provide "recreation and education activities that preserves the natural environment and habitat by enabling people to transverse terrain by means of cable and trolley." Last time she stood before this panel with this issue a couple of the members stated it sounded like fun. As members of the Commission it is not about you it is about preserving and doing the best thing for the magic valley. Several years ago the Rotarians started moving on the right track with the formation of Centennial Park, then Jazz in the Canyon and have since moved on to other community minded events. They gave the park to the City, the Jazz Festival to the Chamber of Commerce and now the Jazz Festival is now gone and being replaced with carnival rides. David Mead was right when he showed what would happen if we don't respect our natural resources and do what is best for the community. In summary this was very controversial, they stated that it wouldn't be a carnival ride that it was educational, there would not be lights at night, it would operate only during daylight hours and now just about a year later they are asking for all the things that were so controversial. She is not sure how many people have requested the night time rides but she would appreciate it if the Commission would do the right thing.

- Ann Ferrell, 819 Canyon Park Avenue, stated this is a quiet neighborhood and sees no reason for letting them operate at night and she would like the Commission to deny the request.
- Tom Tucker, 822 Canyon Park Avenue, he said he goes up and down the canyon and plays a lot of golf at the golf course. He thinks so far they have a great business; he doesn't see a lot of business. When they are doing the tours it looks fun and great but he would recommend that they continue to work within the hours that were established. If you look at the clock at 8:00 last night they had to turn in their golf cart because it was dark. Daylight savings is not until the first week of November, and he thinks they could still have a great Halloween Event if they still closed by 10:00pm because it will be dark before that time. He is opposed to the extended hours.
- Keith Beeson, 961 Sparks Avenue, works for Magic Valley Flight Simulation as a guide. They bring in people from all over the world to visit the zip line. This is a family friendly event and it is not going to be a drunken fest. This would be a trial run to see the canyon at night and the wildlife that comes out. This would be a tourist attraction that would bring people from other areas and support the local businesses.
- Annette Tucker, 822 Canyon Park Avenue stated they can't be in control of the clientele and it is not necessarily safe at this time of night.

Closing Statements:

- Ms. Tatum stated she wanted to come to a negotiable agreement and is willing to compromise. They want to be able to work through this process so that it allows them to operate but is amenable to the neighbors as well. She heard a few statements that they are not opposed to the request but does it have to run until midnight could it be limited to 10:00pm. Those are all negotiable and she would ask that the Commission consider if it will make a difference for approval of the request. It is getting dark enough now that if the first tour was started at 7:00pm the second tour could start at 9:00pm. They don't have to do two tours every night; the conditions could be amended so that it is as agreeable for everyone. It is unfortunate that every single person that has written letters against the request have not experienced the zip-line. She does not know that any of those people have actually ridden the zip-line. She then read into the record some of the reviews written by clientele that have ridden the zip-line and posted comments on Trip Advisor. As for education this activity promotes the use of skill sets that people don't often use. It is experiential based learning. You overcome the fear, you learn that you can trust the harness you can trust the gear and other people. You can be safe in what feels unsafe to you, which is part of overcoming fears, stretching yourself, exercising courage, using skill sets that you wouldn't normally use; this is what makes it educational. She would have to counteroffer that we don't provide education and that it what is offered is not of any value.

Discussion Followed:

- Commissioner Frank asked about the timeframe and if the 10:00pm is viable for the business.
- Ms. Tatum stated if there is public interest the tickets will sell if not the event won't happen. Remember, also if the tickets are purchased then it will be clear that the community supports this event. As for alcohol there are people drinking down in the canyon all the time, she stated she is continually picking up beer bottles where people have parked and thrown their beer bottles over the side and she has to clean it up the broken glass so that her patrons are safe. She can't imagine what happens to the wildlife in that area walking around in the glass.

She believes having the zip-line in this area has created an improvement to the area for the habitat that lives down there by cleaning up the broken glass and the things people have thrown over the canyon wall. She is aware that there are people that don't like them down in the canyon but they are doing their very best to be good neighbors.

- Commissioner Sharp asked if the Canyon Springs Golf Course open until 1:00am.
- Planner I Spendlove stated there is a bar and restaurant at the golf course but he is not aware of the hours of operation.
- Commissioner Sharp also asked if the applicant would consider shuttling the tour customers down to the zip-line from the top of the canyon.
- Ms. Tatum showed a picture of the trailer that is used on the tour it will hold up to 16 people in seats with seatbelts. This would be a viable option to consider shuttling the customers.
- Commissioner Derricott asked about complaints since the business began operation.
- Planner I Spendlove stated there have been no complaints reported for traffic, noise, or light intrusion since the business began operation.
- Commissioner Munoz stated he is conflicted; he was part of the original decisions and was one of the Commissioners that voted against the motion to approve. At that time there were a lot of unknowns and since it has been approved he hasn't heard any complaint which is something he always promotes, that if someone has issues report it to the proper people. One concern is the noise but you would have to be looking into the canyon at the proposed times to see the lighting; it is not going to be intrusive. He also appreciates that the applicant is willing to work with the neighbors and the Commission. He doesn't like limitations or terms on Special Use Permits but for this type of request possibly limiting it to this first event to give the applicant a trial run and it gives the citizens a chance to see the impacts. He would not personally participate in this type of activity, when he reviews the nine standards for approving a Special Use Permit he can't say for sure yes or no to the disruptive part. He is not sure that it will not be disturbing to the surrounding properties, because there is no evidence. He would be willing to give it six months.
- Commissioner Sharp contended that this situation is very different than that last item on the agenda we heard tonight. The Hookah lounge already had complaints; this business has had zero complaints. If it they do get approved for the amended Special Use Permit and it doesn't work on Halloween all of these people that are here have the right to inform everyone that it was a problem it can be reviewed for revocation. There is so much positive feedback from this activity, people enjoy it but if the ones here tonight that are opposed to it find there are lots of problems during the Halloween Event let everyone know.
- Commissioner Munoz state in order to revoke a Special Use Permit it has to violate a condition, and noise is not one of the conditions, if there is a problem with noise they have to call the police, that is why an expiration date would be more feasible.
- Commissioner Grey stated he was conflicted also with regards to noise and traffic and appreciates the folks that live in the area. He thought he knew how he was going to vote when he came into this, but the presentation addressed the concerns before staff had a chance to do their presentation. The noise; there will not be big generators, the lighting; there will not be big spot lots.
- Commissioner Munoz explained the lighting will not be any different than scouts camping and using flashlights.
- Commissioner Frank stated there is already a business in the same area that is allowed to be open until 1:00pm with wedding receptions, functions that bring traffic and activity to this area. He doesn't see how you could determine which business was causing the traffic. He hears the issue but he would need statistics to prove it's an issue. He is on the canyon trail quite a bit and he hears more trucks and breaks coming across the Perrine Bridge and vehicles that is more irritating. He doesn't have any statistical information that says a yell

from a person riding the zip-line is any louder than a golfer making a whole-in-one. This makes it very difficult for making decisions.

- Commissioner Woods stated he is probably the only one that has been on a zip-line. He just returned from an overseas trip where he rode nine (9) different zip-lines; one of which was 1/3 of a mile long and left him stranded 100' above the trees. The young people that were the guides, were filling them full of information about the area, information that they would not have gotten anywhere else. He has heard this is strictly for amusement it isn't educational, several of the comments made by their patrons talked about learning things about the area. He asked if the applicant could give a sample of what they tell the people about the Snake River Canyon while they are on the tour.
- Ms. Tatum recited historical information that they share with the tour customers.
- Commissioner Frank stated he understands during the day time these areas can be pointed out and asked how this information would translate to a night time tour.
- Ms. Tatum explained they have access to a gentleman that developed the Twin Fall Haunted Tours and has gathered information about haunted sites in the Magic Valley that goes back 200 years when the settlement of the area started. The idea is to provide this information on the night tour.
- Commissioner Boyd stated she has no problem approving this request for the following reasons. Why and since when have we become so afraid to have thing available after dark. Alcohol is coming up constantly, after dark what else is there to do around here. The Blue Lakes grade is every bit as scary and guaranteed a huge percentage of the people coming up from the Blue Lakes Country Club are potentially intoxicated. The Country Club is already open until 1:00pm and what kind of events do they have there obviously they are not golfing at night; weddings, parties and events all of which are serving alcohol and most likely more than one glass of wine per patron. We have the opportunity for potentially 10 days a year to add something else that people can do in Twin Falls. If it works it works if it doesn't it doesn't, her question so why wouldn't it be attempted. Enjoyment of the Canyon is for everyone, most of us only drive over the bridge and look down. Eventually, someone may take a kayak trip and realize the canyon is phenomenal. If you never do that you don't appreciate its beauty. She didn't grow up here and in the past she was looking for something to do and found the Gardner's Trip. She took her parents on the trip because it was a safe boating trip and what she learned about the canyon was phenomenal and now anyone who comes to visit her has to go down there and see the canyon and enjoy it. You can't get down in the canyon by traversing a road that is less than super wide and flat. We have enough flat around here, we have fought for years about putting anything on the rim of it and now there is an opportunity at Elevation 486 to sit and have a nice meal often accompanied by a glass of wine and look at the beautiful canyon. As far as Halloween goes she wouldn't miss it if it went away as a holiday, but a lot of people really enjoy the holiday. This will bring in something new and different that is all chaperoned, safe and would be a wonderful thing. She would be tempted to join them on July 4th.
- Commissioner Sharp stated it is the most family oriented thing in the area besides boating.
- Commissioner Boyd stated if you don't have a boat you can't enjoy it that way.
- Commissioner Derricott stated it is worthy to note that there were a lot of unknowns and concerns before when the zip-line was approved and there have not been any reported complaints. It shows the character of the business.

Motion:

Commissioner Grey made a motion to approve the request, as presented, with staff recommendations. Commissioner Boyd seconded the motion.

Discussion on the motion:

- Commissioner Woods made a motion to amend the conditions requiring that they shuttle the customers down to the zip-line. There was not a second, amendment failed.
- Commissioner Frank asked for clarification as to whether or not the second condition was still required for approval.
- Planner I Spendlove stated because the generators will not be used condition #2 can be removed from the list of conditions.
- Commissioner Frank read the conditions for clarification and called for a roll call vote. Motion approved with Commissioners Frank, Grey, Sharp, Woods, Boyd, & Derricott voting in favor of the motion and Commissioner Munoz voting against the motion. Motion passed 6-1.

Approved, as presented, with the following conditions

1. Subject to the original conditions of SUP#1257 remaining in place, and in full force.
2. ~~Subject to generators being prohibited during night time operations and large area lighting to be downward facing.~~
3. Subject to the applicant/Zip Line Representative informing P&Z Staff a minimum of ten (10) days prior to any night time event.

Commissioner Tatum returned to her seat.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION: NONE

VI. UPCOMING PUBLIC MEETINGS (held at the City Council Chambers unless otherwise posted):

1. Public Hearing – **Tuesday**, September 24, 2013 6:00 pm
2. Work Session – **Thursday**, October 3, 2013 12:00 pm – 1:00 pm

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 8:42 pm.

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
October 08, 2013 6:00PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Munoz Chuck Sharp Jolinda Tatum
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods

Vice-Chairman

City Council Liaisons

Suzanne Hawkins Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

Present Absent

Derricott Boyd

Frank Grey

Munoz

Sharp

Tatum

AREA OF IMPACT MEMBERS

Present Absent

DeVore

Woods

CITY COUNCIL LIAISONS: Hawkins, Mill Sojka

CITY STAFF: Carraway, Spendlove, Strickland, Vitek, ~~Wonderlich~~

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 present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s):

September 24, 2013

September 4, 2013 WS

August 1, 2013 WS

2. Approval of Findings of Fact and Conclusions of Law:

- Magic Valley Flight Simulation (SUP 09-10-13)

Motion:

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

Unanimously Approved

II. ITEMS OF CONSIDERATION:

1. Request to approve the preliminary plat for the Dunthorn Subdivision approximately 1.52 (+/-) acres for 4 residential lots located at the south west corner of 4th Avenue West and Oak Street c/o JUB Engineers on behalf of Raymond Perron

Applicant Presentation:

Ray Perron, the applicant, stated he is here tonight to request approval of the preliminary for the Dunthorn Subdivision. This property was originally platted and approved however the plat was never recorded. This process will finish the subdivision process and clean up the lot lines.

Staff Analysis:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. He stated on October 21, 1991, Ordinance #2360 was approved for vacation of sewer line easements crossing property located at 939 4th Avenue West. In 2008 this property went through the subdivision process for a two (2) lot subdivision. This process was not completed and the proposed subdivision was not recorded.

This Preliminary Plat for the Dunthorn Subdivision includes 1.52 (+/-) acres and is zoned R-6 (Residential Multi-Household) MHO (Mobile Home Overlay) CRO (Canyon Rim Overlay) zone. The request is to plat four (4) lots. The site is located at the southwest corner of 4th Avenue West and Oak Street.

The proposed plat will divide an existing lot into two (2) lots and include two (2) additional developed residential parcels. The property is currently developed with three (3) single family dwellings and one (1) multi-family dwelling. The parcels are being subdivided into Lot 1 (6098 sq ft), Lot 2 (6098 sq ft), Lot 3 (8276 sq ft) and Lot 4 (45,738 sq ft). The minimum lot area requirement per single household dwelling shall be four thousand (4,000) square feet, six thousand five hundred (6,500) square feet for a duplex and the lot area for multiplex dwelling units will increase over the duplex area by two thousand (2,000) square feet per dwelling unit or one thousand (1,000) square feet per unit above or below the ground level unit. The proposed development is for single family residential subdivision that meets the minimum code standards.

The proposed subdivision is partially within the Rock Creek Canyon Rim Overlay. The existing building located at 939 4th Avenue West was constructed before the CRO District was adopted on May 20, 1996. The existing multi-family dwelling is a legal non-conforming building. Any expansion of the existing structure will require compliance with all current code requirements at the time of expansion.

The Twin Falls Fire Department Subdivision Code Review revealed a deficiency in fire flow. An upgrade of the water main will be required before any new construction will be allowed without installation of automatic fire suppression systems.

A full review of required improvements will be made by the Building, Planning, Fire and Engineering Departments for full compliance with minimum development standards prior to issuance of any building permits.

This is the first step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

The plat is consistent with other subdivision development in the area, city code criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for Townsite.

Planner I Spendlove stated upon conclusion should the Commission approve this request, as presented, staff recommends the following conditions.

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.

Public Comment: No public present.

Closing Statement:

Mr. Perron stated that these are all existing buildings and there will not be any new buildings constructed.

Deliberations Followed: Without Concerns

Motion:

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

APPROVED, AS PRESENTED, WITH THE FOLLOWING CONDITIONS

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.

III. PUBLIC HEARINGS:

1. Request for a Zoning Title Amendment to amend Twin Falls City Code 10-9-9(K) by permitting temporary real estate open house signs within public right-of-way under specific conditions c/o Greater Twin Falls Association of Realtors (app.2602)

WITHDRAWN TO BE RESCHEDULED

IV. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

Planner I Spendlove reminded the Commissioners that the next public hearing will have a request by the City of Twin Falls for an annexation of City owned property along the Snake River Canyon and a Special Use Permit request for a drive through window. The next work session will have landscaping alternatives on the agenda for discussion.

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

1. Public Hearing-**October 22, 2013**
2. Work Session-**November 6, 2013**

VI. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 6:11pm.

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
October 22, 2013 6:00PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Munoz Chuck Sharp Jolinda Tatum
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods
Vice-Chairman

CITY COUNCIL LIAISON(S)

Suzanne Hawkins Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

<u>Present</u>	<u>Absent</u>
Boyd	Derricott
Frank	
Grey	
Munoz	
Sharp	
Tatum	

AREA OF IMPACT MEMBERS

<u>Present</u>	<u>Absent</u>
DeVore	
Woods	

CITY COUNCIL LIAISON(S): Hawkins, Mills Sojka

CITY STAFF: Carraway, Spendlove, Strickland, Vitek, Wonderlich

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 present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s):

[September 4, 2013 WS](#)
[October 3, 2013 WS](#)
[October 8, 2013 Public Hearing](#)
2. Approval of Findings of Fact and Conclusions of Law:
 - Dunthorn Subdivision (pre-plat 10-08-13) • Artem Petroysan (Denied SUP 09-10-13)

Motion:

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

Unanimously Approved

III. ITEMS OF CONSIDERATION: [NONE](#)

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate a drive-through window in conjunction with a restaurant on property located at 163 Pole Line Road (east of Walgreen's) c/o Culvers of Twin Falls, c/o Eugene Smith & Jay Campbell (app.2603)

Applicant Presentation:

**Twin Falls Planning & Zoning Commission Minutes
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Jay Campbell, Campbell Construction representing the applicant, stated he will be in charge of the construction and development of the building. The store will be run by individuals and have approximately 500 stores. This will be the first in Idaho it will be open from 10:00 to 10:00 pm they don't serve breakfast but will be serving lunch and dinner. The food is prepared at the time it is ordered. The request is for a drive through for the business, there is a stacking lane for cars to wait for the order. General turn around for the drive through is approximately 4 minutes. The volume should be 35% through the drive through and 65% will be parking to come in to eat. They will be involved in the Community and have approximately 50 people.

Staff Analysis:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. He stated the Northbridge PUD was approved in February of 1993. This PUD included 23 +/- acres of undeveloped land located at the NE corner of Washington St N and Pole Line Road. Various projects have been proposed for this PUD over the years. In 2009, Walgreens went through an amendment to the Northbridge PUD in that changed the zoning at the NE corner from R-4 PRO to C-1. The Magic Valley Marketplace Subdivision-A PUD, consisting of 3 commercial lots, was recorded 01-08-2010. Walgreens developed on the NE corner lot and the Culvers proposal consists of the remaining two lots. All three lots are included in the Northbridge PUD.

The applicant has supplied a business plan and a narrative detailing the proposed development and the nature of the business that will take place on the property. Culvers, based out of Wisconsin, will offer their trademarked Butter Burgers and Custard, as well as hand-battered cod and famous Wisconsin cheese curds. The proposed drive-thru window will be located on the East side of the building, not directly facing the closest residential areas. Within the applicant's business plan they indicate anticipating a staff of 55-60 total employees to operate the restaurant with operating hours listed as 10:00 am – 10:00 pm. If they eventually wish to operate outside the hours of 7:00 am to 10:00 pm a special use permit is required.

Per City Code 10-4-8.2: any facility with a drive-through service requires a Special Use Permit in order to be legally established in the Commercial Highway District (C-1). The C-1 Zone is intended to provide for commercial activities of various sizes from large malls to small shops, fast food restaurants and tourist accommodations. This district is designed for application on major streets or portions thereof. A fast food restaurant at the intersection of Pole Line Road and Washington Street North would follow the purpose and intent of the C-1 Zoning district.

Per City Code 10-4-8.3, 10-7-6, 10-7-12 and 10-11-1 thru 8: All property developments and improvements, including but not limited to building heights, yard setbacks, road centerline setbacks, regular landscaping, gateway arterial landscaping, and screening will be reviewed during the building permit process and will be required to meet minimum City Code standards and the Northbridge PUD.

Per City Code 10-10: Off street parking is required for this business at a rate of one (1) parking space per four (4) seats. This requirement will be reviewed during the building permit process; the minimum required parking spaces will be required to be installed at that time.

**Twin Falls Planning & Zoning Commission Minutes
October 22, 2013**

The neighboring uses in the general area are commercial/retail in nature, or they are zoned to be such in the future. There is currently a convenience store/pharmacy immediately to the west, a one hundred (100) plus bed hotel currently under construction to the north, and undeveloped commercially zoned properties to the South and East.

A major concern with any fast-food/restaurant with a drive-thru is the noise from vehicles and the speaker box that could emanate towards residences. With the design submitted by the applicant showing the drive-thru lane and speaker box on the South/East side of the building, this places the possible noise instigators on the far side of the building, away from the closest residences located in the Los Lagos / Villa Del Rio subdivisions. Furthermore, the closest residences are more than three-hundred feet (300') from the property lines of the proposed development. The design of the building coupled with proposed hours of operation, have minimized the most common possible negative impacts that occur with drive-thru restaurants. The request appears to meet the minimum requirements & standards for the City and the Northbridge PUD and is in compliance with the Comprehensive Plan.

Planner I Spendlove stated upon conclusion should the Commission grant this request as presented staff recommends approval 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 and the Northbridge PUD.

Commissioner Questions/Comments:

- Commissioner Woods stated the biggest concern he has seen is that people tend to toss their trash out the windows.
- Mr. Campbell explained that the staff will police the parking area for trash and there will be trash receptacles available outside for trash.
- Commissioner Munoz asked for clarification as to how the stacked parking works for customers who have to wait for their meals.
- Mr. Campbell explained the cars will move forward in the stacking lane after the window for them to wait. If a customer doesn't need to wait they can exit to the east of the stacking lane.
- Commissioner Sharp asked about the entrance location to the site.
- Mr. Campbell explained the entrance the site is from Washington Street North and will not be from Pole Line Road.

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

Closing Statement:

Eugene Smith, the applicant stated he will be moving here with his wife. They will be hiring approximately 50 employees. Their priority is serving the customer, and they look forward to being part of the community.

Deliberations Followed: **Without Concerns**

**Twin Falls Planning & Zoning Commission Minutes
October 22, 2013**

Motion:

Commissioner Boyd made a motion to approve the request, as presented to include the staff recommendation. Commissioner Devore seconded the motion. **All members present voted in favor of the motion.**

2. Request for the Commission's recommendation on the zoning designation for property being requested for annexation, consisting of 425 (+/-) acres, located approximately 10,900' along the boundary of the Snake River Canyon between Hankins Road North (3200 East) extended and the eastern boundary of Dierkes Lake, including the Evel Knievel Jump Site, Centennial Trail, Twin Falls City Gun Range, Shoshone Falls Park and Dierkes Lake, c/o City of Twin Falls. (app. 2605)

Staff Presentation/Analysis:

Planner I Spendlove, representing the applicant, reviewed the request and the exhibits on the overhead along with the history of the property. On August 14, 1909, Deed 886, State of Idaho to The State of Idaho, 149.3 (+/-) acres for schools was recorded. On December 30, 1932 Frederick and Martha Adams conveyed 71 (+/-) acres to the City of Twin Falls to be used as a public park. On February 2, 1933 House Bill #50 was approved to donate to the City of Twin Falls the 149.3 (+/-) acres to be kept and maintained as a park. On June 5, 1970 J. Anton and Lola Britt conveyed 35.72 (+/-) acres to the City of Twin Falls. On April 24, 1972 Fred and Marjuary Foss and Herbert Dierkes deeded 116.68 (+/-) acres to the City of Twin. On June 16, 1995 Carl and Ruth Stutzman and Ken and Jill Stutzman deeded 6.85 (+/-) acres to the City of Twin Falls in a land swap. On March 8, 2012 Renaissance Project Development, LLC deeded 6.65 (+/-) acres to the City of Twin Falls in a land swap.

This request is to annex 425 (+/-) acres with a zoning designation of Open Space (OS). Currently an undeveloped 50' access north of the dead end of Hankins Rd N, the Evel Knievel jump site and some areas of Centennial Trail are currently zoned SUI, consisting of 7 +/- acres, with the remainder of the City owned property zoned OS, all is located within the City's Area of Impact. The majority of the property is developed as public park, walking trail and city associated uses. Some of the land has not been developed.

The property is contiguous to City limits on the west boundary, which includes an undeveloped 50' access north of the dead end of Hankins Rd N, the Evel Knievel jump site and a portion of the Centennial Trail located east of the jump site, and thus is able to request annexation.

The proposed annexation consists of property owned by the City of Twin Falls and includes the Evel Knievel Jump Site, Centennial Trail, Twin Falls City Gun Range, Shoshone Falls Park and Dierkes Lake. The City of Twin Falls requests the annexation so we have governmental jurisdiction of city owned property. This pertains to emergency response, special events and property development. Per City Code 10-7-19 all uses on real property owned and/or operated by the city of Twin Falls are permitted uses.

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

**Twin Falls Planning & Zoning Commission Minutes
October 22, 2013**

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 the published ordinance is sent to the State and the official zoning map is officially amended. The property’s intended use has always been to be open space to be enjoyed by the public. The Comprehensive Plan designates this area as appropriate for Open Space.

Planner I Spendlove stated upon conclusion staff recommends the entire 425 (+/-) acres be zoned as OS; Open Space which is consistent with the existing uses and any proposed future use for this property. If the Commission finds the OS; Open Space zoning designation appropriate they should make a recommendation to the City Council as such.

Commissioner Questions/Comments:

- Commissioner Woods, asked for clarification of ownership.
- Planner I Spendlove stated the land is owned by the City of Twin Falls it is just not within City Limits.
- Commissioner Woods asked about fire, emergency and rescue calls as to who has jurisdiction for these issues.
- Planner I Spendlove explained that in the past there has been confusion with regards to jurisdiction because the property is in the area of impact but is City owned. This should help with these issues.
- Commissioner Woods asked for clarification for allowed uses with regards to private parks and crowd attracting facilities.
- City Attorney Wonderlich explained this property is all owned by the City there is no private property involved in this annexation. Section 10-7-19 that was referred to earlier explains that any City uses are permitted in any zone. This is all City property and is virtually all park land now.
- Commissioner Frank read definition for the OS; open space zone stating this District is intended to protect canyon areas and to provide open space for passive and active recreation.

Public Hearing: [Opened](#)

- Fran Florence, 4129 Hidden Lakes Drive, stated he thinks this is a wonderful plan and he hopes this will make it more consistent for management of the property. He was also wondering if there was a reason for the annexation to occur at this time.
- City Attorney Wonderlich explained that until the property deal was finalized with the Shoshone Height Subdivision all of this land was not contiguous to City Limits so it was not able to be annexed. What triggered this happened recently, it is related to the interest in the Evel Knievel jump site and the question came up as to why this property had not been annexed. There was not any answer to that question it should have been annexed previous to now. As for the fire district the Twin Falls Rural Fire District contracts with the City of Twin Falls, which is the Twin Falls Fire Department, so they are all the same people that show up for those fire calls.

Public Hearing: [Closed](#)

Deliberations Followed: [Without Concerns](#)

**Twin Falls Planning & Zoning Commission Minutes
October 22, 2013**

Motion:

Commissioner Munoz made a motion to recommend the Open Space zone as an appropriate zoning designation for the 425 (+/-) acres being proposed for annexation to the City Council, as presented. Commissioner Grey seconded the motion. **All members present voted in favor of the motion.**

Recommended the 425 (+/-) acres proposed for annexation be designated as Open Space zone, as presented, to City Council

City Council Public Hearing Scheduled November 4, 2013

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

- Commissioner Woods stated he was surprised at the announcement for Clif Bars Project but asked for clarification as to whether or not this was in direct relationship to the approval of the bond for wastewater treatment facility.
- Assistant City Engineer Vitek explained that the subdivision where the Clif Bars company has chosen to build already had a will serve letter for services. The volume of wastewater associated with development had to be limited but was already accounted for prior to the need for a wastewater treatment facility.

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

1. Work Session- **Wednesday, November 6, 2013**
2. Public Hearing- **Tuesday, November 12, 2013**

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 6:40pm.

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



CITY OF TWIN FALLS, IDAHO

PLANNING & ZONING COMMISSION

CITY COUNCIL CHAMBERS

305 THIRD AVENUE EAST

CANCELATION NOTICE

* * * * *

The regularly scheduled Planning & Zoning Commission Meeting

for

November 13, 2013

has been canceled.

Lisa Strickland
Administrative Assistant



NOTICE OF AGENDA
PUBLIC MEETING
Twin Falls City Planning & Zoning Commission
November 13, 2013
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Munoz Chuck Sharp Jolinda Tatum
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods

Vice-Chairman

CITY COUNCIL LIAISONS:

Suzanne Hawkins Rebecca Mills Sojka

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **October 22, 2013**
2. Approval of Findings of Fact and Conclusions of Law:
 - Culvers (SUP 10-22-13)

III. ITEMS OF CONSIDERATION: **NONE**

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to allow an AG electrical panel cabinet assembly business in conjunction with an indoor paint booth on property located at 580 Addison Avenue West c/o Dan Thiel on behalf of Prowest Engineering (app. 2607) **WITHDRAWN**

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

VI. UPCOMING PUBLIC MEETINGS (held at the City Council Chambers unless otherwise posted):

1. Public Hearing-**Tuesday, November 26, 2013** 6:00 pm
2. Work Session-**Thursday, December 5, 2013** 12:00 pm

VII. ADJOURN MEETING:

Si desea esta información en español, llame Leila Sanches al (208) 735-7287

Any person(s) needing special accommodations to participate in the above noticed meeting should contact Lisa A. Strickland at (208) 735-7267 at least two (2) working days before the meeting.



CITY OF TWIN FALLS, IDAHO

PLANNING & ZONING COMMISSION

CITY COUNCIL CHAMBERS

305 THIRD AVENUE EAST

CANCELATION NOTICE

* * * * *

The regularly scheduled Planning & Zoning Commission Meeting

for

November 26, 2013

has been canceled.

Lisa Strickland
Administrative Assistant



MINUTES
PUBLIC MEETING
Twin Falls City Planning & Zoning Commission
December 10, 2013 6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Munoz Chuck Sharp Jolinda Tatum
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods

CITY COUNCIL LIAISONS:

Suzanne Hawkins Rebecca Mills Sojka

Vice-Chairman

ATTENDANCE

CITY LIMIT MEMBERS

<u>Present</u>	<u>Absent</u>
Boyd	Derricott
Frank	Sharp
Grey	
Munoz	
Tatum	

AREA OF IMPACT MEMBERS

<u>Present</u>	<u>Absent</u>
DeVore	
Woods	

CITY COUNCIL LIAISON(S): Hawkins, Mills Sojka

CITY STAFF: Spendlove, Strickland, Vitek, Wonderlich

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 present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **OCTOBER 22, 2013**
2. Approval of Findings of Fact and Conclusions of Law: **NONE**

Motion:

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

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. Request for the Commission's consideration of the Preliminary Plat of Cedarpark #10 Subdivision, A PUD, consisting of 3.96 (+/-) acres with seven (7) commercial lots on property located at the southwest corner of Carriage Lane North and Chuck Wagon Place. c/o EHM Engineers, Inc. on behalf of Gary N Nelson & Co.

Applicant Presentation:

Tim Vawser, EHM Engineers, Inc. representing the applicant, Gary Nelson. The Commission first saw a portion of this item as a special use permit in September for Forrest LeBaron to build storage units on the

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north parcel. They are currently in a purchase/sale agreement for that portion of the lot contingent upon completion of the platting process. There will be approximately 2.3 Acres of storage units on the one north lot, which will be built in phases, and six (6) other commercial lots on the south available for development. These six (6) lots may turn into storage units in the future if Forrest goes back through the process, but at this time the plat is showing six (6) individual commercial lots for development in order to keep options open. Applicant stated understanding of staff recommendations and conditions for approval, primarily the landscape buffer as well as the sanitation limitations for the development and asked that the Commission approve the request for preliminary plat approval.

Staff Analysis:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. On July 1, 1996, Ordinance #2531 was approved to rezone 132.5 acres from RR to R-2, R-4, R-4 PRO and C-1 PUD. The Cedar Park PUD Agreement was approved on June 2, 1997.

This Preliminary Plat for the Cedarpark #10 Subdivision, A PUD, includes 3.96 (+/-) acres and is zoned C-1 PUD (Commercial Highway District) PUD (Planned Unit Development). The request is to plat seven (7) lots for commercial development. The site is located at the southwest corner of Carriage Lane North and Chuck Wagon Place. The property is currently undeveloped and being farmed. The parcels are being subdivided into seven (7) commercial lots. The lot area in the C-1 zone shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping. The proposed development is for commercial subdivision and will be required to meet the minimum code standards and comply with the Cedar Park PUD Agreement.

The proposed subdivision is planned to be developed in two (2) phases. Lot one (1) will be the northern 2.11 acres of the parcel will be the phase 1. If the storage units are successful, they would expand to the south and potentially the south six (6) lots would go away and become Phase 2 of the storage units. Phase 1 is proposed to be developed as mini-storage units. A SUP was granted on Sept. 10, 2013 to allow construction of storage units on this lot, subject to conditions. The PUD states there is to be a landscape buffer between residential and commercial lots. The developer of the mini-storage facility has agreed to contact to owner of the property to the north and establish a maintenance agreement regarding the existing landscape buffer in exchange of having to construct additional landscaping on the northern boundary of his property. The Commission may want to place a condition on the preliminary plat that the maintenance agreement shall be in place and the City has a copy for our files before recordation of the final plat. The landscape buffer is a requirement on the recorded Cedar Park PUD Agreement. Currently there is an approximate five (5) foot buffer along a portion of the southern boundary of the Carriage Lane Apartments. This was installed at the time of construction of the apartment complex. This buffer was not installed along the entire length of the property boundary between the residential and commercial uses. The portion to the West needs to be completed in order to be compliant with the PUD, and that is the reason for the staff recommended condition. The original route for sewer service to this subdivision has been found deficient via the sewer modeling process. In order to adequately serve this subdivision, multiple alternative routes have been proposed. At this time an alternative route has not been agreed upon between the developer and the City Engineering Department. It would be acceptable to require a condition on the plat approval for an adequate sewer service plan to be agreed upon between the

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developer and the City Engineering Department, prior to recordation of the plat. A full review of required improvements will be made by the Building, Planning, Fire and Engineering Departments for full compliance with minimum development standards prior to issuance of any building permits. This is the first step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development. The plat is consistent with other subdivision development in the area, city code criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for commercial/retail.

Planner I Spendlove stated upon conclusion staff recommends the Commission approve the preliminary plat of the Cedarpark #10 Subdivision, A PUD, as presented, subject to the following conditions:

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to compliance with the Cedar Park PUD Agreement.
3. Subject to Landscaping Buffer Maintenance Agreement between Cedarpark #10, Lot 1, Block 1 and Cedarpark #1, Lot 37, Block 4, being executed and a copy given to the City prior to recordation of the final plat.
4. Subject to an adequate sewer service plan agreement between the developer and the City Engineering Department prior to recordation of the final plat.

Questions/Comments:

- Commissioner Woods asked about the apartments and light intrusion into the apartments from the adjacent development.
- Planner I Spendlove stated that this concern would be addressed in the building permit review process, code requires that lights be downward facing. Typically this issue would have been addressed with the Special Use Permit process, the platting of property doesn't necessarily delve into the construction and or design of the project.
- Commissioner Woods then asked if the issue has already been dealt with and is a non-issue at this point.
- Planner I Spendlove affirmed that the light intrusion issue is not an issue at this point.
- Commissioner Munoz asked about storm water retention areas and Engineering review.
- Planner I Spendlove stated that this will also be addressed in the building permit review process and deferred specific questions to the Engineer representing the applicant.
- Mr. Vawser explained that the storm water retention for the storage units will be handled with a dry well system that has been designed and submitted for review.

Public Hearing: OPENED & CLOSED WITHOUT COMMENTS

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Discussion Followed:

- Commissioner Munoz stated that the commissioners have already reviewed the Special Use Permit for the storage units, and recollected that there weren't any issues or public comment about the design. Also that the commercial lots could be a buffer for whatever happens to come along later to the south.
- Further discussion about the staff recommendations and conditions placed on the Plat. It was determined all conditions presented in the staff report were placed on the list of staff recommended conditions.

Motion:

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

Cedarpark #10 Preliminary Plat, a PUD, was Approved, as presented, with the following conditions

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to compliance with the Cedar Park PUD Agreement.
3. Subject to Landscaping Buffer Maintenance Agreement between Cedarpark #10, Lot 1, Block 1 and Cedarpark #1, Lot 37, Block 4, being executed and a copy given to the City prior to recordation of the final plat.
4. Subject to an adequate sewer service plan agreement between the developer and the City Engineering Department prior to recordation of the final plat.

IV. PUBLIC HEARINGS:

1. Request for the Commission's recommendation for a Zoning Title Amendment to amend Twin Falls City Code Title 10; Chapter 7; Section 6(A), to reduce the front yard building setback to 52' from centerline on Bridgeview Boulevard from Blue Lakes Boulevard North to Pole Line Road East. c/o EHM Engineers, Inc. on behalf of Bridgeview Estates (app. 2576)

Applicant Presentation:

Hailey Barnes, EHM Engineers, Inc. representing the applicant stated that their client would like to do a remodel of their entrance. The current entrance is not customer friendly, particularly for elderly residents. They would like to provide a covered area so that visitors and residents can load and unload easily out of the weather. They are asking for the code amendment due to the limitations of the current sight and building.

Staff Analysis:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. City Code §10-7-6 references "Front Yard Setbacks" and was established in the City Code in 1990 with Ord. 2323. This section lists arterial, collector, and other major roadway sections and establishes a building setback from the centerline of the named road section. As roadways have been added to the City the section has been amended to reflect new construction and changes to roadway width standards.

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Amendments were made in 1999 with Ord. 2620, in 2002 with Ord. 2662, in 2003 with Ord. 2773, and in 2006 with Ord. 2850. The adoption of the Master Transportation Plan also affects these standards.

This request is for a Zoning Title Amendment to City Code Title 10; Chapter 7; Section 6 to change the centerline building setback for Bridgeview Blvd from Blue Lakes Blvd North to Pole Line Road East. Bridgeview Boulevard currently is classified as a major collector street and is located between BLBN and Locust St N. The current building setback requires 62' from centerline of Bridgeview Boulevard. The request to reduce this centerline setback to 52' from BLBN to Pole Line Rd E, leaving the building setback between Pole Line Rd E to Locust St N at 62' from centerline.

This amendment would decrease the amount of available space for future right-of-way on this section of Bridgeview Boulevard. However, Bridgeview Blvd is not the designated heavy traffic route for the area, and if future traffic needs warranted an expansion of the roadway in this particular section, a five (5) lane arterial roadway could still be designed within the land available through the proposed reduced centerline setback of fifty two feet (52'). Staff does not feel the visibility corridor or vehicular traffic safety would be greatly compromised by decreasing the street centerline setback in this section of Bridgeview Boulevard as it is mostly developed. If additions or remodels to existing buildings were to extend to the fifty-two foot (52') setback, the visibility corridor would still be reasonably large enough for vehicular traffic safety concerns as well.

Planner I Spendlove stated a recommendation by the Commission of this request, as presented, the request could be noticed for public hearing before the City Council. Upon conclusion, Staff feels that the amendment to City Code 10-7-6, as presented, would satisfy the needs of the city in the future while maintaining the safe visibility corridors of vehicles that use the roadway.

Questions/Comments:

- Commissioner Munoz asked about landscaping requirements and if they are decreasing the setback how would that impact landscaping allowances and requirements.
- Planner I Spendlove stated that this is not a gateway arterial; therefore a minimum landscaping buffer is not required by code for this area. However, these properties are regulated under PUD Agreements. They would still have to meet the requirements of City Code and the PUD.
- Commissioner Frank asked about the visibility and future development in the area and if there are any unforeseen consequences.
- Planner I Spendlove stated that the Engineering Department has confirmed that in the future with this change they will still be able to get the amount of lanes needed and the visibility needed for the roadway to be safe.
- General discussion on the topography of the west side of the roadway towards the mall.

Public Hearing: OPENED & CLOSED WITHOUT COMMENTS

Discussion Followed: WITHOUT CONCERNS

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Motion:

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

[Recommended for approval to the City Council, as presented](#)

[City Council Public Hearing Scheduled for January 13, 2014](#)

2. Request for the Commission's recommendation for a Zoning Title Amendment to amend Twin Falls City Code Title 10; Chapter 9; Section 9(k) to allow temporary real estate open house signs within public right of way under specific conditions. c/o Nan Gandy on behalf of Greater Twin Falls Association of Realtors (app. 2602)

Applicant Presentation:

Nan Gandy, the applicant, stated she is representing the 250 members of the Greater Twin Falls Association of Realtors. She read the proposed amendment to the Commission with conditions for approval. The proposed amendment is requesting to allow Real Estate Open House Signs to be located on the public right-of-way, one hour before and one hour after the scheduled open house subject to: a) limited hours not to exceed five (5) total hours in any one day, b) access of public right of way to remain open including wheelchair access, and c) all open house signs to be removed from the right-of-way within one hour after completion of open house. The manner in which the signs should be placed is a) the signs placed on the sidewalk shall have pedestrian or wheelchair passageway of a minimum of 36", b) shall not exceed 9 sq. ft. in area, c) shall not be placed in a manner that would obstruct any ADA sidewalk or ramp, and d) will not exceed 36" in height. The request is being made to expand the current ordinance in order to allow the 250 Real Estate Members to increase the visibility of temporary directional open house signs. This will help the 421 current families who are trying to sell their homes, as well as those who will sell in the future. It also impacts developers, builders, lenders, title companies, home inspectors, and insurance agents who depend on real estate sales for their continued success. The key to selling a property is to get maximum exposure of the property. Open House Events are an important tool in accomplishing this goal. They are a time honored method for selling homes not only in Twin Falls, but they are a marketing tool used nationally. The present provisions of the current ordinance limit the use of directional signs as an important part of the marketing tool to sell the property. To have an effective open house advertisement is important, ads are costly, realtors are reluctant to place expensive ads in the newspaper when they are not able to place signs out directing potential buyers to the property. Realtors are not asking the ordinance be removed from the books, but to be modified slightly. They are asking for the signs to be placed within the public right-of-way for a very limited time in visible places to direct traffic to the Open House. Real Estate has one of the largest impacts economically and helping real estate thrive helps the City. The real estate market has historically driven the economic recovery process and has been hit hard in the past several years; the industry does not need any other impediments to restrict improvements to the real estate market. As for impacts, city staff mentions concerns regarding the site-triangle however Open House A-Frame signs are only 26" in height (An example of this described sign was presented). City Ordinance 9-9-16 defines obstruction to traffic as follows: obstruction constituting a traffic hazard shall exist if any object, structure or thing, except buildings and residences which are otherwise in conformance with law, is allowed to exist which exceeds three feet (3') above the existing center of roadway in elevation, the proposed amendment

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specifically limits the height of the directional sign to comply with the sight triangle provision. Realtors are not asking for any change in signage at their place of business or any regular realty marketing yard sign. The request is to increase flexibility for the placement of temporary directional devices to direct traffic to an Open House. The business model of realty is unique; no other business provides off-site Open House sales as a service to their clients. Buyers are conditioned to look for directional signs, although staff considers the existing ordinance to be adequate there are other communities that have recognized the challenges of Open House events and the need for directional signs. Similar ordinances are on the books in the City of Ketchum and the City of Caldwell allowing Open House signs in the public right-of-way with similar conditions proposed in this amendment. The association is aware of past problems with placing these signs on the sidewalk as shown in the pictures provided by the staff. Most of the signs shown would continue to be in violation of the ordinance. In an effort to eliminate violations the association proposes an aggressive educational process for all realtor members and new member orientation. Code Enforcement Coordinator Standley has indicated his willingness to provide an educational presentation at one of the associations monthly membership lunches. Association staff would also encourage individual brokers to provide training at their sales meetings.

Staff Presentation:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. The City Council approved Ordinance 2012 on July 6, 1981 which replaced Twin Falls City Code - Title 10; Zoning & Subdivision Regulations in its entirety. In December 2008, Ordinance 2957 was approved by the City Council. This ordinance replaced Twin Falls City Code - Title 10; Chapter 9: Sign Regulations in its entirety. Ordinance 3005 was approved in June 2011 which made changes to references in Twin Falls City Code - Title 10; Chapter 4: Zoning Designations, as well as various definitions in Title 10; Chapter 2: Definitions.

This is a request submitted by the Greater Twin Falls Association of REALTORS asking for the Commission's recommendation on a Zoning Title Amendment which would amend Twin Falls City Code 10-9-9(K) Real Estate Signs. The proposed amendment is requesting to allow Real Estate Open House Signs to be located on any public right-of-way subject to: a) limited hours not to exceed five (5) total hours in any one day, b) access of public right of way to remain open including wheelchair access, and c) signs to be removed from the right-of-way within one hour after completion of open house.

The Greater Twin Falls Association of REALTORS making this request state in their narrative that placing signs on the public right-of-way, although not allowed, has been common practice and the sign ordinance as currently written often effectively eliminates licensed REALTORS from holding Open House Events within the City limits. The narrative further states that placing signs on private property can be problematic in residential and commercial areas due to many obstacles; homeowners not being home very often or not agreeing to allow the signs on their property, not able to get permission from businesses who are either closed on weekends or do not wish to have signs on their property during normal open house hours. These circumstances leave REALTORS feeling that they have few options. This leads them to use the only space available, the public right-of-way.

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The current Twin Falls Comprehensive Plan was updated in 2009. Within that plan, a section was devoted to the design of streetscapes and possible enhancements to road right-of-ways and surrounding corridors. The comprehensive plan does not address commercial signage within the streetscape design guidelines, or its associated streetscape enhancements. Commercial signage within right-of-way is not addressed in the goals or objectives of the Current Comprehensive Plan Community Design Concept Section.

The Commission shall ensure that any favorable recommendations for amendments are in accordance with the established goals and objectives of the current Twin Falls Comprehensive Plan.

If approved, this Code amendment would not change the regulation of signs being prohibited within sight triangles located at intersections of streets, alleys and driveways, as per Title 9; Chapter 9; Section 16. The sight triangle is an industry standard that is focused on providing for and maintaining safety. It is designed to allow clear visibility for all types of traffic (pedestrian, bicycle, and vehicle) at intersections. Signs over three feet (3') tall would still not be allowed in this triangle.

The current City Code prohibits all signs from being placed in the public right-of-way. City Code also prohibits off-premise commercial signage, with the one exception being off-premise Real Estate direction signs. The only rule for off-premise Real Estate direction signs is that they are to be placed on private property. It is reasonable to assume that the level of advertising wishing to be accomplished by this code amendment could be accomplished within the existing regulations outlined in current City Code.

Staff feels that this amendment to the City Code would cause confusion, and possibly an increase in violations by other individuals and entities that will see this as a precedent to allow all types of signs within the public right-of-way.

Planner I Spendlove stated upon conclusion the Commission may recommend to the City Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested (will require another public hearing before the Commission), or it may recommend that the amendment be denied.

Questions/Comments:

- Commissioner Boyd referred to the picture shown on page 11 of the staff report packet and asked if staff knew of the height of the sign and why this sign was in violation.
- Planner I Spendlove explained he did not have the height of the sign. This sign was placed in public right-of-way and many times the road is not built as wide as the road is intended to be built in the future. He deferred this question to the Assistant City Engineer for more clarification.
- Assistant City Engineer Vitek stated that most of the roads in the City were built at a standard width of 50 ft. and as capacity increases the roads are widened up to wherever the City has right-of-way and on most of the streets the right of way extends behind the sidewalk. A lot of people are not aware of this since they have maintained the property up to that point for so long. They cannot find the property pins indicating the true property boundary.

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- Commissioner Boyd stated that she felt the placement of that particular sign was appropriate because it is not blocking the road or the sidewalk. The sign could be in violation because of a technicality that may not be obvious to the property owner or the person putting up the sign.
- Commissioner Frank asked the applicant if this were to be allowed would it give the realtors a privilege that other businesses or even someone in the neighborhood wouldn't have; for example a rummage sale sign or a home based business that wanted to have a sale for a short period of time. Would you be getting something that others in the community wouldn't be getting?
- Ms. Gandy she stated that this industry different than other business because they have a store front but that is not where the product is located. These are off-site remote situations that she doesn't think other businesses deal with.
- Commissioner DeVore asked if this would allow a private individual to have off-site open house signs posted also. So this would impact anyone who was selling their own home.
- Ms. Gandy: yes this code amendment would allow such an opportunity for the general public to have an open house sign if they were selling their home themselves.

Public Hearing:

- Nathan Lyda, 1852 Riverwood Road, explained the National Association of Realtors has done research on the impacts that realty has on the economy, approximately nine (9) Billion or 15.5% of the Gross State Product. Home sales have multiple ancillary effects on the economy including furniture, remodel and other items or individuals who benefit from this economic transaction. When buyers were asked how they found the home they purchased the top three answers were: internet, a realtor and an open house/sign. This tool helps the realtor do what they can to help market properties to the expectations of the seller.
- Stanley Tobiason, 2688 Carriage Way, he explained that they invite people into homes and he would like to be able to have as many people possible visit the homes. Many people just show up to check it out. He had an open house this weekend and the people thanked him for posting the directional signs. The signs would be temporary and they don't plan to block the sight triangle, and he doesn't think that this will set a precedence that will cause people to start putting out more signs on the sidewalk. Open house signs are something that is in the DNA of the real estate world. The process of asking people throughout the neighborhood to put the signs on private property is not feasible. Every time he sets out signs on private property he fears that after the open house they will be missing, luckily it hasn't happened yet. This is an important part of promoting business and supporting the economy of Twin Falls.

Discussion Followed:

- Commissioner Woods explained that he is conflicted on the issue. He does understand the unique situation for needing these directional signs in certain situations but is not sure that it's not going to create a situation where others are going to post signs in the right-of-way also. Another point is that the photos provided show a disregard for the current set of rules. In order to provide some means of compromise, he thought it might be better to only allow free standing signs in the right-of-way limit it to free- standing signs not signs on poles, and required each sign to have the contact number for whoever placed the sign, so that if the sign is in violation there is a means of fining the violator.

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It is clear in the pictures that the rules aren't followed now, having a means to fine and sink some teeth into the violation might be better.

- Commissioner Boyd asked to address Steve directly. These Open House signs already exist, they are already a common practice, they aren't something new coming into the City. She described two types of signs A-Frame Signs, which don't do well in wind, as well as the ones that have to be stuck into the ground; and because of the wind she prefers the ones that get stuck in the ground for stability. As for identification most of the signs have contact information on them so that person could be contacted. When a realtor is paying for their own signs, it is costly and the penalty is when a sign is missing they have to buy a replacement. It is a normal practice for people to look for the open signs. Very seldom are open house signs out for very long after the Open House is over because most realtors want to be able to go home soon after to enjoy their weekend. Education is necessary; she was not clear how public right-of-way can be documented but it is not obvious to the regular citizen. Having this amendment would make the rules very specific.
- Commissioner Munoz asked if signs are currently picked up when they are out of compliance.
- Planner I Spendlove stated typically the Code Enforcement Coordinator will pick them up if they are a safety hazard or a clear violation, in some instances he does try to educate the people when the signs are in violation and gives the person an opportunity to move the sign before he impounds them. The signs can be picked up from the City which could potentially cost \$25.00.
- Commissioner Munoz stated the applicant is claiming that they are a unique business, but he is not convinced that they are the only ones that have sales away from their office. Estate sales for example and a MaryKay lady could be another potential business with off-site sales, and there are a lot more. He knows there are a lot of others like garage sales that place them on poles and other violations occur. He is conflicted as well; he understands how it could be a good tool, and how a well-educated group could manage the signs well. On the other hand, other entities that do not take pride in their signs will not follow the rules after seeing the realtor signs. His biggest concern is that others that are not well-educated about the rules will see the signs and think it is ok to put signs in the right-of-way. He wonders if approval of this amendment will give the realty group and unfair advantage over another group that does not have an association to work with to help them through this process. The process is difficult and he doesn't want to limit things to one specific group. The education will only apply to the groups that care, currently if the person has to ask permission to place a sign on private property they will do it correctly or they won't put it up if the owner of the property says no. Are we limiting the rights to one group, where everyone should have the same rights? Are we also creating a nightmare for other people, and the enforcement of the rules that are different for different groups? That is why I am conflicted, a good organization like the realtors will know the rules whereas someone from the general public may not educate themselves on the rules and not understand why they can't do the same thing we are allowing the realtors to do.
- Commissioner Frank stated he struggles with the term public right-of-way and would like to see something opened up to more businesses, he knows there are other businesses that would like to have off-site advertising opportunities. This does limit it to one group, and he thinks there might be other potential users that would be interested in this allowance. He would like to see something

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that opens it to more users if we are going to allow one group. He thinks the amendment is too narrow.

- Commissioner Boyd asked if there are currently any sign compliance issues and if there are complaints. Do people complain about garage sales, yard sales, selling puppies at Winco?
- Planner I Spendlove explained that there are compliance issues all the time. There are violations with off premise signs all the time for example the signs advertising Christmas lights, blowing out sprinkler systems, cleaning out rain gutters, these are all illegal. Garage Sale signs in right-of-way are the biggest offenders. We have an issue with people putting signs on sidewalks, in roadways, on light poles; yes we have issues with signs in Right-of-way.
- Commissioner Frank asked if there is a way to bring things into compliance isn't that the goal.
- Planner I Spendlove explained compliance is the goal and penalty is the last option.
- Commissioner Munoz stated the realtors will be willing to follow the rules making the public aware of the rules so that compliance is better, he would agree that change and education is necessary. Perhaps we have a mechanism that allows people to call before placing signs so as to make sure they are placing them in the correct place. Most people are willing to do that, are willing to comply with the rules.
- Commissioner Boyd stated that this is an industry trying to serve their clients and work with the City. She doesn't think that there will be a unilateral agreement on code, and policing private citizens, particularly yard sale signs, will not be the same as policing an industry that is trying to make a set of rules that can be followed. These signs have been around forever, and we do have issues with compliance but we have a group who wants to follow a set of rules that allows them to serve their Clients.
- Commissioner Frank explained that there are rules in place currently that aren't being followed, Commissioner Grey agreed.
- Commissioner Woods he thinks the rules can be clear and specific to a group that is educated but the rest of the population just sees signs going up everywhere and they don't know what the rules are and which ones they should follow. It can be very confusing, how do things get controlled with lots of specialized rules for different groups.
- Commissioner Grey stated that the current rules are there now and are not being followed.
- Commissioner Tatum thanked the industry for trying to find an adult way of addressing this concern through a consensus. This could allow independent realtors or independent brokers that would be positively affected for this. Right now I would vote in favor of this at this point to go to the City Council.
- Commissioner Frank stated that the discussion has been lively and he believes it is a needed discussion.

Motion:

Commissioner Woods made a motion to approve the request, as presented, with staff recommendations.

Commissioner Boyd seconded the motion. **The motion was voted on in the following order:**

- Commissioner Grey: No
- Commissioner Munoz: No

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- Commissioner Tatum: Yes
- Commissioner DeVore: Yes
- Commissioner Woods: No
- Commissioner Boyd: Yes
- Commissioner Frank: No

Recommendation to approve the request as presented was denied by a vote of 3 for and 4 against

City Council Public Hearing Scheduled for January 13, 2014

3. Requests a Special Use Permit to replace a legal non-conforming use with another non-conforming use by allowing an assembly business consisting of electrical components on property located at 580 Addison Avenue West. c/o Dan Thiel / ProWest Engineering on behalf of Western Enclosure (app. 2607)

Applicant Presentation:

Dan Thiel, Mountain Sun Construction, representing the applicant stated that the warehouse that was used by the old Hospital and County previously has continued to be used for storage and a shop. The applicant had purchased the property with the idea they would be allowed to use the building for light assembly/storage. The property is zoned R-6 & C-1; the zoning map has the building in two separate zoning districts. This makes the building a non-conforming use. They are applying for a Special Use Permit to operate a similar non-conforming use in the same building. All assembly work will be done completely inside the building; they have been using the building prior to the hearing and have not had any complaints. In order to continue operating they need to have a special use permit approval. The business will operate M-F 8:00-5:00, the impacts to the neighboring area will be minimal. The largest truck used is a flat bed, not a semi. All trucks will maneuver completely onsite. There will not be a paint booth on the premises. If they expand they will be looking for an M-2 property in order to continue their business. The only other concern is that it be limited to ProWest Engineering & Western Enclosure, he wanted to clarify that they do have another subsidiary of ProWest called Eaglegate Systems that uses the location for storage. Eaglegate is the remote controlled gate system company.

Staff Presentation:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. In July 1986 a Special Use Permit was granted to Roger Powell to operate an Auction House. At that time the building had been used as a warehouse. Since that time, it is believed the building changed hands multiple times, Norco used it for storage, Magic Valley Medical Center also used it for some purpose, and most recently Twin Falls County had been using it as a mechanic shop and storage facility. ProWest Engineering purchased the property from the County in May 2012. Since that time they have been using it to assemble electrical components into various sizes of cabinets and as a temporary storage facility for the assembled cabinets and larger cabinets/storage trailer/units. After our initial contact with the owners, we have been in constant communication over the zoning issues that are on the property, mainly that the building is located in two different zoning districts. This assembly & storage facility will be used in conjunction with their primary office located on the corner of Martin Street and Addison Ave West.

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The applicant has supplied a narrative detailing most of the general operations of the business. Hours of operation are stated to be 8am – 5pm- days of the week were stated previously. Traffic generation would be minimal, with 2-5 employees and deliveries of components via UPS/FedEx. Occasionally larger components will be delivered on large trucks. The parking area & pick-up/delivery areas are shown on the site plan. As per City Code 10-10-2(B)- Backing a vehicle from an off street parking space directly into a public traffic way creates a traffic hazard... and shall not be approved by the City Engineer ...". Upon operation of this business as proposed there appears to be minimal impacts to the surrounding areas via noise, glare, and odor.

ProWest is the electrical engineering firm that designs electrical systems for very specific uses in agricultural, mining, and industrial uses. Western Enclosure will be the subsidiary company that will assemble the various electrical components into finished "cabinets", "enclosures" or "shipping containers". These enclosures vary quite a bit in size from 2'x3' up to large metal shipping containers. (Sample photos are found in this packet). The existing building stands within a lot which is zoned both C-1 and R-6 PRO. The Official Zoning Districts Map has the boundary line bisecting the building itself into two (2) differing zones. The use of the property, and the building, when Twin Falls County used it was deemed a legal non-conforming use due to the establishment of the R-6 Zone on part of the property.

Per City Code 10-3-4(A)-1e: "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 applicable to special uses, the applicant must show that the existing building cannot be reasonably converted to a conforming use." It has been determined that the county's use of the property as a mechanic shop continued the legal nonconforming use established prior to when the Zoning Map changed. The non-conforming uses have continued as such up until the sale of the property to ProWest in May 2012. The proposed use of the property as an electrical cabinet/enclosure assembly business would be considered another nonconforming-use as neither the R-6 PRO or the C-1 zoning designations list "retail assembly" as an allowed use. The reasonable conversion of the property is problematic due to the bisecting of the property by two zones we believe it would be unreasonable to convert the building to comply with both Zoning districts.

Per City Code 10-7-6: Martin Street is classified as a collector street and has a building setback of 62' from the centerline of Martin Street. This setback is currently being met by the existing building.

Per City Code 10-10: Off Street Parking is required for this business at a rate of one (1) space to four hundred (400) square feet of floor area. The site plan furnished by the applicant shows this parking requirement being met and exceeded. In addition, the owners have cross use parking agreements with their main office (598 Addison Ave West), as well as the Vendor Blender located at 588 Addison Ave West. Despite these cross use agreements, there appears to be adequate parking for all three businesses.

Per city Code 10-11-1 thru 8: Required improvements are required when there is a "Change of Use". These required improvements include landscaping, screening, parking, parking & maneuvering areas, streets, and drainage and storm water. The landscaping, screening, parking, and streets are pre-existing, and they were

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accepted by the City at an earlier time. Since there is no increase to impervious surface there is no current requirement to increase storm water drainage or storage capacity.

The use of the property as outlined in the narrative provided by the applicant does not match up precisely with any definitions currently existing in our zoning code. The general impacts this business will have on surrounding properties should be focused on the delivery methods, general operation of the business, as well as the future paint booth that will be associated with the electrical cabinet assembly and delivery. It is reasonable to assume that the traffic generated by employee's and deliveries via UPS/FedEx are acceptable in the C-1 Zoned areas. The occasional large delivery truck may also be acceptable as long as these trucks do not back onto major roadways before, during, or after their deliveries.

It is not believed the general operation of the assembly shop will cause unreasonable levels of noise, odor, or glare. There will be some minor noise due to the nature of assembling the various components and cabinets. This activity should and will be located fully within the existing building thus greatly reducing the possible impact of noise on neighboring property owners.

Planner I 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 this Special Use Permit being limited to ProWest Engineering/Western Enclosure/EagleGate Systems only.
3. Subject to limiting the number of large metal shipping container sized enclosures to a maximum of two (2) on the property at one time and to be located inside the building at all times.
4. No outside storage of materials or finished product at any time.

Questions/Comments:

- Commissioner Frank clarified that parts are collected and assembled into a product. They are not stamping cabinets or creating cabinet.
- Mr. Thiel stated that is correct.
- Commissioner Woods asked a question on outside storage, the pictures depict materials outside the building. What is happening there?
- Mr. Thiel stated that these materials shown are leftovers from the different remodels; they have kept some of the materials for reuse. With the advent of condition number 4 it will be cleaned up.
- Commissioner Grey asked if during the County's tenure on the lot they had used that area to store materials.
- Planner I Spendlove stated he did not have proof, but it could be safe to assume they did use it for some storage.

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Discussion Followed:

- Commissioner Grey stated that he has concerns about limiting the storage area, perhaps the pods or containers would be neater.
- Commissioner Frank asked if there is a need for storage of parts.
- Mr. Collins, 2648 College Way, the applicant, explained they have approximately 50% of the components that have to be stored for 3-4 weeks prior to completing the assembly of the product.
- Commissioner Grey asked if there was enough space inside the building to store the needed component. He did not want to impede the business adversely by requiring storage inside if it was not going to have a negative impact.
- Mr. Collins stated the building had enough space to store what was needed.
- Commissioner Munoz asked about limitations of outside storage with screening.
- Planner I Spendlove there wouldn't be an issue with outside screened storage. He also explained that this type of use is not listed in the zoning code, and the assembly use type fits more to manufacturing, by requiring the storage to remain inside the building staff tried to keep the property in conformance with C-1 zoning standards and not have the components outside like they are allowed in the Manufacturing zones.
- Commissioner Woods asked if this is granted could the applicant later amend the conditions of the special use permit to allow a storage unit outside if they strongly felt they needed it.
- Planner I Spendlove affirmed that the special use permit could be brought back for amendment.

Motion:

Commissioner Munoz made a motion to approve the request, as presented, with staff recommendations. Commissioner Tatum 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 this Special Use Permit being limited to ProWest Engineering/Western Enclosure/Eaglegate Systems only.
3. Subject to limiting the number of large metal shipping container sized enclosures to a maximum of two (2) on the property at one time and to be located inside the building at all times.
4. No outside storage of materials or finished product at any time.

Commissioner Munoz excused himself from the meeting.

4. Requests a Special Use Permit to construct a new convenience store and gas station operating twenty-four (24) hours a day, seven (7) days a week, on property located at 1662 Park View Drive. Kyle Castle dba Castle Corner Corp (app. 2609)

Applicant Presentation:

Gerald Martens, EHM Engineers, Inc., representing the applicant stated that the request is to allow a convenience store to operate 24 hours. The applicant currently has a building permit; the convenience store is an allowed use in this zone. It will be located close to Walmart and the new St. Luke's Hospital

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both of which operate 24 hours-a-day on a large scale. There are no residences within a ¼ mile and it will be located on the largest roadway in the community, Pole Line Road. It will be very compatible for the area. There are three staff recommendations and agree with condition 1 and 3. Recommendation #2 was placed on here, but the applicant is aware that in the future there may be a change ingress/egress onto the property. This is documented on the plat for future determination to be made by City Engineer. As the area develops this center curb may be needed, but we would like to have that at the City Engineers discretion and all signage will be installed at that time.

Staff Presentation:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. Ordinance 2012 was passed in 1981, it created the zoning districts we currently use, and zoned various properties within City Limits. The new zoning designations were assigned at that time, or when areas were annexed. The site is zoned as North Haven Business Park C-1 PUD and was annexed on June 14, 2004. A Preliminary Plat was approved on July 13, 2004, for a ten (10) lot subdivision. The Final Plat was approved on November 1, 2004. The PUD agreement on this lot dictates a lot of the site plan and layout. These items have been or will be reviewed with the building permit that has already been submitted, they are still applicable and will be reviewed for compliance. The one item we are looking at tonight is the retail store hours.

Per City Code 10-4-8.2: Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) AM to ten o'clock (10:00) PM requires a special use permit in the Commercial Highway District (C-1). The C-1 Zone is intended to provide commercial activities of various sizes from large retail stores to small specialty shops with residential opportunities for persons wishing to work and live in a unified environment. The C-1 Business Park PUD Agreement does not waive the special use permit process for extended retail hours of operation. It did however; waive the requirement for a retail store/gas station, usually those operations require a Special Use Permit.

The North Haven Business Park C-1 PUD Amended Agreement states that there shall be a 35 foot wide landscape buffer from back of curb along Pole Line Road West and a 20 foot wide landscape buffer from back of curb along Park View Drive in addition to required landscaping. This PUD requirement is being reviewed currently with the building permit and will be required to comply.

Possible Impacts: The neighboring properties are currently undeveloped. There is currently St. Luke's Magic Valley Regional Medical Center and Wal-Mart in the area that operate twenty-four (24) hours a day. Other uses within the area are medical facilities, retail, and a bank. These various businesses may not be greatly impacted by these proposed extended hours.

The applicant's submitted site plan indicates a left turn off Park View Drive into the proposed convenience store/gas station. There is a note on the recorded final plat that states;...." *a six (6") inch high minimum six (6") inch wide continuous ribbon concrete curb may be constructed at a future date at the discretion of the City Engineer in a location determined by the City Engineer between North Haven Drive and Pole Line Road (West).*" Development is a major consideration in determining when the ribbon curb shall be constructed.

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The applicant has been informed by the City Engineer that there will be a ribbon curb constructed on Park View Drive in the near future. Left turns into the proposed facility will not be allowed when the construction of the curbing occurs. The ingress/egress allowed on Park View Drive will be a right-in/right out only. This information is documented on the plat and the applicant is aware of the future plans.

Planner I Spendlove stated upon conclusion should the Commission grant this request, as presented; city staff would recommend 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 compliance with the North Haven Business Park C-1 PUD.

Questions/Comments:

- Commissioner Woods asked why the ribbon curbing requirement was placed on the plat.
- Assistant City Engineer Vitek explained that they don't want traffic to stack onto Pole Line Road while waiting for someone to turn left into this facility on Park View, at this time there will not be much movement through the area, so the ribbon does not need to be installed at this time, but may become necessary in the future.

Public Hearing: OPENED & CLOSED WITHOUT COMMENT

Discussion Followed: WITHOUT CONCERNS

Motion:

Commissioner Woods made a motion to approve the request, as presents, with staff recommendations. Commissioner DeVore seconded the motion. Motion passed 6-0, all members present voted in favor of the motion (Commissioner Munoz had previously excused himself from the meeting).

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 compliance with the North Haven Business Park C-1 PUD.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

- Commissioner Frank asked if there will be enough attendance to have the first work session meeting January 2, 2014 as an alternative, because January 1st is a Holiday. The January work session will be canceled because of a lack of attendance.
- Council Liaison Mills Sojka recommended that the discussion about code requirements for signage continue at the next Planning & Zoning Work Session meeting.
- Council Liaison Hawkins brought up the point that the Council has made a decision that with the meetings being live streamed to have people give the City they are from versus their actual physical address going out over the air. She also reviewed the decision of the City Council to make the ZOAC group an official committee. It has been decided that only two members of the Commission can serve on the committee however all of the meetings will be live streamed and recorded but if you are not serving on the committee you can't have any official input at the meetings.

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- Planner I Spendlove explained that the staff would like to make a recommendation that the discussion regarding the landscaping on property located at 284 Washington Street North be postponed until possibly March. The thought is that at this time of year we would not be able to make a fair determination on whether or not the landscaping is alive or dead and that requiring an applicant to replant this time of year would not be feasible.
- Commissioner Grey agreed that the discussion would be more appropriate in March.
- Commissioner Woods asked if there is a sign committee.
- Commissioner Frank stated there was a committee but it is not active at this time.
- Commissioner DeVore excused himself from the meeting.
- Commissioner Woods asked staff to look at a car that is parked in the sight triangle at Eastland Drive and Falls Avenue intersection.
- Commissioner Woods asked about Bridgeview landscaping requirements if the road were ever widened. There would no longer be room for parking and the landscaping along that area would be removed.
- Commissioner DeVore returned to the meeting.
- Planner I Spendlove explained that the City would negotiate the issues related to the code requirements and landscaping. It is a very specific negotiation as to what would remain or what would be removed. It is a negotiation between land owner and the City; all codes that can be complied with are followed.
- Commissioner Boyd asked if she can speak at the City Council meeting when the sign code is presented.
- City Attorney Wonderlich stated yes, as a citizen she can speak at the Council meeting regarding the sign code amendment request because it is a legislative action.
- Council Liaison Mills Sojka stated that her interpretation for the two person rule applied to the appointed members only and the fact that the meetings are open to the public, she didn't see an issue with the other members being present. It was not the intent to further limit the meeting discussion, it was to open the discussion up to the public and that includes members of the Commission; this will need to be clarified more.
- Planner I Spendlove explained that the next ZOAC meeting has not been scheduled and will not be scheduled until these clarifications have been made and the new liaisons have been assigned.

VI. UPCOMING PUBLIC MEETINGS (held at the City Council Chambers unless otherwise posted):

1. Public Hearing- **Thursday, December 26, 2013** 6:00 pm
2. Work Session- **To be determined**

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 8:03 pm.

This meeting has been recorded and posted on the City of Twin Falls website at the following link:

http://twinfalls.granicus.com/MediaPlayer.php?view_id=2&clip_id=142

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



CITY OF TWIN FALLS, IDAHO

PLANNING & ZONING COMMISSION

CITY COUNCIL CHAMBERS

305 THIRD AVENUE EAST

CANCELLATION NOTICE

* * * * *

The regularly scheduled Planning & Zoning Commission Meeting

for

December 26, 2013

has been canceled.

Lisa Strickland
Administrative Assistant