



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
January 13, 2015 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" Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods
Vice-Chairman

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

**CITY LIMIT
MEMBERS**

<u>Present</u>	<u>Absent</u>
Boyd	Muñoz
Derricott	
Frank	
Grey	
Reid	
Tatum	

AREA OF IMPACT MEMBERS

<u>Present</u>	<u>Absent</u>
Higley	
Woods	

CITY COUNCIL LIAISON(S):

CITY STAFF: Carraway-Johnson, Fields, Knope, Spendlove, Strickland, 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.

II. CONSENT CALENDAR:

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

III. ITEMS OF CONSIDERATION:

1. Request for consideration of a Preliminary Plat for Northern Passage Subdivision #5, a re-plat of a portion of Northern Passage Subdivisions #3 & #4, consisting of **13 (+/-) acres** and will include **16** lots located at **the northeast corner of Federation Road, extended, and Grandview Drive North.** c/o Tim Vawser/EHM Engineers, Inc. on behalf of Northern Passage, Inc

* This item will be heard at the time as the public hearing for IV-3.

IV. PUBLIC HEARINGS:

1. Requests a Special Use Permit to establish and operate a mini storage facility on property located at 2716 Addison Avenue East c/o Forrest LeBaron (app 2667)

Applicant Presentation:

Forrest LeBaron the applicant stated he is here to request a special use permit to operate a mini-storage facility on property located at 2716 Addison Avenue East. He reviewed on the overhead the exhibits explaining that the property has two separate zoning designations C-1 and R-2. The front portion of the property has a home occupation-office/residence that they intend to use as the office for the mini-storage facility. The current request is for the C-1 portion of the property, provided the business grows there will be a request in the future to expand and rezone the back portion of the property. The intent is to purchase brand new cargo 40' containers in the same color and place them on the property. These being brand new and not moved around will provide secure storage. They are not very visible from the road and will all look uniform. The plan is to screen the property and grow the business from the north to the south. The hours will be 7:30am to 6:30pm with secured access to the property. There should not be much noise and approximately 10-15 cars per day will travel to and from the site. There is an auto-body shop to the east and to the west there is a heating and air conditioning business. This will be a quiet business and should have minimal impacts to the neighbors. He has had meetings with the neighbors to try and address their concerns because he wants to be a good neighbor. He asked that the Commission consider his request.

Staff Presentation:

Planner I Spendlove reviewed the request and exhibits on the overhead and explained Ordinance 2012 was passed in 1981 and this corridor was originally zoned with a 600' depth C-1 zone and on the map of the site there is an approximate location of the boundary between the C-1 and R-2 zone. The exact location of the boundary will have to be verified during the development review process. None of these storage units will be allowed to be placed on the R-2 zoned property to the south.

The applicant has supplied a narrative outlining the details of the proposed use of the property. 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.

Although the applicant proposes to have 300 pod rental units in his narrative, the site plan provided shows 169 Units. It may be the applicant's intent to have 300 units by the end of the project; however, this special use permit will only be looking at the C-1 zoned property and the number of proposed pods as they are shown on the provided site plan.

Per City code 10-4-4: Mini-storage units are not an allowed or allowed by special use in the R-2 Zoning District.

This Special Use Permit will not apply to the area zoned R-2 and cannot be approved for that area. The applicant will need to successfully rezone that portion of the property from R-2 to C-1 prior to moving forward with any expansion of this particular business. The Rezone process will require public hearings with the P&Z Commission and the City Council. If the rezone is granted through the appropriate public

hearings and approvals, another public hearing would still be required with the Planning and Zoning Commission for any expansion of the storage unit rental business.

Per City Code 10-4-8.2: Mini-storage units are required to obtain a Special Use Permit prior to establishing the use due to potential impacts on neighboring properties.

This Special Use Permit, if granted, would only be applicable to the currently zoned C-1 portion of the lot. The exact boundary line will need to be determined on the Development Plan Review.

Typically, the greatest impacts are of a visual matter. Impacts to surrounding areas are not anticipated to greatly increase as it pertains to traffic, noise, or glare. However, the plan proposed by the applicant shows the use of shipping containers as the storage units themselves. This type of storage unit and plan has not been implemented within the City of Twin Falls as of this date. City Code does not differentiate between the types of material used to construct the storage units. The zoning code clearly identifies storage unit rentals as a permanent land use.

Staff's concern is that this type of construction could turn into more of a shipping yard if a future owner shifted the business plan to renting the containers for off-site storage. This would essentially change the nature of the business and consequently the degree of impact to surrounding properties. It would be reasonable to place conditions on this permit to address this concern. Some of those conditions may be a phased development plan, no stacking of containers, requiring containers to remain in place once set, and restriction on the uniform color of the units.

Per City Code 10-10: The required number of parking spaces is based on the office portion of the development. This will be assessed at the time of Building and/or Development review at a rate of 1 space per 250 sq. ft. for office use and minimum of 2 spaces if there is a residential use. Actual storage spaces do not require a parking space

Per City Code 10-7-12: Addison Ave East is a gateway arterial. This property will be required to meet those standards set forth in this code section at the time of Building Permit or Development Review.

Per City Code 10-11-1 thru 8: Required improvements include but are not limited to Curb, Gutter, Sidewalk, vehicle approaches, paved parking & maneuvering areas and drive aisles, storm water, enclosed trash container, screening and drainage will be required prior to operation of this business..

Typically the required improvements are reviewed at the time of Building Permit Submittal. Staff feels it would be beneficial to have a condition that requires a development review prior to the business being established. This development review will address the required improvements to ensure potential issues have been addressed prior to any site work or storage unit type business taking place. Some of the types of items to be addressed in this development review would include but not limited to: perimeter screening; height, type and materials, vehicle approaches and locations, curb, gutter,

sidewalk, paved parking & maneuvering areas and drive aisles, drainage, screened trash enclosure, lighting and storm water retention.

Possible Impacts: 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 along Addison Ave E. Staff is concerned with the possibility that the essential character of the land use could change from storage unit rentals to something more along the lines of a shipping yard in the future. This change would be a change of use of the property and would require a re-evaluation of the use of the property. In order to more clearly determine when a change of use from storage unit rentals and some other type of business occurs, staff has proposed conditions that would attempt to address this issue. Further conditions could be placed by the Commission that limits the stacking to single story.

The potential visual impact of storage units is not completely known at this time. Examples have been provided by the applicant that show homogenous and color matching units. At first review it would seem that this would help to address the visual impact for those properties that have a clear line of sight to the rear of the property. This scenario will be limited as the property in question is some distance from Addison Ave E. The applicant will be required to screen surrounding Residential areas from this commercial development. The commission may require additional screening, or require a specific type and manner of screening, in order to mitigate the impacts to surrounding properties.

The issue of outside vehicle or RV storage has been addressed by the applicant in his narrative. In order to adequately enforce no RV Storage, it would be reasonable to place a condition on this permit that prohibits this use on the premises.

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 a Development Plan being approved by City Staff, prior to any development taking place on the property.
3. Subject to a Phasing Plan being submitted and approved by City Staff prior to any development taking place on the property.
4. Subject to no "temporary" or off-site rental units being stored on this property.
5. Subject to all storage units located on the property being the same color hue.
6. Subject to no vertical stacking of units allowed.
7. Subject to required screening material being approved by City Staff prior to installation.
8. Subject to required trash receptacle plan, including screening materials, being approved by City Staff prior to installation.
9. Subject to no outside storage of vehicles or RV trailers being parked on the premises longer than 24 consecutive hours.

PZ Questions/Comments:

- Commissioner Frank asked about landscape buffering to the south and if the landscaping should be provided along the R-2 and C-1 boundary.
- Planner I Spendlove explained the applicant has provided a site plan with landscaping and was anticipating placement of the landscaping as the business expands. The screening will be required between C-1 and R-2 and code does allow a variety of materials to be used for screening.
- Commissioner Grey asked about Addison Avenue East improvements such as curb, gutter and sidewalk.
- Planner I Spendlove explained the improvement requirement would be reviewed for the property as well as adjacent areas to determine what would be required or if a deferral for improvements is necessary.
- Commissioner Woods asked about the height of the storage units and the height of the landscaping.
- Planner I Spendlove explained that when screening is required between residential and commercial often times the building is taller than 8 feet, the screen is not required to be 30' tall. It is not spelled out in the code the specific height of screening normally 6' would be average and a fence taller than that would require engineered plans.
- Commissioner Woods asked if the as presented statement in a motion locks the applicant into the design presented.
- Planner I Spendlove explained that the landscaping would need to be installed as presented and any additional landscaping required by code would have to be installed. There would have to be clarification from the canal company as to the location of landscaping along the canal area.
- Commissioner Boyd asked if the intent is to plant the landscaping when the business expands.
- Mr. LeBaron explained the trees shown are approximately 35' from the fence where the R-2 is actually located because the canal is live and that will all turn into vegetation. There is a portion of the property that will be nothing but vegetation, the canal and the easement. They do intend to install a 6' fence with slats in place. He stated he has spoken with Engineering about the property improvements and because there is no sewer in this location yet the curb, gutter and sidewalk will be installed once that becomes available. Currently the land area in the front is the drain field for the existing septic system. He has spoken to Engineering about widening the accesses to both sides of the property to make it up to code and once the time comes the curb, gutter and sidewalk will be installed.
- Commissioner Higley asked if the storage unit will be anchored to the foundation to meet the permanent building requirements for zoning.
- Mr. LeBaron explained the intent is to put in a concrete footing and as stem wall, the land is not perfectly level so through engineering the unit will be level and once they are placed the intent is to never have to move them. The units are made of quality materials and are well engineered to provide secure storage. They will all be one color; they will not be moved and will not be stacked. The biggest benefit is that in the future if someone wants to purchase the property for new development they can be moved and construction can begin without having to demo an existing structure. With the weight of the storage units there is not a need to anchor the units, there may be

Planning & Zoning Commission Minutes

January 13, 2015

something required for seismic standards, they do have some flex to them and weight approximately 8400 lbs. empty. They will not be moved without special equipment, with the 6" stem wall an anchor would be overkill.

- Commissioner Higley explained his concern is that in order for the units to be considered permanent it needs to be anchored in some fashion, homes are anchored, and manufactured homes are tied down, which is the difference between permanent and temporary.
- Mr. LeBaron explained that he has seen documentation where the units are tack welded but mostly gravity is the anchor.
- Commissioner Higley asked if the applicant would be opposed to anchoring the units.
- Mr. LeBaron explained they will do what is required and if putting in a tack weld meets the requirements that would not be an issue. He does not intend to move them and they are built to last.
- Commissioner Reid asked about lighting for the site.
- Mr. LeBaron explained the lighting will be downward facing and provided for safety.

Public Hearing: [Opened](#)

- Chairman Frank read into the record a letter submitted by Sawtooth Law and filed with the application.
- Evan Roth, Sawtooth Law, recapped the letter that was read into the record and reviewed the concerns of his client. He asked for clarification that the applicant would not be storing RV, ATV's and other personal materials on site unless they were stored in one of the units.

Public Hearing: [Closed](#)

Closing Statements:

- Mr. LeBaron stated he did speak with Mr. Naerebout about future intentions and currently there is no access to the back portion of the property except from the front so it would be unreasonable to plant vegetation along the R-2 and C-1 boundary that will eventually be torn out for expansion. As for RV parking he understands the neighbors' concerns about having open air RV parking. Originally the request included being able to park RV's on site so that he would be able to store his and his mom's RV at this location as well as other personal items, the intent was not to rent the site out for RV parking for a profit. Being screened he thinks he should be able to store his own personal items. The hope is that the back portion of this property zoned R-2 will be farmed. He stated he is willing to put a 6' slatted fence along the R-2 and C-1 boundary. He will do his best to be a good neighbor.
- Commissioner Frank asked for clarification from the applicant whether or not he would be willing to put a 6' slatted fence up along the R-2 and C-1 boundary.

Planning & Zoning Commission Minutes

January 13, 2015

Deliberation Followed:

- Commissioner Higley asked for a discussion on anchoring the containers to the foundation, because it is temporary as long as it is not anchored. Requiring the anchors establishes the need for a building inspection.
- Commissioner Woods agrees that they need to be secured.
- Commissioner Grey asked if pens system would work.
- Commissioner Frank stated he is not for the additional condition they are not going anywhere. This doesn't seem to be a reasonable condition.
- Commissioner Higley stated a tack weld or straps would be sufficient.

Motion Amendment 1:

Commissioner Higley made a motion to add the requirement that the containers will be permanently anchored to the foundation. Commissioner Woods seconded the motion. Commissioners Frank, Grey, Tatum, Derricott, Reid voted against the motion and Commissioners Woods, Higley and Boyd voted for the motion.

[Motion Failed 5-3.](#)

Deliberations Followed:

- Commissioner Woods explained that he is having difficulty with the encroachment of commercial and industrial activities into a residential area.
- Commissioner Higley the applicant is just making this request for the C-1 zoned area.
- Commissioner Grey stated the applicant may want to rezone the R-2 property to C-1 but that still requires the Commission's approval.
- Planner I Spendlove explained the request is for the 600' of commercial zoned area from the edge of roadway south of Addison Avenue East. The Comprehensive Plan Map shows the entire area as commercial/retail.
- Commissioner Woods clarified that the applicant is making this request for the C-1 zoned area and it is at the applicants own risk if his business plan is based on expanding the commercial zoning there is no guarantee that will be approved.
- Planner I Spendlove confirmed to rezone the back portion of the property it would require approval by City Council and approval of another Special Use Permit for the storage units by the Planning & Zoning Commission.
- Commissioner Reid stated he would like to make a recommendation that before a mini storage unit is placed on the property screening is installed.
- Planner I Spendlove explained screening is required to be installed on the boundary between R-2 and C-1.
- Commissioner Grey stated he thinks the applicant has gone above and beyond to address the neighbors' concerns, by meeting with them.

Planning & Zoning Commission Minutes

January 13, 2015

- Commissioner Frank recommended that if the condition is added requiring the landscaping be installed prior to any storage unit being placed on the property that the condition be clear as to the location and type of screening. The applicant already stated he would install a 6' slatted fence on the boundary line between the R-2 and C-1.

Motion Amendment 2:

Commissioner Reid made a motion that a 6' fence with slating along the R-2 and C-1 boundary be installed prior to any mini storage units being placed on the property. Commissioner Higley seconded. All members present voted in favor of the motion.

[Motion Passed](#)

Motion:

Commissioner Grey made a motion to approve the request, as presented, with staff recommendations and as amended by the Commission. Commissioner Reid seconded the motion.

All members present voted in favor of the motion.

[Approved, As Presented, And As Amended By The Commission 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 Development Plan being approved by City Staff, prior to any development taking place on the property.
 3. Subject to a Phasing Plan being submitted and approved by City Staff prior to any development taking place on the property.
 4. Subject to no "temporary" or off-site rental units being stored on this property.
 5. Subject to all storage units located on the property being the same color hue.
 6. Subject to no vertical stacking of units allowed.
 7. Subject to required screening material being approved by City Staff prior to installation.
 8. Subject to required trash receptacle plan, including screening materials, being approved by City Staff prior to installation.
 9. Subject to no outside storage of vehicles or RV trailers being parked on the premises longer than 24 consecutive hours.
 10. Subject to a 6' fence with slating along the R-2 and C-1 boundary be installed prior to any mini storage units being placed on the property.
2. Requests a [Zoning District Change & Zoning Map Amendment](#) from R-1 VAR to R-2 for 51 (+/-) acres located on the east side of the 500, 600 and 700 blocks of Hankins Road North [c/o Brad Wills on behalf of the Twin Falls School District #411](#) (app. 2694)

Applicant Presentation:

Brad Will, representing the applicant, explained that this property was annexed this summer with plans for a school to be constructed on the northeast corner of the site. The remaining portion of the property

Planning & Zoning Commission Minutes

January 13, 2015

will be sold and for future planning the property will be developed as residential. They are here tonight to request that the property be rezoned to R-2. The surrounding properties to this site have large lot developments. The average density for the R-1 VAR and R-2 is around 3 lots per acre but the market will drive how the property is developed. There will be a preliminary plat provided later for this property so that the remaining property can be sold.

Staff Presentation:

Planner I Spendlove reviewed the request and exhibits on the overhead and stated the areas to the North and South were developed quite some time ago under a now defunct Rural Residential Zoning District, or R-1:43000 Zoning District. In 2004 the City renegotiated the Area of Impact Agreement. That agreement retired the RR and R-1:43000 zoning districts in favor of the comparable current zoning of AG (Agricultural) and SUI (Suburban-Urban Interface) that we have today. This was partially done to curb growth on the fringes towards City limits in favor of a more compact urban development pattern.

Twin Falls School District #411 has submitted a Preliminary Plat for this area that staff is currently reviewing. A copy of that Preliminary Plat is included in the attachments for your convenience. At this time the school is platting 3 total lots; one (1) for the proposed new elementary school itself, one (1) to the west of the school approximately the same size as the schools lot, and one (1) encompassing the remainder of the land towards the south. For the commission's information, as currently shown on the preliminary plat, no residential development is shown at this time.

This Rezone request would allow for future development to occur under the codes and standards as set forth in the R-2 Zoning District.

In reviewing a request for a Zoning District Change and Zoning Map Amendment the Commission has two (2) main tasks: **1-** to determine whether the request is in conformance with the Comprehensive Plan and **2-** to evaluate the request to determine the extent and nature of the amendment requested.

Planner I Spendlove stated upon conclusion the Commission is asked to make a recommendation on this request which shall automatically be scheduled for a public hearing before the City Council. The Commission's recommendation may be to deny the request, approve the request as presented or they may table the request and ask that additional information be provided for their review.

To make a positive recommendation to the City Council the Commission must determine that **1-** the request is in conformance with the Comprehensive Plan and **2-** the extent and nature of changing the zoning of this property to R-2 would be compatible with and not detract from the surrounding area.

If the Commission finds that 1 & 2 have been met then Staff recommends the Commission recommend approval of this request, as presented.

Planning & Zoning Commission Minutes

January 13, 2015

PZ Questions/Comments:

- Commissioner Woods asked for lot size clarification between R-2 and R-1 VAR.
- Planner I Spendlove explained that the R-2 allows for a minimum of 6000 sq. ft. for residential lot, and the R-1 VAR requires an 8000 sq. ft. minimum or a sliding scale associated with the average size of the surrounding lots.

Public Hearing: [Opened](#)

Public Hearing: [Closed](#)

Motion:

Commissioner Boyd made a motion to approve the request, as presented to the City Council.

Commissioner Grey seconded the motion. All members present voted in favor of the motion.

[Recommended For Approval, As Presented, To City Council](#)

[Public Hearing Scheduled for City Council February 9, 2015](#)

3. Requests [Vacation](#) of 13(+/-) acres of undeveloped property within a portion of Northern Passage Subdivisions #3 and #4, currently consisting of 46 single family lots and adjacent rights-of-way and easements to allow for the development of a new elementary school on property located at the northeast corner of Federation Road (extended) and Grandview Drive North [c/o Tim Vawser/EHM Engineers, Inc. on behalf of Northern Passage, Inc. \(app 2695\)](#)

*This presentation includes item III-1 and IV-3 for discussion with two motions to follow.

Applicant Presentation:

Tim Vawser, EHM Engineers, Inc, representing the applicant stated this is the first step in the development for a new elementary school. There were 4 separate phases platted within the Northern Passage Subdivision. A portion of phase 3 and 4 of the Northern Passage Subdivision need to be vacated in order for this development to move forward for the school and shall be re-platted accordingly.

PZ Questions/Comments:

- Commissioner Grey asked for clarification on the lots that are shown on the newly platted area.
- Mr. Vawser explained the lots shown around the school site will become 15 residential lots adjacent to the school.

Staff Presentation: IV-3

Planner I Spendlove reviewed the request and exhibits on the overhead and explained the vacation needed reviewed first in order for a re-plat to occur. This is a request to vacate 46 single family lots, multiple utility easements, as well as dedicated public right-of-way within a portion of the

Planning & Zoning Commission Minutes

January 13, 2015

recorded Northern Passage #3 and Northern Passage #4 Subdivisions. The vacation of roadways is needed to enable the creation of a suitably sized lot for the Future Elementary School. Although the vacation will create some dead end streets, this issue will be addressed during the future platting process for the school. The preliminary plat is being presented to the Commission this evening.

Staff is unaware of any currently installed utilities in the area of this vacation. We have received approval letters from all applicable utility companies. Vacation of platted subdivisions, including public easements and row, require a recommendation by the Commission followed by another public hearing and decision by the City Council.

Planner I Spendlove stated upon conclusion should the Commission recommend approval of the Vacation, 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 submittal of all utility letters and any conditions that may be required prior to adoption of the ordinance.

PZ Questions/Comments:

- Commissioner Woods asked about traffic flow along Federation Road and Grandview Drive.
- Mr. Vawser explained the traffic will have access to Grandview Drive and will in the future have access to Federation once it is constructed. They have designed a looped traffic system to allow for smooth traffic flow into and out of the school property. There is a subdivision approximately ¼ mile away that would be required to finish the connection along Federation Road.
- Commissioner Woods clarified that worst case the traffic will be able to go North or South on Grandview Drive and in the future Federation Road will be constructed for another connection to and from this area.
- Mr. Vawser confirmed that was correct.

Public Hearing: [Opened](#)

Tracy Butcher 2679 E 3700 N explained she owns a business located at 1955 Grandview Drive North. She stated during harvest and planting season they are wondering how this development is going to impact the traffic. The west side of the road is not developed and it is a county road that will not support the additional traffic. Without the connection between Federation Road and Parkview Drive traffic is going to be challenging.

Public Hearing: [Closed](#)

Planning & Zoning Commission Minutes

January 13, 2015

Closing Statement:

- Mr. Vawser explained there are going to be some inconveniences during the construction of the site. Part of the City requirements is to build to centerline making the roadway better as an end result. The contractors will provide traffic control and flagging and he anticipates that the project will be done as quickly as possible. There will be contact with the public and surrounding property owners when the right-of-way is being constructed.
- Commissioner Frank recommended that the property owners keep in contact with the developer so that concerns can be addressed during this process.
- Planner I Spendlove clarified that a special use permit will need to be approved for the school to be constructed and encourages the public to attend those meetings as well to address site plan concerns.

Motion: IV-3

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

Recommended For Approval, 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 submittal of all utility letters and any conditions that may be required prior to adoption of the ordinance.

Staff Analysis: III-1

Planner I Spendlove reviewed the request and exhibits on the overhead and stated this is a request for approval of the Preliminary Plat of Northern Passage Subdivision, #5 a re-plat of a portion of Northern Passage Subdivision #3 and #4.

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.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed. It is also indicated on the Preliminary Plat that the site will be on a pressure irrigation (P.I.) system.

Planning & Zoning Commission Minutes

January 13, 2015

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for medium density residential use.

Planner I Spendlove stated upon conclusion should the Commission approve the preliminary plat for Northern Passage #5, 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 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 approval and publication of an ordinance for the Vacation of a portion of Northern Passage Subdivisions #3 & #4.

Public Hearing: Opened & Closed Without Comment

Deliberations Followed:

- Commissioner Grey confirmed that Federation Road will not be constructed prior to this development being constructed. He asked if there is any way to address this issue.
- City Engineer Fields explained Federation Road is not required until the development is ready to sell lots. In the process of budgeting for different projects lots of items are considered however constructing road that is to be built by a developer competes with other decaying and existing roads that need improvement. Before houses are built the road gets built and she feels that this area will not be undeveloped for very long with the new school being constructed.
- Commissioner Woods stated the positive side is that the school will not be at full capacity when it first opens.

Motion: III-1

Commissioner Derricott made a motion to approve the preliminary plat, as presented, 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 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 approval and publication of an ordinance for the Vacation of a portion of Northern Passage Subdivisions #3 & #4.

Planning & Zoning Commission Minutes

January 13, 2015

Zoning & Development Manager Carraway-Johnson clarified there may not be storage of personal items on commercially zoned property.

Commissioner Woods requested a large map that shows city limits, area of impact and water boundary line.

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

1. Public Hearing-[January 27, 2015](#)
2. Work Session-[February 4, 2015](#)

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 8:10 PM.

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
January 27, 2015, 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" Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods
Vice-Chairman

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

**CITY LIMIT
MEMBERS**

<u>Present</u>	<u>Absent</u>
Boyd	Derricott
Frank	Reid
Grey	
Muñoz	
Tatum	

AREA OF IMPACT MEMBERS

<u>Present</u>	<u>Absent</u>
Higley	Woods

CITY COUNCIL LIAISON(S): Mills Sojka

CITY STAFF: Carraway-Johnson, Nope, Spendlove, Strickland

I. CALL MEETING TO ORDER:

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

II. CONSENT CALENDAR:

1. Approval of Minutes from the following public meeting(s): **January 7, 2015 WS, January 13, 2015 PH**
2. Approval of Findings of Fact and Conclusions of Law:
 - LeBaron (SUP 01-13-15) • Northern Passage (Pre-Plat 01-13-15)

Motion:

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

Unanimously Approved

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

1. Request for the Commission's recommendation for a **Zoning Title Amendment** to amend Title 10 to increase the required public notice for various public hearings c/o City of Twin Falls (app. 2702)

Planning & Zoning Commission Minutes

January 27, 2015

Staff Presentation:

Planner I Spendlove explained the history of this request and stated the proposed amendment modifies multiple sectors within Title 10. The major change occurs in Title 10- Chapter 7. A new Section 20 has been written to address the concerns and changes voiced by the public and the Commission. Some changes also address some discrepancy between Twin Falls City Code and State Statute regarding notice.

There are 3 major changes: **(1)** Applicants will be required to notify public hearings, send letters and post signs, on the same day. **(2)** Notification distances have been increased in order to more adequately provide notice to surrounding property owners. **(3)** The number and size of public notice signs has been increased to provide more adequate notice on adjacent street frontages.

Major Change **#1** listed above will require the applicant to send the notification letters and post the public notice signs on the property 15 days prior to the public hearing. This will enable staff to more closely monitor the status of the notifications, catch notification violations sooner, simplify the process for the applicant, and most importantly provide an increase of notification time to adjoining owners and residents.

Major Change **#2** listed above will increase the minimum notification distance. Current City Code applies an across the board three hundred feet (300') measured from the exterior property line. This amendment modifies the required distance depending on the type of change being requested. With the changes requested, no public hearing will be notified less than a distance of five hundred feet (500'). Certain public hearings within the C-1, CB, R-6, and MHO-1 Zoning Districts will be noticed at seven hundred fifty feet (750'). Certain Public hearings in the M1 and M2 Zoning Districts will be notified at one thousand feet (1000').

Major Change **#3** listed above will increase the # and size of signs to be placed on the site. Locations that front multiple roads will be required to place a sign on each frontage. Locations will be required to have a minimum of one sign per three hundred (300) feet of street frontage, or a fraction thereof. Locations that front a City designated Arterial Street or State Highway, will be required to furnish signs that are a minimum four (4) feet tall and four (4) feet wide, with the bottom of the sign being at least three (3) feet above the ground.

Additional changes included in this newly proposed code section include the following: providing the decision by the Planning and Zoning Commission on public notice when items are forwarded to the City Council, a timeframe to remove the public notice signs, a requirement for staff to furnish a press release to local news media, and to post the public notice on the City Website.

Other sections listed on this amendment are to redirect the reference for public notifications to the newly created Title 10- Chapter 7 – Section 20.

Planning & Zoning Commission Minutes

January 27, 2015

Planner I Spendlove stated upon conclusion the Commission may recommend approval of the amendment as proposed to the City Council, you may recommend a modification of the amendment (this will require another public hearing before the Commission), or the Commission may recommend denial the amendment.

PZ Questions/Comments:

- Commissioner Grey asked what happens if the applicant doesn't post the letters or signs as defined in the code.
- Planner I Spendlove explained the item would be withdrawn from the agenda and will have to be rescheduled at the applicant's expense.
- Commissioner Frank asked about sign requirements when a major development is planned to occur in an area not adjacent to and arterial or state highway; would the signs be larger.
- Zoning and Development Manager Carraway explained that the administrator has the option to require larger signs at their discretion.

Public Hearing: Opened

- Gerald Lizardo, 3311 Aspen Ridge Circle, representing his neighbors along Aspen Ridge Circle asked for more clarification as to where the signs will be posted.
- Planner I Spendlove explained that the signs are required to be posted on the subject property. The applicant would have to have permission from private property owners to place a sign on their property and the signs would not be allowed in the right-of-way. The signs will also need to be perpendicular to the way of traffic so the signs are more visible.
- Chris McFarlane, 1406 Riverridge Street, asked if the distance has increased for the property owners that will get letters.
- Commissioner Muñoz explained the distance has increased and will vary depending on the type of request.
- Commissioner Frank explained if you see a sign don't hesitate to contact staff and to come to the meetings.

Motion:

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

V. GENERAL PUBLIC INPUT: [None](#)

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

- Zoning & Development Manager Carraway-Johnson reminded the Commission that the interviews for the Comprehensive Plan Amendment Update applicants will be February 4, 2015 Planning & Zoning noon work session.
- Commissioner Grey asked what the outcome was for a previous request for Laurelwood #3, and if there was a decision made for the property located on Pole Line Road and the mansard roof.

Planning & Zoning Commission Minutes

January 27, 2015

- Planner I Spendlove explained there are still on-going discussions about the Laurelwood #3 Subdivision.
- Zoning & Development Manager Carraway-Johnson explained at the last work session the property located on Pole Line Road did present new elevations for the building and the change was approved.

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

1. Work Session-**February 4, 2015**
2. Public Hearing-**February 10, 2015**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 6:30 pm.

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
February 10, 2015, 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" Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods
Vice-Chairman

CITY COUNCIL LIAISON

Rebecca Mills Sojka

MEMBER ATTENDANCE

CITY LIMIT

Present Absent

Boyd
Derricott
Frank
Grey
Muñoz
Reid
Tatum

AREA OF IMPACT

Present Absent

Woods Higley

CITY COUNCIL LIAISON(S):

CITY STAFF: Carraway-Johnson, Nope, Spendlove, Strickland, Vitek

I. CALL MEETING TO ORDER:

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

II. CONSENT CALENDAR:

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

III. ITEMS OF CONSIDERATION:

1. Request for approval of a **Preliminary Plat** for the Morning Sun Subdivision No. 8 approximately 30.47 (+/-) acres to develop 91 residential lots and 1 tract on property located at the southwest corner of Falls Avenue East and Hankins Road North and east of Meadowview Lane c/o EHM Engineers, Inc.

Applicant Presentation:

Gerald Martens, EHM Engineers, Inc., representing the applicant, stated the Morning Sun Subdivision has been an ongoing development and this particular piece is phase 8 of the project. This is a new block so it requires a new preliminary plat, it was historically known as the boy scouts property. This property has been through the process previously in 2010 and the market deteriorated and the plat expired. The property will be developed under the R-1 VAR standards which requires larger lots and only single family homes. This property has two access one from the west which is Meadowview Lane and one from the south with is Stadium Boulevard. It is a closed subdivision and the streets are all looped. There is no opportunity for people to cut through the neighborhood, for that reason a proposal was made to the City Council to allow for a special streets section basically narrowing the asphalt but requires a developer constructed tree scape along both sides with detached sidewalks, this proposal was approved. This will allow for a 3-5 foot landscaping strip of trees all planted by the developer making for a very nice quiet residential feel. The streets have low speeds and there will be restricted parking on one

**Planning & Zoning Commission Minutes
February 10, 2015**

side of the street, they will work with the City on signage and that cost will be incurred by the developer. In summary this is a request for approval of a preliminary plat for 91 lots to be developed in phases from west to east.

Staff Analysis:

Planner I Spendlove reviewed the request and stated the applicant presentation was complete. This is a preliminary plat that was approved by the City Council previously had expired so the applicant is bringing the plat back through the process starting with the preliminary plat.

The streets within the subdivision have an alternative design. The standard local street is 36' of pavement (18' ½ of the street) with attached curb/sidewalk totaling 14' (7' on each side)= 50' of RoW (25' c/l to property line). The proposed street design for the Morning Sun #8 subdivision is 28' of pavement (14' @side) with a detached landscape strip and sidewalk on each side totaling 48' RoW (24' @ side). This alternative street design was approved by the City Council on February 2, 2015.

A request for a Parks – in – Lieu fee was also approved by the City Council on February 2, 2015. There are two collector streets bordering the subdivision, Stadium Blvd to the south and Meadowview Lane North on the west and two arterial streets bordering the subdivision; Falls Avenue East on the north and Hankins Road North on the east. Residences are not allowed to back out onto collector streets and this developed is designed to prohibit this type of driveway.

The plat is in conformance with the Comprehensive Plan Land Use Map and the property is zoned R-1 Variable.

A preliminary plat is presented to the Planning and Zoning Commission as a consideration item. The Commission may approve the preliminary plat, deny it, or approve it with conditions. The Commission's review is not a public hearing, however generally the Commission has allowed for public input. The preliminary plat only goes to the City Council upon an appeal. 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 may the plat be recorded and lots sold for development.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed and approved.

Planner I Spendlove stated upon conclusion should the Commission approve the preliminary plat for Morning Sun Subdivision #8, as presented, staff recommends the following conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards, including correction of plat notes.

PZ Questions/Comments:

- Commissioner Woods asked about the in-lieu value and if those funds will contribute to restrooms.
- Mr. Martens stated they have had extensive discussions about the parks in the area and have expressed a desire to expedite improvements in the Morning Sun Park by doing work of value. They believe they can make the improvements quicker and at less cost than the City. They are willing to write the check but would rather do the equivalent amount in improvements. The Morning Sun Park needs restrooms and picnic areas. The final amount of the in-lieu is an estimate and an appraised valuation will have to be provided. They do get some credit in this case because other public

Planning & Zoning Commission Minutes
February 10, 2015

improvements have been made to the area providing a trail along the north side out to the boy scouts building. The cost of the path exceeded the value of the sidewalks.

- Commissioner Woods asked if Mr. Martens could give an estimate on the cost of constructing restrooms in the park.
- Mr. Martens estimates it would be over \$100,000.00 for a nice restroom and they would like to be able to get those done quickly.
- Commissioner Woods asked if it would be appropriate for the Commission to add a condition that requires improvements be made to the Morning Sun Park.
- Planner I Spendlove explained that such a condition would be out of scope for the Commission, these improvements are regulated through the Parks Department and the City Council.

Public Comment: [Opened](#)

- Victoria Wakewood, 1165 Skyline Drive, stated she would like to caution the Commission in approving this preliminary plat. She explained the access to and from their subdivision are along Hankins Road and this increase in density is going to impact their neighborhood. The area is getting busier and busier and lately development in this area is beginning to create a more dense area and road improvements are not following suite. She moved to this area on 3 acres in hopes that she could live a certain lifestyle she would hate to think that she has to move further out to avoid this type of density encroachment. She is also concerned with the resources available to support this development, the City needs to think about conservation and not give away so easily our natural resources. Once things are built nothing can be done, this is the time to take a step back and look again now to see if this development is appropriate for the City's future. She is opposed to this request.
- Shawn Athay, 881 Morning Sun Drive, asked if the berm along Falls Avenue will be continued for continuity. He also asked if Meadowview Lane will be widened to match up with the widths of the roads already in the subdivision and will it be fenced by the developer so that there is a barrier like in phase #5.

Public Comment: [Closed](#)

Closing Statements:

- Mr. Martens explained that the Meadowview Lane will be widened in its entire length during phase #1 of the project; it will include a detached sidewalk, curb and gutter on the east side with a fence similar to the one on the west side. The berm along will be continued along with a fence to provide a barrier to the backyards of the homes. As for approval of the preliminary plat the subdivision meets City Code requirements for development and therefore the developer has a right to move forward with this project.

Deliberations Followed:

- Commissioner Frank asked for clarification on how City services get approved for a development.
- Assistant City Engineer Vitek stated the platting process requires a water and sewer model to verify capacity. The City is in the process of constructing a waste water treatment plant and this project cannot get a "Will Serve" until that project is complete. There a lot of other things that can begin prior to approval of a "Will Serve". The preliminary plat has been reviewed for compliance and is ready for approval.
- Commissioner Munoz asked for clarification on the roadway width with parking restricted to one side of the road. As these are going to be public roadways how will the enforcement be accomplished.

**Planning & Zoning Commission Minutes
February 10, 2015**

- Assistant City Engineer Vitek explained they have to follow traffic code and the signage will have to be installed prior to the City accepting the subdivision and lots being sold.
- Commissioner Boyd asked how much narrower is the road.
- Mr. Martens explained the road will be 29' back of curb wide versus 36' back of curb so approximately 7' narrower. The city does have to maintain these roads and this will mean less road width to maintain and seal coat. On street parking is precluded now within this subdivision except for guests, there is a very active home owners association and he expects that will continue. The design with the detached sidewalks will make for a more homelike environment.
- Commissioner Woods stated his concerns are related to sections outside of City Code Title 10 which is outside the scope of the Commission; he feels that other things outside of Title 10 should be considered when looking at development. Morning Sun Park is a concern because they are adding density to the area and the transportation plan is a concern with regards to the narrower streets. Enforcement of the parking puts additional pressure on the police department which is a concern. He is also concerned with emergency vehicle maneuvering with parking on one side of the street. His engineering background has taught him that making a design work is easier than asking people to comply. He thinks all of these impacts should be considered as a whole by the Commission prior to approval of the preliminary plat.
- Commissioner Munoz stated he does agree that the narrow roads may cause some issues but with only two accesses to this neighborhood it makes the concept more acceptable. He has experience with wider roads in the neighborhoods and parking on both sides and maneuvering emergency vehicles through these streets are also a problem. Enforcement is his biggest concern however knowing that these are public roadways and signage will be installed prior to building permits being issued. He thinks the R-1 Variable standards will also keep the density at a minimum compared to an R-2 or R-4 development.
- Commissioner Frank explained this is the third proposal he has seen for this property during his tenure and he thinks this is the best. The detached sidewalks and narrow streets may create more of a sense of community. The rules for the neighborhood will be provided to the people prior to purchasing the lots. He thinks this will be a nice change.
- Commissioner Grey asked what the current zoning is for the property.
- Planner I Spendlove explained the property is zoned R-1 Variable.

Motion:

Commissioner Derricott made a motion to approve the request, as presented, with staff recommendations. Commissioner Munoz seconded. Commissioners Frank, Boyd, Grey, Derricott, Munoz and Reid voted in favor of the motion and Commissioner Woods voted against the motion.

Motion Passed 6-1

Approved, As Presented With The Following Conditions

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards, including correction of plat notes.

Commissioner Tatum was seated at this time.

**Planning & Zoning Commission Minutes
February 10, 2015**

2. Request for approval of a [Preliminary Plat](#) for the Canyon Village Subdivision, A PUD approximately 38.29 (+/-) acres to develop 3 commercial lots on property located at the southwest corner of Pole Line Road East and Eastland Drive North c/o EHM Engineers, Inc. on behalf of Northeast Investments, LLC.

Applicant Presentation:

Gerald Martens, EHM Engineers, Inc., representing the applicant, explained that this property is located at the southwest corner of Eastland Drive North and Pole Line Road East and is approximately 40 acres. This property has an approved PUD Agreement and Master Development Plan and the first step for moving forward with the development is to have the preliminary plat approved. The motivating force for this project is to allow for the construction of the Bishops Warehouse at the northwest corner of the plat. The proposed plat consists of 3 lots with one lot for the Bishops Storehouse, the second lot located on the east side of Meadow View Drive extended and a lot south of the lot for the Bishops Storehouse. This approval tonight will only allow for development on 1 lot for the Bishops Storehouse it does call for the development of Meadow View Drive in its entirety, the development of the pathway that will run north and south through the property, and a cross walk across Pole Line Road East which was a concern at previous meetings. There will be no other development on the other lots until a preliminary plat has come through on the division of the other two parcels. The applicant concurs with the staff recommendations as listed.

Staff Analysis:

Planner I Spendlove reviewed the request and stated on August 12, 2014 the Planning & Zoning Commission heard the preliminary PUD presentation for a request to Annex a 40 (+/-) acre parcel and to consider a Zoning District Change and Zoning Map Amendment. Due to commission and public comments the scheduled public hearing was rescheduled until October 14, 2014. At the October 14, 2014 Planning & Zoning Commission meeting and upon conclusion of the public hearing portion of the public hearing the applicant asked for this request to be tabled. By unanimous vote the request was tabled. On November 18, 2014 the applicant held a neighborhood meeting at EHM Engineer, Inc. offices. On November 25, 2014 the Commission held a second public hearing asking for a recommendation on the zoning changes being proposed. All members present voted in favor of the motion subject to conditions. On December 15, 2014 the City Council held a public hearing on this request. Upon conclusion of the public hearing and deliberations the Annexation and Zoning District Change and Zoning Map Amendment were approved as presented with the Commission's recommendations and to include that an appropriate pedestrian connection between said Property and nearby public trails should be designed, reviewed, and approved by the City Engineering Staff prior to construction of said connection by the Developer. All council members present voted in favor of the motion.

This is a request for a preliminary plat of Canyon Village PUD Subdivision, consisting of 38 acres divided into 3 lots. The site is undeveloped and is located on the corner of Pole Line Road and Eastland Drive. The purpose of the plat only containing three (3) lots is to facilitate the development of the Bishops Storehouse on Lot 1, and the building of Mountain View Drive to connect Pole Line Road with Cheney Drive. A subsequent re-plat of lots 2 and 3 will be required prior to development occurring on those lots. Such re-platting will be required to conform to the approved PUD Agreement #270.

The development of the Bishop's Storehouse was presented and approved during the Public Hearing process that took place in previous months with the Planning and Zoning Commission, and the City Council. The preliminary plat being presented appears to be in conformance with the Canyon Village PUD #270 in regards to the Bishops Storehouse. Review of the building permit for this particular lot and development will also be required; at that time it shall also be reviewed for compliance with the approved Canyon Village PUD #270

**Planning & Zoning Commission Minutes
February 10, 2015**

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed. It is also indicated on the Preliminary Plat that the site will be on a pressure irrigation (P.I.) system.

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for medium density residential use.

Planner I Spendove stated upon conclusion should the Commission approve the preliminary plat for Canyon Village Subdivision, 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 compliance with the approved Canyon Village PUD #270, and any conditions or agreements committed to during that approval process.

Assistant City Engineer Vitek added a third condition.

3. Subject to a right turn-bay being constructed on Pole Line Road East at the Mountain View Drive intersection unless a traffic study indicates otherwise.

PZ Questions/Comments:

- Commissioner Grey asked if all of the issues associated with the wetlands area have been worked out with the Army Corp of Engineers.
- Assistant City Engineer Vitek confirmed the Army Corp of Engineers has approved the plan.
- Commissioner Munoz clarified that the roads and paths will be developed when the Bishop Storehouse is constructed, he asked if the park will be completed at that time also.
- Mr. Martens explained the park area that fronts on the Bishop Storehouse pad will be developed, there is a crossing over the wetlands as a driveway into that parcel and as parting of constructing that bridge a portion of the wetlands will be developed and the plan has been approved by the Army Corp of Engineers.

Public Comment: [Opened & Closed](#)

Closing Statements:

- Mr. Martens stated to simplify the process the applicant accepts the right turn-bay condition and it will be constructed as part of this project.

Deliberations Followed:

- Commissioner Boyd stated she appreciates the additional landscaping throughout the master development plan and she thinks that it is time for development to occur in this area.
- Commissioner Frank stated he is appreciative of the developer putting in the cross walk and the path being installed.
- Commissioner Munoz explained that the work and effort that has been put into this project should be used as an example of how to achieve a good outcome.
- Commissioner Grey explained that if the development is done as shown on the master plan it should make the majority of people happy.

**Planning & Zoning Commission Minutes
February 10, 2015**

Motion:

Commissioner Woods 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 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 approved Canyon Village PUD #270, and any conditions or agreements committed to during that approval process.
3. Subject to a right turn-bay being constructed on Pole Line Road East at the Mountain View Drive intersection unless a traffic study indicates otherwise.

IV. PUBLIC HEARINGS:

1. Request for a **Special Use Permit** to allow an expansion of more than 25% to an existing auto service business on property located at 142 Washington Street North **c/o Auto Oil Change, LLC** (app. 2697)

Applicant Presentation:

Shane Burton, representative for Jiffy Lube, stated this request is for property located at 142 Washington Street North and the reason for the request is to expand the existing building more than 25%. The expansion is to allow for a new lobby for customers and to provide a break room area for employees and add an additional bay. The exterior and interior improvements will make the aesthetic of the building better. The third bay may increase traffic to the sight which will be approximately one additional customer per day. They have designed the addition to reduce the noise and light impacts to the neighbors. The additional bay is not a lube facility and will not have a pit. There will not be any exterior lighting along the back of the building. They provide tire rotation and rock chip repair along with lube services, this bay will be used a maximum of two of three time per day and as an overflow to allow faster service in the lube service lanes.

Staff Analysis:

Planner I Spendlove reviewed the request and stated the zoning for this property was passed under Ordinance 2012 in 1981 as a C-1 zone. No further Zoning history is known at this time. According to the Polk directories, the building was originally constructed in 1985-86 under the name Super Lube. The owners of the Jiffy Lube applied for a building permit to expand the operation in August 2014.

The applicant has supplied a narrative outlining the detail of the proposed operation and use of the property. The general operation of the facility will continue much as it has in the past. The new areas will consist of an expanded customer service and waiting area, and the new bay will be for tire rotation, windshield repair and other light services.

Per City Code 10-4-8.2: Auto Service establishments require a special use permit in order to be legally established. The code does not make a distinction between oil change places, tire shops, engine repair, or other automotive services. This location was established in 1985-86. There is no current special use permit for this property. This expansion will increase the size of the building by more than 25%, this increase triggered the requirement to acquire a new special use permit for the auto service use.

Per City Code 10-10: Off Street Parking is required for this business at a rate of three (3) spaces minimum, plus one and one half (1.5) spaces per service bay. The result is (9) parking spaces required. The site plan provided shows the minimum number of spaces being met.

**Planning & Zoning Commission Minutes
February 10, 2015**

The parking layout as shown on the site plan depicts parking spaces that require backing onto an alleyway. This is prohibited by current city code. A site plan amendment will be needed in order for the site plan to be approved during the building permit approval process. A separate condition could be placed on this special use permit in order to directly address this issue. Staff will devote the necessary time to collaborate with the applicant in finding a solution to this issue that will comply with City Code.

Per City Code 10-11-1 thru 8: All the required improvements will be reviewed for compliance with current city code at the time of building permit submittal. Some of these improvements include screening, access, parking surface, streets, storm water retention, utilities, and others.

The property to the north is zoned C-1 Commercial. However, it is still being utilized as a residence. This property will be the most impacted by the expansion of this business. A screening fence will be required between the properties that should help mitigate some of the impacts. In general, the operation of the business will not be changed dramatically from what it has been in the past. Staff has not received any complaints regarding this business in the past and we do not foresee an increase of unmanageable impacts with this Special Use Permit.

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 applicable City Code requirements and standards.
2. Subject to the parking and access layout conforming to applicable City Code requirements.
3. Subject to the screening fence material being approved by staff prior to installation.

PZ Questions/Comments:

- Commissioner Woods asked about landscaping requirements along this area.
- Planner I Spendlove explained that this particular section has a special landscaping allowance, it is not required to meet the arterial landscaping requirement.
- Commissioner Woods asked staff to show where there may be backing out into the alley.
- Commissioner Boyd asked about the existing fence to the north of this property and if that is what has been approved for the site.
- Planner I Spendlove explained the fencing has not been reviewed therefore he has not confirmed that the existing fence is what they intend to use.
- Commissioner Reid asked about exterior lighting locations along the outside of the building.
- Mr. Burton explained there will be a light above the door on the north side of the building that will be controlled by a light switch, the rear does not have any lighting and the lights on the front of the building should be blocked by the addition to prevent it from impacting the residence to the north.

Public Hearing: [Opened](#)

- Sherry Sed, 158 Washington Street North, she explained she is the residence to the north. Her concern is without a distinction in the code between oil change places, tire shops, automotive services and engine repair if that would allow the business in the future to have an auto repair or tire shop. The noise from the equipment used to change tires and make other repairs could be quite disturbing.

Public Hearing: [Closed](#)

**Planning & Zoning Commission Minutes
February 10, 2015**

Closing Statements:

Mr. Burton explained that he has spoken to Ms. Sed prior to the meeting and let her know that she is welcome to keep him informed of any of her concerns. He lives in the community and he doesn't want to create a negative impact on the neighbors. As for auto repair and a tire shop, the Jiffy Lube business is in the business of doing oil changes and doing them quickly, that is how they make their money. They do tire rotation occasionally and in the past year this location provided that service 13 times. There are no plans for becoming a repair shop.

Deliberations Followed:

- Commissioner Woods asked for clarification on whether the Special Use Permit stays with the property or if it is limited to just the applicant.
- Planner I Spendlove explained the Special Use Permit is attached to the property unless the Commission specifies otherwise in the conditions of approval.

Motion:

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

Commissioner Woods seconded the motion.

Motion Amendment:

Commissioner Woods made a motion that approval be subject to the Special Use Permit only being issued to Auto Oil Change. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

Amended Motion:

All members voted in favor of the motion with the amendment.

Approved, As Presented, With The Following Amended 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 the parking and access layout conforming to applicable City Code requirements.
 3. Subject to the screening fence material being approved by staff prior to installation.
 4. Subject to the permit only being issued to Auto Oil Change, LLC
-
2. Request for a Special Use Permit to construct a fuel station/convenience store that will operate with extended retail hours from 5:00am to 11:00pm on property located at 1617 Washington Street North c/o Wal-Mart Stores, Inc. (app. 2698)

Applicant Presentation:

JoAnn Butler, representing the applicant, she stated the fuel station is an allowed use under City Code and the North Haven PUD agreement. The request is for extended hours, which the applicant feels is consistent with the surrounding area as there is a Wal-Mart store that is open 24 hours and a restaurant to the north that operates until 11:00pm. The applicant concurs with the staff report and the conditions of approval. The nine standards that need to be met prior to approval of the Special Use Permit are met with this request. In summary the C-1 zone promotes commercial activity along major streets, the fuel station with extended hours would be harmoniously maintained and will not be hazardous to existing and future uses. The site will be adequately serviced by public utilities and will not create additional

**Planning & Zoning Commission Minutes
February 10, 2015**

requirements at public cost. There will not be an excessive impact to the surrounding uses and lighting will be governed by City Code.

Staff Analysis:

Planner I Spendlove reviewed the request and stated in 2004, the area around Wal-Mart was annexed and zoned C-1 PUD under the Agreement call North Haven Business Park PUD #235. In 2007, the owners of the property applied to amend the North Haven PUD #235. This amendment created a new North Haven PUD #245 that superseded the original #235. The new PUD approved in 2007 explicitly permits gasoline service stations within three hundred (300) feet of Washington Street North or Pole Line Road. The PUD allowed for 24 Hour operation, but was specific to the Walmart Store.

Recently Wal-Mart applied for a building permit to construct this Gasoline Service Station. The permit is still under review with the applicable City Departments.

The Special Use Permit is strictly for the operation of the convenience store outside the normal hours of operation (7:00 Am – 10:00 PM) as described in current Twin Falls City Code. The applicant has supplied a narrative and supporting documents outlining the details of the proposed operation and use of the property. The convenience store will be owned and operated by Wal-Mart. The convenience store hours requested are from 5:00 AM – 11:00 PM. The applicant does not anticipate an increase of traffic to the general area. The applicant anticipates a maximum of 3 employees during peak hours. The applicant does not anticipate an unmanageable increase of noise, glare, odors, fumes, or vibrations to surrounding property owners due to the proximity of this project to other established businesses which are commercial in nature.

Per City Code 10-4-8.2: Retail establishments wishing to legally operate outside the normal hours of operation are required to get a special use permit.

The impacts of this particular project operating from 5:00 AM – 11:00 PM would generally revolve around traffic and light intrusion onto neighboring properties. The Wal-Mart store to the west currently operates 24 hours. Staff does not anticipate the traffic and light from this operation to increase from what is currently in the area.

Per City Code 10-10: Off Street Parking is required for this business at a rate of one (1) space per two hundred fifty (250) square feet of floor area. The result is six (6) parking spaces required. The site plan provided shows the required minimum number of spaces being met.

Per City Code 10-11-1 thru 8: All the required improvements will be reviewed for compliance with current city code at the time of building permit submittal. Some of these improvements include screening, access, parking surface, streets, storm water retention, utilities, and others.

The immediate properties surrounding this project are zoned C-1 (Commercial) PUD. The property to the west is the Wal-Mart store that operates 24 hours. The properties immediately to the north and south are currently undeveloped. A restaurant is located further to the North. With arterial roadways even further to the North, and immediately to the East, this property was intended to become a commercial business. It is not anticipated that this project will increase the traffic volume to the overall site. The typical affects to adjoining property owners will be negligible due to the nature of the overall development being Commercial. The impact on the greater area should be considered. As this development progresses, it is acceptable to assume more traffic will be generated. However, this development is positioned at the intersection of two major arterial roadways which have been identified as commercial corridors in the current Comprehensive Plan and Future Land Use Map.

**Planning & Zoning Commission Minutes
February 10, 2015**

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, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.

PZ Questions/Comments:

- Commissioner Munoz asked if the access into the fuel station from Washington Street North and if that drive way is sufficient to support the additional traffic coming in at that entrance. He is concerned there may be a bottle neck at that location.
- Assistant City Engineer Vitek stated it meets the standards for development, there were discussions about how close the access to the fuel station entrance can be to prevent traffic from bottle necking onto Washington Street North. The narrow drive will also assist in keeping the large fuel trucks from using that entrance to get into the site.

Public Hearing: [Opened and Closed](#)

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Boyd 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, 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.
3. Request for a [Special Use Permit](#) to operate an indoor recreation facility on property located at 677 Filer Avenue c/o Ken Davis, Jr. on behalf of Mardi Catz Fun (app. 2699)

Applicant Presentation:

Ken Davis, Jr., the applicant, stated he is the owner of the Mardi Catz Fun center, the request is for a Special Use Permit for the use of Xbox equipment. The facility offers a place for entertainment and provides private parties upon request. The hours of operation are 11:00am to 8:00pm Thursday-Sunday and by appointment only Monday-Wednesday. He has operated this business in a space at the Mall and had no complaints about noise or disturbances to neighboring shops. He plans to have a location for flat screen televisions where the Xbox games can be displayed and played by the patrons. He would not be able to operate his business if there was a lot of noise, so it is kept at a minimum. He will have 8 flat screens with 8 Xbox stations. The place has a Mardi Gras theme and is very family oriented. The mini-golf brings in the traffic however the gaming is what keeps the customers coming back. The kids play together as teams, parents play with their kids and it is really fulfilling to watch. This is a social atmosphere where kids and families can have quality time to play and have fun. He understands the concern with noise pollution but he can't be an effective business operator if the noise levels are loud. His neighbors to the business are retail on one side and a bar on the other side. The business will be very unobtrusive to the surrounding area.

Planning & Zoning Commission Minutes
February 10, 2015

Staff Analysis:

Planner I Spendlove, explained the narrative provide by the applicant was very thorough. The owner has described the operation as a party and fun atmosphere that will have gaming rooms for the various video game consoles; a glow in the dark pool table and miniature golf. They will provide areas for birthday parties, private parties, and group business events.

Per City Code 10-4-8.2: Indoor recreation uses require special use permit approval prior to being legally established. Typically indoor recreation has historically alluded to dancing, music, card games, and other similar functions. With the evolution of “gaming” it was decided that virtual games would fit into the indoor recreation designation.

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 three (3) guests at maximum designed capacity. The entire shopping center has a cross use agreement for all tenants and parking has been satisfied with that agreement.

The neighboring uses to the west are commercial/retail/office in nature. There are various restaurants, specialty shops, offices and other various businesses in the immediate area. The area outside the Campus Commons Commercial Center is entirely residential. The largest impact to the area will be increased traffic. This increase may be recognizable due to the nature of businesses currently residing in the area.

The business will be operating within the normal hours as defined by City Code. Staff does not foresee the operation of the business, as described, to create any unreasonable impacts for neighboring property owners or residents.

Planner I Spendlove stated upon conclusion should the 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 the noise level remaining at an acceptable level with respect to the surrounding residential neighborhoods.

PZ Questions/Comments:

- Commissioner Woods asked to clarify the address assigned to the space was correct.
- Planner I Spendlove explained the address is correct according to city records.
- Commissioner Woods asked what hours of operation would be allowed for the appointment only days.
- Planner I Spendlove the hours would need to be between 7:00am and 10:00pm according to code.
- Commissioner Munoz stated the condition associated with noise seem ambiguous, in the past he has seen decibels beyond the exterior walls; acceptable level is subjective.
- Planner I Spendlove explained the Commission can amend the noise level condition.
- Commissioner Grey stated he doesn't think 78 decibels 10 feet from the exterior wall would not be surpassed with an Xbox device.
- Commissioner Munoz agreed that is probably so but acceptable level is to vague.
- Commissioner Grey asked about hours when it is by appointment only.

Planning & Zoning Commission Minutes
February 10, 2015

- Mr. Davis stated the parties are booked for two hours and will be scheduled between 11:00am and 8:00pm on those days as well. He may make some exceptions if they need to start around 10:00am but he will not extend the hours past 8:00pm.
- Commissioner Frank agreed a hard number is more agreeable but the neighbor to this business is a bar.

Public Hearing: [Opened](#)

- Dave Burgess, 477 Fillmore Avenue, he asked if the City is aware of the southeast corner of this development being sold and if so how that will impact the current parking.
- Cindy Brown, 465 Fillmore Avenue, she wanted to know how the games will be regulated with regards to maturity level. This is going to increase traffic and kids cut across this parking lot she is concerned for their safety.
- Carrie Hall, 1527 Kimes Avenue, she stated she has been a customer of this business when it was in the Mall with several systems going on with a class party and it the noise was not an issue. There were not any inappropriate video games and you can request that anything rated above a specific age group be put away so there is not an opportunity for them to access inappropriate games.
- Kathy Brown, 583 Fillmore Avenue, stated she is sensitive to noise but this sounds like it is going to be fun for the kids. She has not always had the best experience with businesses that have been in this space, so she is not afraid to call the police if the noise is disturbing. She asked if there would be alcohol served at the establishment and if there is an issue with this being next door to a bar with regards to state law.

Public Hearing: [Closed](#)

Closing Statements:

- Mr. Davis explained that Wednesday-Saturday 11:00am to 8:00pm, Sunday 12:00pm to 6:00pm, and on Monday & Tuesday when it is by appointment only the hours will be open from 11:00am to 8:00pm in two hour increments.

Deliberations Followed:

- Commissioner Frank asked for a number of customers.
- Mr. Davis explained in a full day of operation there could be approximately 40 but that is throughout the day. As for the rated games, they always ask about age groups and what rating they want to allow the kids to play. He does have some of the M rated games however they are kept in a room that is protected. He does verify age by identification and it is held behind the counter until the controller is turned back in. He serves Pepsi, coffee and hot cocoa, no alcohol.
- Commissioner Munoz asked if the bar next door is going to impact the business operation.
- Planner I Spendlove explained the bar was in this location previously and the state regulates this issue.
- Commissioner Frank asked if staff was aware of the lot the citizen was referring to as being sold.
- Planner I Spendlove explained this business has a cross use agreement and they have access to parking. This business proposed tonight is located on a separate lot and they have adequate parking.

Motion:

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

Motion Amendment:

Commissioner Munoz make a motion that a decibel level of noise be defined in the condition. Motion was not seconded.

**Planning & Zoning Commission Minutes
February 10, 2015**

Discussion Followed:

Zoning & Development Manager Carraway-Johnson explained staff is not experts in this field and in the past there conditions with a specific decibel a certain distance from the door however we no longer have anyone on staff that is proficient enough to assist in defining what that level should be for this type of business. She explained that if noise is an issue the neighbors are encouraged to call the police.

Commissioner Grey explained he doesn't think this is going to be an issue compared to a bar or night club. Commissioner Frank explained the condition is to help protect the neighbors as well as the applicant.

Commissioner Munoz explained when it is subjective it is very easy for a neighbor to make complaints that may or may not be valid. It is a Special Use Permit and revocation can be requested. He withdrew his amendment.

Motion:

All members 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 the noise level remaining at an acceptable level with respect to the surrounding residential neighborhoods.
4. Request for a Special Use Permit for the purpose of US Government Offices with adjacent open and enclosed ware yard for equipment, vehicles and materials with an outside PA System on property located at 2878 Addison Avenue East c/o Kent Taylor on behalf of Twin Falls BLM, LLC (app. 2700)

Applicant Presentation:

Kent Taylor, representing the applicant, he stated the applicant purchased property located at 2878 Addison Avenue East for the purpose of constructing an office and to an open storage yard. The City Code did not allow for a governmental facility within the C-1 zone. An Ordinance has been passed to allow for a government facility open storage yard. He has reviewed the staff recommendations and feels the decibel of noise are quantifiable when you are at the property line. The residential property to the south of this parcel has a 180' buffer between the business and the property line, before it reaches the neighbors. The PA system can be regulated, it has zoning and has a master control switch so as to no exceed the noise restrictions placed on this request. As for lighting of the property a photometric plan has been provided showing there will not be any migration of light onto the residential property. There will be some equipment parked on-site as well as in the building. The parking lot will be paved and will be fairly consistent with the uses in the surrounding area.

Staff Analysis:

Planner I Spendlove reviewed the request and stated after lengthy discussion with City Staff, it was decided this open storage yard use was not permitted in the C-1 Zoning Standards. The applicant and City Staff worked to find an amiable solution to the problem. The result of this collaboration was for the applicant to request a Zoning Title Amendment. The applicant has recently finished the public hearing process to place this "open storage yard" land-use in the C-1 Zone by Special Use Permit.

Per City Code 10-4-8.2: Governmental Open Storage Yards require a Special Use Permit prior to being legally established. The special use permit requirement allows for a public hearing to take place which promotes transparency between the government agency and the citizens residing in the area.

**Planning & Zoning Commission Minutes
February 10, 2015**

The major impacts of this particular project are going to be traffic, noise, and light. These items should be explored further by the commission to gain a better personal understanding of their extent.

Per City Code 10-10: Actual parking requirements are reviewed and determined at the time of building permit submittal. It is anticipated that the site plan shown will meet the applicable City Code requirements. It is not anticipated that additional parking spaces will be needed for the proposed special use of the storage yard.

Per City Code 10-11-1 thru 8: All the required improvements will be reviewed for compliance with current city code at the time of building permit submittal. Some of these improvements include screening, access, parking surface, streets, storm water retention, utilities, and others. It is not anticipated this project will require supplementary improvements to mitigate impacts of this project on the immediate area.

The major impacts of this particular project are going to be traffic, noise, and light. These will be explored in the subsequent paragraphs. With the majority of the noise taking place in the summer months during the fire season. The noise would typically come from trucks and machinery coming and going from the location. Another part of the noise equation will be the Public Address (PA) System that is required for the facility. This system is required to broadcast throughout the buildings and into the storage yard. If this part of the request is granted it would be reasonable to place a condition on the noise level.

Another major impact is the light that will be generated for the storage yard that could be used at night for staging and parking equipment in the yard. The applicant is going to screen the entire storage area with a chain link and slat system. This system is somewhat successful in screening light, noise, materials, and equipment. However, a condition for staff to approve the screening material has typically been placed on permits where the applicant elects to use the chain-link and slat system.

Another impact of this project will be the increase in traffic to and from this facility. Although the impact is not anticipated to be large, there will be an increase of truck and vehicle traffic associated with the office and the equipment that will be transported to and from the facility during the firefighting season. This property is located in the C-1, Commercial Highway Zoning District, and the only access to this property will be off Addison Avenue, which is designated as an Arterial Roadway. The traffic impact will not be on the surrounding neighborhood roadways. Also, the areas used for parking and maneuvering are required to be paved with concrete or asphalt, which will greatly reduce any potential dust problems.

Planner I Spendlove stated 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 applicable City Code Requirements and Standards.
2. Subject to the noise level generated by the public address system not to exceed 78 decibels, measured at the exterior property lines of the subject property.
3. Subject to equipment and vehicles being prohibited from idling unattended for extended periods of time.
4. Subject to the screening material being approved by staff prior to installation.

**Planning & Zoning Commission Minutes
February 10, 2015**

PZ Questions/Comments:

- Commissioner Woods asked if a helicopter would ever be located at this site.
- Mr. Taylor stated this question was asked prior to the application submittal and there will not be any helicopters at this location.
- Commissioner Frank explained that his concern when he was reviewing the staff report was the PA system, for years he had a car dealership close to his residence and he could hear it constantly and noise can carry. He had concerns initially however the 180' buffer will most likely be sufficient.
- Commissioner Grey asked if this will be used as storage or will it be a repair location.
- Mr. Taylor stated there will not be any repairs done at this site.
- Commissioner Grey asked about conveying the response vehicle off-site safely when they are leaving for an emergency call. Currently it is more and more difficult to travel Addison Avenue East because of increase traffic and he doesn't want that to be an issue when the trucks have to respond to a call.
- Assistant City Engineer Vitek explained Addison Avenue East has been built out at this location and the City is currently having discussions with the Highway District about installing a light at the corner of Hankins Road and Addison Avenue East which will assist in slowing traffic.
- Commissioner Munoz explained was initially concerned about the decibels of noise but if you consider a diesel engine starting and warming up next to the property line could be noisier than the PA System.
- Zoning & Development Manager Carraway-Johnson explained the number attached in the condition associated with the decibels was based on a previous use that had an outside PA System. The 180' is going to be a fairly large buffer to the residence.
- Mr. Taylor also explained this will be a governmental facility that will be very responsive to people's needs. When they had a neighborhood meeting about this request they didn't seem to be too concerned.

Public Hearing: [Opened](#)

- Dave Wright 2862 Addison Avenue East stated that the back 180' of this property is used by his business during the winter to keep his snow plows and snow removal equipment. He stated this equipment can be noisy but he has never had any complaints from the residents.

Public Hearing: [Closed](#)

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Grey 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 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 generated by the public address system not to exceed 78 decibels, measured at the exterior property lines of the subject property.
3. Subject to equipment and vehicles being prohibited from idling unattended for extended periods of time.
4. Subject to the screening material being approved by staff prior to installation.

**Planning & Zoning Commission Minutes
February 10, 2015**

5. Request for a [Special Use Permit](#) to operate a financial institution/credit union with a drive through service on property located at 1061 Blue Lakes Boulevard North c/o Chris Tapia on behalf of Mountain America Credit Union (app. 2701)

Applicant Presentation:

Chris Tapia, representing the applicant stated they are excited to bring their business to the area. They are a non-profit organization and very community oriented. The driveway has been designed consistent with other businesses in the area, it has been placed behind the building with lighting that is downward facing and should not be an issue for the neighbors.

Staff Analysis:

Planner I Spendlove reviewed the request and stated that in 2014, the building that housed Gem State Security and other offices was demolished and the vacant lot was placed for sale. The special Use permit is for the operation of a drive thru in conjunction with a Financial Institution. The applicant has supplied a narrative that describes the drive thru facility. The proposed plan is to install four (4) lanes for drive thru service. Three (3) of those lanes will be transaction based and one lane will offer ATM and deposit services. The applicant has not provided the number of employees, hours of operation or anticipated customers generated by the business.

Per City Code 10-4-8.2: Any facility with a drive-through service requires a special use permit prior to being legally established. The major impacts of this particular project are going to be traffic, noise, and light. These items should be explored further to determine their extent.

Per City Code 10-10: Actual parking requirements are reviewed and determined at the time of building permit submittal. It is anticipated that the site plan shown will meet the applicable City Code requirements. It is not anticipated that additional parking spaces will be needed for the proposed special use.

Per City Code 10-11-1 thru 8: All the required improvements will be reviewed for compliance with current city code at the time of building permit submittal. Some of these improvements include screening, access, parking surface, streets, storm water retention, utilities, and others. It is not anticipated this project will require supplementary improvements to mitigate impacts of this project on the immediate area.

The major impacts of this particular project are going to be noise, light and increased traffic. All of these impacts are typically attributed to vehicles using the drive-thru service. Due to the proximity of Blue Lakes Blvd, it would be safe to assume that the noise and light generated by this drive-thru would not significantly increase the prevailing conditions found in the area. The hours of operation would be a large factor in determining the extent of the possible impacts to neighboring land owners and residents.

Planner I Spendlover 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, and Zoning Officials to ensure compliance with applicable City Code requirements and standards.

PZ Questions/Comments:

- Commissioner Grey asked for clarification of traffic flow into and out of the property.
- Commissioner Boyd asked if there is a curb cut along the north side of the property.

**Planning & Zoning Commission Minutes
February 10, 2015**

- Commissioner Frank explained the site plan is problematic because it wasn't very clear and for larger trucks it is going to have a tight turn.
- Commissioner Munoz asked if the 6 vehicle stacking is for each lane or for the total drive through.
- Planner I Spendlove explained that is a total.
- Commissioner Frank asked if the site plan for the drive through will be reviewed under the new parking code requirements.
- Planner I Spendlove explained this plan was submitted prior to the code change.
- Commissioner Woods verified that the property to the east is a commercial business.
- Planner I Spendlove explained yes and it is zoned C-1.

Public Hearing: [Opened & Closed](#)

Closing Statements:

Mr. Tapia explained they agree this is not the best flow for traffic through the site however it was because of the setback requirements.

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Woods 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, and Zoning Officials to ensure compliance with applicable City Code requirements and standards.

V. GENERAL PUBLIC INPUT: [None](#)

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

- Zoning & Development Manger Carraway-Johnson explained that the next public hearing scheduled for February 24, 2015 will be a full agenda and will include the new schools. There have been a lot of items completed Fieldstone Professional PUD has been completed, the vacation, the zoning actions, the PUD Agreement have all been approved through City Council which will mean that construction of Cheney Drive West will be able to move forward. The development of this road will enable the other projects that have been planned for this area will also be able to move forward. The recommendation from the Planning & Zoning Commission to hire Logan Simpson Design to do the Comprehensive Plan Update is scheduled for the February 17, 2015 City Council Meeting.
- She reviewed the Dutch Bros Coffee complaints about their Grand Opening and the traffic issues at the site. Staff has met with the owners and the property owners and they are working on a resolution. They will putting some signs at the entrances along Pole Line Road so that traffic will have clearer directions. The issue is that originally this was a single plat and in 2012 the property of Randy Hansen and the other parcel were split off into separate plats. The plats were then recorded and a cross use agreement was drafted but was never recorded until after the public hearing for Dutch Bros Coffee came through in October, 2014.

**Planning & Zoning Commission Minutes
February 10, 2015**

- Commissioner Frank explained that he may have voted differently had he known that a cross use agreement was recorded between these two lots.
- Commissioner Boyd stated based on the information that was presented it was also explained that the business would educate their customers and the people can be trained. She did receive another complaint from Randy Hansen that the Dutch Bros Coffee delivery truck traveling through their property to deliver supplies. Her concern is if the entrance is wide enough for the truck to maneuver.
- Zoning & Development Manager Carraway-Johnson explained she has spoken to Dutch Bros Coffee and she can't guarantee anything however with the signage added to the entrances and educating people it should help with these issues.
- Planner I Spendlove explained that the Dutch Bros Coffee design came in prior to the parking code change and if it had been submitted after the code change it would not have been approved as it is today. Knowing that things like this is are an issue changes were made in the code to address these issues.
- Commissioner Woods stated that he would like to public thank the Engineering Department and the Public Works Department for fixing the manholes around town.
- Commissioner Frank verified that all of the paperwork has been completed for the Commissioner that needed to renew their term.
- Zoning & Development Manager Carraway-Johnson confirmed that is correct and a presentation to the City Council will be made to renew the terms within a few weeks.
- Commissioner Grey asked if there is any way that the City can require the structure on Mr. Nagels property along Washington Street North be removed.
- Zoning & Development Manger Carraway-Johnson this building has not been declared an unsafe building and therefore the City does not require the structure to be removed.

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

1. Public Hearing-February 24, 2015
2. Work Session-March 4, 2015

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 8:54 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
FEBRUARY 24, 2015 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" Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods
Vice-Chairman

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

**CITY LIMIT
MEMBERS**

<u>Present</u>	<u>Absent</u>
Boyd	Derricott
Frank	Tatum
Grey	
Muñoz	
Reid	

AREA OF IMPACT MEMBERS

<u>Present</u>	<u>Absent</u>
Higley	
Woods	

CITY COUNCIL LIAISON(S): Mills Sojka

CITY STAFF: Carraway-Johnson, Nope, 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.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **January 27, 2015PH & February 10, 2015 PH**
2. Approval of Findings of Fact and Conclusions of Law:
 - Morning Sun Subd. #8 (Pre-plat 02-10-15) • Canyon Village Subd, A PUD (Pre-plat 02-10-15)
 - Auto Oil (SUP 02-10-15) • Wal-mart Stores (SUP 02-10-15) • Mardi Catz Fun (SUP 02-10-15)
 - Twin Falls BLM (SUP 02-10-15) • Mountain America CU (SUP 02-10-15)

Motion:

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

Unanimously Approved

III. ITEMS OF CONSIDERATION:

1. Request for approval of a **Preliminary Plat** for Sackett Farms Subdivision No. 2, 51.32 (+/-) acres consisting of 3 lots on property located east of the 500, 600, & 700 Blocks of Hankins Road North (aka 3200 East Road) c/o Tim Vawser on behalf of the Twin Falls School District #411

**Planning & Zoning Commission Minutes
February 24, 2015**

Applicant Presentation:

Tim Vawser, EHM Engineers, Inc. representing the applicant stated for clarification there is a City lot that should be included in this plat. The property is located east of the 500, 600, & 700 Hankins Road North. This will allow for the construction of a new elementary school.

Staff Analysis:

Planner I Spendlove reviewed the request and stated the Twin Falls School District purchased the property in 1990 from Melvin Sackett. The land has since been leased for agricultural purposes. The Sacket Farm Conveyance Plat went through the public hearing process and was recorded in June 2008. This conveyance plat was for the purposes of selling a 2 acre lot to the City for a regional pressurized irrigation pump station. In August 2014, this area was accepted for annexation. In November 2014, this area was approved for a Comprehensive Plan Amendment from Agricultural to Medium Density, and a Water Service Boundary change to include this area. On February 9, 2015, the City Council approved a Zoning District and Zoning Map Amendment that changed this property from the R-1 VAR to R-2 Zoning District.

This is a request for a preliminary plat of the school district owned Sackett Farm Subdivision No. 2, consisting of 51 acres divided into 4 lots. The site is undeveloped and is located on Stadium Blvd East Extended. The purpose of the plat only containing three (4) lots is to facilitate the development of the Elementary School, and the building of Stadium Blvd East. A subsequent re-plat of the remaining lots will be required prior to residential development occurring. Such re-platting will be required to conform to the standards and requirements in City Code at that time.

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.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed. It is also indicated on the Preliminary Plat that the site will be on a pressure irrigation (P.I.) system.

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for medium density residential use.

Planner I Spendlove stated upon conclusion should the Commission approve the preliminary plat of the Sackett Farm Subdivision No. 2, as presented, and 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: [Opened](#)

- Ray Boling, Highlawn Drive, stated he has three concerns, one is no sidewalks along Hankins Road, will the lateral be piped, and dust control while this construction takes place.

**Planning & Zoning Commission Minutes
February 24, 2015**

Public Comment: [Closed](#)

Closing Statements:

Mr. Vawser said there will be sidewalk along the north side and there will be a control light, dust abatement is required, and there will not be anything done as for piping of the major lateral.

Deliberations Followed: [Without Concerns](#)

Motion:

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

[Approved, As Presented, With The Following Conditions](#)

1. Subject to 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.

IV. PUBLIC HEARINGS:

1. Request for a [Special Use Permit](#) to allow a 864 sf expansion to an existing 1200 sf detached accessory building on property located at 4262 North 2656 East within the Area of Impact [c/o Jim & Connie Sharkey](#) (app. 2703)

Applicant Presentation:

Kevin Bradshaw, representing the applicant, stated the reason for the request is to expand an existing detached accessory. He reviewed on the overhead where the property is located, the applicant would like to add on an additional 864 sq. ft. to the 1200 sq. ft. accessory building. The parcel is approximately 1 acre and it will be used for storage of his personal items; it will not be used for business.

Staff Analysis:

Planner I Spendlove reviewed the request and stated this lot was created with the Rock Creek Point Subdivision in 2002. A single family dwelling was constructed on the property in 2004. The accessory building was constructed in 2005. The current owner purchased the property in October 2014.

The Applicant has supplied plans showing an existing 1200 sf detached accessory building being increased by 864 sf for a total of 2064 sf. The applicant described the increased area as space for lawn equipment, storage and a workbench. The existing shop will contain his motorhome and autos.

Per City Code 10-4-2: Detached accessory buildings within the SUI Zone greater than 1500 sf are required to obtain a Special Use Permit prior to being legally constructed. The proposed plan is showing an addition to an existing structure, this addition along with the existing building will create an accessory structure of approximately 2064 sf. Within this existing neighborhood this size is not uncommon.

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

Accessory structures of similar size are common in this area. The design submitted is consistent with the existing house and the developed neighborhood. Staff does not foresee any impacts related to noise, glare, odor, or fumes being overly imposing to neighboring property owners.

**Planning & Zoning Commission Minutes
February 24, 2015**

Planner I Spendlove stated upon conclusion should the Commission approve 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 construction of the detached accessory building to be consistent with the submitted drawings/elevations, as presented.
3. Subject to no business use or residential occupancy use within this structure.

PZ Questions/Comments:

- Commissioner Woods asked how wide the new door will be on the addition and if paving would be required.
- Planner I Spendlove explained there may be a paving requirement and that will be determined at the time the building permit is reviewed.
- Mr. Bradshaw stated the door is 6 ft. wide.

Public Comment: [Opened & Closed Without Comments](#)

Closing Statements:

Mr. Bradshaw explained this item has also been presented to the Home Owners Association and they are in support of this request.

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Boyd made a motion to approve the request, as presented, with staff recommendations. Commissioner Reid 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 construction of the detached accessory building to be consistent with the submitted drawings/elevations, as presented.
 3. Subject to no business use or residential occupancy use within this structure.
-
2. Request for a [Zoning District Change And Zoning Map Amendment](#) from C-1 PUD to C-1 for 7.5 +/- acres of undeveloped land located on the north side of the 2400 Block of Addison Ave East [c/o Joe Russell](#) (app 2704)

Applicant Presentation:

Dave Thibault, EHM Engineer, Inc., the development was approved to be rezoned as a C-1 PUD however there is not a signed PUD Agreement, leaving the property in limbo, the original PUD designation was to allow for auto dealership. His client is not that type of business and is asking that the property be rezoned to C-1.

Staff Analysis:

Planner I Spendlove reviewed the request and stated in 1995, an application was approved as C-1 PUD to allow development of an Auto Sales Business only. The ordinance was adopted that officially changed the

**Planning & Zoning Commission Minutes
February 24, 2015**

zoning district. However, no PUD agreement was signed or officially implemented. Since that time, the property has had no further zoning history.

This is a request for a Zoning District Change and Zoning Map Amendment for approximately 7 Acres. The Comprehensive Plan and Future Land Use Map designate this area as Commercial/Retail. The areas immediately surrounding this parcel are currently zoned C-1 and C-1 PUD along Addison Ave East, with R-2 and R-4 to the North and West..

With the current zoning of C-1 PUD and no PUD Agreement in place, the applicant has requested a Zoning change to remove the limited development and which would allow for development to occur in accordance with C-1 Zoning District Standards as outlined in current city code. Developments that meet the minimum zoning code would simply apply for building permits and be reviewed for compliance with minimum codes and requirements.

Planner I Spendlove stated upon conclusion the Commission is asked to make a recommendation on this request which shall automatically be scheduled for a public hearing before the City Council. The Commission's recommendation may be to deny the request, approve the request as presented or they may table the request and ask that additional information be provided for their review.

To make a positive recommendation to the City Council the Commission must determine that 1- the request is in conformance with the Comprehensive Plan designation of Commercial/Retail and 2- the extent and nature of changing the zoning of this property to C-1 would be compatible with and not detract from the surrounding area.

If the Commission finds that 1 & 2 have been met then Staff recommends the Commission recommend approval of this request, as presented.

PZ Questions/Comments: [None](#)

Public Comment: [Opened & Closed Without Comments](#)

Closing Statements:

Mr. Thibault explained that the criteria for this request has clearly been met and asked that the Commission approve this request.

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Woods made a motion to recommend approval of the request to the City Council, as presented, with staff recommendations. Commissioner Reid 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](#)
[City Council Hearing Scheduled March 30, 2015](#)

**Planning & Zoning Commission Minutes
February 24, 2015**

3. Request to Vacate the non-vehicular use of a 15' X 128' platted but undeveloped Drainage and Non-Vehicular Easement located between Lots 41 & 42, Block 1 of Settler's Ridge Subdivision No. 3. c/o Lance Fish on behalf of Settlers Ridge, LLC (app 2705)

Applicant Presentation:

Lance Fish, the applicant explained on the original plat there were two pathways going from the public walkway along Canyon Rim Road towards the park area. Subsequently a deal was made with the City of Twin Falls to construct a new irrigation system with another pathway to be constructed on this lot. Putting a public walkway between private homes and maintenance of the pathway is an issue. There are two pathways that cut out to the walkway along Canyon Rim Road and feel that is sufficient.

Staff Analysis:

Planner I Spendlove reviewed the request and stated in December 2004, the Planning and Zoning Commission heard a request for the Settler's Ridge Preliminary Plat. During that public hearing it was stated by City Staff that the plat needed to reflect this new requirement of connecting Cul-De-Sacs with surrounding pathways. During the Platting process this pedestrian pathway was placed in its current location and eventually the Final Plat for Settlers Ridge #3 was recorded. This is a request to vacate a pedestrian access easement located in Settlers Ridge #3. The easement was originally intended to grant access to the Canyon Rim walking trail to the North East.

The applicants' narrative states that the connection for the walking path is already planned for at alternative locations within the subdivision, and this particular path is therefore in excess of what is needed. Furthermore, the applicant feels this pathway will devalue the property and create privacy issues in the development, especially between these two undeveloped lots. The applicant does not feel there will be any negative impacts to adjoining properties.

The owners of said property are ready to construct this final phase of this development. Part of this phase includes constructing of Parkview Drive north into Canyon Rim Road (4200 North). After completion of this section, Canyon Rim Road will be closed for vehicle traffic at the intersection of Federation Road (near the gun club), and will turn into a pedestrian path.

Additional Information: The code section referenced by City Staff in 2004 is

City Code 10-12-3-7: Pedestrian Walkways:

"Right of way for pedestrian walkways in the middle of long blocks may be required where necessary to obtain convenient pedestrian circulation to schools, parks or shopping areas; the pedestrian easement shall be in accordance with section 10-12-3-13 of this chapter. Cul-de-sacs will be connected to other adjacent streets with cul-de-sacs within the proposed subdivision or existing subdivisions and to adjacent arterial or collector streets with paved pedestrian walkways at least ten feet (10') wide within fifteen foot (15') easements. (Ord. 2798, 8-2-2004)"

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.

**Planning & Zoning Commission Minutes
February 24, 2015**

PZ Questions/Comments:

- Commissioner Woods asked for more clarification as to where the pathways connect.
- Planner I Spendlove explained on the overhead where the paths connect.
- Commissioner Grey stated after reading the code he thought each cul-de-sac would have a pathway to the public walkway, and if there is a path at location.
- Planner I Spendlove explained there are easements marked on the plat, but those are utility easements.
- Commissioner Boyd asked if there is Home Owners Association Agreement for the subdivision and the fencing of properties.
- Mr. Fish explained that some of the fencing requirements material is going to be changed to rod iron along the Canyon Rim.
- Commissioner Munoz asked if the fencing along the pathway could be rod iron material.
- Mr. Fish explained this will cause a safety issue and will not provide privacy for people walking along the property lines.
- Commissioner Boyd explained there are many ways to provide privacy and security, which may change the value of the property. Maintenance of this area would have to be negotiated at the time the lots are sold.
- Zoning & Development Manager Carraway-Johnson explained the history for how these pathways became platted. The area was platted in late 2004 an ordinance was adopted in the summer of 2004 allowed the commission to place pedestrian connections between long blocks. The issues were coming up because there were a lot of subdivisions being built and there connections for children to get to school. This subdivision Mr. Fish platted the two pathways in good faith with the ordinance. The one he is proposing to have the use vacated is very appropriate, the one on the north end should stay as that is the singular pedestrian pathway to exit.
- Commissioner Reid asked what the distance is between the top connection and the park.
- Mr. Vawser clarified the distance between the paths and the park is approximately 1400-1600 ft. There is also a 10' pedestrian pathway that the developer has constructed along Parkview Drive. The path on the outside goes all the way around to Canyon Rim Road. They are in the process of putting in irrigation and Park View Drive will be constructed in this phase of development completing the entire pathway in this area.
- Commissioner Munoz asked if the rod iron fencing facing the canyon will be installed by the developer or if it will just be required through the Home Owners Association.
- Mr. Fish stated it will be installed by the developer.

Public Comment: [Opened & Closed Without Comments](#)

Deliberations Followed:

- Assistant City Engineer Vitek explained that the pathways are not fluid and showed on the overhead how the pathways connect.
- Commissioner Munoz explained his concern was that a large privacy fence would be installed along the long pathway and with the developer installing rod iron fencing along that area he is not as concerned.
- Commissioner Frank explained that he has seen this type of design in other subdivisions and they become a maintenance issue and don't work so he understands the concerns.

Motion:

**Planning & Zoning Commission Minutes
February 24, 2015**

Commissioner Woods made a motion to recommend approval of the request to the City Council, as presented, with staff recommendations. Commissioner Munoz 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.

City Council Hearing Scheduled March 30, 2015

4. Request for a **Special Use Permit** to construct a new elementary school with an alternative landscape plan on 9.5 +/- acres of undeveloped land located east of the 500, 600, & 700 Blocks of Hankins Road North (3105 Stadium Blvd). c/o Bradford J. Wills on behalf of the Twin Falls School District (app 2706)

Applicant Presentation:

Brad Wills, representing the applicant, he introduce the other representatives for the project. There are several presentations for the evening associated with the requests. The landscaping issue is part of all three requests and will be covered in this first presentation. This presentation is for the Pillar Falls Elementary School to be constructed at Hankins Road North and Stadium Boulevard. There will be a signal installed at this intersection and to make the fire access easier it will have a two lane access. All three designs for the schools will provide a circling driveway to avoid having cars back onto the street. The property is zone R-2 which requires a Special Use Permit for a school.

The second portion of this request is an alternative landscaping plan, the schools will be built in either an R-4 or R-2 zone. Grass is usually the landscaping material of choice, however according to code landscaping refers to trees and bushes. He has done a survey to see what is currently at the school sites around town and displayed his findings on the overhead. He stated he would have the landscape architect review the proposed changes.

Jon Breckon, Landscape Architect, explained the reason for reducing the number of trees and shrubs is because they are school properties and line of site is an issue, safety for the children and maintenance for the trees and bushes become costly. Trimming trees and shrubs takes much more maintenance than just mowing the lawn. They are going to be using a low water turf and irrigation will be provided via ditch water. Commissioner Frank asked Mr. Breckon to summarize why the reduction of trees and bushes is being proposed, he understands the cost reduction but is not clear on the safety concerns. Mr. Breckon stated if approved it will save the school district on installation costs, maintenance costs in the future and will also provide safer schools for the district.

Brad Wills explained each of the schools have a design layout that has been created with the required amount of landscaping and a proposed amount of alternative landscaping and is being presented at this time for all three requests.

Commissioner Frank explained that the Commission will have to make a vote on the approval of each Special Use Permit request.

**Planning & Zoning Commission Minutes
February 24, 2015**

Staff Analysis:

Planner I Spendlove reviewed the request and stated the applicant has supplied a detailed description of the proposed Public Elementary School. The school will house students K-5th Grade. The school will be built for a capacity of six hundred fifty (650) students, and will have fifty (50) to sixty (60) employees. The operation of the school will be 7:30 AM - 4:00 PM, similar to other elementary schools in the district, and will generate an approximate three to four hundred (300-400) vehicle trips per day. As with other facilities in the district, extra activities will occasionally take place outside the normal hours. The applicant is also asking to be allowed an "alternative landscape" plan.

The design of the area shows Stadium Blvd, designated as a collector street, extending from Hankins Road North to the East end of the property. This will be the sole roadway into and out of the School property. It will be constructed as a Boulevard, this includes a center divider between the roadways. This design allows for two way traffic on either drive in case of emergency blockage on one side. The site design of the elementary includes an extensive parent drop off as well.

Per City Code 10-4: Residential Single Household or Duplex District: Public Schools require a special use permit to be legally established. The requirement for a special use permit for a public school is due to the large impact it has on surrounding properties. Some of those impacts are positive, and some are negative. There are many impacts in both of those categories that cannot be enumerated. For our purposes we will attempt to address the impacts that generally cause complaints from neighboring land owners. The most common complaint involves traffic, with light and noise as smaller contributors.

Traffic: This impact involves multiple types of issues, including but not limited to vehicle traffic, bike safety, walking safety, and roadway speeds.

An increase in vehicle traffic is going to occur in the area due to the change in school boundaries and the desire of parents to drop their children off at the school. Although the school site plan shows a generous parent drop off area that can accommodate large volumes of parent vehicles, the applicant anticipates the daily vehicle count between three hundred and four hundred (300-400). Since this access is restricted to Stadium Boulevard, it is unlikely significant traffic congestion will back up onto Hankins Road North.

In addition to the full development of Stadium Blvd, a collector, a traffic light is anticipated to be warranted at the intersection of Stadium and Hankins due to the new school. A condition should be placed on this permit to ensure the light is in place, and installed to City Standards, prior to the Certificate of Occupancy being issued on the School Building. With the addition of this light, staff anticipates traffic to increase and stack on Stadium Blvd, particularly west of Hankins Road. Traffic will also increase on Hankins Road itself, and the patterns will change due to the new light forcing vehicles to stop, whereas previously the roadway was free flowing from Falls Ave to Addison Ave. This will consequently change the speed of traffic on Hankins Road itself.

Pedestrians: The area immediately around the proposed school is not anticipated to be developed prior to the school opening. However, the site plan submitted with the application shows a fully developed roadway (Stadium Boulevard) and associated sidewalk that will connect the school grounds to the intersection with Hankins Road where a new traffic light will allow the safe crossing of pedestrians. Also, pedestrian traffic in the Morning Sun subdivision is funneled towards Stadium, which then directs towards the safe crossing at the traffic light.

**Planning & Zoning Commission Minutes
February 24, 2015**

Glare and Noise: The applicant stated that the design of the building and its location on a 10 Acre site will minimize the glare from windows and the noise associated with the operation of the school. The possible noise from elementary schools typically comes from children playing outdoors during the warmer months of the year. Since this takes place during the daytime, it is not anticipated to cause a significant disturbance to neighboring property owners that would require mitigating conditions. The glare from windows could be an issue, however it is anticipated and shown on the design that measures have been taken in order to minimize this impact.

Lights: The applicant did not address any lighting issues in their narrative. Staff does not feel that the lighting typically involved with a school causes a significant impact to neighboring property owners. Current City Code does address the requirement to have lighting face downward to preclude excessive light intrusion on neighboring properties. It is assumed the school will follow this requirement, and any other requirements set forth in current City Code.

Per City Code 10-10: Off Street Parking: Elementary School parking requirement are two (2) parking spaces per classroom. The requirement for parking spaces is reviewed at the time of building permit submittal. The site plan submitted appears to comply with this requirement, which will be confirmed at the time of building permit submittal.

Per City Code 10-11-1 thru 8: Required Improvements: All applicable codes and requirements will be assessed at the time of building permit submittal. However, with this Special Use Permit application, the school district has also petitioned for approval of an alternative landscaping plan.

Alternative Landscape Plan: The district is petitioning to have a reduction in the required number of trees and bushes. It was proposed to Staff that trees and bushes are a potential safety hazard to students. The district has stated that the reduction in trees will not be a reduction in grass area provided on site. The required numbers are 82 trees, and 411 shrubs. The district is asking to reduce the numbers to 44 trees, and 395 shrubs.

The reduction of trees and bushes is not anticipated to have a great impact on the surrounding area. The safety reasons for the reduction may be warranted as well. However, it would be beneficial to also have a decrease in the grass area on the school grounds. Due to our climate, grass requires large amounts of water to keep healthy. An alternative plan could serve as a way to reduce the amount of water usage by the district, which would also have a positive impact on the water system serving the site and the surrounding area. The Commission is tasked to determine if the proposed "alternative landscape plan" meets the intent of the code. The Commission may wish to review and approve an actual alternative landscape plan at a later meeting that addresses these issues, rather than approve a reduction in the tree and bush counts.

Planner I Spendlove stated upon conclusion should the Commission approve 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 traffic light being installed at the intersection of Stadium Blvd and Hankins Road, per City Engineering standards, prior to the issuance of the Certificate of Occupancy for the main school building.
3. Subject to an "Alternative Landscape Plan" containing water-wise plants and ground cover being reviewed and approved by the Planning and Zoning Commission, prior to the school receiving their building permit.

Planning & Zoning Commission Minutes

February 24, 2015

PZ Questions/Comments:

- Commissioner Munoz asked if this was a public park what the landscaping requirement would be.
- Planner I Spendlove explained we have not reviewed a plan for a public park.
- Assistant City Engineer Vitek explained there are not any landscape plans for a park and the property is required to be donated.
- Commissioner Woods asked to be shown on the exhibit where the buses will be coming into the property.
- Planner I Spendlove showed on the overhead where the buses will be on the property.
- Commissioner Boyd asked if the parking is sufficient to meet the requirements.
- Clint Sievers, Hummel Architect explained how the count for parking stalls was calculated for each site and exceeds the requirements.
- Commissioner Boyd asked for clarification on the location of visitor parking.
- Clint Sievers explained there will be one way traffic along the drive to avoid traffic flow issues and there will be some overflow parking along Stadium Boulevard.
- Commissioner Grey asked if there would be signage that states no left turn.
- Clint Sievers explained they have not discussed directional signage at this point but if the Commission recommends that as a condition they would comply.
- Commissioner Higley explained at the Canyon Ridge High School there is drive similar to this that didn't work.
- Brady Dickinson explained that the driveway Commissioner Higley is referring to started out as a multi-directional drive and has now been converted to be a one-way drive to reduce traffic issues.
- Commissioner Frank asked how a reduction in trees and bushes would be a safety issue.
- John Breckon explained that too many trees and bushes obscure the line of site when trying to watch for children on the school grounds.
- Clint Sievers explained the concerns that administrators and teachers have is security as well as providing a larger space for physical activity classes. By reducing the number of trees and bushes in the play area it allows for a larger line of site making their jobs more efficient so that they don't have to provide extra staff to supervise the play area.
- Commissioner Frank asked the landscape architect if he could provide a plan that meets the requirement without creating line of site issues on the playground areas.
- John Breckon explained he could develop a plan that meets the code and takes the other issues into account. It would be a maintenance issue but it is possible.
- Commissioner Frank stated the maintenance issues could also be addressed in the design and choice of materials.
- Commissioner Boyd asked if trees can provide a buffer to the adjacent properties.
- John Breckon explained that he would not agree that they are sound buffers, it would require a lot of trees to provide a buffer.
- Commissioner Boyd asked if safety and security is a real legitimate issue.
- Brady Dickinson explained that they want to reduce the opportunity for children and other people from hiding behind the trees. Children are also very hard on the trees and bushes so maintenance becomes an issue.
- Commissioner Boyd asked with the addition of the three new schools has there been any consideration in adding additional staff to maintain the properties.
- Brady Dickinson stated currently they don't have enough maintenance staff to keep up with the additional properties and this will create a challenge for the district.
- Brad Wills suggested that because all of the representatives for this project are present he would ask that the Commission make a decision on the alternative landscaping proposal tonight.

**Planning & Zoning Commission Minutes
February 24, 2015**

- Commissioner Frank stated the staff recommendation is to review the alternative request and possibly approve the request on the condition that an alternative landscape design be approved prior to issuance of the building permit.
- Commissioner Reid explained he does have 4 children in elementary school and the trees are a safety concern. They become an additional jungle gym and children climbing on them can kill trees. The trees in the drop off and pick up area provide another place for children to hide and dart out into traffic unexpectedly especially once the trees mature. He thinks the design is great.
- Scott Henson, LCA Architects, explained that line of site has become a safety concern since the Columbine incident and providing a clear line of site for first responders so they can see the entire property without site obstructions has become important. He has spent a lot of time designing school throughout the northwest and the trend for reducing landscaping has increased. Administrators, Facility and other staff need to be able to see the grounds from all directions. Evergreen trees should not be planted on school grounds they provide a perfect place for a child or stranger to hide which is a huge concern.

Public Comment: [Opened](#)

- Lucy Wills, a counselor for the school district, in the past three years they have had to replace three trees because the children are hard on the trees. She stated it is a huge concern for children and people hiding around the trees.

Public Comment: [Closed](#)

Deliberations Followed:

- Assistant City Engineer Vitek explained he was invited to meet with the police department to discuss the site plans for the schools and children crossing.
- Commissioner Reid stated he doesn't have an issue with the landscaping request he thinks the design for drop off and pick up is fairly good.
- Commissioner Boyd explained drop off and pick up is always an issue and as for the alternative landscaping she is ok as well.
- Commissioner Woods explained that his concerns have been addressed as for the landscaping issues he thinks it is appropriate.
- Commissioner Frank explained that landscaping is a one shot deal and he would like to see more of an alternative plan. From the north and east the property is going to look like an institution landscaping softens the impact of the schools.
- Commissioner Munoz stated he asked about landscaping in the parks because the density that is being required of this applicant is not being met in most of the parks around the area. He would like to see some elevations of how this property would look from different directions with and without the trees and shrubs. He doesn't think necessarily the required amount has to be met but he would like to see more. It doesn't have to be all or nothing.
- Commissioner Grey stated the turf type chosen is good and the traffic plan for Stadium Boulevard is nice. He does appreciate the cost savings but doesn't buy the safety issue there could be a plan that meets the requirements and still addresses safety. He thinks that the impacts to the neighbors should be considered. The alternative plan rule has been applied to properties with hardships and existing buildings that don't have a place for landscaping. This property is wide open space and the need for planning needs to take place now. He asked if there have been issues with the trees at the new high school built a few years ago.
- Brady Dickenson explained that they have had to replace trees and most of it is because of the kids have broken them.

**Planning & Zoning Commission Minutes
February 24, 2015**

- Commissioner Higley stated he doesn't like that some areas are bare and possibly planting trees along the perimeter of the property would be better.
- Commissioner Boyd stated that in today's world we want to be good stewards of the land and would prefer the landscaping to be managed because it is manageable rather than planting to meet requirements knowing that it won't be managed. The concern she has is that it seems the obvious location for the trees to be located is shown with no trees.
- Commissioner Munoz explained that the trees can provide a maintenance issue for the adjoining properties as well. He thinks there may be a hardship for the school district however this plan presented is not an alternative.
- Commissioner Woods explained that he thinks this is going to be an added expense for aesthetics.
- Brad Will explained the reason he is requesting a decision is because the bid is going out soon and they would like to have some answers.
- Commissioner Reid asked if there is a recommendation of changes and where they need to go.
- Commissioner Boyd asked if a 3D elevation would be helpful.
- Commissioner Frank explained elevations have been requested in the past on other requests.
- Commissioner Grey explained the applicant should come back with an alternative and better elevations. This could be reviewed at the next work session.
- Planner I Spendlove explained the condition does not require that the applicant come back through a public hearing to resolve this issue.

Motion 1:

Commissioner Boyd made a motion to approve the request, as presented, with staff recommendations 1 & 2. Commissioner Reid seconded the motion. No Second **Motion Failed**

Motion 2:

Commissioner Higley made a motion to approve the request, as presented, with staff recommendations. Commissioner Munoz seconded the motion. Commissioner Frank, Higley, Boyd, Grey, Munoz and Reid voted in favor of the motion with Commissioner Woods voting against the motion. **Motion Passed 6-1**

Discussion Followed:

- Commissioner Woods asked if it would be appropriate to make recommendations on what the Commission is looking for on the site plan.
- Commissioner Higley suggested that some examples be given.
- Commissioner Munoz explained that the zoning action sheets could be provided to the applicant with recommendations.
- Commissioner Grey explained more is what is being asked for, they need to provide more information about the types of trees and where they are located throughout the property with better elevations of what the site will look like with their proposal.

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 the traffic light being installed at the intersection of Stadium Blvd and Hankins Road, per City Engineering standards, prior to the issuance of the Certificate of Occupancy for the main school building.
3. Subject to an "Alternative Landscape Plan" containing water-wise plants and ground cover being reviewed and approved by the Planning and Zoning Commission, prior to the school receiving their building permit.

**Planning & Zoning Commission Minutes
February 24, 2015**

Chairman Frank called for a 10 Minute Break

5. Request for a [Special Use Permit](#) to construct a new elementary school with an alternative landscape plan on 9.5 +/- acres of undeveloped land located at the north east corner of Grandview Drive North and Federation Road extended (850 Federation Road) c/o [Bradford J. Wills on behalf of the Twin Falls School District](#) (app 2707)

Applicant Presentation:

Brad Wills, representing the applicant, stated this will be the site for the Rock Creek Elementary School located at the northeast corner of Grandview Drive North and Federation Road extended. They will be addressing the construction of Federation Road because it was a concern brought up by the City Council during the platting process. The design is fairly similar to the Pillar Falls Elementary design presented earlier. He presented an overlay of all of the lots platted in this location and the boundaries of what will be developed once the school is complete. In anticipation of the growth Gary Nelson made a commitment to construct Federation to the Columbia Drive intersection. Grandview Drive is an arterial and will have curb gutter and sidewalk installed. They have worked with the developers to install a composite fencing material along the residential properties. As for the alternative landscaping plan they will plan to bring back another plan for review.

Staff Analysis:

Planner I Spendlove reviewed the request and stated on February 9, 2015, the City Council approved a vacation of portions of Northern Passage #3 and #4, and approved the Final Plat of Northern Passage #5.

The applicant has supplied a detailed description of the proposed Public Elementary School. The school will house students K-5th Grade. The school will be built for a capacity of six hundred fifty (650) students, and will have fifty (50) to sixty (60) employees. The operation of the school will be 7:30 AM - 4:00 PM, similar to other elementary schools in the district, and will generate an approximate three to four hundred (300-400) vehicle trips per day. As with other facilities in the district, extra activities will occasionally take place outside the normal hours. The applicant is also asking to be allowed an "alternative landscape" plan.

The design of the area shows Grandview Drive, an arterial, and Federation Road, a collector, being built to acceptable standards only along the frontage of the school property. The site design of the elementary includes extensive and separate drop off locations for buses and parents.

Per City Code 10-4: Residential Single Household or Duplex District: Public Schools require a special use permit to be legally established.

The requirement for a special use permit for a public school is due to the large impact it has on surrounding properties. Some of those impacts are positive, and some are negative. There are many impacts in both of those categories that cannot be enumerated. For our purposes we will attempt to address the impacts that generally cause complaints from neighboring land owners. The most common complaint involves traffic, with light and noise as smaller contributors.

Traffic: This impact involves multiple types of issues, including but not limited to vehicle traffic, bike safety, and walking safety.

An increase in vehicle traffic is going to occur in the area due to the change in school boundaries and the desire of parents to drop their children off at the school. Although the school site plan shows a generous

**Planning & Zoning Commission Minutes
February 24, 2015**

parent drop off area that can accommodate large volumes of parent vehicles, the applicant anticipates the daily vehicle count between three hundred and four hundred (300-400). As shown on the site plan, the school only plans to develop Federation Road to their exterior property boundary. This will leave the section of Federation Road heading east connecting to the developed residential subdivisions unconstructed.

Since cars will be unable to use Federation Road to access the school from the neighborhoods to the East, traffic will be detoured around via Canyon Rim Road, or Pole Line Road. This could cause some potential traffic issues on other connecting roadways not designed to handle the anticipated three to four hundred (300-400) daily vehicle trips.

Since this location is within and adjacent to approved Plats, those developer(s) would typically be required to construct the roadway at the time of development of these respective plats. Typically roadway construction occurs in phases along with phases of plats. Given the issues listed above, it would be appropriate to place a condition on this special use permit that requires Federation Road to be connected from the current terminus to Grandview Drive prior to the school opening.

No traffic light is currently anticipated at the intersection of Federation Road and Grandview Drive. A light may be warranted in the future.

Pedestrians: The area immediately around the proposed school is not anticipated to be developed prior to the school opening. Similar to the issue with car traffic, pedestrian traffic along Federation Road will have a section that is undeveloped. Students wishing to walk to school from the surrounding neighborhoods to the East will be forced to walk on dirt/grass trails to get to the school grounds. It would be appropriate to place a condition on this special use permit that requires a pathway to connect the portions of finished sidewalk along Federation Road.

Additional Information: During previous public hearings for the Vacation and Plat of this property, it was expressed by the Planning and Zoning Commission, and the City Council that Federation Road should be built to the extent that vehicles and pedestrians could access the school site from the surrounding neighborhoods to the East. During multiple City Council meetings, members of the Council stated that a condition should be in place for the construction of this section of roadway prior to the opening of the school. It was also stated by multiple Council Members that the Special Use Permit would be the most appropriate location for that condition.

Planner I Spendlove stated upon conclusion should the Commission approve the request, 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 an "Alternative Landscape Plan" containing water-wise plants and ground cover being reviewed and approved by the Planning and Zoning Commission, prior to the school receiving their building permit.
3. Subject to Federation Road being constructed to accommodate and convey car traffic between the current terminus and Grandview Drive. Such construction to be reviewed and approved by City Staff, and completed prior to issuance of any Certificate of Occupancy for the School.

**Planning & Zoning Commission Minutes
February 24, 2015**

4. Subject to sidewalk being installed on the north side of Federation Road to accommodate and convey pedestrians between the current terminus and Grandview Drive. Such construction to be reviewed and approved by City Staff, and completed prior to issuance of any Certificate of Occupancy for the School.
5. Subject to a fence being installed along Grandview Drive to prevent parents from being able to drop children off along that side of the road.

PZ Questions/Comments:

- Commissioner Grey asked about the fence and how that would prevent the people from stopping and dropping off children.
- Assistant City Engineer Vitek explained it should just provide a deterrent. The condition is an effort to try and prevent parents from dropping the kids off at the side of the road because the road widens in this area.
- Commissioner Grey asked if a temporary barricade would provide the same deterrent.
- Assistant City Engineer Vitek explained that doesn't meet traffic standards so he would prefer not to put up barricades.

Public Comment: [Opened & Closed Without Comments](#)

Closing Statements:

Brad Wills explained there may be a need for some clarification on the location of the fence and suggested this be included in the landscape review process.

Assistant City Engineer Vitek explained the fence would need to be along Grandview Drive North starting at Federation going north. He has no problem with this being included in the landscaping discussion.

Deliberations Followed:

- Commissioner Boyd explained that this will end up being a 3' chain link fence.
- Assistant City Engineer Vitek explained he doesn't think the convenience in the area would allow for chain link.
- Commissioner Frank asked if the school has an issue with putting up a fence.
- Mr. Wills explained that this has been brought up several times from the City Engineer prior to this meeting so this is not a surprised condition he did ask however that it be considered with the landscaping discussion.

Motion:

Commissioner Grey made a motion to approve the request, as presented, to include staff recommendations 1-4. 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 an "Alternative Landscape Plan" containing water-wise plants and ground cover being reviewed and approved by the Planning and Zoning Commission, prior to the school receiving their building permit.
3. Subject to Federation Road being constructed to accommodate and convey car traffic between the current terminus and Grandview Drive. Such construction to be reviewed and approved by City Staff, and completed prior to issuance of any Certificate of Occupancy for the School.

**Planning & Zoning Commission Minutes
February 24, 2015**

4. Subject to sidewalk being installed on the north side of Federation Road to accommodate and convey pedestrians between the current terminus and Grandview Drive. Such construction to be reviewed and approved by City Staff, and completed prior to issuance of any Certificate of Occupancy for the School.
6. Request for a [Special Use Permit](#) to construct a new middle school with an alternative landscape plan on 37.5 +/- acres of undeveloped land located west of the 1400, 1500 & 1600 Blocks of Harrison Street South (1550 Harrison Street South) c/o Bradford J. Wills on behalf of the Twin Falls School District (app 2708)

Applicant Presentation:

Brad Will, representing the applicant, stated this a request for the South Hills Middle School to be constructed on property located west of the 1400, 1500 & 1600 Blocks of Harrison Street South. He reviewed on the overhead the site design for the school with a larger drop off area and a bus only loop. A sports field was added along with an additional parking area that will be gated off so that use only occurs when necessary. The kids will be coming from different directions and the plan is to have parents use the approach along Harrison Street to access the school. The landscaping will be another item to consider for this request as well but he asked that the Special Use Permit be approved.

PZ Questions/Comments:

- Commissioner Higley asked why the school was placed further north instead of further south on the property.
- Mr. Will explained originally there was an agreement that the School District owed the City 11 acres of parkland. They purchased 40 acres and planned to give the City the 11 acres along 3600 North, building the school along that road would require extensive construction of the road. The City didn't want I so another land exchange took place at another location. The school district decided to retain the property in the event another elementary school is needed in the future.

Staff Analysis:

Planner I Spendlove reviewed the request and stated this property is part of the Golden Eagle Subdivision #4, which was a Conveyance Plat. A new plat has been submitted in order finish the process which would then allow the School to begin construction. This new plat will be Golden Eagle Subdivision #5. Currently staff is reviewing this plat, working with the developer and school district to find solutions to multiple issues that have arisen. It is anticipated that this plat will be scheduled in the near future. No further pertinent zoning history is known at this time.

The applicant has supplied a detailed description of the proposed Public Elementary School. The school will house students 6th – 8th Grade. The school will be built for a capacity of one thousand (1,000) students, and will have seventy (70) to eighty (80) employees. The normal operation hours of the school will be 7:30 AM - 4:00 PM, similar to other middle schools in the district, and will generate an approximate four to five hundred (400-500) vehicle trips per day. As with other facilities in the district, extra activities will occasionally take place outside the normal hours. The athletic fields will have public sporting events but will not have nighttime lighting.

The design of the area shows Harrison Street South being built to collector street standards along the frontage of the school property. The site design includes extensive and separate drop off locations for buses and parents. The applicant is also asking to be allowed an "alternative landscape" plan.

Per City Code 10-4: Residential Medium Density District: Public Schools require a special use permit to be legally established.

**Planning & Zoning Commission Minutes
February 24, 2015**

The requirement for a special use permit for a public school is due to the large impact it has on surrounding properties. Some of those impacts are positive, and some are negative. There are many impacts in both of those categories that cannot be enumerated. For our purposes we will attempt to address the impacts that generally cause complaints from neighboring land owners. The most common complaint involves traffic, with light and noise as smaller contributors.

Traffic: This impact involves multiple types of issues, including but not limited to vehicle traffic, bike safety, and walking safety.

An increase in vehicle traffic is going to occur in the area due to the change in school boundaries and the desire of parents to drop their children off at the school. Although the school site plan shows a generous parent drop off area that can accommodate large volumes of parent vehicles, the applicant anticipates the daily vehicle count to be around four to five hundred (400 - 500).

As shown on the site plan, the school will be building Harrison Street South to collector street standards on their half of the roadway. The main entrances for the bus and parent drop offs will be located on Harrison Street South, which is a collector and is in close proximity to 3600 North aka Hwy 74. Although 3600 North Road is an arterial, it has not been constructed to those standards and has not seen the traffic volume that will be associated with this new use.

Another concern is the back entry located on Southwood Avenue. Staff concern is this area is designated as the "employee and event parking lot" which potentially will be used as an informal/impromptu pick-up/drop off area for parents. It is located on the West side of the school and within a quiet neighborhood. Typically, traffic volumes in this neighborhood would be relatively low without the school being established. It has been witnessed in other locations throughout the city that these types of situations have led to an increase in traffic throughout these neighborhoods. Some parents may be unwilling to drive to the main entrance of the school and instead choose the "path of least resistance" to drop off or pick-up their children at a convenient location away from the heavy trafficked areas. The Commission may wish to consider placing a condition on this permit to require traffic calming measure to be established along the possible back entrance route to this location in order to address the impacts on those neighborhoods.

No traffic light is anticipated at the intersection of Harrison Street South and 3600 North at this time. A light may be warranted in the future.

Pedestrians: The area immediately surrounding this school is somewhat established towards the north and the west. Pedestrians within these areas will have reasonable options for walking to the school. Those areas to the East and South have limited options. Middle Schools have a larger service area and that greater area is not well served with suitable pedestrian pathways to the school. Some of the significant barriers include large roadways such as Washington Street South and 3600 North aka Hwy 74. These deficiencies speak to a more systematic issue that the School District, the City and future developers will need to work collaboratively at solving.

Addition Information: We do not currently have a final plat for this property. A condition should be in place requiring final plat approval, and any associated conditions to be met prior to issuing any building permit.

**Planning & Zoning Commission Minutes
February 24, 2015**

Planner I Spendlove stated should the Commission approve this request as presented; staff recommends approval 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 traffic calming measures being installed along the route to the back entry, by the School District no later than July 1, 2019; such measures to be determined, if any, by the Twin Falls City Traffic Safety Commission.
3. Subject to an "Alternative Landscape Plan" containing water-wise plants and ground cover being reviewed and approved by the Planning and Zoning Commission, prior to the school receiving their building permit.
4. Subject to recordation of the Golden Eagle Subdivision #5 Final Plat and any associated conditions placed upon the plat approval and the special use permit approval being met, prior issuance of a building permit.

Additional Information:

Planner I Spendlove explained the date of July 1, 2019 for condition was chosen to give the school and city staff some time to determine traffic flow and if there are any issues that require calming measures.

PZ Questions/Comments:

- Commissioner Grey asked if there are any traffic studies planned along Washington Street South.
- Assistant City Engineer Vitek explained that is state highway and staff is not aware of any plans for a light or changes to the area.
- Commissioner Munoz asked if there would be a PA System installed for the sports area.
- Brady Dickerson explained yes there will be a PA System for the sports area. There are not any lights on the field so it would be speakers attached to the press box building.
- Zoning & Development Manager Carraway-Johnson explained a Special Use Permit is currently required by code for any outside PA System.
- Commissioner Reid asked if there is a one way in and one way out access to the parking area.
- Mr. Wills explained yes it is for all students and staff. The buses will have their own entrance
- Assistant City Engineer Vitek explained there is also a dedicated right turn lane planned in the design. which will provide an area for deceleration to turn into the school.

Public Comment: [Opened & Closed Without Comments](#)

Discussion Followed:

- Commissioner Woods clarified that the decision regarding the landscaping is still to be determined.
- Commissioner Frank confirmed.
- Commissioner Higley stated he thinks perhaps the Commission could make a recommendation as to a percentage of landscaping they would like to see.

Motion:

Commissioner Woods 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.

**Planning & Zoning Commission Minutes
February 24, 2015**

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 traffic calming measures being installed along the route to the back entry, by the School District no later than July 1, 2019; such measures to be determined, if any, by the Twin Falls City Traffic Safety Commission.
3. Subject to an "Alternative Landscape Plan" containing water-wise plants and ground cover being reviewed and approved by the Planning and Zoning Commission, prior to the school receiving their building permit.
4. Subject to recordation of the Golden Eagle Subdivision #5 Final Plat and any associated conditions placed upon the plat approval and the special use permit approval being met, prior issuance of a building permit.

V. GENERAL PUBLIC INPUT:

- Zoning & Development Manager Carraway-Johnson congratulated the Commissioners on the renewal of their terms.
- Commissioner Woods asked about the approval of the public notice amendment.
- Zoning & Development Manager Carraway-Johnson state the City Council did approve the amendment and the Ordinance is scheduled for approval at the March 2, 2015 City Council meeting.

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

1. Work Session- [March 4, 2015](#)
2. Public Hearing-[March 10, 2015](#)

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 9:22pm.

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
March 10, 2015, 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" Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods
Vice-Chairman

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

**CITY LIMIT
MEMBERS**

<u>Present</u>	<u>Absent</u>
Boyd	Derricott
Frank	
Grey	
Muñoz	
Reid	
Tatum	

AREA OF IMPACT MEMBERS

<u>Present</u>	<u>Absent</u>
Higley	
Woods	

CITY COUNCIL LIAISON(S): Mills Sojka

CITY STAFF: Carraway-Johnson, Knope, Spendlove, Strickland, Vitek, Wonderlich

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff
3. Election of Officers

Nominations:

- Commissioner Munoz nominated Commissioner Frank for Chairman. Commissioner Grey seconded the nomination. All members present voted in favor of the motion.
- Commissioner Tatum nominated Commissioner Grey for Vice-Chairman Commissioner Boyd seconded the nomination. All members present voted in favor of the motion.

Zoning & Development Manager Carraway-Johnson explained that she had a couple of items to discuss prior to moving forward with the agenda. She stated there was an item that was withdrawn by the applicant the same day that it was published in the newspaper so technically it should have been listed on the agenda. The request was from Lytle Signs on behalf of Automotive Performance Solutions to establish an automotive repair business on property located at 2019 Kimberly Road. This item was withdrawn by the applicant and is not on tonight's agenda.

The second item is a request for the reactivation of a Special Use Permit #1239 for property located at 1703 Addison Avenue East, staff is requesting that the Commission make a motion to amend the agenda to add this item.

Planning & Zoning Commission Minutes

March 10, 2015

Motion:

Commissioner Munoz made a motion to amend the agenda to add a request to reactivate Special Use Permit #1239 for property located at 1703 Addison Avenue East. Commissioner Woods seconded the motion.

Unanimously Approved

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **February 24, 2015**
2. Approval of Findings of Fact and Conclusions of Law:
 - TFSD Pillar Falls Elementary (SUP 02-24-15)
 - TFSD Rock Creek Elementary (SUP 02-24-15)
 - TFSD South Hills Middle School (SUP 02-24-15)
 - Sacket Farms (Pre-plat 02-24-15)
 - Sharkey (SUP 02-24-15)

Motion:

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

Unanimously Approved

III. ITEMS OF CONSIDERATION:

- 1. Consideration of the reactivation of Special Use Permit #1239, granted on July 26, 2011, to serve alcohol for consumption on site in conjunction with a restaurant on property located at 1703 Addison Ave E.**

Staff Presentation:

Zoning & Development Manager Carraway-Johnson reviewed the request and stated on July 26, 2011 Special Use Permit #1239 was approved for Michael Dougherty for the purpose of serving alcohol for consumption on site in conjunction with a restaurant for property located at 1703 Addison Avenue East. It was approved subject to two 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, and 2) Subject to compliance with State, County and City alcohol licenses and regulations. The alcohol license was never established. The restaurant has not operated at this site for a several years. Twin Falls City Code 10-13-2.2I states "Special Uses which have not been established within one year of the date of issuance of the special use permit, may be reviewed by the Commission to determine if the facts and circumstances have changed. She explained that the applicant Mrs. Coopersmith came in to the office and spoke to staff about establishing a restaurant at this location and was told a restaurant was an outright permitted use, and there was no discussion of serving alcohol at that time. On Thursday March 5, 2015 staff received an inquiry about whether or not serving alcohol for consumption on premises would be allowed. Upon review it was found that there is no active Special Use Permit to serve alcohol for consumption on premises, however there was a Special Use Permit approved for this use in 2011. As the Special Use Permit was never established it was determined the Commission could reactivate the Special Use Permit if the facts and circumstances have not changed. On March 9, 2015 the City Council approved the applicant's request for a City alcohol license subject to the Planning & Zoning Commission reactivating Special Use Permit #1239 or granting a new Special Use Permit.

Planning & Zoning Commission Minutes

March 10, 2015

Zoning & Development Manager Carraway stated upon conclusion staff recommends the Commission reactivate Special Use Permit #1239, as presented, subject to the original two conditions of approval.

P&Z Questions/Comments:

Commissioner Frank asked if the applicant was available to speak and answer any questions the Commission may have.

Applicant Presentation:

Leslie Coopersmith, 1703 Addison Avenue East, requested a reactivation of the special use permit in order to serve alcohol at her restaurant. She reviewed her policy for serving alcohol and requested that the Commission approve her request.

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

Deliberations Followed: **Without Concerns**

Motion:

Commissioner Woods 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.

2. Consideration of an alternative landscape plan for two (2) new elementary schools c/o Hummel Architects on behalf of the Twin Falls School District

Staff Presentation:

Zoning & Development Manager Carraway-Johnson reviewed the history of the request and explained that on February 24, 2015 the Planning & Zoning Commission held a public hearing to review requests for Special Use Permits for three new elementary schools. Pillar Falls Elementary, Rock Creek Elementary and South Hills Middle School. The Twin Falls School District included a request for consideration of an alternative landscape plan for each new school. Upon review the Commission voted to approve the Special Use Permits for the new schools however the following condition was placed on all permits, subject to an "Alternative Landscape Plan" containing water-wise plants and ground cover being reviewed and approved by the Planning & Zoning Commission, prior to the school receiving their building permit. The schools are being developed in residential zoning districts the code states for development of non-residential uses within a residential district the site requires a minimum of 10% of the total site to be landscaped. The development requirements in 10-11-2A3 states the Commission may approve alternative plans or design to allow innovative landscaping. The Commission is tasked with this decision this evening, there is not definition in the code for alternative or innovative landscaping.

Zoning & Development Manager Carraway-Johnson stated upon conclusion should the Commission find the presentation is an innovative alternative landscape plan they are asked to approve that plan for the two elementary schools.

Applicant Presentation:

- Clint Seivers, Hummel Architect, explained the new schools will be going out for BID this month. They would like to be able to have some resolution for this request prior to the BID packets being assembled and distributed. He reviewed on the overhead Google images of several existing schools and the number of trees and bushes on their properties. There are fewer trees on the existing schools than what is currently required. Some of the reason for that is maintenance and safety. He displayed on the

Planning & Zoning Commission Minutes

March 10, 2015

overhead renderings of the new schools to give the Commission a visual idea of what the schools will look like when constructed.

- Josh Rennicer, explained they have worked with the extension office to determine the types of plants and trees that grow successfully here in the Magic Valley. One goal was to find materials that require less water, smaller amounts of maintenance and provide esthetics. They have plans to use a turf that is 50% more drought tolerant. He then reviewed each of the plant types and trees they have selected for the sites.
- Clint Sievers, reviewed the design of the site and explained they have provided more evergreen shrubs to replace some of the evergreen trees required. They designed originally with the code requirements and then revisited the plans to see what the issues are and tried to address those concerns to allow for some changes in plant materials and locations of the trees and bushes so that maintenance and safety concerns could be addressed. This plan is approximately a 30-35% reduction in trees and have also provide a learning landscape area to use for outdoor teaching. They have also considered placing signage in this area to teach the kids about the different types of vegetation. In summary, the proposed plan provides for more open area, less plant material, the addition of the learning landscape area, and more deciduous trees vs evergreens.

P&Z Questions/Comments:

- Commissioner Munoz asked if the reduction percentage is about the same for both sites.
- Mr. Sievers explained yes.
- Commissioner Frank asked if in order to offset the reduction they have chosen to go with more evergreen shrubs?
- Commissioner Woods asked if there were any studies used to compare the water required for the original plan vs the proposed plan, and if cost were calculated?
- Mr. Sievers explained the water reduction cost is minimal between the two because of the types of plants chosen, as for cost for installation the cost for additional plants would be much more costly than what is being proposed.
- Commissioner Frank asked if there were some other materials considered such as artificial turf that is a little more cost up front but benefits last longer and have lower maintenance.
- Mr. Sievers explained that the cost for the artificial turf type materials is very costly up front so that it is not an option.

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

Deliberations Followed:

- Commission Munoz explained this presentation was much better than the last time and doesn't have many concerns with the proposal.
- Commissioner Higley thinks the proposal is much better this time.
- Commissioner Grey explained the lack of trees along the perimeter is a concern for him and doesn't buy the safety concern and that ultimately it is an attempt to plant less because of cost issues. Any trees that were on the original plan were all eliminated and it's not really an alternative plan it's just a reduction.
- Commissioner Munoz stated he can see both sides to the argument and there has to be a balance and cost was probably the main reason for this and that child safety was probably not as high up on the list, however he thinks it's a good plan.
- Commissioner Frank explained the visual aids were much better and he was happy with the plants and trees being planted closer to the buildings because it breaks up the building visually. He agrees

Planning & Zoning Commission Minutes

March 10, 2015

somewhat with Commissioner Grey but his biggest concern was they had originally removed most of the trees and in this plan they have put some back in closer to the building which breaks things up visually.

- Commissioner Higley stated his concern is the wind and would suggest that they put trees along the northwest perimeter of the property to keep snow from blowing.
- Commissioner Boyd explained she was impressed with the presentation and doesn't have any issues with the proposal.

Motion:

Commissioner Woods made a motion to approve the request, as presented. Commissioner Higley seconded the motion. Commissioners Boyd, Higley, Reid, Tatum, Frank, Woods and Munoz voted in favor of this motion with Commissioner Grey voting against the motion.

Motion Passed 7-1
Approved, as presented

IV. PUBLIC HEARINGS:

1. Request for a **Special Use Permit** to allow for the construction of a 2180 sq. ft. detached accessory building on property located at 4064 Quail Ridge Drive in the City's Area of Impact c/o Peterson Brothers Construction on behalf of Dean Seibel (app.2709)

Applicant Presentation:

Andrew Dipietro, Petersen Brothers Construction, representing the applicant, stated they are requesting a Special Use Permit to build a 2180 sq. ft. detached accessory building. The building will be a four car garage and will be used for personal items only. There will not be any impacts to the surrounding properties and the building will match the exterior of the home.

Staff Analysis:

Planner I Spendlove explained development along the Canyon Rim requires a PUD. The Quail Ridge Estates PUD was executed in 2008 after multiple public hearings. This lot was created with the Quail Ridge Estates Subdivision, also created in 2008. A single family dwelling was constructed on the property in 2009. The Applicant has supplied plans showing a 2180 sf detached accessory building being constructed to the west of the main building. The applicant described the shop for personal property. The location of the shop was originally on a separate lot. The applicant has furnished a new deed listing both lots under common ownership, as well as a deed restriction that prohibits the independent sale of either lot.

Per City Code 10-4-2: Detached accessory buildings within the SUI Zone greater than 1500 sf are required to obtain a Special Use Permit prior to being legally constructed. One building of 2180 square feet, the look of which will complement the main building. Within this existing neighborhood the size proposed is not uncommon.

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

Planning & Zoning Commission Minutes

March 10, 2015

Accessory structures of similar size are common in this area. The design submitted is consistent with the existing house and the developed neighborhood. Staff does not foresee any impacts related to noise, glare, odor, or fumes being overly imposing to 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 construction of the detached accessory building to be consistent with the submitted drawings/elevations, as presented.
3. Subject to no business use or residential occupancy use within this structure.

P&Z Questions/Comments:

- Commissioner Munoz asked about the location of the detached accessory and if it is located in the building in front of the home.
- Planner I Spendlove explained that this has been discussed with the representative about the location of the detached accessory and where it can be place with regards to property line and front yard location.
- Commissioner Grey asked if there were elevations available.
- Mr. DePietro placed the elevations on the overhead for display.

Public Hearing: [Opened & Closed Without Comments](#)

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Grey 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 construction of the detached accessory building to be consistent with the submitted drawings/elevations, as presented.
 3. Subject to no business use or residential occupancy use within this structure.
-
2. Request for a [Special Use Permit](#) to convert a residence to a Professional Office for property located at 510 Lincoln Street [c/o Fran Florence](#) (app. 2710)

Applicant Presentation:

Fran Florence, the applicant, stated he is here to request a Special Use Permit to convert a residential property into a professional office. It has taken some time to come up with a solution for what could be done with this property because of its location. The proposed plan fits in the Comprehensive Plan and a

Planning & Zoning Commission Minutes

March 10, 2015

professional office is permitted with an approved Special Use Permit. They are in the process of cleaning the property up and making alterations to bring the property up to code. The building will house approximately 3 employees, there requirements is for 6 parking spaces and they have designed the plan to accommodate the 6 off street parking spaces. One of the concerns that may come up during this process will be traffic. The amount of activity may decrease once the office is in place, the office will be closed in the evening reducing impacts to the neighbors at night. Typically professional offices make better neighbors because of the hours of operation. He reviewed the traffic pattern for egress and ingress to the property with a plan for visitors to park in front of the building while employees and owners will park to the back of the property. An effort has been made to address both visitor and employee parking.

Staff Analysis:

Planner I Spendlove stated this lot is part of the Randall Subdivision created in 1945. Multiple public hearings were held in 2010 to rezone this property from R-2 to R-2 Professional Office. On September 20, 2010, the City Council approved the rezone to include the PRO Overlay via ordinance #2993. No further zoning history is known at this time.

The Applicant has supplied a narrative detailing the operation of the office building. The home has been gutted and the City has received a building permit to remodel the residence. Staff has not approved the building permit, but we have received it. Currently the upgrades are meeting or exceeding residential requirements as we are aware the applicant is wishing to convert this residence to a professional office. If the Commission grants the request this evening allowing a professional office to operate at this site the building permit shall be amended to commercial standards. The office hours are presented to be 7:00 AM to 7:00 PM with occasional weekend and night meetings, but not beyond 6:00 AM or 9:00 PM. The applicant states traffic impacts will be negligible due to only 3 employees and typically 1 client at a time will be in the office. The applicant does not anticipate any noise, glare, odor, fumes or vibrations associated with this office use.

Per City Code 10-4-4: The R-2, Residential Single Household District only permits Residential Uses and select few other uses.

Per City Code 10-4-18: The Professional Office (PRO) Overlay District may be placed on an R2, R4 or R6 District. This overlay then allows for certain Office Uses to be established only through the Special Use Permit process. As this property is directly adjacent to an existing residential neighborhood the commission may wish to place a condition that approval be subject to the operation of the professional office as presented; no more than 3 employees at any one time. This could help mitigate a different office use operating at this site that may have more traffic impacts than what is being presented with this application.

Per City Code 10-10: The Professional Office parking requirement is one (1) parking space per two hundred fifty (250) square feet. The building is listed at 1410 square feet, which equals six (6) parking spaces. The applicant is showing that number on his site plan.

However, the Commission should evaluate all the impacts associated with parking and traffic impacts that could result from this project and address them accordingly.

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

Office Buildings in close proximity to residential properties can have impacts that need to be mitigated. The most common impact these types of uses incur involve noise, light, and traffic.

The noise and light generally revolve around the coming and going of employees and clients as well as the design of the building. The applicant has stated the project will have a residential design and feel. This could help eliminate some of the light intrusion issues.

Noise and Traffic with office uses revolve around vehicles, employees and clients coming and going at odd hours, and parking issues impacting the residential neighborhood. The type of workers and clients for this establishment will be driving vehicles typically found in neighborhoods, and the hours of operation are not extraordinary. Occasionally, these types of offices outgrow their accommodations and develop parking issues with the surrounding neighborhoods. The commission may wish to evaluate the parking requirements and make adjustments if needed.

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.

P&Z Questions/Comments:

- Commissioner Munoz asked for clarification on the hours of operation. He asked because the impacts to the adjacent property with doors closing and traffic entering and exiting the property.
- Commissioner Frank asked what type of fencing is between this property and the adjacent property.
- Mr. Florence explained there is an existing 6' wood fence.
- Commissioner Tatum asked about clarification on the specification that the request is for a law office.
- Planner I Spendlove explained because this has been specified as a law office a different use would be required to come back through the process for a Special Use Permit.
- Commissioner Higley asked about the landscaping requirements.
- Planner I Spendlove stated the request would have to comply with the required landscaping and this is reviewed at the time the building permit is reviewed.
- Commissioner Reid asked what type of signage would be allowed for this property.
- Zoning & Development Manager Carraway-Johnson explained the signage application has been received and will be reviewed for compliance at the time the commercial building permit is reviewed.

Public Hearing: [Opened](#)

Philip Lutz, 535 Lincoln Street, explained that Lincoln Street is very narrow with the two sided parking allowed along the street. The intersection at Filer Avenue and Lincoln Street is dangerous because of the Starbucks traffic. He appreciates the attempt by the applicant to reduce the issues of the traffic but is concerned with turning the residential properties into professional offices in this area. He asked that this be

Planning & Zoning Commission Minutes

March 10, 2015

considered for the future and asked if there is a need for this type of development when there are a lot of other properties that could be used for this purpose. He is not opposed to the request but does have some concerns.

Public Hearing: [Closed](#)

Closing Statement:

Mr. Florence explained he is aware of the concerns and there is a dilemma with what to do and by making this a professional office it will reduce traffic to the property. The property could be used as a rental which may or may not be maintained, this seemed to be the most appropriate use for the property.

Deliberations Followed:

- Zoning & Development Manager Carraway-Johnson explained that the accesses shown on Filer Avenue and Lincoln Street have not been reviewed fully.
- Commissioner Grey asked if there is a way to make the exit a right turn only egress.
- Commissioner Boyd stated she sees this as the highest and best use of this property. A home that is not managed and is left abandoned is not a better option.
- Commissioner Higley explained this will be an improvement.
- Commissioner Grey explained the PRO-overlay is to provide a buffer between commercial and residential.
- Commissioner Munoz explained that he doesn't see this property as being used for residential with the location along the busy street.
- Commissioner Woods explained he thinks it is a good fit.
- Commissioner Frank explained that he does have empathy for the neighbor however we have several properties that are undergoing this type of transition to a higher use because they don't work as residential properties anymore. This is a special use permit which allow for the use to be addressed with a revocation request if issues arise.

Motion:

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

Chairman Frank called for a 5 minute break

3. Request for a [Special Use Permit](#) to establish a retail vehicle sales lot on property located at 365 Blue Lakes Boulevard North c/o David E Johnson (app. 2711)

Applicant Presentation:

Dave Johnson, the applicant, explained this property was built in 1930 and he has always admired the property. It has been used as wedding/event type center. He decided that once the property went on the market he would purchase the property. The request tonight is to operate a car lot at this location. This is the third move for his business. Their business model is professional office rather than car dealership. He

Planning & Zoning Commission Minutes

March 10, 2015

explained this property will not be shared it will be their own lot and will not have shared access. There is minimal space so it will not be a large car lot. He requested that the conditions suggested by staff be considered closely by the Commission upon approval of this request. He would ask that his request be allowed the same privileges as other car dealerships in the area. The hours of operation are limited 9-5 Monday through Friday and Saturday by appointment only. He thanked the Commission for their service.

Staff Analysis:

Planner I Spendlove stated this property is location along a major corridor Blue Lakes Blvd with residential properties located behind the property.

The Applicant has supplied a narrative detailing the operation of his particular car sales business. The applicant wishes to distinguish his business model from traditional new and used car sales lots. His narrative details an operation where minimal vehicle inventory is held on the property.

Due to State law, 5 dedicated spaces are required to be available for car sales in order to acquire the state dealership license. The applicant has stated they have no intention to increase from that required retail sales number. Other than the dedicated spaces per state law, the normal operation of the business includes an “ebb and flow” as vehicles arrive to be delivered to their new owners. For this reason the applicant has sought a new location that has additional parking space for these operations, client and employee parking.

An additional element to this business model includes trade of Recreational Vehicles on occasion. Although this is a small element of this business, it will be treated in the same way as the Automobiles described by the applicant.

The applicant states their hours of operation to be Monday – Friday 9 AM to 5 PM, with appointment only times in the evenings and Saturdays. The business currently has 8 full time and 4 part time employees. The applicant does not believe an increase in noise, glare, odor, fumes or vibrations will occur.

Per City Code 10-4-8: The C-1 Commercial Highway Zoning District requires automobile and truck sales and/or rentals businesses to acquire a Special Use Permit prior to being legally established.

During the Special Use permit process the Commission should look at all impacts the proposed land use will incur on the surrounding area.

Per City Code 10-10: The Professional Office parking requirement is one (1) parking space per five hundred (500) square feet of the associated structure. The building is listed at approximately 4000 square feet, which equals eight (8) parking spaces. The applicants’ site plan shows that number being far exceeded. However, the commission may wish to evaluate the land use described by the applicant for any parking issues that could cause impacts to the area and address those appropriately. In addition, a dedicated screened area for parking vehicles waiting to be delivered to new owners would also help mitigate the “ebb and flow” of vehicles waiting for transport or new owners.

Per City Code 10-11-1 thru 8: Required improvements include streets, water and sewer, drainage and storm water. These required improvements would be evaluated and all applicable code requirements will be

Planning & Zoning Commission Minutes

March 10, 2015

enforced at the time of building permit submittal. However, we do not anticipate a building permit being submitted for this project. As a result, the commission may wish to evaluate this project for any improvements it feels are necessary to mitigate any impacts that could occur.

Retail Vehicle Sales lots can have significant impacts on neighboring properties. However, some consideration should be taken for this special business model. Staff has not received complaints regarding their operations at their current business location. It could be beneficial to review the conditions placed on that location for reference in determining potential conditions. Staff feels those conditions have served this business model well in previous locations and provide some reasonable impact mitigation to neighboring properties.

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. Limited to a maximum of ten (10) vehicles displayed on the property at any one time.
3. Subject to limiting displayed vehicles to a maximum of five (5) days.
4. Subject to a screened parking area being provided for vehicles that are in transition between owners.
5. Subject to no signage on vehicles, balloons, streamers or any other visible marketing materials used to advertise the sale of vehicles.
6. Subject to this Special Use Permit limited to Freedom Auto Finders operating as presented.

P&Z Questions/Comments:

- Commissioner Grey asked where on the property a screened area would be placed.
- Zoning & Development Manager Carraway-Johnson explained this would be a plan for future issues and the conditions are only a suggestion by staff.
- Commissioner Woods asked how the cars that are transported on large trucks would be unloaded at the property.
- Mr. Johnson explained the trucks would be met at another location and then driven to the site.
- Commissioner Woods asked about how cars would be displayed on the frontage.
- Mr. Johnson explained they would like some flexibility in displaying the cars however they would not be placed in the landscaped area.
- Commissioner Munoz asked about traffic coming into the property if there are cars displayed along the front of the property.
- Mr. Johnson explained the cars would be parked facing Blue Lakes Boulevard and traffic would be accommodated.
- Commissioner Frank asked for clarification on the conditions recommended.
- Zoning & Development Manager Carraway-Johnson explained that staff report and conditions were based on the business plan and the narrative presented by the applicant. He has also been told that he could come back through for amendments if the conditions area approved, as presented this evening.
- Commissioner Reid asked if the applicant was ok with the conditions recommended by staff.
- Mr. Johnson explained that he thinks he mistakenly lead the staff down this path but would like to be able to operate as any other car dealership because he doesn't want to devalue the Special Use Permit.

Planning & Zoning Commission Minutes

March 10, 2015

- Commissioner Woods asked about the landscaping plans for the property and if there are any plans to remove the back yard area.
- Mr. Johnson explained that this area will be used for employees if there was a need to expand he would remove the garage.
- Commissioner Wood explained he would hate to see cars parked in the back yard area.

Public Hearing: Opened & Closed Without Comments

Jim Paxton, explained he is the applicant's landlord at his current location and he has not had any problems with him as a tenant or with how his business is operated. He is in support of the request.

Closing Statement:

Mr. Johnson asked for reconsideration of the staff recommendations and would like the same allowances as the other car dealerships in this area.

Deliberations Followed:

- Commissioner Munoz explained that the only consideration that may be a concern is that it abuts residential property. However he is aware of the applicants current business location and has not had or seen any issues. He can see how the restrictions for signage and balloons and streamers could become an issue if they want to display vehicles for a special event. He doesn't see the residential property changing any time soon, but he doesn't see a need for a screened area.
- Commissioner Higley explained he thinks the screening would be a hindrance more than a benefit and the five day limitation for display is too restrictive.
- Commissioner Frank explained he thinks there are a few of the conditions that could be eliminated, and he thinks this is a much better use of this property. He just wants to ensure that if the garage is removed that there would be no vehicles past the concrete of the garage.
- Commissioner Reid would recommend that the landscaping be maintained as it is.

Motion:

Commission Grey made a motion to approve the request, as presented, with staff recommendations 1, 2 & 6 and condition 3 amended to state: Subject to maintaining the landscape buffer behind the building with no additional parking to the rear of the existing building. Commissioner Reid seconded the motion. All members present voted in favor of the motion.

Approved, As Presented, With The Following Amended Conditions

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
 2. Limited to a maximum of ten (10) vehicles displayed on the property at any one time.
 3. Subject to maintaining the landscape buffer behind the building with no additional parking to the rear of the existing building.
 4. Subject to this Special Use Permit limited to Freedom Auto Finders operating as presented.
-
4. Request for a **Special Use Permit** to operate a public indoor recreation facility on property located at 2338 & 2340 Eldridge Ave c/o Kristin Clepper (app. 2712)

Planning & Zoning Commission Minutes

March 10, 2015

Applicant Presentation:

Kristin Clepper, the applicant, explained she is here to request a Special Use Permit for a cross fit business and when searching for a location they went into the building where Planet Cheer was located which was similar to their use and so they moved in, not knowing a Special Use Permit was required.

Staff Analysis:

The location is Lot 9 of the Eastland Industrial Park Subdivision. This subdivision went through the public hearing process during 2002 and was recorded in September of that year. The building housing the proposed indoor recreation facility was constructed in 2006 as a shell warehouse building. Separate uses later came in for building permits for individual sections of the building.

Recently staff became aware of an indoor recreation facility operating at this location. During our investigation it was found that this business had moved into a previously rented space that was similar to their business. Unknown to the applicant, the previous tenant had not received the proper building or zoning permits to operate. The applicant has been most cooperative in pursuing the proper building and zoning permits to operate legally in this location.

The Applicant has supplied a narrative detailing the operation of this particular business. The applicant provides personal training to groups of classes ranging from 2 and 15 people. The hours of operation range from 5am – 7pm, and they employ 8 people. The applicant does not believe they will have a negative impact on neighboring properties or uses.

Per City Code 10-4-10: The M-2 Heavy Manufacturing Zoning District requires indoor recreation businesses to acquire a Special Use Permit prior to being legally established.

During the Special Use permit process the Commission should look at all impacts the proposed land use will incur on the surrounding area.

Per City Code 10-10: The parking requirement for Health Clubs or Exercise Gyms is one (1) parking space per two hundred fifty (250) square feet of exercise area. The leased space is approximately 4800 square feet. The actual exercise area is approximately 2500 square feet, which amounts to 10 required parking spaces. This business is located on a lot that provides a cross use agreement amongst the renters. Staff has received no complaints in regards to parking in this area and we believe the overall parking requirement for the entire property is being met.

This business offers a cross fit type gym that requires large open spaces to accommodate the type of exercise they advertise. Staff does not feel there will be significant impacts on neighboring properties that require mitigating measures due to the limited hours, type of operation, and existing surrounding land uses.

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.

Planning & Zoning Commission Minutes

March 10, 2015

P&Z Questions/Comments:

- Commissioner Munoz explained this should be an outright permitted use based on his interpretation of the code and the definition of indoor recreation facility. He understands in the past that this use has been brought through for a Special Use Permit but he asked if there needs to be a reevaluation of the code. Athletic areas and sports facilities area outright permitted, so he is not sure how this became a public hearing.
- Zoning & Development Manager Carraway-Johnson explained that staff is aware that the code has inconsistencies in definitions and historically what has been brought through the Special Use Permit process. At this time indoor recreation facility covers any type of indoor activity that can impact the surrounding area, this is a very good example that needs to be reevaluated for impacts.

Public Hearing: Opened & Closed Without Comments

Ron Aguirre, stated he is here to support the request. The cross-fit is more Olympic Weight lifting and yelling, this is the perfect location for this request.

Deliberations Followed:

- Commissioner Munoz explained noise impacts for this use compared to other outright permitted uses in this zone it do not compare.
- Commissioner Woods stated with the business sharing a space with other businesses the Special Use Permit was probably the best approach to address this use.

Motion:

Commissioner Tatum 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 site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
5. Request to **Vacate** a platted 15' x 300' (+/-) sanitary sewer easement to allow for an addition to the Canyon Ridge High School on property located at 300 North College Road c/o Hummell Architects & EHM Engineers, Inc. on behalf of Twin Falls School District #411 (app. 2713)

Applicant Presentation:

David Thibault, EHM Engineers, Inc., representing the applicant stated the request is to vacate an existing sewer easement. He showed on the overhead how the current sewer is designed on the property and there is a need for an addition to the school. In order to accommodate the addition they need to vacate this platted sewer easement.

Staff Analysis:

Planner I Spendlove reviewed the request on the overhead and stated in 2006-2007, multiple public hearings took place to Annex, Re-Zone, and establish a PUD on the property where Canyon Ridge High School currently stands. Shortly thereafter a building permit was issued and construction took place from 2007 – 2010.

This is a request to vacate a sanitary sewer easement located in Riverhawk Subdivision Lot 2. The easement was placed during the platting process as part of the sewer system design for the High School. The sewer line within the easement is in use. The Twin Falls School District is proposing an addition to the existing Canyon

Planning & Zoning Commission Minutes

March 10, 2015

Ridge High School. The addition is directly over this easement. This line will need to be re-routed and a new easement granted.

Staff believes the rerouting of the line is possible, however, we have not received a justifiable plan set that shows how the re-route will work. It is critical to have an approvable plan set for the re-route, and an associated easement recorded prior to finishing vacation process for the current location of the sewer.

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, 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 approvable plan set being provided to City Staff **prior** to being scheduled for City Council Public Hearing.
3. Subject to the new sanitary sewer easement being dedicated and recorded **prior** to publishing the ordinance for vacation of the existing easement.

P&Z Questions/Comments:

- Commissioner Frank asked for clarification on how the design is approved.
- Assistant City Engineer Vitek explained staff will verify that the proposed change meets the requirements in order for the project to move forward.

Public Hearing: Opened & Closed Without Comments

Motion:

Commissioner Boyd made a motion to recommend approve of the request, as presented, with staff recommendations to the City Council. Commissioner Higley 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 approvable plan set being provided to City Staff **prior** to being scheduled for City Council Public Hearing.
3. Subject to the new sanitary sewer easement being dedicated and recorded **prior** to publishing the ordinance for vacation of the existing easement.

V. GENERAL PUBLIC INPUT:

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

Zoning & Development Manager Carraway-Johnson stated Hummel Architect was chosen for the Banner Building remodel. She also explained that staff is working with Logan Simpson Design on the final details of the scope of services with a plan to get this information to City Council by March 30, 2015.

**Planning & Zoning Commission Minutes
March 10, 2015**

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

1. Public Hearing- **(Special Meeting) March 31, 2015**
2. Work Session- **April 1, 2015**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 8:50 pm.

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
April 14, 2015 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" Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods
Vice-Chairman

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

Present Absent

Boyd
Derricott
Frank
Grey
Muñoz
Reid
Tatum

AREA OF IMPACT MEMBERS

Present Absent

Woods Higley

CITY COUNCIL LIAISON(S):

CITY STAFF: Carraway-Johnson, Strickland, 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.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): 03-04-15 WS. 03-10-15 PH, 03-31-15 PH, 04-01-15 WS
2. Approval of Findings of Fact and Conclusions of Law:
 - Hoggarth Auto Sales (SUP 03-31-15)

Motion:

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

[Unanimously Approved](#)

Chairman Frank asked if any changes need to be made to the Agenda.

Zoning & Development Manager Carraway explained that staff has drafted a letter of support on behalf of the Commission at their request. In order for action to be taken on this item it needs to be added to the agenda.

Motion to Amend Agenda:

Commissioner Boyd made a motion to amend the agenda, as presented by staff. Commissioner Munoz seconded the motion.

[Unanimously Approved](#)

III. ITEMS OF CONSIDERATION: AMENDED

Planning & Zoning Commission Minutes

April 14, 2015

1. Consideration of approval of a **Letter of Support** by the Commission to encourage and support walking paths developed in close proximity to public schools on behalf of Melody Bowyer.

Zoning & Development Manager Carraway-Johnson explained the request and asked for a motion to approve the letter.

Motion:

Commissioner Woods made a motion to approve the letter of support, as presented. Commissioner Boyd seconded the motion.

Unanimously Approved

Motion:

Commissioner Grey made a motion to have staff draft an additional letter in support of walking paths with larger developments. Commissioner Munoz seconded the motion.

Unanimously Approved

2. Consideration of an **Alternative Landscape Plan** for the new South Hills Middle School c/o Casey Huse, AIA/LCA Architects, P.A. on behalf of the Twin Falls School District. (app 2708)

Staff Presentation:

Zoning & Development Manager Carraway-Johnson stated on February 24, 2015 the Commission held a public hearing to consider requests for a special use permit for three (3) new public schools. Those schools are Pillar Falls Elementary located east of the intersection of Stadium Blvd and Hankins Road North, Rock Creek Elementary located at the north east corner of Federation Road, extended, and Grandview Drive North and South Hills Middle School located on the west side of the 1500 block of Harrison Street South. The Twin Falls School District included a request for consideration of an alternative landscape plan for each of the new schools. Upon conclusion of the public hearing and discussion the Commission voted to approve the special use permits for the new schools however they placed the following condition on all three (3) schools:

3. *Subject to an "Alternative Landscape Plan" containing water-wise plants and ground cover being reviewed and approved by the Planning and Zoning Commission, prior to the school receiving their building permit.*

The schools are being developed in residential zoned districts. The code states for development of nonresidential uses within a residential district the site requires a minimum of 10% of the total site be landscaped. The development standards (10-11-2) states the minimum ratios for required trees and bushes of 1 tree per 500 sf and 1 bush per 100 sf of required landscaped area with 50% of them being evergreen. The city currently does not have guidelines established for standards or materials of ground cover.

Section 10-11-2(A)3 states "The commission may approve alternative plans or designs to allow innovative landscaping." The Commission is tasked with a decision on this presentation. There is no definition in the code for alternative or innovative landscaping.

On March 10, 2015 a presentation of an alternative landscape plan was presented to the commission for the two (2) new elementary schools. The plans were approved as presented.

Planning & Zoning Commission Minutes

April 14, 2015

If the Commission feels the presentation meets the code as an “**innovative alternative landscape plan**” they are asked to approve the plan for the new South Hills Middle School, as presented.

Applicant Presentation:

- Scott Hansen, LCA Architects of Boise, displayed on the overhead the proposed alternative landscape design and explained the purpose for the request. He stated that the primary reasons for the alternative landscape proposal was due to safety, maintenance/cost, plant locations, to increase open areas and to increase density at street. He reviewed the site plan for the landscaping and then had a member from Breckon Landdesign review the plant choices.
- Josh Rennicer, Breckon Landdesign, reviewed the design approach and stated they worked with the University of Idaho Horticulture Department to find plants that would do well in the area and require low maintenance. The same plant materials are being used on the elementary schools with a few additional plant types which he reviewed on the overhead.

PZ Questions/Comments:

- Commissioner Woods asked about the low water grass and trees and shrubs, how is the watering going to be managed.
- Mr. Rennicer stated that they will meet with the school district so that water usage will be managed with timers and location specific water such as drip irrigation to ensure water conservation occurs correctly.
- Commissioner Derricott asked if the rendering shown in the packet is the same as the site plan.
- Mr. Hansen explained that the rendering was used to give a visual of what the campus might look like once the trees have grown. The site plan is specific to location and layout of the landscaping.
- Commissioner Wood asked about child tolerant types of plants or trees.
- Mr. Rennicer stated the selection of plants was based on low maintenance and hardiness.

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

Deliberation Followed:

Commissioner Munoz explained the presentation provided a clear idea of what the site will look like once it has developed, which helped tremendously.

Commissioner Grey explained that the reduction in landscaping has taken away from the park like feel and to reduce this he still thinks it's a mistake. He did think the presentation was done well however it is unfortunate that the feeling he gets is if a tree or plant dies the ideas it that is one less thing to manage. He thinks this discussion would have been better if there was a better definition of alternative landscaping in the code.

Commissioner Munoz explained that there are not many parks in the area that have this much landscaping so he thinks that it will be sufficient. He explained that he agrees the school do become like a park for the area and landscaping does enhance the area.

Motion:

Commissioner Woods made a motion to approve the request, as presented in the site plan, Commissioner Reid seconded the motion. Commissioners Boyd, Derricott, Munoz, Reid, Frank, Woods and Tatum voted in favor of the motion and Commissioner Grey voted against the motion.

**Planning & Zoning Commission Minutes
April 14, 2015**

**Motion passed 7-1
Approved, As Presented, In the Site Plan**

IV. PUBLIC HEARINGS: NONE

V. GENERAL PUBLIC INPUT: NONE

VI. ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION: NONE

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

1. Public Hearing- **April 28, 2015**
2. Work Session- **May 6, 2015**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 06:52 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
April 28, 2015 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" Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods
Vice-Chairman

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

Present Absent

Boyd
Derricott
Frank
Grey
Muñoz
Reid
Tatum

AREA OF IMPACT MEMBERS

Present Absent

Higley
Woods

CITY COUNCIL LIAISON(S): Mills Sojka

CITY STAFF: Carraway-Johnson, 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.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following public meeting(s): **April 14, 2015**
2. Approval of Findings of Fact and Conclusions of Law: **NONE**

Motion:

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

Unanimously Approved

III. ITEMS OF CONSIDERATION: **NONE**

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to establish a retail business to include repackaging of products, wholesale distribution and warehousing on property located at 510 2nd Ave South. c/o Petersen Brothers Construction on behalf of Eagle Financial, LLC and Plant Therapy (app. 2720)

Applicant Presentation:

Andrew DiPietro, Petersen Brothers Construction, representing the applicant stated he is here to request a Special Use Permit for a retail business that will include repackaging, warehousing and wholesale distribution. Approval of this will accommodate a thriving local business and allow them to grow and contribute to the local economy. The plans also include the construction a 8,250 sq. ft. building on the

Planning & Zoning Commission Minutes

April 28, 2015

property located at 510 2nd Avenue South. They believe that bring this unique business to this area will greatly help the evolving area of downtown Twin Falls.

Staff Analysis:

Planner I Spendlove presented the staff analysis and Latham Motors vacated the premises in the early 2000's. Since that time, these lots have been vacant. No further pertinent zoning history is known at this time. The site is zoned CB and M-1 and is approximately 2 acres with several existing buildings totaling approximately 30,000 sf. The narrative describes this business as being an established retail business selling aromatherapy products. The business is primarily a wholesale distribution business purchasing the products in large volumes, warehousing and later repackaging for shipment. The applicant's narrative describes their business as primarily a wholesale distribution business for online customers. They currently have 30 employees, with the anticipation of adding more as business grows. They plan on building an additional 8,250 sf warehouse, as shown on their site plan. The business operations will be from 7:00 AM to 10:00 PM. They expect one semi-tractor trailer delivery per week and courier service (UPS, FedEx) two times a day. The applicant does not feel any excessive noise, glare, odors, fumes, or vibrations to cause a hardship on neighboring properties.

The location is the old Latham Dealership, 510 2nd Ave S. This property included an entire block of the Twin Falls Townsite. A portion was sold to a business a few years ago with the remaining property under 2 parcels. If the special use permit is granted the property owner should combine the 2 parcels into 1 warranty deed. This property was developed for the purpose of displaying vehicles for sale and the day to day operations of an automobile dealership. The attached photos of the site show the current state of the buildings and the adjacent vacant parking lot. The site is currently void of any living landscaping. The applicant has shown some areas that will be landscaped along 2nd Ave.

Per City Code 10-4-7 and 10-4-10: The property has split zoning of CB and M-1. The CB zone requires wholesale distribution and warehousing operations to obtain a Special Use Permit prior to being legally established.

The typical impacts from warehousing operations typically include noise and increased traffic from truck deliveries.

An increase in traffic will occur around this property. Any property that was previously vacant will see an increase when a new business starts operations. However, this location is located on 2nd Ave South, which is designated a State Highway, and is adequate to handle the anticipated increase in traffic that may occur.

The increase in noise will be attributed to the day to day operations of warehouse type activities. Particularly, the noise from equipment and vehicle operation used to move products and materials in and around the warehouse buildings. This site is quite large, and the new warehouse building is proposed on the eastern side of the property away from the current residential complex.

Per City Code 10-10: The parking requirement for the office space is one (1) space for each two hundred fifty (250) feet of floor area. The requirement for the warehouse is tied to the maximum number of

**Planning & Zoning Commission Minutes
April 28, 2015**

employees per shift. It is safe to assume the overall parking requirement for this business will be satisfied. An official review will take place at the time of building permit submittal. The commission should review the proposed plan and address any additional parking needs it considers necessary.

Per City Code 10-11-1 thru 9: Required improvements for this site will include maintaining the parking lot asphalt. Landscaping requirements include 5% of the required parking area. Other improvements include drainage, access, screening and sanitation facilities.

The lot is currently developed with several buildings and has an asphalt surface with some light poles. The landscaping is tied to the parking requirement, the amount the applicant has supplied will be officially reviewed at the time of building permit submittal. The Commission may wish to require additional landscaping to enhance the area. Drainage is an item the applicant will need to work with the Engineering Department to satisfy their requirements for the area. Additional improvements will be required along Minidoka Ave. The sidewalk along that street section is missing. A separate condition should be placed on this permit requiring that section of sidewalk to be installed per current codes and standards.

Staff does not foresee a significant increase in negative impacts to the surrounding properties with the establishment of this business as presented.

Planner I Spendlove stated upon conclusion should the Commission approve 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 compliance with storm water retention requirements.
3. Subject to placement of a trash receptacle enclosure in compliance with 10-11-6.
4. Subject to the sidewalk being installed along Minidoka Ave frontage prior to occupancy or within 6 months from the date of special use permit approval.
5. Subject to the property being combined under one warranty deed with deed restriction to remain under one owner.

PZ Questions/Comments:

- Commissioner Grey asked for clarification on the overhead of what lots the deed would include.
- Commissioner Frank asked if there are aware of the staff recommendations.
- Mr. DiPietro explained that he has read and is aware of the staff recommendations.
- Commissioner Frank explained he is specifically referring to storm water retention.
- Assistant City Engineer Vitek explained that the site is already paved the storm water retention has already been accounted for, so unless they are going to change the existing paving substantially retention should not be an issue.

Public Hearing: [Opened & Closed Without Comments](#)

Deliberations Followed: [Without Concerns](#)

**Planning & Zoning Commission Minutes
April 28, 2015**

Motion:

Commissioner Woods made a motion to approve the request, as presented, with staff recommendations. Commissioner Reid 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 compliance with storm water retention requirements.
 3. Subject to placement of a trash receptacle enclosure in compliance with 10-11-6.
 4. Subject to the sidewalk being installed along Minidoka Ave frontage prior to occupancy or within 6 months from the date of special use permit approval.
 5. Subject to the property being combined under one warranty deed with deed restriction to remain under one owner.
2. Request for a Zoning Title Amendment amending Title 10, Chapter 12: Section 2.5 (B)-regarding the timing for required improvements for Conveyance Plats as determined by City Council. c/o Bradford J Wills (app. 2719)

Applicant Presentation:

Brad Wills, explained that he is here this evening to request an amendment for conveyance plats. The City was trying to allow properties to be split and ensure development of improvements would occur at once. The proposed change is that the City Council may require all abutting streets and utilities to be installed and accepted by the City at the time of the building permitting and or development stage whichever comes first.

Staff Analysis:

Planner I Spendlove presented the staff analysis and state 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 2007, Ordinance #2901 was passed that amended the definition of "Subdivision" within City Code. This ordinance also created the "Conveyance Plat" and associated process within Title 10 Chapter 12 Section 2. This request was initiated by the applicant in order to address an issue with the timing of implementation of required improvements associated with Conveyance Plats. The amendment proposes two main changes. 1) the removal of language that limits land development within the Conveyance Plats.

- 2) to replace obligatory language with an optional waiver by City Council decision for street and utility improvements.

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. As this change could affect properties within the Area of Impact this request will require a public hearing before the Board of County Commissioners.

Planning & Zoning Commission Minutes

April 28, 2015

PZ Questions/Comments:

- City Attorney Wonderlich, explained that the current code was developed so that when a larger acreage was developed improvements would be completed by the developer to include the acre that had been excluded so that roads would not bottle neck at corners and curb, gutter and sidewalks would be installed. The person that develops has to develop all of the infrastructure with the way the code is currently written. A parcel located at the SE corner of Sunway Drive North and North College Road has been used as an example. These parcels are owned by the Twin Falls School District and the City of Twin Falls. If at any time the City of Twin Falls wants to build a bathroom in the park at this location it would trigger all of the improvements to be completed by the City. If the school wanted to build it would trigger all the improvements to be completed by the School; this being the case neither entity would be able to develop. In this instance it would mean North College Road, Sunway Drive North, Falls Avenue West and Creekside would all have to be built, which would not be feasible for either party. The proposed change would allow the City Council to review cases like this and make a determination on what portion of the infrastructure would need to be completed. Before the ordinance people could leave out the property at the corner, the City would not get right-of-way the corner would not get developed and it would leave a huge bottle neck at the intersection.
- Assistant City Engineer Vitek explained that there is a property at the corner of Harrison Street and Orchard Drive that was left out of the platting process so when the 70(+/-) acres gets developed south of this property this is going to be an intersection that won't get developed. With the current ordinance if this property had come through as a conveyance plat process this corner would have to be improved at the time the 70 (+/-) acre plat was developed but because it did not this intersection is going to be an issue when the 70 (+/-) acres gets developed.

Public Hearing: Opened & Closed Without Comments

Deliberations Followed:

- Commissioner Frank has concerns with discretionary, it is not in the City's best interest to have partial completion of roads, curbs, gutters and sidewalk. He has concerns that this will allow things like this to occur in the future.
- Commissioner Higley explained that his is not fond of it being discretionary but the current requirements make property impossible to develop; it could be handled with feasibility studies.
- Commissioner Grey asked about Federation Way development along the south side of where the new elementary school is going to be constructed.
- City Attorney Wonderlich explained that was a re-subdivision of an existing plat not a conveyance plat.

Motion:

Commissioner Woods made a motion to recommend approval of this request to the City Council, as presented. Commissioner Tatum seconded the motion. All members present voted in favor of the motion.

Recommended Approval of This Request to the City Council, As Presented

City Council Public Hearing Tuesday, May 26, 2015

V. GENERAL PUBLIC INPUT: NONE

Planning & Zoning Commission Minutes

April 28, 2015

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

- Planner I Spendlove showed on the overhead a photo of the signs posted on the property for item IV-1 on tonight's agenda. He explained this was the first public hearing item scheduled since the public notice ordinance change, he was required to post 6 signs on the property and notice had to go auto 1000' from the property line.
- Council Liaison Mills Sojka explained that there was one person in the audience that received notice of this request that showed up to see what was going on with the property. He would not have received a letter with the previous notice requirements.
- Commissioner Woods stated that he has had some issues with the landscaping requirements for a desert area. He is working on gathering some information with regards to how this can be addressed in the code and plans to work with some people that are knowledgeable of the types of plants that can be used. We have a shortage of water and then trees and shrubs are required which is not realistic for water conservation.
- Zoning & Development Manager Carraway-Johnson explained that staff always recommends drought tolerant plants and grass is not required for ground cover.

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

1. Work Session-[May 6, 2015](#)
2. Public Hearing-[May 12, 2015](#)

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 6:45 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
May 12, 2015 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" Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods
Vice-Chairman

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

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

AREA OF IMPACT MEMBERS

<u>Present</u>	<u>Absent</u>
Woods	Higley

CITY COUNCIL LIAISON(S): None

CITY STAFF: Carraway-Johnson, 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.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following public meeting(s): **April 28, 2015 PH, May 6, 2015 WS**
2. Approval of Findings of Fact and Conclusions of Law:
 - Eagle Financial-Plant Therapy (SUP 04-28-15)

III. ITEMS OF CONSIDERATION:

1. Consideration of a **Recommendation** to the City Council regarding a proposed Amendment to Urban Renewal Plan #4 that creates Revenue Allocation Area #4-4. c/o Melinda Anderson/Economic Development Director for the City of Twin Falls. (app 2725)

Applicant Presentation:

Melinda Anderson, Economic Development Director, explained that the Urban Renewal Agency in October 2013 signed a development agreement with Clif Bar. Clif Bar is going to build a 270,000 sq. ft. building starting with approximately 200 employees. This is the step in the process that assist them in constructing their infrastructure for the project. The Urban Renewal Agency is asking for the Commission's recommendation to the City Council to expand their allocation area and which will create Revenue Allocation Area #4-4 for the Clif Bar Bakery. This request will be scheduled in front of the City Council on June 1, 2015. One of the big reasons to create this area is so that the URA can bond for the improvements. To acquire the \$22 million necessary for the infrastructure an allocation area can be created for 20 years. The property taxes assessed for Clif Bar over the next 20 years will be used to pay back the cost for the infrastructure.

Staff Presentation:

Zoning & Development Manager Carraway-Johnson explained this is not a land use zoning issue however state statute requires that the Commission review the request for compliance with the Comprehensive Plan

**Planning & Zoning Commission Minutes
May 12, 2015**

and Zoning Designation. She reviewed on the overhead the zoning map with the location of this property. The Planning and Zoning Commission's role is to review this project based on its conformance with the Comprehensive Plan for the City. The Comprehensive Plan Map designates this area as industrial development, and this request is appropriate. Industrial land uses include warehousing, food processing, general manufacturing and industrial business parks. The types of land uses are appropriate along highway corridors and railroad lines which is within the scope of Clif Bar.

The property is located adjacent to 3300 Road East and the railroad. The current zoning on and around the property is M-2. Therefore, the attached plan is appropriate for the property and does conform to the City's Comprehensive Plan as well as to existing zoning standards on the property.

Zoning & Development Manager Carraway-Johnson stated upon conclusion as the proposed use of this area is in conformance with the City's Comprehensive Plan and applicable zoning regulations, staff recommends that the Commission recommend approval of this request to adopt the attached urban renewal plan for revenue allocation area #4-4.

PZ Questions/Comments:

- Commissioner Woods asked about notification to property owners within this area and if they live in Kimberly would they be notified.
- Zoning & Development Manager Carraway-Johnson explained that the notification process requires that all property owners within the specified distance from the property be notified of public hearing requests. Recent the code was changed to expand the specified distance to 1000 feet for industrial zoned properties, so if someone is within that specific location they will receive notice regardless of whether or not they live in Kimberly.
- Commissioner Munoz clarified that the motion is to recommend the request for approval based on the fact that it is in conformance with the Comprehensive Plan and the existing Zoning.
- Zoning & Development Manager Carraway-Johnson confirmed that is correct.
- Commissioner Frank asked if staff was aware of approximately how long this area has been zoned industrial.
- Zoning & Development Manager Carraway-Johnson stated it has been zoned industrial for a minimum of 30 years.

Public Hearing: [Opened](#)

City Attorney Wonderlich explained that this is not a zoning issue, the request is being considered to confirm that it is in conformance with the Comprehensive Plan and Zoning District Map. There are Findings of Fact and Conclusions that have been prepared and they will need to be signed prior to the hearing in front of the City Council on June 1, 2015.

Public Hearing: [Closed](#)

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Woods made a motion to recommend the request for approval to the City Council, as presented. Commissioner Reid seconded the motion. All members present voted in favor of the motion.

**[Recommended Approval, As Presented, to City Council](#)
[City Council Public Hearing Scheduled for June 1, 2015](#)**

**Planning & Zoning Commission Minutes
May 12, 2015**

IV. PUBLIC HEARINGS:

1. Request for a **Special Use Permit** to construct a 2800 sq. ft. detached accessory building on property located at 983 Kenyon Road within the Area of Impact. c/o Calvin R. Lamborn (app. 2723)

Applicant Presentation:

Calvin Lamborn, the applicant, stated he is here to request a special use permit to construct a 2800 sq. ft. accessory building. He is a farmer and has been growing beans for 47 years, he has developed a crop to make a profitable business and he would like to move his production out of his wife's kitchen and several out buildings to this new building. He explained to the Commission the history of his business and the process for germinating and producing special types of peas. He showed on the overhead samples of what the building would look like and asked that the Commission approve his request.

Staff Presentation:

Zoning & Development Manager Carraway-Johnson stated the request is to build a 2800 sq. ft. detached accessory on his property. The property is approximately 3 acres is zoned R-4 and is located at 983 Kenyon Road within the City's Area of Impact. The applicant has described his request and that the primary use is for the farm equipment, storage and a work area, however the property is less than 20 acres and therefore does not qualify as a farm and would be classified as a residence. The R-4 zone requires a Special Use Permit to build a detached accessory building over 1,000 sq. ft. The building elevations were displayed on the overhead is showed paving around the perimeter of the building as well as landscaping. The code would require paving from the overhead door to Kenyon Road but not around the perimeter of the building. Staff would ask that for clarification by the applicant whether or not his intent is to pave and landscape as shown on the elevations.

The required improvements include streets, water and sewer, drainage and storm water. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal.

Accessory structures of similar size are common in this area. The design submitted is consistent with the existing neighborhood. Staff does not foresee any impacts related to noise, glare, odor, or fumes being overly imposing to neighboring property owners.

Zoning & Development Manager Carraway-Johnson 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 construction of the detached accessory building being consistent with the submitted drawings/elevations, as presented.
3. Subject to no business use or residential occupancy within this structure.

PZ Questions/Comments:

- Commissioner Woods asked what the reason is for no business use.

**Planning & Zoning Commission Minutes
May 12, 2015**

- Zoning & Development Manager Carraway explained that a commercial business use can have negative impacts on the surrounding area. This gentleman is farming and under the Right to Farm legislature there are some allowances. He has the right to farm and this property is zone R-4 which requires a Special Use Permit. If this property were to sell and someone started a commercial business it would not be allowed.
- Commissioner Grey asked about the presented site plan and what the requirements are around the building, he doesn't want to set the applicant up for failure.
- Zoning & Development Manager Carraway-Johnson explained this is a residential detached accessory building, it does not require parking or landscaping. There would be a requirement for a paved driveway but that would be all that is required by code.
- Commissioner Munoz asked if the distribution of seeds or deliveries and pick-ups to the property related to the farm is considered non-agricultural.
- Zoning & Development Manager Carraway-Johnson stated those types of things would be incidental to the farm use and she would consider it agricultural.
- Commissioner Woods explained that the property is approximately 3 acres therefore the size alone would limit the amount of activity that can occur at this location.
- Commissioner Frank clarified with the applicant what his intent was for paving, and explained there is a requirement for hard surfacing a driveway area.
- Mr. Lamborn explained that he would be willing to pave the driveway, it is not his intent to asphalt all the way around the building, there is no retail involved with the business and the back entrance will be used for the large equipment access.

Public Hearing: [Opened & Closed Without Comments](#)

Deliberations Followed:

Commissioner Munoz explained he can see how this could be borderline commercial, however the neighbors were notified of this request and no one came to speak for or against the item. This is such a small area and he doesn't see it becoming a nuisance.

Commissioner Frank stated he is fully supportive of the request.

Motion:

Commissioner Woods made a motion to approve the request, as presented with an amendment that hard surfacing be limited to the driveway requirements. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

[Approved, As Amended](#)

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 construction of the detached accessory building being consistent with the submitted drawings/elevations, as presented, **with the parking and maneuvering area being limited to the driveway requirements.**
3. Subject to no business use or residential occupancy within this structure.

**Planning & Zoning Commission Minutes
May 12, 2015**

V. GENERAL PUBLIC INPUT: NONE

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

- Zoning & Development Manager Carraway-Johnson stated that the City Council approved the Login Simpson contract for the Comprehensive Plan Amendment. If the Commission would like to review the contract she will make sure they get a copy. The next meeting will have eight public hearings and it is on a Wednesday night.
- Commissioner Woods stated that he noticed the public notice signs are being placed parallel to the roads so that people can see them as they are approaching the property.
- Zoning & Development Manager Carraway-Johnson explained the code does not require double sided signs so people have to pay for multiple signs to provide perpendicular placement. There could possibly be an amendment that allows for administrator discretion or require a double sided sign.
- Commissioner Frank stated he thought that the applicant picked up the sign from the City and posted them on the property.
- Zoning & Development Manager Carraway-Johnson explained that the signs have not been provided by the City for almost eight years. Lytle Signs has a contract for constructing the signs that an applicant can purchase or rent and the code to provide some allowance for the applicant to make their own. The city provides the letter for the applicant to put in the box.
- Commissioner Frank clarified that the applicant has to pay for the construction of the signage.
- Zoning & Development Manager Carraway-Johnson explained they can pay to have them constructed or they can rent them from Lytle Signs. Lytle Signs does have some prefabricated signs for applicants to rent.
- Commissioner Woods asked if a code amendment would be necessary.
- Zoning & Development Manager Carraway-Johnson explained that she would like the opportunity to speak with the City Attorney before she answers that question.
- Commissioner Grey explained that new signs are not made for each request, they are available for rental.
- Zoning & Development Manager Carraway-Johnson explained there are some available however with the new code change large signs are having to be made.
- Commissioner Reid expressed his concern for having so many items on one agenda and asked if the next meeting could start at an earlier time so that the meeting could be finished earlier in the evening.
- Zoning & Development Manager Carraway-Johnson explained that the meeting is noticed to start at 6:00pm.

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

1. **Public Hearing-[Wednesday, May 27, 2015](#)**
2. **Work Session-[June 3, 2015](#)**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 6:53 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
May 27, 2015 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" Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods
Vice-Chairman

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

Present Absent

Boyd
Derricott
Frank
Grey
Muñoz
Reid
Tatum

AREA OF IMPACT MEMBERS

Present Absent

Higley Woods

CITY COUNCIL LIAISON(S):

CITY STAFF: Carraway-Johnson, 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.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following public meeting(s): **May 12, 2015 PH**
2. Approval of Findings of Fact and Conclusions of Law:
 - Lamborn (SUP 05-12-15)

Motion:

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

Unanimously Approved

III. ITEMS OF CONSIDERATION: **None**

IV. PUBLIC HEARINGS:

1. Request for an **Amendment to Special Use Permit #1360**, granted March 31, 2015, to include the sales of sporting vehicles in addition to automobiles on the North side of 500 block of 2nd Avenue South c/o Tony Hoggarth dba Hoggarth Auto Sales (app. 2718)

**Planning & Zoning Commission Minutes
May 27, 2015**

Applicant Presentation:

Tony Hoggarth, the applicant stated the reason for this special use permit is to amend that special use permit to be able to sale sporting vehicles. They operate Monday-Saturday 9:00am to 6:00pm and have two employees with the hopes to add an additional in July.

Staff Analysis:

Planner I Spendlove reviewed the request on the overhead and stated on March 31, 2015, the Commission unanimously approved a Special Use Permit to Tony Hoggarth to establish an automobile sales lot at this location. The permit was granted to sell automobiles, as presented, and subject to conditions. The permit was granted specific to allow an automobile sales business to operate from this site. The applicant wishes to amend the original Special Use Permit #1360 to include the sale of Sporting Vehicles

Title 10; Chapter 2 defines "Sporting Vehicles" as follows:

Travel and tent trailers not over eight feet (8') wide or thirty two feet (32') long and capable of being towed with safety behind a passenger vehicle, campers designed to be mounted on a pickup truck, boats and accessories, recreational type snow machines required to be licensed under the laws of the state of Idaho and having a maximum seating capacity for three (3) persons and motorcycles and related items designed to be used off the highway system.

The commission may wish to clarify that a building with a certificate of occupancy will be required as part of this special use permit to operate the business on this site. The applicant's site plan clearly identifies a permanent building onsite as the sales office. As of today it appears there is a temporary travel trailer being used to operate the business from. The previous location of the applicants business is on Main Ave S. If the commission grants this request this evening staff recommends a condition that there be a building with a certificate of occupancy onsite prior to any further business operating from this site.

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

1. Subject to compliance with original five (5) conditions placed on Special Use Permit #1360.
2. Subject to compliance with all state licensing requirements prior to operation from this site.
3. Subject to a building receiving a Certificate of Occupancy prior to operating from this site.

PZ Questions/Comments:

- Commissioner Grey asked about the requirement for a building to be used for the operation of the business.
- Planner I Spendlove explained that there needs to be a building on the lot the business cannot operate out of a recreational vehicle.
- Mr. Hoggarth explained he has a building on his old lot that he cannot move and for him to sell that he needed to move to this new location. Unfortunately the state has a different definition of what a building is than the City. He has to have a desk, a chair and a file cabinet, once he sells his other property he plans to build a building on the new lot. His dealer license is located at 734 Main Ave S and he cannot get that

**Planning & Zoning Commission Minutes
May 27, 2015**

changed until he has an office. He could meet the state requirements for an office tomorrow but it would not meet the city's requirements for a building. If he sold his property tomorrow he would still not have time to get a permanent building on the site. He has inventory that he doesn't know what to do with until this is resolved.

- Commissioner Grey asked if a standalone shed that meets building code for public safety would suffice.
- Commissioner Munoz explained he doesn't think a temporary building will not meet code for Certificate of Occupancy.
- Commissioner Frank explained the Commission is bound by the code, there is no recourse for this group to allow something the code does not allow. He recommended that the applicant work closely with staff to try and resolve this situation.
- Commissioner Boyd asked if the applicant is aware of the building code requirements and if there is a temporary solution. Is there a creative solution that would suffice in the meantime.
- Zoning & Development Manager Carraway-Johnson explained the zoning code does not recognize a temporary building and so if Mr. Hoggarth would like to work with the Building Official on placing a building as a permanent structure that is what would need to be done.
- Commissioner Munoz explained the Building Official is the one that can provide Certificate of Occupancy so that is who the applicant needs to work with to resolve this situation.
- Commissioner Frank explained to the applicant that he needs to work with staff to resolve this issue.

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

Deliberations Followed:

- Commissioner Munoz explained the conditions are reasonable to him, but he would encourage the applicant to speak to the building official and work with staff.
- Commissioner Grey made it clear that the amendment does not allow him to operate without a permanent building.

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 compliance with original five (5) conditions placed on Special Use Permit #1360.
 2. Subject to compliance with all state licensing requirements prior to operation from this site.
 3. Subject to a building receiving a Certificate of Occupancy prior to operating from this site.
2. Requests a [Special Use Permit](#) to construct a restaurant with a drive through window and to operate during the hours of 6:00 am to 10:00 pm on property located at 1643 Washington Street North. c/o EHM Engineers Inc. on behalf of David Dickerson/Taco John's (app. 2724)

**Planning & Zoning Commission Minutes
May 27, 2015**

Applicant Presentation:

Tim Vawser, EHM Engineers, Inc, representing the applicant, stated this is lot 8 blk 1 of North Haven PUD, this was platted with 3 lots for this type of use. The City requires a special use permit for a drive through window with extended hours of operation from 6-10pm. This lot will be between Panda Express and the Wal-mart Fuel Station and will be used for construction and operation of a Taco Johns.

Staff Analysis:

Planner I Spendlove reviewed the request on the overhead and stated the request is to allow the operation of a drive thru window in conjunction with a restaurant operating with extended hours of operation. The restaurant will be owned and operated by Taco John's. The requested hours of operation are from 6:00 am – 10:00 pm (permitted hours are 7 am to 10 pm).

Per City Code 10-4-8.2: Drive-thru windows require a special use permit. Additionally, retail establishments wishing to legally operate outside the permitted retail hours of operation of 7:00 am to 10:00 pm are also required to acquire a special use permit.

The impacts of this particular project operating a drive thru and extended hours of 6:00 AM – 10:00 PM would generally revolve around traffic and light intrusion onto neighboring properties. The Wal-Mart store to the west currently operates 24 hours. Staff does not anticipate the traffic increase to be detrimental to the area due to its proximity to a major arterial (Washington Street North), and the current development pattern in the area. Light from this operation is not anticipated to increase dramatically from what is currently in the area.

Per City Code 10-10: Off Street Parking is required for this business at a rate of one (1) space per one hundred (100) square feet of floor area. The result is twenty one (21) parking spaces required. The site plan provided shows the required minimum number of spaces being met. Further review will occur at the time of building permit submittal.

Per City Code 10-11-1 thru 8: All the required improvements will be reviewed for compliance with current city code at the time of building permit submittal. Some of these improvements include screening, access, parking surface, streets, storm water retention, utilities, and others.

It is important to note that the base operation of a restaurant is an outright permitted use in this zoning district. The immediate properties surrounding this project are zoned C-1 (Commercial) PUD. The property to the west is the Wal-Mart store that operates 24 hours. A restaurant is located to the North and a proposed Fuel Station will be located to the South. With arterial roadways to the North and immediately to the East, this property was intended to become a commercial corridor. The typical affects to adjoining property owners will be negligible due to the nature of the overall development being commercial. The impact on the greater area should be considered. As this area continues to develop, it is acceptable to assume more traffic will be generated. However, this development is positioned at the intersection of two major arterial roadways which have been identified as commercial corridors in the current Comprehensive Plan and Future Land Use Map. The access to the restaurant is internal from the Wal-Mart site.

**Planning & Zoning Commission Minutes
May 27, 2015**

Planner I Spendlove stated upon conclusion should the Commission grant this request as presented; staff recommends approval be subject to the following condition:

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.

PZ Questions/Comments:

- Commissioner Frank asked for clarification on the escape route for the drive through customers.
- Commissioner Munoz asked if the drive through and restaurant are going to have the same hours and if there are plans for extending them later.
- Mr. Vawser explained there are not and plans to extend the hours and the drive through will have the same hours.
- Commissioner Munoz asked about landscaping around the parking area.
- Planner I Spendlove explained that requirements for landscaping.

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

Deliberations Followed: [Without Concerns](#)

Motion:

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

[Approved, As Presented, With the Following Conditions](#)

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
3. Request for a [Special Use Permit](#) to operate a medical office providing physical therapy on property located at 1053 Eastland Drive c/o David B Hutchinson on behalf of Body Balance (app. 2726)

Applicant Presentation:

Dave Hutchinson, the applicant explained he is making this request so that he can operate a physical therapy business at 1053 Eastland Drive.

Staff Analysis:

Planner I Spendlove reviewed the request on the overhead and stated, In 1999 SUP #0620 was granted to G&R Sturgill, LLC c/o Rob Sturgill to construct a professional office at 1031 Eastland Drive. In 2013, the original SUP #0667 was again reactivated in order to construct a shell building on the remaining undeveloped lot; 1053 Eastland Dr. The original SUP did not contain any conditions, and the reactivation did not enact any further conditions. In March 2013 a shell building was constructed and under the current SUP would allow a professional office to operate.

**Planning & Zoning Commission Minutes
May 27, 2015**

The applicant is seeking approval of a special use permit to operate a physical therapy business as a medical office within this shell building. This site is zoned R-2 PRO. The original SUP granted in 2000 and subsequently reactivated two (2) times, portrayed the building to operate as a general professional services office. Medical Offices and Professional Offices are located in different "Use" categories within the Zoning Code and therefore an SUP for one is not approval for the operation of the other.

Per City Code 10-4-18: The PRO Zone requires a medical office to acquire a Special Use Permit prior to being legally established.

Since this is a change of "Use Category" a new SUP is required. This is due to the difference in potential impacts that can occur between the different uses. A medical / physical therapy office can turn into a more involved business than other types of medical offices. It may be prudent to issue this Special Use Permit to this particular owner/operator, in order to ensure it remains operating in the fashion described.

Per City Code 10-10: A Medical Office has a parking requirement of one (1) space for every two hundred fifty (250) square feet of floor area.

This requirement is the same requirement placed on general office buildings as well. It is not anticipated that a change of use will dramatically increase or impact the parking plan of the development. This building was constructed Marcy Of 2013. There is a 4,000 sf main level and a 1,500 sf basement. The applicant should clarify the intended use of the entire building to determine the required parking. A cross-use parking agreement was provided with the shell building permit. Conformance with parking will be completed prior to issuance of a certificate of occupancy – to include a parking evaluation of all three lots.

Per City Code 10-11-1 thru 9: the required improvements do not change between the uses of property. However, if the commission feels this particular use creates an unusual or increased impact, a condition could be placed on this permit to mitigate that impact.

Staff does not foresee a significant increase in negative impacts to the surrounding properties with the establishment of this business as presented.

Planner I Spendlove stated upon conclusion should the Commission approve 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 this Special Use Permit being issued to Body Balance Physical Therapy c/o David Hutchinson and the business to operate as presented.

PZ Questions/Comments:

- Commissioner Grey asked about parking and if there is a cross use agreement for this development.
- Planner I Spendlove stated yes.
- Commissioner Munoz stated he remembers this request coming through previously and if a fence was installed along the property between this and the residential properties.

**Planning & Zoning Commission Minutes
May 27, 2015**

- Planner I Spendlove stated yes.
- Commissioner Munoz asked is there are any plans to have any kind of retail for example equipment.
- Mr. Hutchinson explained the entire building will be used for the physical therapy business and they have no plans to have retail items.

Public Hearing: [Opened](#)

- Mr. Sturgill, 1031 Eastland Drive, Ste 3, stated he is in support of this request and the fence issue was associated with the building to the north of this location and it has been installed.

Public Hearing: [Closed](#)

Deliberations Followed: [Without Concerns](#)

Motion:

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

[Approved, As Presented, With the Following Conditions](#)

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to this Special Use Permit being issued to Body Balance Physical Therapy c/o David Hutchinson and the business to operate as presented.
4. Request for a **[Zoning District Change and Zoning Map Amendment](#)** from R-4 to C-1 for 2.4 (+/-) acres located at 1629 Locust Street North c/o Walt Hess on behalf of Christy J. Williams (app. 2727)

Applicant Presentation:

Walt Hess, representing the applicant, explained that this property used to be accessed by a private lane, and the city has grown up around it with the surrounding properties being zoned C-1. This request is to rezone the property from R-4 to C-1 zoning.

Staff Analysis:

Planner I Spendlove reviewed the request on the overhead and stated this parcel is part of the Eoff Tract, which was recorded around 1909. Over the years, surrounding properties and parcels have been rezoned and developed with commercial businesses. In 1981 Twin Falls City adopted an amended Title 10; Zoning & Subdivision Regulations and amended the Area of Impact and Zoning Districts Map. It is assumed that the current zoning of the property was established at that time.

This is a request for a Zoning District Change and Zoning Map Amendment to rezone a single parcel from R-4; Residential Medium Density to C-1; Commercial Highway. The parcel, located at 1629 Locust Street North, is 2 +/- acres. There is an existing single family residence on the parcel. The surrounding properties are all

**Planning & Zoning Commission Minutes
May 27, 2015**

zoned C-1. Properties to the North, East and West are developed with commercial businesses. The property to the south is undeveloped. Locust Street North runs along the eastern boundary of the property as well.

The applicant has expressed in their narrative that the rezone request stems from the desire to market and sell this property for commercial development. Under the current zoning designation of R-4, commercial-retail and/or professional service oriented businesses are not allowed. The 2009 Comprehensive Plan and Future Land Use Map designated this portion of Locust Street North as appropriate for Commercial/Retail uses.

The Commission is asked to make a recommendation on this request which automatically is scheduled for a public hearing before the City Council. The Commission's recommendation may be to deny the request, approve the request as presented or they may table the request and ask that additional information be provided for their review.

Planner I Spendlove stated upon conclusion in order for the Commission to make a positive recommendation to the City Council the Commission must determine that **1-** the request is in conformance with the Comprehensive Plan and **2-** the extent and nature of changing the zoning of this property to C-1 would allow land development that would be compatible with and not detract from the surrounding area. If the Commission finds that items 1 & 2 listed above have been met, Staff proposes the Commission recommend approval of this request, as presented.

Public Hearing: [Opened](#)

- Latisha Hernandez, 1451 Locust Street North, asked for clarification about the location of the property that will be rezoned.
- Planner I Spendlove showed on the overhead the property that is part of this request.

Public Hearing: [Closed](#)

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Tatum made a motion to recommend approval of the request to the City Council, as presented. Commissioner Boyd seconded the motion. All members voted in favor of the motion.

[Recommended Approval to City Council, As Presented](#)

[City Council Public Hearing Is June 22, 2015](#)

5. Recommendation on the [Zoning Designation for a request to Annex](#) 53.38 (+/-) acres located at the SE corner of 2700 East Road aka Sunway Drive North and North College Road West, extended. c/o Bradford J Wills on behalf of the Twin Falls School District (app. 2730)

Applicant Presentation:

**Planning & Zoning Commission Minutes
May 27, 2015**

Brad Will, representing the applicant, explained he is to request annexation with and R-1 VAR zoning designation.

Staff Analysis:

Since this property is in the Area of Impact, the current zoning designation would have been placed on the property with the action taken on the most recent Area of Impact Agreement between the City of Twin Falls and Twin Falls County which occurred in 2004.

On March 9, 2015 the City Council approved the Sunway Conveyance Plat creating a 2 lot subdivision of approximately 93 acres. On March 19, 2015, the Twin Falls County Commissioners approved the same conveyance plat as this property is in the Area of Impact.

This request is to annex 53 +/- acres with a zoning designation of R-1 VAR and SUI. Currently, the property is being utilized as agricultural farm land, the Sunway Soccer Complex, and First Federal Park. The applicant is requesting the current zoning designations to remain R-1 VAR and SUI as part of the annexation. However, the SUI zone is not appropriate for property within City Limits, and staff will recommend the entire site be zoned R-1 VAR upon annexation. Please see attached maps for current and future zoning designations.

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

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

Since the School District acquired the property, the property's intended use was for potential expansion of the school district's facilities, including but not limited to a potential new school site. The School District and the City have an agreement to transfer ownership of the Sunway Complex to the City in the near future.

Staff recommends an R-1 VAR zoning designation would be appropriate for the entire 53 +/- acre site. This would be consistent with the zoning districts currently found within City Limits, as well as being closely aligned with the current zoning of the area. It would allow for future residential growth.

Planner I Spendlove stated upon conclusion should the Commission find the R-1 VAR Zoning designation appropriate, they should forward a positive recommendation to the City Council that the entire 53 +/- acre site have an R-1 VAR zoning designation.

Public Hearing: [Opened](#)

**Planning & Zoning Commission Minutes
May 27, 2015**

- Dan Degell, 875 Rimview Lane West, stated he lives south of the soccer fields stated he is not opposed to the annexation, they have seen quite a bit of traffic that has not been too bad however he can see the need for a light at some point along Grandview and Falls Avenue West as some point. He asked about the development of North College Road.
- Sherry McGalister, 1651 Sunway Drive North, asked about the North College Road extension. If this is annexed into the city limits where does the county and city jurisdiction begin and end, and how will that impact speed limits along Sunway Drive.
- Assistant City Engineer Vitek stated North College Road will eventually be going through and it is not in the current budget, but it is being discussed and the City would be responsible for building the road. As for the speed limits, the City guidelines would apply in this area.
- Planner I Spendlove explained that the City has jurisdiction over the development of the property and zoning. Anything that happens to this property will require multiple hearings before something could move forward.

Public Hearing: **Closed**

Deliberations Followed: **Without Concerns**

Motion:

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

Recommended Approval To City Council, As Presented

City Council Public Hearing Is June 22, 2015

6. Request for a **Special Use Permit** to construct and operate a restaurant with a drive-through window on property located at 1720 Pole Line Road East c/o EHM Engineers, Inc on behalf of J2 Real Property Group, LLC/David Johnson – McAlister's (app. 2731)

Applicant Presentation:

David Thibault, EHM Engineers, Inc., representing the applicant McAlister's Deli, stated the intent is to have a drive through window as a carry out and pick up window. There will not be any order boards or PA's systems. The issue of parking was discussed in the staff report and the established landscaping and parking. Previously 9 x 18 stalls were permitted they would prefer not to jog the curb line to increase the size of the stalls and they can eliminate the parking spaces if necessary for the permit to be approved, they have ample parking for the site.

Staff Analysis:

Planner I Spendlove reviewed the request on the overhead and stated in 1981 the City of Twin Falls amended Title 10; Zoning & Subdivision Regulations and amended the Area of Impact and Zoning Districts Map. The approval of Ordinance 2012 created the zoning districts we currently use and zoned various properties within

**Planning & Zoning Commission Minutes
May 27, 2015**

City Limits. Many new zoning designations were assigned at that time or when areas were annexed. In 1998, an 80 acre site was zoned under the Eastpark PUD Agreement #213. This 80 acre PUD has several zoning designations from R-1 VAR to C-1. The 20 acre site around Home Depot was zoned C-1. In 1999 the Eastpark Subdivision No. 2, A PUD was approved – creating two lots. According to Building records, The Home Depot store was constructed in 2000 in Lot 1. The location of this request is Lot 2.

Per City Code 10-4-8.2: A business with a Drive-thru window requires a Special Use Permit in order to be legally established. This restaurant is being presented having a drive up window for people to call in and pick-up orders, there will not be any PA systems or menu boards.

The impacts of this particular project operating a drive thru would generally revolve around traffic. Staff does not anticipate the traffic increase to be detrimental to the area due to its proximity to a major arterial (Pole Line Road East), and the current development pattern in the area. Light from this operation is not anticipated to increase dramatically from what is currently in the area.

Per City Code 10-10: Off Street Parking is required for this business at a rate of one (1) space per one hundred (100) square feet of floor area. The building is presented to be 3,670 sf. The result is a minimum of thirty-seven [\(37\)](#) parking spaces will be required. Staff does have a concern regarding the 10 parking spaces shown along the northern boundary of this lot. Those spaces were developed when Home Depot was constructed. The parking spaces appear to be 9 x 16'. The code requires a minimum of 9'x20'. The site plan will be reviewed for compliance as part of the building permit review.

Per City Code 10-11-1 thru 8: All the required improvements such as; landscaping, screening, access, parking surface, streets, storm water retention, utilities, and others will be reviewed for compliance with current city code and to ensure compliance with the Eastpark PUD Agreement #213 at the time of building permit submittal.. The PUD requires a minimum landscaping strip of 35' from back of curb on Pole Line Road East and 20' on Bridgeview Blvd – the lot appears to meet this requirement.

It is important to note that the base operation of a restaurant is an outright permitted use in this zoning district. The developed properties surrounding this project are zoned C-1 (Commercial) PUD. The property to the southwest is the Home Depot store. With the current Zoning and PUD Agreement, this property was intended to become a commercial business. The typical affects to adjoining property owners will be negligible due to the nature of the overall development being Commercial. The access to the restaurant is internal from the Home Depot site. Prior to a certificate of occupancy a cross-use agreement shall be provided and/or a review of the parking shall ensure the parking shown on the plan shall meet the minimum required for this lot.

Assurance that development of this site comply with the Eastpark PUD Agreement and /or the minimum required improvements, whichever is greater, shall be completed at the time of building permit review.

**Planning & Zoning Commission Minutes
May 27, 2015**

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 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 Eastpark PUD Agreement.

PZ Questions/Comments:

- Commissioner Higley asked for clarification on the parking design.
- Planner I Spendlove stated when this parking area was built they were designed to be 18' deep and were allowed to overhang in the landscaping area. With the recent parking code amendment the overhang is not allowed into the landscaping area.
- Commissioner Higley stated in order for the parking stalls to meet current code they would need to be 20' long.
- Planner I Spendlove explained the stalls shown are not required spaces and they were constructed when the Home Depot was built and under the Eastpark PUD Agreement. So the applicant is requesting that the 2' feet hangover be allowed so that they don't have to jog the curb.
- Commissioner Munoz clarified that if the current code requirements apply it won't be just the 20' requirement that will apply to the parking area.
- Commission Grey asked for clarification about the drive-thru window.
- Mr. Thibault explained that the way that it works is a customer calls in their order and they are told they can pick up their order at the window within a certain time. He expects there will be a learning curve for this type of window.
- Commissioner Munoz asked if this became another fast food place with reader boards would this permit still be valid.
- Planner I Spendlove explained the stacking is counted from the window in this request normally it would be counted from the reader board location, so if another business came through and wanted to use the drive through the requirements would have to be reviewed for compliance. The five stacking requirements would be difficult with a reader board a new special use permit may be required.

Public Hearing: [Opened & Closed Without Comments](#)

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Boyd made a motion to approve the request, as presented. 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 Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to compliance with the Eastpark PUD Agreement.

**Planning & Zoning Commission Minutes
May 27, 2015**

7. Request the **Vacation** of 15' x 249.5' platted sewer easement on Lot 7 Block 1 of the Canyon Park West Amended Subdivision, A PUD aka 2015 Blue Lakes Boulevard North c/o EHM Engineers, Inc. on behalf of Base Jumper Two, LLC (app. 2729)
8. Request the **Vacation** of a 20 x 182' platted sewer easement located on Lot 4 Block 1 of the Canyon Park Amended Subdivision aka 1843 Blue Lakes Boulevard North c/o EHM Engineers, Inc. on behalf of Geronimo, LLC (app. 2728)

Applicant Presentation:

Tim Vawser, EHM Engineers, Inc. representing the applicant, stated would like to present request IV-7 and IV-8 together. He explained that these sewer easements that were platted prior to the development. The trunk line has been relocated and rededicated in another location and in order for development to move forward they request that these vacations be approved. He explained where the platted lines were located and where they have been relocated to on each lot.

Staff Analysis:

Planner I Spendlove reviewed the request on the overhead and explained item IV-7 refers to Lot 7 and IV-8 refers to Lot 4. They sewer easements were previously platted and exclusive to the City of Twin Falls, the sewer lines were re-routed and installed within a separate sewer easements. The Engineering Department has reviewed this request and is supportive of the vacation.

Planner I Spendlove stated upon conclusion 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. Should the Commission recommend approval of the request to the City Council, staff makes no recommendation on this request.

Public Hearing: Opened & Closed Without Concerns

Deliberations Followed:

Commissioner Grey clarified that the re-routed lines are working properly.
Assistant City Engineer Vitek stated yes they are working correctly.

Motion IV-7:

Commissioner Derricott made a motion to recommend approval of the request to the City Council, as presented. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

Recommended Approval To City Council, As Presented

City Council Public Hearing Is June 29, 2015

**Planning & Zoning Commission Minutes
May 27, 2015**

Motion IV-8:

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

Recommended Approval To City Council, As Presented

City Council Public Hearing Is June 29, 2015

V. GENERAL PUBLIC INPUT: None

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

- Zoning & Development Manager Carraway-Johnson explained four of these items tonight will be scheduled for the City Council the Williams Zoning District Change and the Twin Falls School District Annexation will be heard June 22, 2015, and the two Vacation requests will be heard June 29, 2015. She also stated the first kick-off for the Comprehensive Plan Amendment will be June 24, 2015 at the first downtown concert with an open house at the future City Hall building.
- Commissioner Frank asked the Commission to consider recommending people for the Advisory Committee.
- Zoning & Development Manager Carraway-Johnson explained that Rebecca Mill Sojka and Greg Lanting have been chosen as the City Council Liaison for the Advisory Committee and there needs to be one Commissioner chosen for the Advisory Committee.

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

1. Work Session-**June 3, 2015**
2. Public Hearing-**June 9, 2015**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:39 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
June 9, 2015, 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" Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

**CITY LIMIT
MEMBERS**

<u>Present</u>	<u>Absent</u>
Boyd	Muñoz
Derricott	
Frank	
Grey	
Reid	
Tatum	

AREA OF IMPACT MEMBERS

<u>Present</u>	<u>Absent</u>
Higley	
Woods	

CITY COUNCIL LIAISON(S):

CITY STAFF: Carraway-Johnson, 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.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following public meeting(s): **May 27, 2015 PH, June 3, 2015 WS**
2. Approval of Findings of Fact and Conclusions of Law:
 - Hoggarth Auto Sales (SUP-Amend 05-27-15)
 - Taco John's (SUP 05-27-15)
 - Body Balance (SUP 05-27-15)
 - McAlister's Deli (SUP 05-27-15)

III. ITEMS OF CONSIDERATION:

1. A Preliminary Presentation for the Commission to consider an amendment to the Fieldstone Professional PUD Agreement #271 to allow by Special Use Permit Nursing Homes and Rest Homes on Lots 1 through 5 Block 1 in the Fieldstone Professional Subdivision, A PUD, which is located at the south east corner of Fieldstream Way, extended and Cheney Drive West, extended. c/o Wills, Inc. (app. 2735)

Motion:

Commissioner Reid made a motion to revise the agenda to have item III-1 to be presented after the public hearing items. Commissioner Woods seconded the motion. All members present voted in favor of the amendment.

**Planning & Zoning Commission Minutes
June 9, 2015**

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate a large Farm Implement Sales & Repair Business on property located at 1775 Eldridge Avenue c/o Gary Slette on behalf of James Annest (app. 2732)

Applicant Presentation:

Gary Slette, representing the applicant, reviewed on the overhead the proposal to obtain a special use permit to sale and operate a large farm implement equipment. The applicant would like to be able to sale equipment and service what they sale. The surrounding uses are industrial and this should be harmonious with these other uses.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated in 1913 the Highland View Tract was recorded as a plat. This parcel is a portion of Lot 23. 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. Records indicate a warehouse being constructed in 2007. For a time, a company called Bio Diagnostics West inhabited the building. The building is currently empty.

Per City Code 10-4: Truck Service/Repair requires a special use permit prior to being legally established. Although, this business is not described by the applicant as Truck Service, current City Code does not enumerate Large Farm Machinery as a "Use". As a result, Staff has assigned a "Use" we believe closest resembles the described business.

The impacts of this particular business on the area are anticipated to be minimal. Most properties in the area have been built and used for Industrial practices. There are some Residential homes in the area that should be given the opportunity to be reasonably used and enjoyed without commercial intrusion. However, given the layout and location of this particular business, it is not anticipated that the possible impacts will negate the reasonable enjoyment of existing residential uses in the area.

Per City Codes 10-10 and 10-11-1 thru 8: Required improvements such as parking, screening, landscaping and others are typically enforced at the time of building permit submittal. This is an existing building, it is anticipated that the required improvements were provided at the time of original construction of the site. It is also not anticipated to cause a change of "Use" that will trigger additional required improvements.

The commission may wish to review the current site and require any items it deems appropriate to mitigate potential negative impacts this business may incur to the area.

This type of business will have some traffic and noise impacts. These will be associated with the coming and going of customers, deliveries of supplies, and repairing of machinery. However, the majority of the noise and traffic will occur during normal business hours, and the majority of repairs are detailed to take place within the building. These types of businesses and their associated impacts are common in the M-2 Zone. The surrounding area is shown on the Future Land Use Map to be Industrial.

Planning & Zoning Commission Minutes

June 9, 2015

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 all parts and disassembled equipment being located within the building or within an enclosed screened area.

PZ Questions/Comments:

- Commissioner Grey asked about landscaping requirements.
- Planner I Spendlove explained that staff has looked at the site and does not think additional requirements will need to be met but they will have to keep what is there alive and replace anything that is no able to be revived.
- Commissioner Frank asked about the requirements for drainage of fluids from equipment.
- Assistant City Engineer Vitek explained they will have to have a liquid waste management plan.
- Commissioner Reid asked about hours of operation.
- Mr. Slette explained that if the hours extend past business hours it will most likely be due to the repair portion of the business and that type of work will occur in the building. This use is not a-typical for the area and he feels the impacts will be minimal.

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

Motion:

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

[Approved, As Presented, With Staff Recommendations](#)

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
 2. Subject to all parts and disassembled equipment being located within the building or within an enclosed screened area.
-
2. Request for a Special Use Permit to operate at 24 Hour Commercial Childcare Facility on property located at 870 Eastland Drive [c/o Stephanie Ford](#) (app. 2733)

Applicant Presentation:

Stephanie Ford, the applicant stated she is here to request a Special Use Permit to operate a 24 hour childcare center at 870 Eastland Drive which is located across from Light House Christian School. They would be good neighbors, they would play during school hours, and they will have no night time outdoor activities and maintain a controlled environment. They don't have any bells or noise that would impact the surrounding area. They will try to maintain the home like feeling of the property.

Planning & Zoning Commission Minutes

June 9, 2015

Planner I Spendlove reviewed the request on the overhead and stated in 2000 the Eastland Heights Subdivision was recorded creating Lot 6. In 2003, the owner requested and received a Re-Zone from R-2 to R-6 PRO in order to pursue the possibility of a small nursing facility on the site.

Records indicate an addition/remodel and sup of a residence to a nursing facility taking place in 2003-2004. In 2013, a plat was approved and recorded subdividing Lot 6 into 2 lots. This was done in anticipation of a new larger nursing facility being built. Those plans were abandoned one year later.

The property is located at 870 Eastland Drive and is zoned R-6 PRO. The applicant is wishing to operate a 24 hour child care facility. They plan to offer care for kids 0-13 yrs old. Part of their business model is an afterschool program for older kids to help them with homework. Another part is providing care for children 24 hours a day. This is a key part of their business model due to many businesses in the area operating on extended hours, including Glanbia, Chobani, St Luke's Hospital, and others.

The applicant explains the hours of operation in detail. They will have limited drop off and pick up times of 5 am to 10 pm. This will help keep the ambient noise of the residential neighborhood lower at an acceptable level during the night time hours of 10 pm to 5 am.

Per City Code 10-4-18: Commercial Day Care Service requires a special use permit prior to being legally established. The typical impacts of these types of businesses center on traffic and noise. This particular location sits at the corner of Eastland Drive (Arterial roadway) and 9th Ave East. Light House Christian Church/School also operates on property located directly across 9th Ave East offering K-12 grades during the week and church services in the evening and weekend.

Per City Codes 10-10 and 10-11-1 thru 8: Required improvements such as parking, screening, landscaping and others are typically enforced at the time of building permit submittal. This is an existing building, it is anticipated that the required improvements were provided at the time of original construction of the site. It is also not anticipated the change of "Use" will trigger additional required improvements.

The commission may wish to review the current site and require any items it deems appropriate to mitigate potential negative impacts this business may incur to the area.

This type of business will have some traffic and noise impacts. These will be associated with the coming and going of customers, deliveries of supplies, and children playing outside during daylight hours. The applicant has described a detailed drop off/pickup schedule for the early and late hours. Other times would be during normal business hours and it is safe to assume would create minimal noise to the surrounding area.

Also, the layout of the property has traffic entering the property from Eastland and Exiting onto 9th Ave East. It is again safe to assume the majority of traffic will use Eastland Drive as it is a major roadway, with minimal traffic using 9th Ave East.

Planning & Zoning Commission Minutes

June 9, 2015

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 the earliest Drop off/Pick up time being 5:00 AM, and the latest Drop Off/Pick up time being 10:00 PM.

PZ Questions/Comments:

- Commissioner Woods asked what ages they will cater too at this facility.
- Ms. Ford explained they will take care of the infant to thirteen years of age.
- Commissioner Woods asked what type of diaper disposal plan is in place.
- Ms. Ford explained the disposal process and pick-up plan.
- Commissioner Grey asked about the 9th Avenue access and about the fencing for safety.
- Ms. Ford explained they plan to fence the entire property with two separate areas.
- Commissioner Boyd asked how many children they will have at the facility.
- Ms. Ford explained 87 enrolled with an average of 35 per shift.
- Commissioner Frank asked if she operates this business at another location and if they have had any complaints.
- Ms. Ford explained the she has not had any complaints about the business, she use to operate on Kimberly Road 24/7 and has had requests to offer that service again.

Public Hearing: Opened

- Darell Morgan, 879 Holly Ann Court, explained that his concern is the traffic impacts for the intersection at Eastland Drive and 9th Avenue, where the fence will be extended to for the play area, if the front of the property will be used for the children, and if it is necessary for the daycare to operate 24/7.
- Paula Clelland, 1018 Cypress Way, she stated her biggest concern is the traffic at the Eastland Drive and 9th Avenue intersection. She would like for this area to be an official school zone or have something done to force people to slow down through the area because of the children. She is also concerned with traffic backing up on Eastland Drive if the cars headed south are trying to turn into this facilities access.
- Stephanie Ford, stated that the front yard will not be used for child activities. The number of students in the yard is managed by shifts. Infant, pre-school, school age and older children, there will not be 35 children out at one time. The previous facility was located on Addison Avenue and the traffic to the property throughout the day is minimal. There are lot of shift workers in the area and they have a high demand for the 24/7 hours. The more factories and healthcare facilities that come to the community the larger the need. The fence will be approximately 17' from the sidewalk so the children will not be close to the sidewalk. The traffic impact is spread out throughout the day. She does not have a specific drop off and pick up time like school hours. She does see a need for this area to have a school zone or slower speed area, but doesn't know how to address the issue, she can put out slow signs along her property but she is not sure if that would make much of a difference.

Planning & Zoning Commission Minutes

June 9, 2015

- Assistant City Engineer Vitek stated there is a large traffic impact around the schools during the school year, unfortunately there is not enough to warrant a light. There has been some interest in installing turn lanes but nothing has been planned. This business will have minimal impacts to the already busy area. The citizens can contact the engineering department and request that the traffic engineer look at this area, he can possibly do a traffic study to determine if there is a need to move forward with installing turn lanes or consider school zone designations.
- Ms. Ford explained that they want to offer a better facility to their parents, they plan to work well with the neighbors and will try to keep their traffic to a minimum.

Deliberations Follow:

Commissioner Tatum explained that there is a need for the extended hours. Most daycare facilities only operated from approximately 7:00am to 6:00pm. If a parent works a different shift they are tasked with trying to find care for their children elsewhere. She stated that this area is a major school zone area and has considerable traffic congestion during the school year, she would be in support of making changes in the area to slow traffic down.

Motion:

Commissioner Derricott 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, With Staff Recommendations

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 earliest Drop off/Pick up time being 5:00 AM, and the latest Drop Off/Pick up time being 10:00 PM.
3. Request for a Special Use Permit to operate a Men's Transitional/Shelter Home on property located at 1102 Maurice Street c/o Chad Roehl dba Stepping Stones (app. 2734)

Applicant Presentation:

- Bishop Brown of the Twin Falls 10th Ward, stated there are a lot of issues for homeless men in the community and this facility has been a great resource for him to help these men get jobs, have a place to live and get back on their feet.
- Ray Perron, representing the applicant, stated the reason for the request is for a Special Use Permit for a transitional/shelter home for men. This home serves as a supervised transitional home for homeless men and men released from correctional facilities for minimal charges. The point of the facility is to give the men help so that they can get on their feet. The rent is \$350 per month including utilities. The home is a benefit to law enforcement, probation officers and ensures supervised care. The majority of the tenants do not own a car and so traffic should be minimal, if they do have a car at this facility it is for a limited amount of time because they are moving out on their own.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated in 1917 the Terrace Lawn Subdivision was recorded creating 11 Lots. This proposed use is located on the southern portion of Lot 11.

In 1981 a daycare received a Special Use Permit with the condition to enclose the back yard. 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. This building and surrounding area to the north and east are currently zoned C-1. The properties to the west and south are zoned R-4 residential. No further Zoning history is known at this time. County records show the house to be built around 1925 with updates taking place in the 1950's. City building records indicate a few minor permits taking place in 2010.

The applicant's narrative describes the transitional/shelter home as a place for up to eighteen (18) male individuals. These individuals require stable living quarters after being released from incarceration for minor offenses such as theft, alcohol, check fraud, and past drug use. The applicant claims sex offenders are not allowed in this type of transitional housing.

Some security measures the applicant highlights include and onsite manager, curfews, video cameras throughout the property, random drug testing, and police dog training.

The applicant also details the social, economic, and positive effects of such a business within the City.

Per City Code 10-4-8: Shelter Homes require a special use permit prior to being legally established.

The typical impacts of these types of businesses center on traffic, noise, increased calls for service, and complaints from neighboring properties. This particular location sits on Maurice Street, somewhat near the intersection with Addison Ave East. Properties to the North and East are zoned C-1, some of which contain Commercial Businesses converted from residential homes, and others were constructed as commercial buildings.

Per City Codes 10-10 and 10-11-1 thru 8: Required improvements such as parking, screening, landscaping and others are typically enforced at the time of building permit submittal. This is an existing residential building. It is anticipated that site improvements will be required with as part of the building permit for a change of use from a residence to a commercial use.

This property will need to go through the change of "Use" for the property and the building. This transition will trigger all the required improvements. Staff has not received a building permit, nor have we conducted an official analysis on the property to determine the extent of these improvements. It is anticipated that all the required improvements will need to be addressed as outlined in current City Code, including but not limited to paved parking and maneuvering area, designated parking, curb, gutter, sidewalk, screening, landscaping, storm water, sewer, water, and others.

**Planning & Zoning Commission Minutes
June 9, 2015**

This type of business will have some traffic and noise impacts. These will be associated with the coming and going of residents. Although the applicant claims residents do not own cars, there is no Code provision that prohibits ownership of vehicles. With the stated number of residents being presented at up to eighteen (18), the possibility of all residents owning cars is possible.

Noise is another possible impact for this type of business, with that many people living on a lot of this size. Staff does not have quantifiable results for decibel levels and the like. However, it is reasonable to assume that eighteen (18) unrelated individuals living in a space originally designed for a single family residence could result in some excessive noise from within the residence and on the property and may be at all hours of the day/night.

There has been an increase in complaints and calls for service. It is imperative to not point at the use of the property for the reason of the increase in complaints and calls for service, as we do not have data to support that assumption. Staff has accumulated the number of calls placed to dispatch for this property and compared that to neighboring properties. This property generated forty-one (41) calls for service through dispatch over the last five (5) years. A property across the street generated one (1) call over the same period. It is our stance that the increase in calls is a correlation to the number of individuals and their corresponding personal/private space within the residence. Staff receives fewer calls from these types uses when the number of residents closely resembles the amount typically found in a single dwelling unit.

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 the applicant submitting a complete Commercial Building Permit Application to the City within sixteen (16) weeks of the end of the appeal period of this Special Use Permit.
3. Subject to meeting all required improvements within 6 months from the date of approval of the special use permit.
4. Subject to a minimum 6' sight obscuring fence along the northern, eastern and southern borders of the property within 6 months from the date of approval of the special use permit. Fencing material to be approved by P&Z staff.

PZ Questions/Comments:

- Commissioner Woods asked if staff had any clarification of types of calls made to the police department.
- Planner I Spendlove explained that he gathered the numbers but did not look at the logs to see what the situations were that generated the call.
- Commissioner Grey asked for the size of the home, the required improvements.
- Planner I Spendlove explained the code requirements presented will need to be met, however staff has not seen a building plan or site plan to determine specific improvement needs.

Public Hearing: [Opened](#)

**Planning & Zoning Commission Minutes
June 9, 2015**

- Brett Lower, 320 Main Avenue East #211 stated this facility has helped him get on the right track, it has helped him get a full time job and a place of his own.
- Ellis Taylor, 1102 Maurice Street, he lives in the house and is the onsite house manager, he does house checks at 10:00 pm and 1:00am, there is no alcohol or drugs allowed at the facility. He has also spent time in jail and this home has helped him get back on his feet.
- Larry Robinson, 1102 Maurice Street, has recently been released from ICC with nowhere to go and this facility has helped him get a job and provided him transportation. He will be able to afford living on his own soon.
- Michael Mahen, 1102 Maurice Street, stated he has just been release from ICC and this facility has helped him get his ID, and his driver's license and consider this place home with a family, they give them rides to job interviews, appointments and it is a really positive environment.
- Ken Perron, 1102 Maurice Street, stated he was a little leery about the place at first but has nothing but good things to say about the place it has helped him make positive changes.
- Sione Koba, 1102 Maurice Street, stated he was recently released from prison, he has never been to a transitional house before and this has been a good experience and has helped him tremendously.
- Cary Roehl, 720 Blue Lakes Blvd, stated her husband has worked really hard for this to happen and has done a wonderful job. She thinks what he is doing is a good thing.
- Ray Parren stated in summary there are not any neighbors here to oppose the request, and he hopes the request will be approved.

Deliberations Followed:

- Commissioner Woods asked if the applicant could give an example of some negative things he may have to deal with, operating this type of facility.
- Mr. Roehl explained that some of the calls made to the police department have been generated by him for people not following the rules of the house or their probation, relapse is one of the more difficult things to deal with but they typically get one chance and on the second violation they are evicted from the home.
- Commissioner Frank stated that he is in full support of this request, however he does have some concerns with the improvements that will be required.
- Commissioner Derricott asked if there is some flexibility for the applicant regarding the improvement requirements.
- Planner I Spendlove explained there are codes within the zoning section that staff can work with the applicant on, however the building code requirements are not as negotiable because of life safety issues.
- Commissioner Reid asked if parking could be reviewed by Council.
- Planner I Spendlove explained staff does have some flexibility for some of the zoning code requirements and the applicant does have the ability to plead their case to City Council. Some codes however are not as flexible.
- Commissioner Frank stated he is all for approving this request, but expressed his concern with the applicant not being able to make the required improvements and not being able to continue operating.

**Planning & Zoning Commission Minutes
June 9, 2015**

Motion:

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

Approved, As Presented, With Staff Recommendations

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 submitting a complete Commercial Building Permit Application to the City within sixteen (16) weeks of the end of the appeal period of this Special Use Permit.
3. Subject to meeting all required improvements within 6 months from the date of approval of the special use permit.
4. Subject to a minimum 6' sight obscuring fence along the northern, eastern and southern borders of the property within 6 months from the date of approval of the special use permit. Fencing material to be approved by P&Z staff.

III. Items of Consideration:

1. A Preliminary Presentation for the Commission to consider an amendment to the Fieldstone Professional PUD Agreement #271 to allow by Special Use Permit Nursing Homes and Rest Homes on Lots 1 through 5 Block 1 in the Fieldstone Professional Subdivision, A PUD, which is located at the south east corner of Fieldstream Way, extended and Cheney Drive West, extended. c/o Wills, Inc. (app. 2735)

Applicant Presentation:

Brad Wills, explained they have sent out 210 letters for the public hearing scheduled for June 23, 2015. He stated that the R-4; Zone does not allow for nursing homes or rest homes. The R-6 zone does allow for this type of use but also allows for a higher density, which is not what he wants to see happened on this property. He would like to add the use of Nursing Homes or Rest Homes to the PUD with an approved Special Use Permit.

Staff Presentation:

Planner I Spendlove stated this is a request to amend the Fieldstone Professional PUD Agreement #271 to allow by Special Use Permit Nursing Homes and Rest Homes on Lots 1 through 5 Block 1 in the Fieldstone Professional Subdivision, A PUD . He reviewed on the overhead the location of the property and the specific lots for which this request would apply. He explained tonight is a preliminary presentation only and there will not be a staff analysis presented or recommendations. The public hearing for this item is scheduled for June 23, 2015.

Public Hearing: Opened

- Joyce Burkett, 1380 Silver Creek Way, stated she has concerns about maintain the quiet neighborhood once this area gets developed, they were under the impression this would all be single family homes and now it has changed, she would like some more information on the plans for this area.

Planning & Zoning Commission Minutes

June 9, 2015

- Mr. Wills explained that one of the biggest changes related to this development is that the street that she currently lives on will dead end into a cul-de-sac reducing traffic through the neighborhood. He stated he would be willing to meet with the citizen to discuss the plans for this area.

Public Hearing: Closed

Planning & Zoning Commission Public Hearing

Scheduled for June 23, 2015

V. GENERAL PUBLIC INPUT: None

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

Assistant City Engineer updated the Commission on the Waste Water Treatment plant and explained that Phase 1 should be complete on approximately July 23, 2015 and at that point the City will be able to begin releasing will serves.

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

1. Public Hearing-**June 23, 2015**
2. Comprehensive Plan Update Kick Off-tentative - **June 24, 2015**
3. Work Session- **July 1, 2015**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:39 p.m.

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
June 23, 2015 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" Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

PRESENT

Boyd
Grey
Muñoz
Reid
Tatum

ABSENT

Derricott
Frank

AREA OF IMPACT MEMBERS

PRESENT

Higley

ABSENT

Woods

CITY COUNCIL LIAISON(S):

CITY STAFF: Carraway-Johnson, Spendlove, Strickland, Vitek

I. CALL MEETING TO ORDER:

Vice-Chairman Grey called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff.

II. CONSENT CALENDAR:

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

III. ITEMS OF CONSIDERATION:

1. Consideration of a request from Peter Candy to reactivate Special Use Permit #1322.

Applicant Presentation:

Peter Candy, the applicant he is requesting a one year extension on SUP # 1322 granted June 24, 2014.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated that Per City Code 10-13-2-2-I: "...Special uses which have not been established within one year of the date of issuance of the special use permit, may be reviewed by the commission to determine if the facts and circumstances have changed; the commission may call for a new special use permit application..."

Planner I Spendlove stated upon conclusion the Commission is tasked with reviewing the facts and circumstances of this case, along with the surrounding area, and determine if there have been substantial changes to the area to find that a new Special Use Permit shall be required at the time of development.

**Planning & Zoning Commission Minutes
June 23, 2015**

Planner I Spendlove stated upon conclusion staff recommends that the Commission review and act on the attached request to reactivate Special Use Permit #1322 issues June 24, 2014.

P&Z Questions/Comments:

- Commissioner Munoz asked if the original conditions for the special use permit still apply.
- Planner I Spendlove explained yes the original conditions would still apply.
- Commissioner Grey asked the applicant if he is aware of the conditions and understands what is expected.
- Mr. Candy explained he is aware of the conditions and understands the requirements.
- Commissioner Munoz asked about the access locations on the property.
- Planner I Spendlove reviewed on the overhead the location of the accesses to the property.

Public Hearing: [Opened](#)

- Joyce Burkett, 1380 Silver Creek Way, requests that the quiet neighborhood feel be kept intact.

Public Hearing: [Closed](#)

Closing Statement:

- Mr. Candy explained this is going to be a quiet serene development and should have minimal impacts on the surrounding area.

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Boyd made a motion to reactive Special Use Permit # 1322, as presented and as approved on June 24, 2014. Commissioner Reid seconded the motion. All members present voted in favor of the motion.

[Re-activated, 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 compliance with the WS&V PUD #263 Amended, an R-6 PRO Planned Unit Development.
 3. Subject to Cheney Drive West Extended, from Grandview Drive to Creek Side Way, being built for the extent of each phase of the proposed development. To be constructed to acceptable current City Standards prior to issuance of any Final Certificate of Occupancy for the project.
-
2. Request for approval of a Preliminary Plat for Golden Eagles Subdivision #5, 37.26 (+/-) acres consisting of 2 commercial lots on property located on the west side of Harrison Street South and north of 3600 North Road c/o EHM Engineers, Inc. on behalf of the Twin Falls School District #411

**Planning & Zoning Commission Minutes
June 23, 2015**

Applicant Presentation:

Tim Vawser, EHM Engineers, Inc. on behalf of the applicant stated this plat was originally a one lot conveyance plat and this request is to re-plat the property into two lots. They are requesting approval of the preliminary plat for the two lot subdivision.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated the final plat of Golden Eagle Subdivision #4, a Conveyance Plat, was for the remainder of Golden Eagle Subdivision #3, consisting of 48 acres / 2 lots, which was approved and recorded in August 2014.

This preliminary plat is Lot 1 of Golden Eagle Subdivision #4, a Conveyance Plat. Development of either lot of a conveyance plat requires full development of site improvements for both lots prior to any development.

This Preliminary Plat is for Golden Eagle Subdivision #5, consisting of 38 (+/-) acres and two (2) lots. The site is zoned R-4 (Residential Medium Density). Lot 1 is planned for development of the new South Hills Middle School, consisting of 28 +/- acres. Lot 2, 10 +/- acres will be for future development. The site is located on the NW corner of Harrison St S and 3600 North (see Attachment #3 for detail)

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.

This request is in conformance with the Comprehensive Plan which designates this area as appropriate for Medium Density Residential, which encourages Public Schools to be located near residential areas.

Planner I Spendlove staff recommends the Commission approve the preliminary plat of the Golden Eagle #5 Subdivision, 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 the following Engineering Note: Public Right-of-Way storm drain water to be held onsite within a public easement.

P&Z Questions/Comments:

- Commissioner Munoz asked if the school plans to expand onto lot 2 if a special use permit process would be required.
- Planner I Spendlove explained yes a Special Use Permit would be required if the school wanted to expand.
- Commissioner Grey asked if the public right of way storm water conditions has been addressed.

**Planning & Zoning Commission Minutes
June 23, 2015**

- Assistant City Engineer Vitek explained yes the applicant is aware of the condition and this issue has been resolved.

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

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Tatum 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 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 the following Engineering Note: Public Right-of-Way storm drain water to be held onsite within a public easement.

IV. PUBLIC HEARINGS:

1. Request for the Commission to consider a PUD Agreement Amendment to the Fieldstone Professional PUD Agreement #271 to allow "*Nursing Homes and Rest Homes*" on Lots 1 through 5 Block 1 in the Fieldstone Professional Subdivision, A PUD, by Special Use Permit located at the south east corner of Fieldstream Way, extended and Cheney Drive West, extended. [c/o Wills, Inc.](#) (app. 2735)

Applicant Presentation:

Brad Wills, the applicant stated the request is for a recommendation to the City Council for an amendment to the Fieldstone Professional PUD Agreement. A Nursing Home or Rest Home is not allowed in the R-4 Zone, it would only be allowed in the C-1 Zone or an R-6 Zone. He thinks this would be a prime location for this use because it is close to the hospital, which is why he is making this request.

Staff Analysis:

Planner I Spendlove reviewed the request on the overhead and stated on February 11, 2014 the Preliminary Plat for the Fieldstone Professional Subdivision, A PUD was approved, as presented and subject to conditions and on February 23, 2015 the Fieldstone Professional Subdivision, A PUD was approved and later recorded on May 12, 2015. In May 2015, an application was received to amend the newly recorded PUD. A preliminary presentation was given to the Planning and Zoning Commission on June 9, 2015.

This is a request for PUD Amendment, on property described above. The amendment consists of one proposed change to Exhibit "C" in the PUD Agreement. This change, if granted, will add "Nursing Homes and Rest Homes" to the list of *Special Uses* located in Exhibit "C" of the PUD Agreement. Furthermore, the applicant is limiting this proposed use to Lots 1-5 Block 1 of the Fieldstone Professional Subdivision, A PUD.

**Planning & Zoning Commission Minutes
June 23, 2015**

Amending the PUD to include Nursing and Rest Homes on the list of Special Uses will have negligible impact on the surrounding area when compared with the other uses already listed in the recorded PUD. The discussion about having professional offices and other services located in close proximity to the existing residential subdivision has been debated and approved through previous Public Hearings.

This addition to the list of Special Uses will require an additional public hearing, and approval by the Planning Commission Prior to any nursing or rest home business being legally established. At that time, the possible impacts of the specific business can be addressed and mitigated.

Planner I Spendlove stated upon conclusion should the Commission recommend the City Council 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 and the Fieldstone Professional PUD Agreement #271.

Public Hearing: [Opened](#)

Joyce Burkett, 1380 Silver Creek Way, stated she is not happy because originally this was supposed to be single family homes and she is concerned with the impacts this will have on the quiet neighborhood. She is also confused because on one map of the neighborhood there is a cul-de-sac at the end of Silver Creek Way, on another map Silver Creek Way goes all the way around through the neighborhood.

Closing Statements:

Mr. Wills reassured Ms. Burkett that there will be a cul-de-sac at the end of Silver Creek Way. He knew which development map she was referring to and assured the Commission that he will have that sign removed.

Deliberations Followed: [Without Concerns](#)

Motion:

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

[Recommended Approval To The City Council, 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 and the Fieldstone Professional PUD Agreement #271.

[City Council Public Hearing Scheduled July 20, 2015](#)

**Planning & Zoning Commission Minutes
June 23, 2015**

V. GENERAL PUBLIC INPUT: [None](#)

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

Zoning & Development Manager explained she made a presentation to the City Council regarding the Advisory Committee needed for the Comprehensive Plan update. The City Council gave some recommendations and requested that people chosen could possibly represent more than one interested party. They would like for the Advisory Committee to consist of a small group of citizens, two City Council members and two Planning & Zoning Commissioners. She explained that Logan & Simpson Design, Inc. would like to meet with this group around the time of the official “kick off”. Originally the proposed “Kick Off” date was proposed for July 8, 2015, however, that date has now been moved to July 15, 2015. Because of this change the regularly scheduled Planning & Zoning Work Session will remain scheduled for July 1, 2015. As soon the Advisory Committee is formed she will present this list to the City Council, for confirmation and appointment. She will keep the Planning & Zoning Commission informed as things progress.

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

1. Work Session-[July 1, 2015](#)
2. Public Hearing-[July 14, 2015](#)

VIII. ADJOURN MEETING:

Vice-Chairman Grey adjourned the meeting at 06:52 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
July 14, 2015 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" Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

PRESENT

Boyd
Derricott
Frank
Grey
Muñoz
Reid
Tatum

ABSENT

AREA OF IMPACT MEMBERS

PRESENT

Woods

ABSENT

Higley

CITY COUNCIL LIAISON(S):

CITY STAFF: Carraway-Johnson, 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.

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 approval of a **Preliminary Plat** for Golden Eagle Subdivision #6, 2.47 (+/-) acres consisting of 6 residential lots on property located at the corner of 3600 N and Harrison Street South. c/o EHM Engineers, Inc.

Applicant Presentation:

Gerald Martens, EHM Engineer, Inc. representing the local Boys and Girls Club. This piece of property was donated to the Boys and Girls club a few years back and was part of a storm water retention master plan for the Golden Eagle project. Subsequent to that the Twin Falls School District purchase a portion of Golden Eagle property to develop a Junior High School. With the development of the school this property was no longer needed for the storm water retention plan. The school property will be responsible for maintain their own storm water on their property. This property is now developable it is approximately 2.47 (+/-) acres with 6 lots. These lots will be residential lots developed as homes and should be a good project that will benefit the Boys and Girls Club.

**Planning & Zoning Commission Minutes
July 14, 2015**

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated this preliminary plat is for Golden Eagle Subdivision #6, consisting of 2.5 (+/-) acres into six (6) lots. The site is zoned R-4; Residential Medium Density are planned for residential development. There have been extensive discussions between City Engineering Staff and the applicants Engineering Firm. Most items have been addressed. City Staff has made 3 minor changes to the latest edition of the plat, these are highlighted in Red, and can support approval of this preliminary plat subject to those 3 issues being corrected.

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.

Planner I Spendlove stated upon conclusion this request is in conformance with the Comprehensive Plan which designates this area as appropriate for Medium Density Residential. Should the Commission approve the preliminary plat of the Golden Eagle #6 Subdivision, 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 the redline changes made by City Staff being incorporated into the Final Plat.

PZ Questions/Comments:

- Commissioner Grey asked about the access that will be serving the property and an easement shown on the plat.
- Mr. Martens explained the easement is a storm water tract for the residential development.

Public Comment: [Opened](#)

- Linsey Westburg, representing the Boys & Girls Club, thanked the Commission, staff and EHM Engineering for all of their help in getting through this process.

Public Comment: [Closed](#)

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Woods 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 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 the redline changes made by City Staff being incorporated into the Final Plat.

**Planning & Zoning Commission Minutes
July 14, 2015**

IV. PUBLIC HEARINGS:

1. Request for a [Special Use Permit](#) for the purpose of serving alcohol for consumption on site in conjunction with a restaurant on property located at 1833 Blue Lakes Boulevard North. c/o Sue Hamilton on behalf of Noodles & Company (app. 2736)

Applicant Presentation:

Brandon Barrett, representing the applicant, stated this request is to serve alcohol with food at the restaurant. The food is prepared fresh and made to order. They will operate from 10:00am to 10:00pm and would like to serve beer and wine with their food. The request is compatible with the area and other adjacent properties and he requests that the commission approve the special use permit.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated the Canyon Park West Development went through multiple public hearings for a Planned Unit Development on multiple occasions. The first process took place in the year 2000 and resulted in PUD #219. In 2012, an amendment took place in the PUD. This process took place from March 2012 through June 2012. As a result, all development is required to comply with the Canyon Park West Amended PUD #264.

This is a request to allow the sale of alcoholic beverages for consumption on-site within the Noodles and Company restaurant. The applicant has provided a narrative detailing their operations. It is reasonable assume this restaurant will operate similar to others located within the same area.

Per City Code 10-4-7: Alcohol Sales for consumption on site requires a special use permit prior to being legally established when it is located within 300' of residential property.

It is not anticipated the added function of serving alcohol will have any significant impacts to the area. The base use of the property as a restaurant is a permitted use. The design and layout of the sight has also received approval from the City of Twin Falls when a building permit was issued. Staff does not foresee a significant increase in negative impacts to the surrounding properties with the establishment of this business as presented.

Planner I Spendlove stated upon conclusion should the Commission approve 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 and Canyon Park West Amended PUD #264.

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

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.

**Planning & Zoning Commission Minutes
July 14, 2015**

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 and Canyon Park West Amended PUD #264.
2. Request for a **Special Use Permit** for the purpose of operating a religious facility that will include congregation meetings, counseling and body fitness on property located at 1385 Parkview Drive, Ste 102. c/o EHM Engineers, Inc. on behalf of Xrossway Fitness (app. 2737)

Commissioner Boyd stepped down for this item.

Applicant Presentation:

Gerald Martens, EHM Engineers, Inc. explained that he is here representing the applicant and will also have the pastor speak about the operation of the program. He is part of Emanuel Luther Church of which he serves on the board. The church has established a mission to extend their program to young adults to go beyond childcare and a parochial school. For this program to be successful it needed a modern facility so a group or investors and have arranged the means to lease this facility to the Xrossway Program to make this nonprofit program viable. The building is a shell building it is accessed from Park View Drive all activities will occur in the facility. It will look like an office building and function much like one. He would request that this special use permit be approved and issued specifically to the Xrossway Program ONLY, so that it is non transferrable to another user.

Pastor Lutz, 218 Buckingham Drive, stated he has been a pastor for 18 years and being a pastor has been his passion. This is relevant because they are not just trying to open a gym, they want to help meet the needs of people. They want to serve the needs of their community for holistic health and wellbeing. They want people to be well, most churches focus on childhood education, and fitness is going to serve the communities health and wellness needs. He asked that the Commission approve their request.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated this property was originally part of the Riverhawk PUD for the High School. In 2009, the new owner of these lots West of Parkview drive applied for a Comprehensive Plan Amendment changing the Future Land Use Map from Residential to Office Professional. In 2010, River Hawk Plaza PUD #257 went through the public hearing process and was approved for various professional, medical, and service businesses to take place on this property.

The applicant is seeking approval of a special use permit to operate a Fitness and Life Center –Religious Facility with extended hours. This site is zoned R-2 PRO PUD. A religious facility requires a Special Use in the base R-2 Zoning District. A fitness center is not enumerated within the Permitted or Special Uses in the R-2 zoning district.

The applicant has supplied a narrative and supporting documents outlining their operation. The area used by the religious facility and counseling office and will be 3224 sq. ft, the fitness center will occupy 2592 sq. ft. The applicant declared the hours of operation for the facility as 6 AM – 10 PM. The applicant has also supplied documents for their tax exempt status as a religious facility.

**Planning & Zoning Commission Minutes
July 14, 2015**

Per City Code 10-4-4: The R-2 Zone requires a Religious Facility to acquire a Special Use Permit prior to being legally established.

It is important to look at the impacts of the facility and not necessarily the type of religious facility being requested for special Use. In this case, the impacts of the proposed facility are going to be primarily the operating hours and the associated traffic, light and noise.

Per City Code 10-10: Religious facilities are required to provide 1 parking space for each 3 fixed seats, or 6 feet of bench, in all areas that may be simultaneously used for assembly. Where there is no fixed seating or a combination of assembly areas with and without fixed seating, 1 parking space shall be provided for each 35 square feet of assembly space. Exercise Gyms are required to provide 1 parking space for every 250 sq ft of exercise area.

A full assessment of the parking area has not been conducted. It is known that a cross access and parking agreement is in place amongst all the tenants of the Professional Plaza. It is anticipated there will be adequate parking for the proposed use. If the commission believes the base code requirement to be insufficient, it may require additional spaces to be provided.

Per City Code 10-11-1 thru 9: the required improvements do not change between the uses of property. However, if the commission feels this particular use creates an unusual or increased impact, a condition could be placed on this permit to mitigate that impact.

Per River Hawk Plaza PUD #257: "Hours of operation for all professional office buildings shall be 6:00 am to 9:00 pm unless extended hours of operation are permitted with an approved special use permit."

The hours proposed by the applicant requires a Special Use Permit to operate legally.

The impacts of this particular request are difficult to enumerate. The underlying base zone of R-2 does allow religious facilities through Special Use. However, the typical religious facilities we have historically reviewed did not contain a fitness center. Nor were those facilities typically open for any member of the public from 6 AM to 10 PM. It is Staff's opinion this religious facility will act more like a Fitness Gym with personal counseling available to clients. The fact that it is tied to a religious facility allows this permit to be brought to the commission for consideration due to the current zoning of the property.

The impacts of fitness gyms typically include increased vehicle trip generation during early morning and later evening times and potential light intrusion onto neighboring properties.

The impact of light intrusion has been greatly mitigated with the layout of the sight and the screening that has been installed along the west property line. The increase in vehicle trips is always a concern for neighboring property owners. The location of this facility on Park View (collector) between North College and Cheney (both collectors) gives it an optimal advantage to limiting the impact of traffic on neighboring areas. Patrons will access the facility from reasonably sized roadways that are built to accommodate moderate traffic loads.

**Planning & Zoning Commission Minutes
July 14, 2015**

It is not anticipated that the two previously stated impacts will cause unreasonable or negative impacts to the area. However, staff feels it important to recognize exercise gyms, or similar uses, are not enumerated on the Permitted Use List within the R-2 PRO or River Hawk PUD #257. If the Commission elects to approve this application, staff recommends this SUP being limited to Xrossway Fitness and Life Center, any change in ownership or operation will require a new Special Use Permit. This will set in motion a new public hearing process if any changes occur to the operation or ownership of this proposed religious facility.

Planner I Spendlove stated upon conclusion should the Commission approve 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 this Special Use Permit being issued to *Xrossway Fitness and Life Center*, any change in proprietorship or operation will require a new Special Use Permit.

PZ Questions/Comments:

- Commissioner Woods asked about screening between the building and the residential properties.
- Planner I Spendlove explained screening is required between commercial and residential properties.
- Commissioner Frank asked if there has been any input from the surrounding properties.
- Mr. Martens explained he had approximately three calls, several wanted to know how big the building was going to be and the third didn't have any issues just wanted to visit about the project. He explained this is not unlike the existing Emanuel Lutheran Facility it is used almost every night by the community. There are social halls for many of these types of facilities and this is one more way to integrate health into the mission. Parking lot lights are in the front, the only lights that are on the back of the building are shielded and do not project onto adjacent properties. The parking in the back is limited to employees. The patrons will be parking in front of the building.
- Commissioner Munoz stated he has concerns about activities occurring outside that would increase noise to the surrounding properties.
- Mr. Martens has no issue with a condition that limits the activities to the inside of the building.
- Commissioner Munoz asked if they have an estimate on how many people will attend.
- Mr. Martens stated the more the merrier, but it will be a facility that allows for social, fitness and holistic health but will not be a large commercial gym.
- Commissioner Tatum asked for clarification on the size of the office and activity space.
- Mr. Martens explained the worship space and restroom area will be approximately 3200 sq. ft. and the gym area will be approximately 2500 sq. ft.
- Commissioner Reid asked what the gym look like because they can all look different.
- Mr. Martens explained it will have exercise machines and a place for some exercise classes. It is about healing the mind and the body.

Public Hearing: [Opened](#)

- Eric Sept, 1410 Tara Street, spoke of his concerns regarding traffic and noise impact to his home. He is opposed to the request.

Public Hearing: [Closed](#)

**Planning & Zoning Commission Minutes
July 14, 2015**

Closing Statements:

- Mr. Martens explained the property will be maintained along with the rest of the buildings within this business park. As for the noise, there is a 100' setback between the building and the residents, they will install screening and the traffic in the back will be limited to employees only.

Deliberations Followed:

- Commissioner Munoz stated keeping the activities inside the building will alleviate these concerns, and as always, if noise does become an issue the citizen can contact the Police Department, they are responsive. A special use permit may have a requested for revocation if an issue arises.
- Commissioner Woods explained the back side of the building is mostly wall which will reduce the noise impacts.
- Commissioner Grey thinks this is not going to be an issue simply because of the size of the facility and the number of people that will frequent the facility.
- Commissioner Frank explained these types of facilities are there to be good neighbors and it would not benefit them to create problems for the neighbors.

Motion:

Commissioner Grey made a motion to approve the request, as presented, with staff recommendations and with a condition that activities associated with the Xrossway Fitness be kept inside the building, and the hours of operation be limited to 6:00am to 10:00pm. Commissioner Wood 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 issued to Xrossway Fitness and Life Center, any change in proprietorship or operation will require a new Special Use Permit.
3. All activities associated with Xrossway Fitness shall take place within the building.
4. Subject to hours of operation being limited to 6:00am to 10:00pm.

Commissioner Boyd returned to her seat.

3. Request for a **Special Use Permit** for the purpose of operating an automobile repair and sales business in conjunction with a custom woodworking shop and on property located at 2019 Kimberly Rd. c/o Rex Lytle (app. 2738)

Applicant Presentation:

Rex Lytle, the applicant, stated he has a building that he has leased off and on for several years. He is requesting to allow an auto repair shop in the building, with a wood working shop next door that has been operating in that space for approximately 11 years.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and explained this is an older commercial property along Kimberly Road. It has been Zoned Commercial at least as far back as 1981 with the passing of Ordinance 2012 which created the Zones we currently use today. Over the years various commercial businesses have occupied the space. No further applicable zoning history is known at this time.

**Planning & Zoning Commission Minutes
July 14, 2015**

The applicant is seeking approval of a Special Use Permit to operate a custom woodworking shop in the western portion of the building and an Auto repair & Auto/Pick-up Truck sales business in the other. These two (2) independent businesses will share parking and access to the site. This site is zoned C-1, Commercial Highway.

The applicant has supplied a narrative outlining their operations. The businesses will be open within the normal business hours with retail hours of 7am to 10pm, employ 1-3 people and have may have approximately 10 customers per day for the repair side. The Auto sales will be a small portion of the business with most inventory being posted on the internet. The custom woodworking shop is operated by a separate entity and has been in place for a few years. It occupies the western portion of the building and has all equipment and materials either inside the building or to the rear of the building shielded from view of the street.

Per City Code 10-4-8: The C-1 Zone requires custom woodworking, auto/pick-up truck sales and auto repair to acquire a Special Use Permit prior to being legally established.

These uses can be impactful on neighboring properties depending on the circumstances of the development patterns surrounding them. In this case, Kimberly Road is a State Highway designation, and has been for many years. The existing businesses typically found within this corridor tend toward larger scale operations in the construction or agricultural fields.

Per City Code 10-10: The custom woodworking shop will require no less than 1 space per 1250 sq. ft. The auto sales will require 1 space per 500 sq. ft. of building and designated sales area. The auto repair will require 3 spaces, plus 1.5 spaces per service bay, as well as adequate screened storage space for vehicles waiting repair and/or misc. auto parts.

The City has not received a floor plan showing the distinction between the Repair and Sales area, or the total sq. ft. of the custom woodworking shop area. Staff does not anticipate the parking to be an issue considering the large area to the rear of the building. Staff does anticipate site improvements shall be required to meet the requirement of that all required parking maneuvering areas be paved

Per City Code 10-11-1 thru 9: the required improvements do not change between the uses of property. However, if the commission feels this particular use creates an unusual or increased impact, a condition could be placed on this permit to mitigate that impact.

The impacts of the custom woodworking shop typically center on noise and dust accumulation. These impacts will be reasonably mitigated due to the hours of operation and the location of the activities being within the building. We do not feel the custom woodworking business will create unreasonable or negative impacts to the surrounding area. It is still important to place a condition for all materials to be stored inside the building or behind a screened area.

An Auto Repair business and Auto sales lots typically create impacts in the form of noise, increased vehicle trip generations, and unsightly storage of materials, vehicles waiting to be repaired and junk vehicles. Some of these possible impacts are mitigated with the hours of operation, the location of the activities being inside a building, and a large storage area behind the building which will allow for screened storage

**Planning & Zoning Commission Minutes
July 14, 2015**

of vehicles and parts from the nearest roadway. Despite the previous logic, staff feels it important to include a condition requiring all inoperable vehicles, parts and materials to be stored inside or behind a screened area.

Planner I Spendlove stated upon conclusion should the Commission approve 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 all woodworking materials and equipment to be stored inside the building or within a sight obscured area at all times.
3. Subject to all vehicles waiting to be repaired, if longer than three (3) days, inoperable vehicles, parts / materials to be stored inside the building or within a sight obscured area at all times.
4. All sight obscuring materials to be approved by Staff prior to installation.

PZ Questions/Comments:

- Commissioner Woods asked about management of oils and things to avoid things getting into the waterways.
- Planner I Spendlove explained there will be a requirement for grease traps and the business will have to comply with environmental protection requirements.
- Commissioner Munoz asked about parking requirements related to the dealership requirements as well as the required parking for the use. Is the actual car sales portion of the business a change of use for the property?
- Planner I Spendlove explained the required parking for the dealership will not be included as part of the parking spaces required for the use. Depending on the previous use of the building it could be a change of use which may or may not require additional improvements.
- Commissioner Munoz asked about the building setbacks.
- Planner I Spendlove explained that the building itself is a legal non-conforming building and is within the centerline setback of Kimberly Road.

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

Closing Statement:

Mr. Lytle explained that the woodworks has been in the building for 11 years and they have never had any complaints about the business. They have installed some landscaping to the site and they are planning to make sure the site is clean.

Deliberations Followed: **Without Concerns**

Motion:

Commissioner Boyd 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.

**Planning & Zoning Commission Minutes
July 14, 2015**

Approved, As Presented, With the Following Conditions

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to all woodworking materials and equipment to be stored inside the building or within a sight obscured area at all times.
3. Subject to all vehicles waiting to be repaired, if longer than three (3) days, inoperable vehicles, parts / materials to be stored inside the building or within a sight obscured area at all times.
4. All sight obscuring materials to be approved by Staff prior to installation.

V. GENERAL PUBLIC INPUT: None

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

Zoning & Development Manager Carraway explained that the City Fair is scheduled for tomorrow at the “old Banner Building” from 3:00pm to 8:00pm. There will be several displays available to the public. It will be an open house with staff and consultants available for questions and input. Logan-Simpson will be at Java-A-Bowl-Of-Soul on Thursday and Friday of this week conducting interviews with citizens and the first Advisory Committee meeting will be held Thursday, July 16, 2015 at Noon.

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

1. Public Hearing-**July 28, 2015**
2. Work Session-**August 5, 2015**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:28 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
July 28, 2015, 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" Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

PRESENT

Derricott
Frank
Grey
Reid

ABSENT

Boyd
Munoz
Tatum

AREA OF IMPACT MEMBERS

PRESENT

Higley

ABSENT

Woods

CITY COUNCIL LIAISON(S): Mills Sojka

CITY STAFF: Carraway-Johnson, 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.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **07-01-15 WS, 07-14-15 PH**
2. Approval of Findings of Fact and Conclusions of Law:
 - Golden Eagle #6 (pre-plat)
 - Xrossway Fitness & Life Center (SUP)
 - Noodles & Company (SUP)
 - Rex Lytle (SUP)

MOTION:

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

Unanimously Approved

III. ITEMS OF CONSIDERATION: **NONE**

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to construct a 1680 sq. ft. detached accessory building on property located at 912 Grandview Drive c/o Lowell Wolters (app. 2741)

Applicant Presentation:

Lowell Wolters, the applicant, state he is here to request a Special Use Permit to build a shop. It will be an oversized garage for projects, storage and personal use.

**Planning & Zoning Commission Minutes
July 28, 2015**

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated this home is part of the Thompson Grandview Subdivision, recorded in 1963. According to County records, a single family dwelling was constructed on the property in 1965.

The Applicant has supplied plans showing a 1680 sf detached accessory building being constructed on the West portion of his lot. The applicant described the area as space for recreational vehicles, extra car and a work area. The building elevations show the owner will make every attempt to match the building with the existing home.

Per City Code 10-4-5: Detached accessory buildings within the R-4 Zone greater than 1000 sf are required to obtain a Special Use Permit prior to being legally constructed. The proposed plan is showing a new structure approximately 1680 sf. Within this existing neighborhood this size is not uncommon. There was an SUP issued in recent years for large accessory structures on a property just to the north.

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

Accessory structures of similar size are common in this area. The design submitted is consistent with the existing neighborhood. Staff does not foresee any impacts related to noise, glare, odor, or fumes being overly imposing to neighboring property owners. The detached accessory building shall be made of materials residential in nature and built to be similar to the existing residence.

Planner I Spendlove stated 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 no business use or residential occupancy within this structure.
3. Subject to acquiring deferral agreement for curb, gutter, and sidewalk per Engineering.
4. Subject to detached accessory building using materials residential in nature and being built to be similar to the existing residence.

PZ Questions/Comments:

- Commissioner Grey asked about access to Morton Street and if that will be an issue and if a deed restriction would be required because the property is shown as two lots and the possibility of the shop being sold off later as a separate lot.
- Planner I Spendlove explained because this lot is in the area of impact the applicant has to have highway district approval for the access to Morton Street it is not a City street therefore the City has no authority to deny the access. He asked if he could explain the two lot concern later in the meeting.

Planning & Zoning Commission Minutes

July 28, 2015

Public Hearing: **Opened**

- Linda Simmons, 924 Morton Drive, stated her concern is traffic along the dead end road. She is opposed to the request.
- Rick Erby 892 Grandview Drive has no problems with the request.

Public Hearing: **Closed**

Closing Statements:

Mr. Wolters explained that use of the shop will be tinkering, and as for traffic he may use this access once or twice a day. He understands the neighbors' concerns but he does not plan to run a business from the garage. As for the lots he has no desire to split the lots.

Deliberations Followed:

- Commissioner Grey asked for clarification on the garage with the access off of Morton Street. This allows the lot to have its own access.
- Planner I Spendlove explained if this were its own lot and the applicant did not own it, a single family dwelling could be built on that lot.
- Commissioner Grey explained this is going to be more of a hobby /shop not so much a garage that will be accessed daily.
- Commissioner Frank explained he doesn't think this is going to create a traffic issue, and has no issues with the request.

Motion:

Commissioner Derricott made a motion to approve the request, as presented, with staff recommendations. Commissioner Reid 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 no business use or residential occupancy within this structure.
3. Subject to acquiring deferral agreement for curb, gutter, and sidewalk per Engineering.
4. Subject to detached accessory building using materials residential in nature and being built to be similar to the existing residence.

V. GENERAL PUBLIC INPUT: **NONE**

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

- Planner I Spendlove explained the situation with the two lots and the reason for not placing a deed restriction on the Special Use Permit. The applicant owns lots 5 & 6 in the subdivision, and in the past we have had the applicant combine the lots with a deed restriction. Legally because the City is not the beneficiary of the restriction it could be removed at any time. The concern is an accessory building on its own lot would be illegal because it is not an accessory to anything, but the person could not use it for anything. The City cannot stop someone from buying or selling property.
- Commissioner Grey clarified that if someone bought the parcel with the garage on it they could use it as a garage.

Planning & Zoning Commission Minutes

July 28, 2015

- Planner I Spendlove explained it could only be used as an accessory to the residence. If the lot is large enough there may be the possibility of building a house. The use is defined by the zone.
- Commissioner Higley explained that the septic system is on the second lot so it would not benefit the applicant to sell it off separately.
- Planner I Spendlove agreed and stated there would be setback requirements that would need to be met and those may or may not be possible. To help try and prevent someone from buying something like this thinking they can do what they want with the property the Special Use Permit will be recorded with the deed. If a title search is done the Special Use Permit showing in the file what the purpose and conditions are for the accessory building.

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

1. Work Session-**August 5, 2015**
2. Public Hearing-**August 11, 2015**
3. City Fair-**August 12, 2015**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 6:20 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



CITY OF TWIN FALLS

TWIN FALLS PLANNING & ZONING COMMISSION

**August 11, 2015
Meeting Cancelled**

**LOCATION: 305 3RD AVENUE EAST
CITY COUNCIL CHAMBERS**

Lisa Strickland
Administrative Assistant
208-735-7267



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
August 25, 2015 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" Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

PRESENT

Boyd
Derricott
Frank
Grey
Muñoz
Tatum

ABSENT

Reid

AREA OF IMPACT MEMBERS

PRESENT

Higley
Woods

ABSENT

CITY COUNCIL LIAISON(S): Mills Sojka

CITY STAFF: Carraway-Johnson, Spendlove, Strickland, 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.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **August 5, 2015 WS**
2. Approval of Findings of Fact and Conclusions of Law: **None**

III. ITEMS OF CONSIDERATION:

1. Request the Commission's consideration to remove conditions 4 & 5 of Special Use Permit #1361, granted by the Planning & Zoning Commission on April 28, 2015 and issued to Plant Therapy for the purpose of establishing a retail business and to include repackaging of products, wholesale distribution and warehousing on property located at 510 2nd Avenue South c/o Plant Therapy (app. 2720)

Applicant Presentation:

Andrew Dipetro, Petersen Brothers Construction, representing the applicant. He reviewed on the overhead the location of the property and stated 2nd Avenue South is where most of the business will be conducted and what they are requesting that they not have to combine the two lots but instead record a cross use agreement between the two parcels. There could be some overlap in using the property so rather than placing a barrier between the two parcels, this would allow the owner flexibility for access into the business. Constructing the sidewalk area along Minidoka Avenue and doing the cross use agreement they feel will satisfy the conditions. They would like to have conditions 4 & 5 removed from the Special Use Permit that was approved in April.

Planning & Zoning Commission Minutes

August 25, 2015

Staff Presentation:

Planner I Spendlove explained that staff report that was written was completed prior to a meeting with the applicant regarding their request. Staff had several discussions with the applicant regarding the conditions and required improvements. Condition #4 "sidewalk being installed along Minidoka Ave frontage" was listed as an "FYI" for the applicant to be aware that this improvement will be required with this development. This condition can be removed from the Special Use Permit however it will not eliminate the requirement, it is a condition required by City Code. Condition #5 was added to the Special Use Permit because at the time it was not made clear by the applicant whether or not both parcels were going to be used with this development. There were a couple ways this could be addressed either the applicant combine both lots or provide a cross use agreement so that if one of the parcels is leased to another party they are aware that access and parking can be shared amongst both properties. The applicant explained that they would only be using parcel 1 for the development, staff made it clear that would be fine however there would have to be some means of precluding the use of parcel 2 for the development. The applicant did not want to put in the sidewalk improvement along Minidoka Avenue so by limiting the development to parcel 1 it would allow this condition to be removed from the Special Use Permit. This is a change of use which triggers the required improvements.

Planner I Spendlove stated upon conclusion staff is not opposed to the removal of the conditions, if the applicant plans to build the sidewalk along Minidoka Avenue and provides a cross use agreement for the property.

PZ Questions/Comments:

- Commissioner Grey asked if they plan to build the sidewalk along Minidoka Avenue.
- Mr. Dipetro stated yes they plan to build the sidewalk along Minidoka Avenue and provide a cross use agreement for the property.
- Commissioner Munoz asked if the 6 month completion time will still apply if Condition #4 is removed.
- Planner I Spendlove explained the sidewalk will have to be complete prior to the Certificate of Occupancy being issued.
- Commissioner Frank asked if a condition should be added that requires the cross use agreement to be complete prior to occupancy.
- Planner I Spendlove explained staff would recommend a condition be added to the Special Use Permit requiring the cross use agreement.

Public Hearing: [Opened & Closed](#)

Deliberations Followed:

Commissioner Munoz stated that with the sidewalks being installed and the cross use agreement being provided he is satisfied. He would like to make sure the requirement for the cross use agreement is included in the motion.

Motion:

Planning & Zoning Commission Minutes

August 25, 2015

Commissioner Munoz made a motion to amend SUP # 1361, as presented, with staff recommendations and a condition that a Cross Use Agreement be provided prior to the Certificate of Occupancy being issued. Commissioner Woods 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 require by Building, Engineering, Fire and Zoning Officials to ensure compliance with applicable City Code requirements and standards.
2. Subject to compliance with storm water retention requirements.
3. Subject to placement of trash receptacle enclosure in compliance with 10-11-6
4. ~~Subject to the sidewalk being installed along Minidoka Avenue frontage prior to occupancy or within 6 months from the date of special use permit approval.~~
5. ~~Subject to the property being combined under one warranty deed with deed restriction to remain under one owner.~~
6. Subject to a Cross Use Agreement being provided prior to the Certificate of Occupancy being issued.

IV. PUBLIC HEARINGS:

1. Request for a **Special Use Permit** for a drive through window in conjunction with a restaurant on undeveloped property located west of 291 Pole Line Road c/o EHM Engineers, Inc. on behalf of Westpark Partners (app. 2744)

Applicant Presentation:

Gerald Martens, representing the applicant, the property is proposed to be sold as a 1 acre parcel for development of a restaurant with a drive through window. The next part of the process will include a preliminary plat. The drive through will meet code; it will be along the west side two lanes wide to allow for a bypass lane.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated Ordinance 2012 was passed in 1981 which created the zoning districts we currently use, and zoned various properties within City Limits. Many new zoning designations were assigned at that time, or when areas were annexed. In 1993, the Northbridge PUD C-2185 was recorded after multiple public hearings with the PZ Commission and the City Council. No further pertinent zoning history is known at this time.

The request is to allow the operation of a drive thru window in conjunction with a restaurant operating with extended hours of operation. The applicant has supplied a narrative and supporting documents outlining the details of the proposed operation and use of the property. The restaurant will be owned and operated by Popeye's. The requested hours of operation are from 10:30 am – 11:00 pm (City Code permitted hours are 7 am to 10 pm). The applicant anticipates traffic counts approximately 300 vehicles per day, and anticipates 25 total employees. The applicant does not anticipate an unmanageable increase of noise, glare, odors, fumes, or vibrations to surrounding property owners due to the proximity of this project to other established businesses which are commercial in nature.

Per City Code 10-4-8.2: Drive-thru windows require a special use permit. Additionally, retail establishments wishing to legally operate outside the permitted retail hours of operation of 7:00 am to 10:00 pm are also required to acquire a special use permit.

**Planning & Zoning Commission Minutes
August 25, 2015**

The impacts of this particular project operating a drive thru and extended hours of 10:30 AM – 11:00 PM would generally revolve around traffic and light intrusion onto neighboring properties. Staff does not anticipate the traffic increase to be detrimental to the area due to its proximity to a major arterial (Washington Street North), and the current development pattern in the area. Light from this operation is not anticipated to increase dramatically from what is currently in the area.

Per City Code 10-10: Off Street Parking is required for this business at a rate of one (1) space per one hundred (100) square feet of floor area. The result is twenty eight (28) parking spaces required. The site plan provided shows the minimum number of required spaces being met. Further review will occur at the time of building permit submittal.

Per City Code 10-11-1 thru 8: All the required improvements will be reviewed for compliance with current city code at the time of building permit submittal. Some of these improvements include screening, access, parking surface, streets, storm water retention, utilities, and others.

Per City Code 10-12-1 thru 4: The proposed location cited by the applicant has not been platted. In order to apply for a building permit, this location will need to progress through the platting process, including multiple public hearings. This special use permit does not remove other requirements listed in City Code for buildings to be placed on Legal, buildable lots.

It is important to note that the base operation of a restaurant is an outright permitted use in this zoning district. The immediate properties surrounding this project are zoned C-1 (Commercial) PUD. With arterial roadways to the West and immediately to the South, this property was intended to become a commercial corridor. The typical affects to adjoining property owners will be negligible due to the nature of the overall development being commercial. The impact on the greater area should be considered. As this area continues to develop, it is acceptable to assume more traffic will be generated. However, this development is positioned at the intersection of two major arterial roadways which have been identified as commercial corridors in the current Comprehensive Plan and Future Land Use Map. The access to the restaurant is internal from the private access road to the north.

Planner I Spendlove stated should the Commission grant this request as presented; city staff recommends approval be subject to the following condition:

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 extended hours of operation not to exceed 7 AM to 11 PM.
3. Subject to the subdivision process as required by Twin Falls City Code being completed prior to issuance of a building permit.

Public Hearing: [Opened & Closed](#)

Deliberations Followed:

Commissioner Grey asked about traffic flow between the new business and the existing business to the east.

**Planning & Zoning Commission Minutes
August 25, 2015**

Mr. Martens explained there is a Cross Use Agreement between these properties and it is a shared approach.

Motion:

Commissioner Boyd 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 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 extended hours of operation not to exceed 7 AM to 11 PM.
 3. Subject to the subdivision process as required by Twin Falls City Code being completed prior to issuance of a building permit.
2. Request for a **Special Use Permit** to construct a 2400 sq. ft. detached accessory building on property located at 1983 Brook Stone Drive c/o Gary & Andrea Stahlacker (app. 2745)

Applicant Presentation:

Gary Stahlacker, the applicant stated they would like a special use permit to construct a 2400 sq. ft. detached accessory building for storage of personal vehicles and items.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated this lot is part of the Stone Ridge Estates Subdivision, recorded in August 2008. The zoning of SUI on the property was established during the last Area of Impact Agreement signed with the County in 2004. The Applicant has supplied plans showing a 2400 sf detached accessory building being constructed on the south portion of their lot. The applicant described the area as space for recreational vehicles, extra car and a work area. The owner provided a drawing of the building elevations which appear to attempt to match the accessory building with the existing home.

Per City Code 10-4-5: Detached accessory buildings within the SUI Zone greater than 1500 sf are required to obtain a Special Use Permit prior to issuance of a building permit. The proposed plan is showing a new structure approximately 2400 sf. This size of detached structure is common throughout the existing neighborhood. There was an SUP issued in recent years for a large accessory structures on a property just to the East.

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

Accessory structures of similar size are common in this area. The design submitted is consistent with the existing neighborhood. Staff does not foresee any impacts related to noise, glare, odor, or fumes being overly imposing to neighboring property owners. The detached accessory building shall be made of materials residential in nature and built to be similar to the existing residence.

**Planning & Zoning Commission Minutes
August 25, 2015**

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 no business use or residential occupancy within this structure.
3. Subject to detached accessory building using materials residential in nature and being built to be similar to the existing residence.

PZ Questions/Comments:

Commissioner Wood asked about hard surface requirements.

Planner I Spendlove explained in this area the first 50' has to be hard surfaced in this situation the driveway will access the detached accessory building so this should not be an issue, the driveway shall be paved.

Public Hearing: [Opened & Closed](#)

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Woods 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.

V. GENERAL PUBLIC INPUT: [None](#)

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

Zoning & Development Manager Carraway-Johnson explained that the next work session will continue the discussion about landscaping requirements. Jonathan has been working on the packet for the next meeting and will try to have it ready prior to the meeting. Logan-Simpson the consultant team for the Comprehensive Plan Update will be back in town on September 11, 2015 at which time another Comprehensive Plan Update Advisory Board Committee meeting will be held from 12:00pm to 2:00pm. They will also have a booth set up at the Wings & Things event from 1:00pm to 3:00pm at the City Park on September 12, 2015.

Commissioner Boyd asked for clarification as to whom she should send photos to that relate to the landscaping discussion.

Planner I Spendlove stated that information should be emailed to him and Renée so that it can be reviewed and brought up for discussion. He also explained that the packet may not be very big for the next meeting but there needs to be some further discussion about the direction the City would like to take for developing the code amendment.

Commissioner Boyd stated that recently she visited a place with a similar downtown area that has redone their downtown and she saw lots of things that could possibly be discussed for landscaping but one of the things she liked the most were directional signs they had posted throughout their downtown area to help promote the businesses in the area.

Planner I Spendlove explained that these are the things that need to be talked about before staff moves forward with a code amendment. He asked that the Commission to review the packet that will be sent out and to be prepared for some good discussion.

**Planning & Zoning Commission Minutes
August 25, 2015**

Zoning & Development Manager Carraway-Johnson announced that the City Council approved the budget for 2016 and in that budget 4 new positions were added to the roster, two new police officers, one recreation coordinator and one Planner I position. The goal is to have this position assist with the code amendment list and other projects related to Planning & Zoning.

Commissioner Grey asked about any conversation that may have taken place with the Idaho Department of Transportation regarding the lengthening of turn lanes.

Zoning & Development Manager Carraway-Johnson stated that she would ask the Assistant City Engineer if he had any updates to report.

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

1. Work Session- **September 2, 2015**
2. Public Hearing- **~~Wednesday~~, September 9, 2015**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 6:38pm.

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
Wednesday, September 9, 2015 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" Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

PRESENT

Boyd
Derricott
Frank
Grey
Moñoz
Reid
Tatum

ABSENT

AREA OF IMPACT MEMBERS

PRESENT

Higley
Woods

ABSENT

CITY COUNCIL LIAISON(S): Mills Sojka

CITY STAFF: Carraway-Johnson, 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.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **August 25, 2015 PH**
2. Approval of Findings of Fact and Conclusions of Law: **None**

III. ITEMS OF CONSIDERATION:

1. A **Preliminary Presentation** for a PUD Amendment to the Canyon Park West PUD #264 to allow a Panera Bread Restaurant on Lot 7 Block 1 with a drive through facility c/o Canyon Park Development, LLC on behalf of Canyon Park I (app. 2748)

Applicant Presentation:

Gerald Martens, EHM Engineers, Inc., representing the applicant stated this project was originally drafted in 2000 and the economy went south in 2012 the development was reactivated changes were made to the PUD and Fillmore was relocated throughout the development, the roundabout was built and since then there have been several amendments for this development. This is a request related to the last piece of property within the development and is located north of the Outback parking lot. The request is to allow for a drive through for Panera Bread and originally the PUD precluded drive through restaurants and this request would only apply to this user on this lot.

Staff Presentation:

Planner I Spendlove reviewed the exhibits on the overhead and explained the request tonight is a preliminary presentation for a PUD Amendment to allow for a restaurant with a drive through in the Canyon Park West development a full staff analysis will be provided at the public hearing scheduled for September 29, 2015.

Planning & Zoning Commission Minutes

September 9, 2015

PZ Comments/Questions:

- Commissioner Woods asked about the elevations and headlight impacts towards traffic coming from the bridge.
- Mr. Martens explained there is approximately 60 ft of landscaping that is reserved for widening the bridge and there is a big landscaping area that should shield the headlights from the highway. Along the north side of the property there will be landscaping to prevent headlights from shining towards the Visitors Center. Elevations will be provided at the public hearing.
- Commissioner Munoz asked about parking in the area and if the parking standards apply to this development with the landscaping endcaps.
- Mr. Martens explained that the landscaping requirements related to the current parking code will be met.
- Commissioner Grey asked about the distance from the Canyon Rim Trail.
- Mr. Martens explained the property is not adjacent to the trail there is a parcel between this property and the Canyon Rim Trail.
- Commissioner Frank asked about traffic flow around the building.
- Mr. Martens explained that what is shown on the exhibit is designed to allow a delivery truck to maneuver around the building.
- Assistant City Engineer Vitek stated the accesses meet current requirements and standards.
- Commissioner Tatum asked about this allowance being specifically only to Panera Bread.
- Mr. Martens confirmed that the change would be only for Panera Bread.
- Commissioner Munoz asked about the design of the order and pick-up areas.
- Mr. Martens explained those areas are shown with concrete pads so that the cars do not move when stopped to give an order or pick up an order.

Public Comment: [Opened & Closed Without Comment](#)

Planning & Zoning Public Hearing Scheduled
September 29, 2015

2. Request for approval of the [preliminary plat](#) for the Westpark Commercial Subdivision #9, A PUD consisting of **3.86** (+/-) acres with **3 lots and 1 tract** for commercial development on property located north of Pole Line Road & west Canyon Crest Drive c/o Gerald Martens / EHM Engineers, Inc. on behalf of Westpark Partners, LLC

Applicant Presentation:

Gerald Martens, EHM Engineers, Inc., representing the applicant explained that this request is for Westpark Commercial Subdivision #9. This plat fills in the gap between the Culver's Restaurant and Denny's Restaurant along Pole Line Road. The parcel on the east end is designated for Popeye's Restaurant. This was the first PUD ever done in Twin Falls and after 30 years it will finally be completed. A building permit will be submitted for Popeye's Restaurant once the plat has been approved.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated this is a preliminary plat for the Westpark Commercial Subdivision #9. There have been several changes to the PUD throughout

Planning & Zoning Commission Minutes

September 9, 2015

the years. This Preliminary Plat for the Westpark Commercial Subdivision #9 – a PUD includes 3.86 (+/-) acres and consists of three (3) lots.

The intended use for Lot 1, Block 1, Westpark Commercial Subdivision #9 – a PUD is to allow the commercial development of a Popeye's restaurant with a drive-through window. The other two lots are unknown commercial uses at this time. There is not a minimum lot square footage requirement in the C-1 zone for commercial uses; the lot is required to be of "sufficient size to provide for the building, the required setbacks, off street parking and landscaping". 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 criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for commercial/retail 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 compliance with Northbridge PUD.
3. Subject to the deed being revised in Westpark Commercial Subdivision #3, Lot 4 to exclude this subdivision, if approved.

PZ Comments/Questions:

- Commissioner Munoz asked about cross-use-agreements for this development.
- Mr. Martens explained that there is a cross use agreement between all of the parcels throughout this development.

Public Hearing: [Opened & Closed Without Comments](#)

Motion:

Commissioner Boyd 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 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 Northbridge PUD.
3. Subject to the deed being revised in Westpark Commercial Subdivision #3, Lot 4 to exclude this subdivision, if approved.

IV. PUBLIC HEARINGS:

1. **WITHDRAWN** Request for a **Zoning Title Amendment** to amend Title 10-7-6 by reducing the front-yard building setback from 80 ft from centerline to 70 ft from centerline on 2700 East Road from 3600 North to 4200 North Road c/o Tim Stover on behalf of Jon & Becky Powlus (app. 2746) **WITHDRAWN**
2. Request for **Vacation** of a 15' utility easement along westerly boundary of Lots 1, 2, 3, 4, 5 & 6 Block 1 and a 15' utility easement along easterly boundary of Lots 1, 2, 3, 4 and Tract A Block 2 of the Eldridge Commercial Subdivision located north of the intersection of Eldridge Avenue & Madrin Street c/o The Edmunds Group, LLC & Larry Fairbanks (app. 2747)

Applicant Presentation:

Ryan Steel, representing the applicant, stated the request is to vacate the easements along the outside 15 ft of the Eldridge Commercial Subdivision on the east and west side. The applicant is making this request so that they can have room to build larger buildings.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated in 2008, the owner of the above stated property went through the public hearing process with the Planning and Zoning Commission, and the City Council to create the Eldridge Commercial Subdivision consisting of 10 lots and 1 tract. The plat was recorded in November 2008.

This is a request to vacate portions of a utility easement within the Eldridge Commercial Subdivision. During the platting process in 2008, a utility easement was placed on the plat along the exterior boundary of the subdivision. At the time of platting this was a common practice. Since the recordation of this plat, the common practice has been changed, no longer requiring utility easements along the exterior boundary. As no structure may be built over a recorded easement it limits the allowable building space within a lot. We have shifted regulations to requiring easements along street frontages to minimize intrusions to private property owners.

The Engineering Department has reviewed this request and is supportive of the vacation. We have also received letters from all applicable utility companies in support of this 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 approval be subject to the following condition(s):

1. Subject to any and all requirements placed by applicable utility companies being met prior to publication of the Vacation Ordinance.

PZ Comments/Questions:

- Commissioner Frank verified that there are still easements along the road in front of the parcels.
- Planner I Spendlove confirmed that there are easements along the front of the lots.

Planning & Zoning Commission Minutes

September 9, 2015

Public Hearing: Opened & Closed Without Comment

Motion:

Commissioner Woods made a motion to recommend approval of this request to the City Council, as presented. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

City Council Public Hearing Scheduled
October 5, 2015

V. GENERAL PUBLIC INPUT: None

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

- Zoning & Development Manager Carraway-Johnson reminded the Commission that the meeting on September 22, 2015 has been cancelled and rescheduled for September 29, 2015. She thanked the Commission for their cooperation in changing the date and being available for the meeting to be held on September 29, 2015.
- She stated the next Comprehensive Plan Update Advisory Committee Meeting will be held this Friday, September 11, 2015. The consultants will give an update on the public input they have received and on Saturday, September 12, 2015 there will be an informational booth set up at the Wings and Things Event from 12:00pm to 3:00pm in the City Park.
- She also reminded the Commission about the Jerry Mason training registration and stated it is paid for by the City of Twin Falls for any of the Commissioners that want to attend the training. This training is scheduled for September 15, 2015 from 1:00pm to 4:00pm at the County Planning & Zoning Office.
- Commissioner Woods stated that he has attended this training before and it was very valuable other jurisdiction attended and it was interesting to hear about issues they were dealing with regarding Planning & Zoning.
- Commissioner Grey asked about any updates from the Idaho Transportation Department and if there were any discussions about lengthening turn lanes, traffic signals and islands.
- Assistant City Engineer Vitek explained the only item he has spoken with ITD about recently is a proposed development located at Kimberly Road and Meadowview Lane regarding a shared approach. It looks like the property owners are work through this process with ITD and may have that completed soon.
- Commissioner Woods reported that his neighbors have been very happy with the landscaping out at the new water storage tanks.
- Commissioner Reid asked about some clarification on what the back of the building is defined as, because there is a building along Blue Lakes Boulevard North going in a development that looks like the back of the building faces the street.
- Zoning & Development Manager Carraway-Johnson explained that this issue is something that would come under a design review committee, which the City of Twin Falls does not have so unfortunately the only option staff has is to encourage certain design.
- Commissioner Frank asked staff to look at a video wall that is flashing inside the new Mountain America Credit Union located on Blue Lakes Boulevard North.

Planning & Zoning Commission Minutes

September 9, 2015

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

1. Public Hearing- **September 29, 2015 (Special Meeting)**
2. Work Session - **October 7, 2015**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 6:55 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



CITY OF TWIN FALLS

TWIN FALLS

PLANNING & ZONING COMMISSION

September 22, 2015

Meeting Cancelled

**Special Meeting
to be held
September 29, 2015
at 6:00 PM**

**LOCATION: 305 3RD AVENUE EAST
CITY COUNCIL CHAMBERS**

Lisa Strickland
Administrative Assistant
208-735-7267



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
September 29, 2015 Special Meeting 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" Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

PRESENT

Derricott
Grey
Monoz
Reid

ABSENT

Boyd
Frank

Tatum

AREA OF IMPACT MEMBERS

PRESENT

Higley
Woods

ABSENT

CITY COUNCIL LIAISON(S):

CITY STAFF: Spendlove, Strickland, Vitek, Nope

I. CALL MEETING TO ORDER:

Vice-Chairman Grey 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.

I. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **September 2, 2015 WS, September 9, 2015 PH**
2. Approval of Findings of Fact and Conclusions of Law:
 - Westpark Commercial Subd #9 (Pre-plat 09-09-15)

Motion:

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

Unanimously Approved

II. ITEMS OF CONSIDERATION: **None**

III. PUBLIC HEARINGS:

1. Request for the Commission's Recommendation on a **PUD Amendment** to the Canyon Park West PUD #264 to allow a Panera Bread Restaurant on Lot 7 Block 1 with a drive through facility c/o Canyon Park Development, LLC on behalf of Canyon Park I (app. 2748)

Applicant Presentation:

Gerald Martens, EHM Engineers, Inc. representing the applicant stated he is here to request that a PUD Amendment be made to allow for only Panera bread to construct and operate a drive through window in conjunction with a restaurant. He reviewed on the overhead the elevations for the building and the site plan for the area. He asked that the Commission recommend approval for this change.

**Planning & Zoning Commission Minutes
September 29, 2015-Special Meeting**

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated the Planning and Zoning Commission approved the Canyon Park Amended – PUD Subdivision on April 10, 2012. The Council approved the final plat on June 4, 2012. The Canyon Park West (Amended) C-1 PUD Agreement was approved and signed by the Council on August 20, 2012. The Canyon Park Amended final plat was recorded on December 23, 2013.

This is a request for an Amendment to a previously approved Planned Unit Development Agreement (PUD #264), on property described above. The current PUD, and underlying City Code Section 10-4-19, does not allow for a “Drive-Thru Restaurant” within the Canyon Rim Overlay Zone. PUD’s allow the applicant to request variations from underlying code sections for properties listed within the boundaries of the development.

In this case, the applicant is requesting an amendment to the previously approved PUD Agreement in order to allow a specific restaurant, Panera Bread, to install a “Drive-Thru Window” for their future restaurant on a specific lot within the development boundary. This would be a variation from City Code Section 10-4-19: Canyon Rim Overlay.

The Canyon Rim Overlay Zone was intended to protect the public interests along the canyon rim by limiting certain types of development, and prohibiting other types. A “Drive-Thru Window” along the Snake River Canyon was specifically left off the list of Uses, both Permitted and Special Use, within that code section. This was done in order to limit the typical impacts drive-thru windows have on the public interests along the Snake River Canyon Rim. Typical impacts accompanying drive-thru windows include: increased noise, traffic and light intrusion on neighboring properties and possibly from the canyon floor.

Despite the foregoing analysis written above, one should also look at the request in the context of where this specific property is located. The property immediately to the north is home to the new Visitor’s Center which contains the Twin Falls Chamber of Commerce and other tourist based offices. It also contains free public parking for the trail system and public viewing area of the Perrine Bridge. These amenities draw a fair amount of visitor traffic which contributes to the base noise and light intrusion of the area. It would be safe to accept the proposed drive-thru window will not greatly increase the typical impacts to the Canyon Rim, in terms of traffic and light intrusion beyond what is currently being witnessed at the Visitor’s Center immediately to the north.

Planner I Spendlove stated upon conclusion should the Commission recommend approval of the proposed Amendment to PUD Agreement #264, as presented, staff recommends the following conditions:

1. Subject to operation of a drive-thru window being limited to Panera Bread Restaurant only.
2. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards and the Canyon Park PUD Agreement #264.

**Planning & Zoning Commission Minutes
September 29, 2015-Special Meeting**

P&Z Questions/Comments:

- Commissioner Woods asked if there is any data from the applicant on the length of queue lines.
- Mr. Martens explained his understanding is that the menu consists of food that is already prepared, the cars do not sit in line long waiting for things to be prepared. The drive through does allow for the required stacking.
- Commissioner Woods asked about the feature on the North East corner of the building.
- Mr. Martens explained that is an enclosure for the dumpsters.
- Commissioner Woods asked if there is anything that will prevent car headlights from intruding onto oncoming traffic from the bridge.
- Mr. Martens explained that there will be landscaped along the frontage as part of an agreement that Canyon Park has with the Idaho Department of Transportation, this landscaping has not been completed because they have been working to install the pressurized irrigation system, once that is complete the landscaping will be installed.
- Commissioner Munoz asked about the proposed landscaping and if the pictures presented represent a certain timeframe.
- Mr. Martens explained that the landscaping should be similar to what has been installed in the rest of the development.
- Commissioner Munoz asked about the specialty coffee's that they offer and if this might increase traffic through the drive through.
- Mr. Martens explained he is not aware of the details of the operation and ask the Woodbury representative Jeff Stokes to assist in answering this question.
- Jeff Stokes, representing Woodbury Corporation explained the trees shown on the exhibit should be at mature height within 5-7 years. He also explained that Panera wants to offer take out through the drive through rather than having to come in and wait. This is a newer layout for Panera and will be one of the first to have a drive through, he is not aware of their entire menu with regards to the coffees.
- Commissioner Reid asked if there are elevations of the back of the building that is going to face Blue Lakes Boulevard North.
- Mr. Stokes explained that Woodbury has a strict design criteria they like to maintain and that what is being shown tonight is a draft. Woodbury has asked for additional attempts to add awning over the windows and to try and dress up the building for more appeal.
- Commissioner Grey asked Planner I Spendlove to explain the CRO code section as it applies to this request.
- Planner I Spendlove explained that this property is currently zoned C-1 CRO PUD. When the original PUD Agreement was created the CRO zone did not and still does not allow for a drive through in that zone. Because this is part of a PUD zoned property the applicant can request that the drive-through be allowed.

Public Hearing: [Opened & Closed Without Concerns](#)

Closing Comments:

Mr. Martens summarized that the applicant concurs with the staff recommendations and they plan for this project to be a quality project. The last site left for development is going to be a high end restaurant will most likely not have to come through any process for approval except building permits, and it should be a wonderful addition to the development.

**Planning & Zoning Commission Minutes
September 29, 2015-Special Meeting**

Deliberations Followed:

- Commissioner Grey explained that he has several concerns one is that this will allow for a drive through that is not allowed in the CRO and then the drive through is specific to a certain business only, which could leave the area and then we have a building that can't be occupied by another user.
- Commissioner Woods explained that if it is restricted another user would have to come through this process again if they wanted to use the drive-through, which give the Commission the opportunity to review the type of business proposed for the site and the impacts to the area it could present.
- Commissioner Grey stated he is also concerned with the additional traffic leading into virtually a cul-de-sac, he doesn't understand why this business has to have a drive through in this location. He sees that area more conducive to an open outdoor eating area for the visitors coming to the area.
- Commissioner Munoz explained that it sounds like this is a trial run for this business and it may not be as successful or as busy as expected and may become irrelevant.
- Commissioner Woods pointed out on the overhead site plan that the window is on the side of the building not really visible and if this falls through as a drive through it won't leave that much of an impact to the site.

Motion:

Commissioner Woods made a motion to recommend approval for the request to the City Council, as presented. Commissioner Munoz seconded the motion. Commissioners Derricott, Munoz, Woods, & Higley voted in favor of the motion. Commissioners Grey & Reid voted against the motion.

Motion Passed 4-2

Recommended for Approval to the City Council As Presented

1. Subject to operation of a drive-thru window being limited to Panera Bread Restaurant only.
2. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards and the Canyon Park PUD Agreement #264.

Scheduled for City Council October 26, 2019

2. Request for a **Special Use Permit** to operate a retail business with extended retail hours from 6:00am to 6:00pm Monday through Saturday on property located at 1777 Canyon Crest Drive c/o Cash & Carry Stores, LLC (app. 2749)

Applicant Presentation:

John Mathews, representing the applicant, explained he is here to request a Special Use Permit to begin operating at 6:00am to allow for better business operation. It allows their customers to come in pick up their items and get back to their business to prepare for their day. There will be no additional impacts to the area, the property is surrounded by commercial property, and he asked that the Commission approve the request.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated the City Council approved a rezone from R-1 43,000 to C-1 PUD/R-4 PRO PUD for this area on April 19, 1993, and September 20, 1993. Northbridge C-1 PUD Agreement was approved by the City Council on July 1993.

**Planning & Zoning Commission Minutes
September 29, 2015-Special Meeting**

The request is to allow the operation of a retail store with extended hours of operation. The applicant has supplied a narrative and supporting documents outlining the details of the proposed operation and use of the property. The store will be operated by Cash & Carry Smart Foodservice. They will be open 7 days a week with requested hours of operation of 6:00 am – 6:00 pm Monday-Saturday and 8 am to 5 pm on Sunday (permitted hours are 7 am to 10 pm for a retail business).

The applicant anticipates traffic counts of 300 customers per day, and anticipates 8 full time employees. The applicant does not anticipate an unmanageable increase of noise, glare, odors, fumes, or vibrations to surrounding property owners due to the proximity of this project to other established businesses which are commercial in nature.

Per City Code 10-4-8.2: Retail establishments wishing to legally operate outside the permitted retail hours of operation of 7:00 am to 10:00 pm are required to obtain a special use permit.

The impacts of this particular project operating with extended hours of 6:00 AM – 6:00 PM would generally revolve around traffic and light intrusion onto neighboring properties. Staff does not anticipate the traffic increase to be detrimental to the area due to its proximity to a major arterial (Pole Line Road), and the current development pattern in the area. Noise and light from this operation is not anticipated to increase dramatically from what is currently in the area.

It is important to note that the base operation of a retail store is an outright permitted use in this zoning district. The immediate properties surrounding this project are zoned C-1 (Commercial) PUD. With an arterial roadway to the South, this property was intended to become a commercial corridor. The typical affects to adjoining property owners will be negligible due to the nature of the overall development being commercial. The impact on the greater area should be considered. As this area continues to develop, it is acceptable to assume more traffic will be generated. The access to the store is from Canyon Crest Drive and a private access.

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

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.

PZ Questions/Comments:

- Commissioner Munoz asked what kind of traffic will occur during the first hour of operations.
- Mr. Mathews explained that based on information they have about Twin Falls he would suspect approximately 10 or fewer.
- Commissioner Grey asked about access into the property from the Pole Line Road.
- Mr. Mathews explained the access into and out of the property.

**Planning & Zoning Commission Minutes
September 29, 2015-Special Meeting**

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

Deliberations Followed: **Without Concerns**

Motion:

Commissioner Derricott made a motion to approve the request, as presented, with staff recommendations. Commissioner Reid 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.

IV. GENERAL PUBLIC INPUT: **None**

V. 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. Work Session- **October 7, 2015**
2. Public Hearing-**October 13, 2015**

VII. ADJOURN MEETING:

Vice-Chairman Grey adjourned the meeting at 7:00 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
October 13, 2015 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” Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

PRESENT

Boyd
Derricott
Frank
Grey
Moñoz
Reid
Tatum

ABSENT

AREA OF IMPACT MEMBERS

PRESENT

Woods

ABSENT

Higley

CITY COUNCIL LIAISON(S): Mills Sojka

CITY STAFF: Carraway-Johnson, Knope, Spendlove, Thompson

I. CALL MEETING TO ORDER:

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

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **None**
2. Approval of Findings of Fact and Conclusions of Law:
 - Cash & Carry (SUP 09-29-15)

III. ITEMS OF CONSIDERATION: **None**

IV. PUBLIC HEARINGS:

1. Request for a **Special Use Permit** to remove designated storage yard and add 5 RV Camping Sites on property located at 2733 Kimberly Road c/o Mark Lopshire on behalf of Oregon Trail Campground (app. 2750).

Applicant Presentation:

Mark Lopshire, the applicant stated that in April he and his wife purchased the Oregon Trail Campground located at 2733 Kimberly Road. After their purchase they decided they wanted to make some improvements to the site and make some upgrades to the property. They have a storage area located along the south side of the property that was filled with old RV's and items that took them 60 days to clear out. Now that this area is clear their plan is to add 5 RV spaces, they will all be back in sites with a maximum length of 25 ft. The request tonight is for a Special Use Permit to move forward with their plan.

**Planning & Zoning Commission Minutes
October 13, 2015**

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated in March 1995, a Special Use Permit (#401) was granted to operate a recreational facility in conjunction with an RV Park. The operation included 33 R.V. Spaces, some camp sites and a go-cart facility. In August 2006, an expansion of the SUP was approved (#996). This expansion included an increase of RV sites to 53, or 38% increase over the original. In August 2008, another expansion was approved, increasing the total RV spaces to 76. The conditions of this SUP were appealed to the City Council. The following are the Conditions included with the original SUP (#1113) and showing the amendments made by 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. Completion of all required improvements by June 1, 2009.
3. Full compliance with storm water retention requirements.
4. The secure parking storage area ~~be moved to the interior of the property and screened,~~ to include a solid 6' screening fence that will be installed at the time of curb and gutter with the appropriate landscaping.
5. Storage on the site shall be for facility guests only.
- ~~6. No guest may stay longer than six (6) months in any given twelve (12) month period.~~
7. Subject to the Special Use Permit expiring in one year. (October 20, 2009)

In October 2009, SUP #1165 was issued. The current business has been operating under this most recent SUP and the conditions placed upon it.

This property is located within the C-1, Commercial Highway Zoning District. A Special Use Permit is required for RV and Camping Parks. The applicant is expanding the available RV spaces into the previously approved "Storage Area". This constitutes a change and triggers a new Special Use Permit requirement.

The applicant states the expansion will not increase the number of employees, nor increase the noise, glare, odor, fumes, or vibrations to the surrounding properties. The applicant states this expansion will remove the "eyesore storage area" and replace it with five (5) new trailer places with two-way traffic access.

The applicant states they recently acquired the property this past spring and have invested private capital into the business by providing upgrades and updates to multiple elements in the park.

The increase in spaces will occur along the Kimberly Road Side of the property. This is opposite to the Residential area. It is reasonable to assume the expansion will have minimal impact to the area in terms of noise, glare, odor and fumes. There will be a slight increase in traffic due to the new five (5) spaces. However, the only access to these spaces is through the primary entrance off Kimberly Road, which is a major roadway. The increase in traffic will be minimal on Kimberly Road and will not have any direct impact to the residential area to the North.

Planner I Spendlove stated upon conclusion should the Commission approve this request, as presented, staff recommends approval be subject to the following conditions:

**Planning & Zoning Commission Minutes
October 13, 2015**

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with City Code requirements and standards.
2. Subject to maintaining the sight obscuring fence along Kimberly Road in good repair.

PZ Questions/Comments:

Commissioner Grey asked if there will be any additional improvements made to the site.

Planner I Spendlove stated that the applicant is not done with his improvements.

Commissioner Frank asked if these are long term residential spaces.

Mr. Lopshire explained that they have approximately 1/3 snowbirds, 1/3 vacationers & 1/3 contractors.

There are 5 families in between homes so they are transitional spaces. There are 3-5 contractors for the school and some from Chobani. He has a huge play area for children and has accommodations to meet their needs.

Public Hearing: **Opened & Close Without Public Comment**

Deliberations Followed: **Without Concerns**

Motion:

Commissioner Woods made a motion to approve the request, as presented, with staff recommendations.

Commissioner Reid seconded the motion. All members present voted in favor of the motion.

V. GENERAL PUBLIC INPUT: **None**

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

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

1. Public Hearing-**October 27, 2015**
2. Work Session- **November 4, 2015**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 06:20 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
October 27, 2015, 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" Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

PRESENT

Boyd
Derricott
Frank
Grey
Muñoz

ABSENT

Reid
Tatum

AREA OF IMPACT MEMBERS

PRESENT

Woods

ABSENT

Higley

CITY COUNCIL LIAISON(S): Mills Sojka

CITY STAFF: Carraway-Johnson, Spendlove, Strickland

I. CALL MEETING TO ORDER:

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

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **09-29-15 PH, 10-7-15 WS, 10-13-15 PH**
2. Approval of Findings of Fact and Conclusions of Law:
 - Lopshire (SUP 10-13-15)

Motion:

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

Unanimously Approved

III. ITEMS OF CONSIDERATION:

IV. PUBLIC HEARINGS:

1. Request for Special Use Permit to operate a used vehicle sales business on property located at 258 Washington Street North c/o Allen Nagel dba Allstate Auto Sales, Inc. (app. 2751)

Applicant Presentation:

Mike Gomez, the applicant representative, explained that they began this project 3 years ago and then lost the property. They now own the property and have removed the incomplete structure. They have installed a vinyl fence along the south property line, they have plans to fence and landscape along the back property line and have decided not to have two pad sites along the front of the property. They have just recently acquired the property again and would like to get the business going and to beautify the property.

Planning & Zoning Commission Minutes
October 27, 2015

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated this property started as a gas station and service station in the 1960's. The property at 284 Washington Street North has been used for automotive sales for over twenty-five (25) years. The other properties had been residential dwellings up to 2011 when the residences were demolished.

In the fall of 2011, Mr. Nagel applied for a Special Use Permit (SUP) to expand his operations of used vehicle sales onto adjacent properties south of his main building. On 12-28-2011 The Planning and Zoning Commissioners granted the request subject to 12 conditions. On February 6 2012, the City Council heard an appeal on the conditions placed on Mr. Nagel's SUP (#1255). The City Council amended 3 of the 12 conditions and Mr. Nagel was allowed to continue with his expansion project.

During the course of 2012, conditions placed on the SUP were not met within the required timeline. Some of these conditions were Paving and Landscaping. City Staff worked with the applicant and his representatives to rectify this situation over the course of a year. In October 2014, pending litigation, and the inability to finish the conditions placed on the subject property led the applicant to request the original SUP (#1255) to be voided.

After the SUP was voided, all business activities ceased on the subject property. Therefore, the paving and landscaping requirements no longer applied and City Staff focused efforts on keeping the property free of weeds and debris.

Currently, the applicant operates the sales lot on the corner of Washington and Heyburn. The hours of operation have been listed as Monday through Saturday from 10:00 am to 6:00 pm. It has been expressed these hours would remain the same. The applicant estimates 15 customers per day. Approximately three (3) employees would be on site at any one time. The applicant states they do not anticipate any increase to noise, odor, glare, or vibrations to the area.

Per City Code 10-4-8: This zone requires a Special Use Permit for an automobile sales lot to be legally established.

These uses can be impactful on neighboring properties depending on the circumstances of the development patterns surrounding them. In this case, Washington Street North is an arterial roadway and has been constructed to accommodate a substantial amount of traffic. With the majority of traffic entering and exiting onto Washington it is believed the impacts of this business in terms of traffic and noise to be minimal.

Per City Code 10-11: Certain improvements are required in conjunction with building permits: landscaping, screening, parking areas, streets, sanitation facilities and other infrastructure.

These improvements are also reviewed during a Special Use Permit process. If the commission determines the special use will adversely impact neighboring properties, additional improvements or development requirements may be placed as conditions of approval.

Used Automobile sales lots typically tend to cause an increase in noise, which is directly a result of increased traffic to the area. These two impacts are caused by the nature of receiving, shipping, buying, and selling vehicles which need to be started and moved repeatedly. However, due to the proximity of Washington Street North, a major arterial, the potential increase in noise and traffic would be negligible compared to the existing ambient noise and traffic.

The Engineering Department recommends that accesses onto Washington Street North be consolidated and only one (1) curb-cut allowed as the roadway carries such a high amount of traffic.

The Comprehensive Plan shows this property as Residential/Business. Which makes it consistent with the Comprehensive Plan.

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

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 compliance with and maintenance of the C-1 zone landscaping requirements, including a minimum ten feet (10') of landscaped area along street frontage to meet the gateway arterial landscaping requirements.
3. Subject to maintaining the solid screening fence on the southern boundary of the property.
4. Subject to consolidating the access onto Washington Street North into one (1) curb-cut / access.

P&Z Questions/Comments:

- Commissioner Grey asked what the current measurement is for the landscaping space shown on the site photo.
- Planner I Spendlove explained that area has not been measured but that staff will verify that it meets code before a Certificate of Occupancy will be issued.
- Commissioner Frank stated he has doubts that area is 10' and wants to verify that until everything is done there should not be any car sales from this lot.
- Planner I Spendlove explained they have not been using the lot for sales since the Special Use Permit was voided. They will also not be able to operate the vehicle sales business until Planning & Zoning signs off on the Dealership License Application they have to submit to the state.
- Commissioner Frank stated that past performance usually is an indication of future performance and he doesn't have a lot of faith in things being completed like they are promised.
- Mr. Gomez explained that up until the time the applicant had the land seized they were in the process of following through on the conditions of the permit. After the property was seized by the Federal Government they were not able to finish the project nor were they willing to invest in a property that no longer belonged to them. They were just contacted in July of this year by the Federal Government about getting the property back and have been working towards putting a plan together to acquire the necessary permits and complete the project as originally planned. He does understand and he will be taking care of the project and the property from this point forward because this is his livelihood.
- Commissioner Munoz verified that there will not be any repairs or maintenance to cars at this location.
- Mr. Gomez confirmed all they do is detail the cars to prepare them for sale. They will not be repairing or providing maintenance for any vehicles.
- Commissioner Munoz asked why there is not a fence required on the eastern side where most of the residential property is located.
- Planner I Spendlove explained the fence is not required because there is an alley between the commercial property and the residential property.
- Commissioner Woods verified that all of the requirements have to be met before any cars for sale can be put on that lot.
- Planner I Spendlove confirmed that is the case.
- Mr. Gomez explained he will make sure this project is completed as presented and he will make sure that it happens.
-

**Planning & Zoning Commission Minutes
October 27, 2015**

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

Deliberations Followed:

- Commissioner Woods explained that he still remains cautious and he feels confident that things will happen because they have to in order for the business to operate.
- Commissioner Frank explained the past experience with this property has not been very good and he still has reservations about approving this request.
- Commissioner Munoz explained that he still has reservations also but there is always a revocation process that can be initiated if things are not done, as presented.
- Commissioner Grey explained that he thinks there is a different attitude presented tonight about this request and it is appreciated, the one thing he wants to emphasize is that the landscaping not only has to be installed it has to be maintained. He doesn't want the property to continue to be an eyesore.
- Commissioner Derricott clarified that the conditions include maintain in the description.

Motion:

Commissioner Woods 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.

V. GENERAL PUBLIC INPUT: [None](#)

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

Zoning & Development Manager Carraway-Johnson reminded the Commission that there will only be one public hearing in November, there will not be a meeting scheduled the week of Thanksgiving.

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

1. Work Session – [November 4, 2015](#)
2. Public Meeting- [November 10, 2015](#)

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 06:25 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
November 10, 2015 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" Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

PRESENT

Boyd
Frank
Grey
Muñoz
Reid
Tatum

ABSENT

Derricott

AREA OF IMPACT MEMBERS

PRESENT

Higley
Woods

ABSENT

CITY COUNCIL LIAISON(S): 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.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **October 27, 2015 PH**
2. Approval of Findings of Fact and Conclusions of Law:
 - Nagel-All State Auto Sales (SUP 10-27-15)

Motion:

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

Unanimously Approved

Chairman Frank thanked Boy Scout Troop 243 for attending the meeting.

III. ITEMS OF CONSIDERATION:

1. Request for consideration to **revise the development plan as approved for Special Use Permit #1322**, granted June 24, 2014 and reactivated June 23, 2015 to allow development of the Canyon Retirement Community, a multi-staged, multi-phased retirement community on property located south and west of the intersection of Cheney Drive West, undeveloped and Fieldstream Way, undeveloped. c/o Richard Pogue on behalf of Canyons Retirement Community, LLC

Applicant Presentation:

**Planning & Zoning Commission Minutes
November 10, 2015**

Tim Vawser, EHM Engineers, Inc., representing the applicant stated the initial development plan for this property was slated for lots 2, 3 & 4 of the WS&V Amended Subdivision. Originally there were independent units fronting Fieldstream Way and Cheney Drive West. The independent units were planned for the second phase of construction with the major development occurring on lots 3 & 4 of the WS&V Amended Subdivision. The layout of the project has changed from the previous plan, as of now they are planning for a 40 unit assisted living facility and 20 memory care units with a separate office facility. The plan is to begin construction on this portion of the development with the office and phase 2 will follow with independent units. This plan is much more consolidated making it easier to care for the residents. The independent living will get auxiliary uses out of the main facility because they will be allowed to get dinner and medical care as needed from the assisted living facility as needed. If this goes and if necessary they will come back through to amend the Special Use Permit to move forward with the plans for Lot 4.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated the original Special Use Permit #1322 was granted on June 24, 2014. In June 2015, a reactivation of this same Special Use Permit was approved by the Planning and Zoning Commission. In October of this year, staff was approached by Mr. Pogue and his representatives from EHM Engineers, Inc. regarding a change in the site plan of the retirement facility. After a general review by Staff, it was determined the revision was a significant enough change it should be presented to the commission during a public meeting.

The commission is tasked with reviewing the facts and circumstances of this case, along with the surrounding area, and determine if there have been substantial changes to the site plan which would require a new Special Use Permit prior to development.

Planner I Spendlove stated upon conclusion if the Commission finds the revised site plan to be in substantial conformance to the original plan, staff recommends the Commission accept the revised plan, as presented.

PZ Questions & Comments:

- Commissioner Grey asked for size difference for the Assisted Living now as to what it was previously.
- Mr. Vawser explained it is the same size.
- Commissioner Grey asked about parking spaces shown on the rendering provided on the overhead.
- Mr. Vawser explained the area on the southern portion of this rendering will be used for staff.
- Commissioner Woods asked about the memory unit and fencing to keep patients from wandering.
- Mr. Pogue, explained that the memory care area will be isolated within the facility for their safety and the outside area they have access to will be fenced for their safety.

Public Hearing: [Opened & Closed Without Comments](#)

Deliberations Followed:

- Commissioner Munoz explained that this is a much better layout and there is not a significant enough change to need a new special use permit.
- Commissioner Grey stated originally he was concerned with the size but after some explanation he is not concerned.
- Commissioner Tatum stated she likes the new plan and the walking paths throughout the development.

**Planning & Zoning Commission Minutes
November 10, 2015**

Motion:

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

Approved Revised Site Plan, As Presented

IV. PUBLIC HEARINGS:

1. Request for a **Special Use Permit** to serve alcohol for consumption on-site in conjunction with a restaurant operating outside the permitted hours of operation on property located at 565 Washington Street North c/o Jovita Ocampo Hernandez dba Jarritos Mexican Restaurant (app. 2753)

Commissioner Munoz stepped down for this item.

• Applicant Presentation:

- Jovita Ocampo Hernandez, introduced herself and asked for translation assistance from Commissioner Munoz.
- Commissioner Munoz explained the applicant is here to request a Special Use Permit so that she can serve beer and wine at her restaurant. She has customers that have asked for this service so she is here to make the request. She has had this dream for a long time and would like to have this approved.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated this property was granted Special Use Permit #1020 to operate a drive-thru window with extended hours of operation. In 2010, Java Jungle was given Special Use Permit #1211 to serve alcohol for consumption on-site in conjunction with a restaurant. The owner of that restaurant chose not to renew their alcohol license in 2012. Since that time no alcohol has been served at this location. The drive-through window has not been utilized since 2012. Both Special Use Permits have expired. The applicant has indicated they do not plan on using the drive-through window. If they choose to do so in the future they will need to come back to the commission for a special use permit. This is a request to allow the sale of alcoholic beverages for consumption on-site within the Jarrito's Mexican Restaurant.

Per City Code 10-4-7: Alcohol Sales for consumption on site requires a special use permit prior to being legally established when it is located within 300' of residential property.

It is not anticipated the added function of serving alcohol will have any significant impacts to the area. The base use of the property as a restaurant is permitted. This was designed, built, and operated as a restaurant with an alcohol license in the past. It is not anticipated allowing a beer and wine license to be issued will significantly increase impacts in 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.

PZ Questions & Comments

- Commissioner Grey asked about hours of operation.
- Planner I Spendlove explained the hours of operation have always been in effect, the only thing that has not continued is the use of the drive through and the serving of alcohol with the restaurant.
- Commissioner Woods asked if the previous owner that had this type of Special Use Permit had any issues.

**Planning & Zoning Commission Minutes
November 10, 2015**

- Planner I Spendlove stated this has not been an issue in the past.

Public Hearing: **Opened & Close Without Comments**

Deliberations Followed: **Without Concerns**

Motion:

Commissioner Woods 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.

Commissioner Munoz returned to his seat.

2. Request for a **Zoning District Change and Zoning Map Amendment** from R-2 and R-2 PRO to RB; Residential Business, for property located at 2176 and 2188 Addison Avenue East c/o Doug & Arlene Christensen (app. 2754)

Applicant Presentation:

Tim Vawser, EHM Engineers, Inc. representing the applicant, explained this property is located on the southwest corner of Addison Avenue and Eastland Drive. He stated the 2188 Addison Avenue East address is zoned R-2 PRO and the property located at 2176 Addison Avenue East is zoned R-2. The applicants are in need of marketing this property and would like to have both properties rezoned to RB; residential business. The Residential Business zone gives a good transition for the neighbors and has some fairly restrictive development guidelines but would still allow some flexibility for a buyer.

PZ Questions/Comments:

- Commissioner Woods asked what type of construction restrictions would be placed on a development under the RB; residential business zone.
- Mr. Vawser explained the building foot print, parking requirements and landscaping requirements are much more restrictive in this zone. There are special use permit requirements in this zone that also make uses more restrictive.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated the Future Land Use Map and Comprehensive Plan identify this area as being designated as Residential Business which is how this request can move forward as a rezone. In reviewing a request for a Zoning District Change and Zoning Map Amendment the Commission has two (2) main tasks: **1-** to determine whether the request is in conformance with the Comprehensive Plan and **2-** the extent and nature of changing the zoning of this property to the Residential Business Zone would allow land development that would be compatible with and not detract from the surrounding area. The Comprehensive Plan indicates this corridor as appropriate for Residential Business uses. There is no development plan to evaluate at this time. Any changes will require a full review by staff to determine the extent and nature of the changes. Any change shall comply with the purpose, uses and development standards of the Residential Business Zoning District prior to development.

**Planning & Zoning Commission Minutes
November 10, 2015**

The Commission is asked to make a recommendation on this request which automatically is scheduled for a public hearing before the City Council. The Commission's recommendation may be to deny the request, approve the request as presented or they may table the request and ask that additional information be provided for their review.

To make a positive recommendation to the City Council the Commission must determine that **1-** the request is in conformance with the Comprehensive Plan and **2-** the extent and nature of changing the zoning of this property to the Residential Business Zone would allow land development that would be compatible with and not detract from the surrounding area.

Planner I Spendlove stated if the Commission finds that items 1 & 2 listed above have been met, Staff proposes the Commission recommend approval of this request, as presented.

PZ Questions & Comments:

- Commissioner Frank read into record a citizen letter that has been filed with the application packet.
- Commissioner Higley asked if there are any properties located in the City that have been developed under the RB; Residential Business District guidelines.
- Planner I Spendlove stated there is one property located along Filer Avenue that has been developed under these standards.
- Commissioner Grey asked that staff review some uses that could possibly be seen within this zone.
- Planner I Spendlove reviewed the design restrictions for the zone and displayed and reviewed a list of uses that could be considered. The zone however does have restrictions that can make it difficult for some uses to meet the requirements.
- Commissioner Woods asked if extended hours of operation requires a Special Use Permit.
- Planner I Spendlove stated that extended hours would require a Special Use Permit.
- Commissioner Boyd asked if there is a minimum setback for the rear yard in this district and if these are two individual lots.
- Planner I Spendlove explained the setback on the rear yard is 5' and these are two separate lots.
- Commissioner Munoz asked if each lot could be developed separately and if so the 24 park spaces is limited to each lot.
- Planner I Spendlove explained that each lot could be developed under these standards or the lots could be developed together. Currently they do not have anyone interested in the lots and there is no development plan to review. This request is strictly to rezone the property.
- Commissioner Munoz asked what the minimum lot size is for a PUD/ZDA.
- Planner I Spendlove stated it is a minimum of 2 acres.
- Commissioner Frank read into the record a letter that was submitted by a citizen that has been filed in the request packet.

Public Hearing: Opened

- Scott Peterson, 1109 Highview Lane, explained that this is currently a private residential property that the owner currently wants to rezone and sell to make the maximum amount of money for his property. He understands this, however it would be a detriment to the surrounding neighbors to change the zone. There are already two other properties located adjacent to the residential piece that are going to consider rezoning their property if this get approved which will encroach more into

**Planning & Zoning Commission Minutes
November 10, 2015**

the residential area. He has no issue with the zoning of the property directly on the corner but he is against the residential property being rezoned.

- Paula Brown-Sinclair 2146 Addison Avenue East property owner to the west of this property and she expects to live at this location for quite a while. Years ago there were discussions about turning Addison Avenue to entirely commercial. The neighborhood tried very hard to prevent this from happening made a stand against this change. The arguments that were made against this change to commercial generated the residential business zone. She is in support of this rezone.
- Patricia Curtis, 1054 Highview lane, she has lived at this location for 45 years. This is not the zoning the neighbors have in mind. She would prefer that the zoning on the corner remain the same and she does not want commercial business up against the residential properties. They don't want to be part of the parking lots.
- Catherine Curtis, 1109 Highview Lane, she explained she has lived in this area all her life, the property values will change, it will change the aesthetics of this neighborhood. She doesn't want the mature vegetation and the homes to be removed. She would like this area to be protected.
- Richard White, 2144 Maple Avenue, he has concerns about the Comprehensive Plan designation as Commercial along Highview Lane.
- Planner I Spendlove explained this map is a possibility of what a property owner can ask for if they want to rezone, it is not what the property is currently zoned. Every property is considered individually.
- Curtis Webb, 2158 Addison Ave East, has questions about parking requirements, and if the 24 parking space is per business or per development; it can make a difference in how something moves forward. He explained they have a private access adjacent to this property which makes this change unattractive. He has some concerns with development of this property.
- Christy Webb, 2158 Addison Avenue East, asked for clarification on the size of the property in question. She explained she has concerns because they are in an odd location so they are not sure if they are for or against the request.

Deliberations Followed:

- Planner I Spendlove stated that any use that has a parking requirement that requires more than 24 spaces is prohibited, whether that is on one lot or multiple lots. This restriction would then impact the size of the building, the design of the development or eliminate the project completely.
- Commissioner Higley stated that the requirements make it so that when the property is developed it looks like what is already at this location.
- Commissioner Woods asked what the setback are for the R-2 zone.
- Planner I Spendlove explained the front yard setback is 20 ft, the rear yard setback is 20' and the side yard setback is 7 ft.
- Commissioner Munoz asked for clarification on rezoning properties.
- Planner I Spendlove explained the City does not rezone property. The property owner has to make a request for a rezone.
- Commissioner Tatum asked how the driveway access is designated for the property.
- Assistant City Engineer Vitek explained this driveway is an access to their property and is defined on the property owner's deed. It is their only access to their property.
- Commissioner Woods asked how the rear setback could be increased.
- Planner I Spendlove explained that would require a code change.
- Commissioner Higley asked for clarification on the current zoning.
- Planner I Spendlove explained that the west property is zoned R-2 and the other piece to the east is zoned R-2 PRO.

**Planning & Zoning Commission Minutes
November 10, 2015**

- Commissioner Higley asked about other properties along Addison Avenue and if they have a Professional Office Overlay.
- Planner I Spendlove explained which properties are zoned R-2 and which properties are R-2 PRO.
- Commissioner Higley clarified that if they requested R-2 Pro for this property also and asked if the RB zone would have less impacts.
- Planner I Spendlove explained that the RB zone is more restrictive it does allow for a few more uses other than just professional but the development standards can make certain uses more difficult to develop in this zone.
- Mr. Vawser explained that this zone was developed for areas such as this, it would provide a good transition for the neighbors. This zone does not allow outright commercial development in this zone because of the development restrictions. A ZDA would require a plan be provided and would be necessary if there was a desire to do something out of the ordinary which the neighbors would not be willing to allow. This seemed to be the most reasonable choice with the least amount of impacts to the neighbors. This property has a lot of constraints already with regards to setbacks, arterial landscaping requirements on both frontages and limited access. A development that will fit this property will take a lot of planning.
- Commissioner Boyd stated that this is an arterial intersection and in the economic life of a neighborhood there is going to be a corner that is no longer going to support a residential use. From the testimony she understands that the corner lot is fine however there is always going to be someone that lives next door and in this case both pieces of property are owned by the same person. As a property owner they have rights to make this type of request, it is difficult because that is a major intersection and something is going to happen at this location. Currently the discussion is a zone change and this is inevitable for this location.
- Commissioner Munoz explained that at this time the Commission makes a recommendation and the property is in compliance with the Comprehensive Plan and if developed following the RB; Residential Business District if it would be cohesive with the area. The RB Zone is much more restrictive than some other zones and he thinks this will provide a good transition for this area. People generally don't want to live in homes on arterial corners which eventually changes ~~the~~ way the property is developed.
- Commissioner Frank stated this zone was designed to provide protection for the neighborhood and also provide a transition.
- Commissioner Grey stated that he has some concern with where the RB designation is located on the Comprehensive Plan.
- Commissioner Munoz explained that a road was a better transitional point rather than a fence or a portion of a piece of property or property line.
- Commissioner Reid thanked the citizens for coming and speaking about this request.
- Commissioner Munoz reminded the citizens that the city is reviewing the Comprehensive Plan and citizen input is what drives changes to the map and the direction of the city as it grows. He asked that people participate in this process as much as possible.

Motion:

Commissioner Grey made a motion to the City Council to approve this request, as presented. Commissioner Higley seconded the motion. All members present voted in favor of the motion.

**Planning & Zoning Commission Minutes
November 10, 2015**

Recommended, Approval to the City Council, As presented
Scheduled for December 14, 2015

V. GENERAL PUBLIC INPUT: None

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

Planner I Spendlove reminded the Commission that there will not be a meeting the week of Thanksgiving so the next meeting will be the December 2, 2015 work session, staff is trying to coordinate a joint meeting with the Planning & Zoning Commission and the Comprehensive Plan Update Advisory Group to have some information reported from the Logan-Simpson Consultants.

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

1. Work Session- **December 2, 2015**
2. Public Hearing- **December 8, 2015**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:39pm

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
December 8, 2015 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" Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

PRESENT

Boyd
Derricott
Frank
Grey
Tatum

ABSENT

Muñoz
Reid

AREA OF IMPACT MEMBERS

PRESENT

Higley
Woods

ABSENT

CITY COUNCIL LIAISON(S):

CITY STAFF: Carraway-Johnson, Spendlove, Strickland, 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.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): 11-10-15 PH, 11-04-15 WS
2. Approval of Findings of Fact and Conclusions of Law:
 - Hernandez (SUP 11-10-15)

Commissioner Woods asked that a typographical error be corrected on page 2 of 8 the word "wondering" be changed to "wandering".

Administrative Assistant Strickland confirmed that this error has been corrected.

Motion:

Commissioner Boyd made a motion to approve the minutes, as amended. Commissioner Woods seconded the motion.

Unanimously Approved

3. Consideration of a request to approve the 2016 Planning & Zoning Commission Schedule of Regular Meetings/Public Hearings.

Motion:

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

Unanimously Approved

**Planning & Zoning Commission Minutes
December 8, 2015**

III. ITEMS OF CONSIDERATION:

1. Consideration of the **preliminary plat** for Morning Sun Subdivision No. 9, consisting of 8.75 +/- acres and 27 single family residential lots and 1 tract on property located at the North East corner of Hankins Road North/3200 East Road and Stadium Blvd. c/o Gerald Martens/EHM Engineers, Inc. on behalf of Morning Sun Partners, LLC

Applicant Presentation:

Gerald Martens, EHM Engineers, representing the applicant, stated this is the next phase in the Morning Sun Subdivision. This portion of the project has been moved ahead of the Morning Sun Subdivision No. 8, to accommodate the school district. This is in anticipation of the sewer and water mains that would be needed for the school construction to move forward and the curb cuts have been installed, irrigation has been piped and a lot of the work has been done. The request tonight is for the approval of the Morning Sun Subdivision No. 9 Preliminary Plat of 27 residential lots that are in conformance with the zoning. He has submitted a request for a park-in-lieu to spend the money to enhance facilities at the Morning Sun Park located at Stadium Boulevard & Meadow View Lane North in lieu of another park in the area.

Staff Presentation:

Planner I Spendlove review the request on the overhead and stated the Twin Falls School District purchased the property in 1990 and the Sacket Farm Conveyance Plat was approved by the City Council and was for the purposes of selling a 2 acre lot to the City for a regional pressurized irrigation pump station. In August 2014, the City Council granted a request for annexation of this property. In November 2014, the City Council approved a Comprehensive Plan Amendment from Agricultural to Medium Density and a Water Service Boundary change to include this area. On February 9, 2015, the City Council approved a Zoning District and Zoning Map Amendment that changed this property from R-1 VAR to the R-2 Zoning District. Also in February 2015 the City Council approved a final plat of the Sacket Farms Sub No. 2. The Pillar Falls Elementary school is under development on Lot 1, Block 1, Sackett Farms Sub No. 2.

There was a Parks in- Lieu Contribution request for \$17,064 submitted with the Morning Sun Subdivision No 9 preliminary plat application. This request has not been to the Parks and Recreation Commission for their review and recommendation nor to the City Council for their consideration. On March 9, 2015 the City Council approved the final plat of Morning Sun Subdivision No. 8 subject to a commitment by the developer to work with the Parks and Recreation Director to finalize an appropriate parks-in-lieu amount and/or to consider what, if any, park amenities may be considered to be installed at the Morning Sun Park by the developer. As of today there has been no further discussion between the P&R Director and the developer. On the Morning Sun preliminary plat application there is a statement from the developer that he wishes to combine the parks-in-lieu fees for both Morning Sun No. 9 and Morning Sun No. 8 and use the money to improve and install park amenities to Morning Sun Park. This proposal has not been submitted to the Parks & Recreation Director for consideration as of today.

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 subject to conditions. A final plat, that is in conformance with the approved preliminary plat and including any

**Planning & Zoning Commission Minutes
December 8, 2015**

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.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed. It is also indicated on the Preliminary Plat that the site will be on a pressure irrigation (P.I.) system.

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for medium density residential use.

Planner I Spendlove stated upon conclusion staff recommends the Commission approve the preliminary plat of the Morning Sun Subdivision No. 9, 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 City Council decision on the Parks-In-Lieu Contribution request of Morning Sun Subdivision No. 8 and Morning Sun Subdivision No. 9 prior to the Morning Sun Subdivision No. 9 final plat being scheduled before the City Council.

P&Z Questions/Comments:

Commissioner Grey asked for clarification the improvements to be made at the existing parks in this area. Planner I Spendlove explained the discussion of the parks-in-lieu is associated with the Morning Sun Subdivision No. 9 as for improvements to be made to existing parks that is a discussion that the developer has with the Parks & Recreation Commission who then forwards their recommendation to the City Council.

Commissioner Grey asked if the roads within in the plat are roads with sidewalk, curb and gutter and if the path shown on the plat leads to the school.

Planner I Spendlove confirmed that there is a path to the school as well as curb, gutter and sidewalk along the streets.

Commissioner Woods asked how the parks-in-lieu amount is determined.

Planner I Spendlove explained there is a formula that is used to determine the amount.

Public Comment: [Opened & Closed Without Input](#)

Closing Statement:

Mr. Martens stated he has read and agrees with the staff recommended conditions for approval.

Deliberations Followed: Without Concerns

Motion:

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

**Planning & Zoning Commission Minutes
December 8, 2015**

Approved, 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 City Council decision on the Parks-In-Lieu Contribution request of Morning Sun Subdivision No. 8 and Morning Sun Subdivision No. 9 prior to the Morning Sun Subdivision No. 9 final plat being scheduled before the City Council.

IV. PUBLIC HEARINGS:

1. Request for a **Special Use Permit** to operate an automobile restoration business and to include a commercial paint booth on property located at 2042 4th Ave East. c/o Sonny Warner on behalf of Dave Buddecke (app. 2755)

Applicant Presentation:

Sonny Warner, Sonny Speed and Custom, he owns an automotive restoration business. They do not do oil changes and things like that, they do body repair and panel replacements and refurbish vehicles. They are a growing company and need a larger location. The fumes from the paint booth should not be a problem, they are regulated by the state and they will secure the appropriate permits to install the booth.

Staff Presentation:

Planner I Spendlove review the request on the overhead and stated this property has a history dating back to 1978 with several approved special use permits for different types of businesses to operate. The property is located in the M-1 zone and the building has been vacant for some time. Automobile and truck service and/or repair businesses require a special use permit in order to operate as well as a paint booth so each item has been included in the request.

The applicant has supplied a narrative outlining the details of the proposed use of the property and building. The hours of operation will be 8:00 AM – 5:00 PM, Monday – Friday. There are three (3) employees. The applicant believes that the impacts to neighboring land uses will be minimal.

Required improvements to the property are required to be in conformance with city code 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 be required to meet the minimum requirements. Currently the landscape area complies with minimum required city code however; the trees and bushes will have to be replaced and maintained per city code.

This particular business has been in operation at his current location, 323 Wycoff Circle, for some time. The City has not received any recent zoning complaints regarding this business or location. It is believed that the proposed automobile restoration business, including a commercial paint booth, being proposed will not greatly impact beyond what is reasonably acceptable at this location. However, any automobile restoration business has the potential to become an unsightly visual impact to neighbors and the community. In order to mitigate this visual impact to neighbors and the

**Planning & Zoning Commission Minutes
December 8, 2015**

community as a whole, it would be acceptable to require all inoperable vehicles and parts to be stored inside, or within a sight obscuring fence area. Also, a time limit for vehicles to be parked outside that are either waiting to be worked on or work is completed would be appropriate.

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 the trees and bushes being replaced and maintained per city code no later than March 31, 2016.
3. Subject to all inoperable, un-licensed, or junk vehicles, and all parts being stored inside, or behind a sight obscuring fence that has been approved by staff.
4. No vehicle parked outside for longer than 2 business days prior or after work is completed.
5. Subject to a Certificate of Occupancy issued by the City prior to operation of the paint booth, as described.

P&Z Questions/Comments:

- Commissioner Boyd asked how the materials are disposed of from the paint booth.
- Mr. Warner explained that rent a recycler from a local paint company that processes the material so that they can be disposed of correctly.
- Commissioner Frank asked if there is room for storing vehicle or will they have to store them in a fenced area.
- Mr. Warner explained that there is room in the building however if there is a need for a car to be taken to salvage that may need to sit a day or two at this location it will be placed in a fenced area along the back.
- Commissioner Grey asked about the condition that landscaping be replaced.
- Planner I Spendlove explained because the building has been vacant the landscaping is dead.

Public Comment: [Opened](#)

- Commissioner Frank read into the record a letter from a citizen that has been filed with the applicant packet.
- Jeff Devey, 2054 4th Avenue East, asked about the screening on the north and south property and adjacent to 4th Avenue East; because there may be times that vehicle projects get junked and then set aside. He doesn't want this to become an eyesore for the area.

Public Comment: [Closed](#)

Closing Statement:

Mr. Warner explained that his plan is to fence along the west side of the property and have it connect to the west side of the building. The stuff that would be outback could not be seen by the road. The neighbor to the south is one of his customers and does not have any concerns with what would be in the back area.

**Planning & Zoning Commission Minutes
December 8, 2015**

Deliberations Followed:

Commissioner Woods stated that it seems all of the concerns have been addressed and he understands how people feel about paint booths however the environmental laws have become very stringent in the construction and operation of paint booth that it should not be a concern.

Motion:

Commissioner Woods 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, 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 trees and bushes being replaced and maintained per city code no later than March 31, 2016.
 3. Subject to all inoperable, un-licensed, or junk vehicles, and all parts being stored inside, or behind a sight obscuring fence that has been approved by staff.
 4. No vehicle parked outside for longer than 2 business days prior or after work is completed.
 5. Subject to a Certificate of Occupancy issued by the City prior to operation of the paint booth, as described.
2. Request for a **Special Use Permit** to construct and operate an indoor storage container rental warehouse on property located on the west side of the 100 block of Madrona Street. c/o U-Haul Company of Idaho (app. 2756)

Applicant Presentation:

John Bideganeta, Bideganeta Construction. Inc. representing the applicant state this will be a low impact business. They would have pods that they are deliver to a customer's location and then the pod is delivered back to the site and stored in the warehouse. The site would be paved, landscaped and sidewalks installed improving this locations appearance tremendously.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated this location has been zoned C-1 at least as far back as the 1970's. The property is undeveloped and is being used as an illegal overflow storage yard for U-Haul on Kimberly Rd. There is no further zoning history for this location.

The property is zoned C-1 and is located on an undeveloped portion of Lot 1; Block 3, Severson Subdivision. The site fronts Madrona St and is 90' x 250' +/- U-Haul Real Estate Company owns the site. It is currently being used as an illegal vehicle storage/junk yard. The request is to rent metal containers/pods and store them in a warehouse. The applicant has provided a narrative outlining the business as they plan to operate. The narrative does not state how many storage containers/pods they anticipate inside the warehouse at any one time. Within the C-1 zone there is no allowance for outside storage. The Commission may wish to place a condition there be no outside storage on this site. The applicant does not anticipate the increase in traffic to be significant due to the nature of the business. The receiving and delivering of containers/pods will be via U-Haul trucks and trailers only.

**Planning & Zoning Commission Minutes
December 8, 2015**

Per City Code 10-4-8(B)14 –Wholesale Category; a. Wholesale distribution and warehousing, but excluding H-1 facilities. Warehousing within the C-1 zone requires a special use permit prior to legally establishing and operating this business. The proposed operation of this business is to allow for the rental/storage of individual pods within a warehouse.

These types of businesses, as described by the applicant, typically cause minimal impacts. Those impacts commonly involve increase in traffic, and occasionally noise. The noise impacts do not typically affect neighboring businesses as the operations primarily take place indoors. Occasionally these businesses create some noise due to forklifts and truck traffic. However, the location of this business is near Kimberly Road, and consequently surrounded by Commercial Businesses.

The traffic impact of this business will also be minimal. It is safe to assume the majority of traffic will enter and exit the area via Kimberly Road / Madrona St. However, we do anticipate some traffic to utilize Madrona Street and Elizabeth Blvd to the North. It is not anticipated the traffic increases will significantly affect the surrounding businesses or homes.

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 no outside storage of containers or materials associated with this business.
3. Subject to no outside storage of U-Haul rental trucks or rental equipment on this site.
4. Subject to the receiving and delivering of containers/pods via U-Haul trucks and trailers only.

P&Z Questions/Comments:

- Commissioner Grey asked about the size of the building to be constructed.
- Planner I Spendlove stated it is anticipated the building will be approximately 2500 sq. ft.
- Phil Dan, U-Haul representative stated the boxes are 5'W x8'L x7' tall and currently they have 19 on site and a year ago they had 18. There may be a bigger need in the future but currently this building should serve them well for now.

Public Comment: [Opened & Closed Without Input](#)

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, 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 no outside storage of containers or materials associated with this business.

Planning & Zoning Commission Minutes

December 8, 2015

3. Subject to no outside storage of U-Haul rental trucks or rental equipment on this site.
 4. Subject to the receiving and delivering of containers/pods via U-Haul trucks and trailers only.
3. Request for a **Special Use Permit** to operate an indoor recreation facility in conjunction with a retail business on property located at 218 Main Avenue North. c/o The Typewrite Exchange, LLC/William R Snyder (app. 2758)

Applicant Presentation:

Gillian Funk, stated she is hoping to operate a fitness studio at this location. The business will be very personalized training along with some yoga and pilates exercise classes in the back. She hopes to have some retail selling workout clothes and accessories. This is excited about operating downtown, she feels like there is a really good vibe in that area and it will be a good fit for the future plans for downtown.

Staff Presentation:

The location has been zoned CB at least as far back as the 1970's. There is no further zoning history for this location. Current records list the Typewriter Exchange as the latest business occupying this building. The building is currently empty. The Applicant has provided a detailed narrative outlining the business as it will operate. As this is a change of use a building permit may be required.

Per City Code 10-4-7: Indoor Recreation Facilities are required to obtain a Special Use Permit prior to legally establishing and operating the business. City Code does not currently differentiate between large and small indoor facilities. Nor does City Code currently differentiate between types of Indoor Recreation Facilities. Similar types of business have received Special Use Permits to operate within the CB Zone in the past.

These types of businesses, as described by the applicant, typically cause minimal impacts. Those impacts commonly involve increase in traffic, and occasionally noise.

The noise impacts do not typically impact neighboring businesses as the operations take place indoors. Occasionally these businesses have music associated with their workout classes. Based on the construction of the building and the surrounding areas being commercial in nature, it is safe to assume the noise impact will be minimal.

The traffic impact can cause issues for existing owners in the area. The offering of yoga or other aerobic classes usually brings a number of people to one location at certain times of the day due to the class setting. However, staff believes there is an adequate amount of public parking within the area to support the need for current and future businesses. Limited parking is a result of a lively downtown, with patrons visiting shops and conducting business. Although this can produce unique challenges staff believes it is a good challenge to have in the downtown area.

**Planning & Zoning Commission Minutes
December 8, 2015**

Planner I Spendlove stated upon conclusion should the Commission approve 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.

P&Z Questions/Comments:

- Commissioner Frank asked about a parking location near the building and if it was privately managed.
- Planner I Spendlove confirmed the parking area identified is privately managed, it is not a City parking lot.
- Commissioner Grey asked about equipment being used in the facility and hours of operation.
- Ms. Funk explained it will be medicine balls, mats, rowing machines and bikes but no heavy equipment will be used. She explained her busiest hours of operation will be between 6am-9am not typically during the busiest hours of the surrounding businesses and then also later in the evening after business hours. Throughout the day there will be individuals coming in for personal training but not large groups. As for the noise impacts she did make friends with her adjacent neighbors and did a sound test to see if they would be impacted by the noise from the music that is used during the classes and neither neighbor could hear it on their side of the shared walls. She wants to be a good neighbor.

Public Comment: [Opened & Closed Without Input](#)

Deliberations Followed: [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.

[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.
4. Request for a [Zoning Title Amendment](#) to amend Title 10; Chapter 7; Section 14: by redefining the area prohibited for the outside storage or display of merchandise and defining the term “primary business building”. [c/o City of Twin Falls](#) (app. 2757)

Staff Presentation:

The City Council approved Ordinance 2012 on July 6, 1981 which replaced Twin Falls City Code - [Title 10; Zoning & Subdivision 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](#).

**Planning & Zoning Commission Minutes
December 8, 2015**

This is a request made by the City of Twin Falls. The purpose of this request is to clarify the identified Code Section. Specifically, the manner in which the code is applied to areas where commercial businesses may place outside merchandise.

The amendment removes a slight ambiguity within the code in regards to the “adjacent sidewalk of a primary business”. The amendment further defines what the definition of “primary business” includes.

Planner I Spendlove stated upon conclusion staff feels this amendment to the City Code would clarify and more accurately define the intent of Section 10-7-14: Outside Storage and Display. 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 (which will require another public hearing before the Commission), or it may recommend that the amendment be denied.

P&Z Questions/Comments:

- City Attorney Wonderlich explained that there was actually a jury trial on this code, the person was found guilty they appealed the decision and convince the District Court Judge that the word sidewalk was ambiguous. In order to address this problem some modifications were made to the verbiage.
- Commissioner Higley asked for clarification.
- City Attorney Wonderlich explained the word sidewalk has been removed from the code and replaced with the words pedestrian area. If there is a pedestrian area adjoining the building the businesses can display items in that location.
- Commissioner Higley gave an example that a business has a sidewalk parallel to the street and the building sits back from the sidewalk could the business display things on the sidewalk.
- City Attorney Wonderlich explained no that would not be allowed and never has been. The idea is if you have merchandise keep it close to the building along the pedestrian area. The idea is to prevent businesses from using the up their parking lot area.

Public Comment: [Opened & Closed Without Input](#)

Deliberations Followed: [Without Concerns](#)

Motion:

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

[Recommended Approval To The City Council, As Presented](#)
[Scheduled for City Council January 4, 2016](#)

V. GENERAL PUBLIC INPUT: [None](#)

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

- Commissioner Frank thanked Commissioner Boyd for her service on the Planning & Zoning Commission and wished her the best in her new position as a City Council member.
- Commissioner Boyd was very thankful for the time she served on this Commission and for the knowledge that she has gained.

**Planning & Zoning Commission Minutes
December 8, 2015**

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

1. Work Session- [January 6, 2016](#)
2. Public Hearing-[January 12, 2016](#)

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:04 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department