



Ryan Higley Steve Woods

Frank
Grey
Muñoz
Musser

Dawson
Tatum

Higley
Woods

ABSENT

CITY STAFF: Carraway-Johnson, O'Connor, Nope, Spendlove, Strickland, Vitek, Weeks

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.

1. Approval of Minutes from the following meeting(s): **January 10, 2017 PH**
2. Approval of Findings of Fact and Conclusions of Law: **None**

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

Unanimously Approved

III. ITEMS OF CONSIDERATION: None

1. Requests a **Special Use Permit** for allowing a drive through window in conjunction with a restaurant with extended hours or operation on property located at 292 Blue Lakes Blvd North Scott Allen on behalf of Kevin Mortensen c/o Chasewood Partners, LTD (app. 2833)

Scott Allen, JUB Engineers, Inc. representing the applicant, stated they have sent out approximately 170 notices and weather may have an impact on the audience attendance, however he is here to answer any questions the Commission may have and the owner of the property is also here tonight. This is a Special Use Permit for a quick serve restaurant to be located on the southeast corner of Blue Lakes Boulevard North and Heyburn Avenue. North of this property is the Walgreens and northwest of this property is the newly renovated McDonalds. The Special Use Permit is for extended hours of operation 6am to Midnight seven days a week. The drive through window is the other item of this request. In designing this site they

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tried to move the building as far west as possible to allow for better stacking and allowed the speakers for the order board to be placed further away from the residence. They have also added an island along the east end of the property between the drive through and the residential area to mitigate light and noise impacts. As part of this process they have already contact the Idaho Transportation Department and completed traffic impact studies and ITD is ready to issue a permit for the new approach on Blue Lakes Boulevard North and they will remove four approaches along Heyburn leaving Ash Street as the only access to the site from Heyburn Avenue. They will also eliminate one approach on Blue Lakes Boulevard North and in their opinion will truly clean up this corner not only for the restaurant facility with landscaping but also for public safety.

Staff Presentation:

Planner I O'Connor reviewed the request on the overhead and stated Ordinance 2012 was passed in 1981, it created the zoning districts we currently use, and zoned various properties within City Limits. Zoning designations were assigned at that time, or when areas were annexed. The 5 parcels included in this application are a part of the Ashton Addition subdivision, which was recorded as a legal plat in March 1908.

292 Blue Lakes Blvd N. first appeared in the Polk Directories in 1962, as Jones Texaco Gas Station, and the two residential parcels to the east 1134 & 1140 Heyburn Ave. E, have been residential since at least that same time. 280 Blue Lakes Blvd N, the parcel to the south, first appeared in the Polk Directories as Metropolitan Life Insurance and Real Estate Service in 1965.

This application is for an SUP to operate a quick serve restaurant outside seven o'clock am (7:00am) to ten o'clock pm (10:00pm) in conjunction with a drive through window. A drive through window and extended hours are expected features for a business such as this to operate effectively. The change of use will likely have the most impact on the neighbors to the east, as there will no longer be a residential buffer between them and the C-1 Zone. This particular corner has been a commercial service node since the early 1960's and the continued growth of the Blue Lakes Corridor has helped facilitate further growth since. The zoning, surrounding land use and future land use map all support the proposed use.

The 2016 Comprehensive Plan; "Grow With Us" designates this corridor as appropriate for "Mixed Use". Mixed Use is described as serving local and regional commercial opportunities, being located at intersections of or along major arterials and is usually more pedestrian friendly than other use designations. Mixed use generally consists of but not limited to retail, office, restaurant, and higher density residential. Staff determined this use is consistent with the mixed use designation.

Per City Code 10-4-8:

Any facility with a drive through window and a retail/trade use operating outside of operating outside seven o'clock am (7:00am) to ten o'clock pm (10:00pm) requires a Special Use Permit.

Per City Code 10-7-12:

Thirty feet (30') of landscaping is required along Blue Lakes Blvd N. This landscaped area will require a certain number of trees and bushes per the landscaping requirement in City Code.

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Per City Code 10-11-1 thru 8:

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

Redevelopment of this corner as a quick serve restaurant with a drive through will likely increase vehicular traffic from current levels thus increasing noise and light pollution. Additionally, the change of use from residential to commercial will cause additional light intrusion onto nearby residential dwellings. This will come in the form of parking and building securing lighting. However, this location is directly adjacent to Blue Lakes Blvd N, and the impacts are not anticipated to be substantially intrusive.

Planner I O'Connor stated upon conclusion should the Commission grant this request as presented; staff recommends approval be subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to construction of the building and site plan being consistent with the submitted drawings/elevations, as presented.
3. Subject to all exterior building and parking lot lighting being downward facing and/or shielded to preclude the light source being visible on neighboring residential properties.

PZ Questions/Comments:

- Commissioner Munoz explained he understands the landscaping will meet the arterial landscaping requirements, but he has questions about the possibility of providing a landscape buffer between the commercial and residential properties along the east end of the property.
- Mr. Allen explained they will complete a landscape plan when the building plans are submitted and they can address the noise by planting more tall grasses in this area to provide a buffer. These grasses seem to work better than a deciduous tree for the simple reason the tree branches are high, so they can design it so there is a buffer in this area.
- Commissioner Grey asked about access to the other properties located along Ash Street.
- Mr. Allen explained the applicant that is making this request owns all of the properties in question so there will not be any impacts to access for these properties, and there will be a cross use agreement.
- Commissioner Woods asked about headlight impacts to surrounding properties from vehicles headed east down to the drive through or exit onto Ash Street.
- Mr. Allen explained the applicant owns the building Commissioner Woods is referring too and that is the back of the property so there should not be any headlight issues. They have done an traffic impact study and it showed that as you are traveling east or west on Heyburn Avenue from Blue Lakes Boulevard there is no designated light making this area for maneuvering through this are a level D on the level of service. Part of the impact that this will have they have been working with ITD to actually install left hand turn bay lights as part of the development for the permit process bring the level of service up to a B/C level of service. The City and ITD will work together of on the timing and the queues through the lights at this intersection.

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- Commissioner Woods asked about the southbound Blue Lakes Boulevard North traffic stopping to turn into the entrance off of Blue Lakes Boulevard.
- Mr. Allen explained this is not permitted by law because of the striping of the left hand turn bay.

Public Hearing: **Open and Closed Without Public Comment**

- Auto Gauna, explained he owns the duplex at 290 Ash Street, and is curious about improvements to Ash Street.
- Mr. Allen explained that Ash Street has portions that are vacated further south of this proposed development, however the portion behind this proposed development is public and they will make improvement to the center of the street.

Deliberations Followed:

- Commissioner Munoz explained he wanted to bring up the landscaping as a buffer to the applicant to reduce the impacts to the neighbors.
- Commissioner Frank encourages the City to work with the applicant with regards to the Ash Street improvements.

Motion:

Commissioner Musser 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.
 2. Subject to construction of the building and site plan being consistent with the submitted drawings/elevations, as presented.
 3. Subject to all exterior building and parking lot lighting being downward facing and/or shielded to preclude the light source being visible on neighboring residential properties.
2. Requests the Commission's recommendation on a **Zoning Title Amendment** to amend Title 10-Chapter 13-Section-1; by adding a subsection (c) requiring a Certificate of Appropriateness be granted by the Historic Preservation Commission prior to exterior modifications or applying for a building permit for modifications or new development of properties located within the Twin Falls Downtown Historic District, the Twin Falls City Park Historic District and the Warehouse Historic Overlay District. Nancy Taylor on behalf of the Historic Preservation Commission (app. 2832)

Applicant/Staff Presentation:

Nancy Taylor, Chairperson for the Historic Preservation Commission, stated that she is here to request a Zoning Title Amendment. There is a Warehouse District in place with codified Design Guidelines. This request if approved would identify Historic Downtown District and City Park District and codify Design Guidelines for those areas of town as well. The amendment to the code if approved would then allow

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the Historic Preservation Commission the opportunity to review a project for a Certificate of Appropriateness. If an applicant disagrees with a decision made by the Historic Preservation Commission the code would allow an appeal to be made to the City Council. The plan is not to tell the business/property owners what to do but to help maintain the historic appearance of the buildings. The guidelines would be in place so the Historic Preservation Commission could assist anyone through the process. This will be especially beneficial with the Historic Downtown Revitalization Project and historic preservation is good business. Their goal is to try to maintain the buildings Historic Integrity.

PZ Questions/Comments:

- Commissioner Munoz asked about enforcement if there is not a building permit process.
- Zoning & Development Manager Carraway-Johnson explained that Senior Planner Spendlove and Building Inspector Laux are involved closely with people that want to make changes to buildings in the downtown townsite and they will be making sure to get this information to these property owners.
- Senior Planner I Spendlove explained this would be enforced through Title 10, staff would watch for changes to properties.
- Commissioner Frank explained this will probably addressed by complaint also.
- Commissioner Munoz stated he has seen some shady work done to buildings that didn't require a permit that takes away from the historical integrity.
- Senior Planner I Spendlove stated he thinks there is going to be a heavy educational element to this process. The Historic Preservation Commission has invited people to multiple events and discussions to review the design guidelines. There will be a time where people have to be brought up to speed on the requirements but at the same time, there will also be some self-policing that occurs. It will require a partnership between staff and the property owners. The other positive to this change is that the New City Hall will be located in this area, which will allow staff to be more aware of things going on in this area of town.
- Commissioner Woods stated that sometimes it is impractical to salvage an historic building. Who makes the decision on making the improvements vs demolition of the building.
- Senior Planner I Spendlove explained that staff and the Historic Preservation Commission would provide the applicant with the guidelines to assist them in making their decision on what to do with the building.
- Commissioner Woods asked about the avenue for appeal.
- Planner I Weeks explained an appeal can be made to the City Council. In the guidelines there are multiple steps to the renovation process and if demolition is necessary that is an option. The Commission understands, and if an applicant presents something that fits well in the guidelines their not opposed. If a new building is being constructed there are guidelines to help them design a building that fits the historical character of the area. There are also guidelines to help someone make the decision on the viability of a building. The State Historic Preservation Office is also a resource for the Historic Preservation Commission to help make recommendations if necessary.
- Ms. Taylor explained the Commission does not make decisions in a vacuum, there are multiple resources for the Commission when assistance is needed. There are also two categories of buildings

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in the historic districts contributing and non-contributing. A contributing building is one that has maintained its historic character and contributes to the history of the district, a non-contributing building may be one that was built later and does not have any historic character that contributes to the historic district. For example Poindexter's is a non-contributing building vs the Orpheum Theater which is a contributing building. These two categories also play a part in the decision making process. The next step is to look at what can be saved and if it is feasible to try and save the building. The other clarification that needs to be made is that just because a building has been recognized as historic on the National Historic Registry it doesn't mean you can't do anything to the building. You can do lots of things to building we would just like to help the changes be positive and help maintain the character of the historic district. These decisions are not made lightly and without careful consideration of all the facts.

- Commissioner Musser asked about the length of time for the Certificate of Appropriateness process.
- Planner I Weeks explained this is not a public hearing item and does not require publication in the paper. The item does have to be scheduled for a public meeting in front of the Historic Preservation Commission, and they meet once a month, however it is not impossible to schedule a special meeting if need be to get someone through the process quicker. There is no application fee.
- Commissioner Musser asked if the appropriateness is defined and clear.
- Planner I Weeks explained that is what the design guidelines were created for, so that it is not subjective and the plans can be looked at objectively.

Public Hearing: **Opened**

Lucy Wills, member of the Historic Preservation Commission, stated this is very important to the members of the Historic Preservation and she asked that the Commission give a positive recommendation.

Public Hearing: **Closed**

Closing Statements:

Ms. Taylor stated historic preservation is good business.

Deliberations Followed:

- Commissioner Woods stated his only concern is that there should be some oversight to prevent a citation where it is difficult for someone to develop a building that is vacant creating an unsafe situation for the public.
- Commissioner Munoz stated that during the Comprehensive Plan discussion the community made it clear that they want to grow but they also want to preserve the history of Twin Falls. Preserving the character of the buildings seems to be important to the community. As for the concerns Commission Woods brought up, even if a building is new a façade can be designed to look historic. The guidelines are available for the people to review before they begins design and construction. The chance of being delayed or the Historic Preservation Commission stopping progress is minimal. He does understand and old vacant building is worse than a building that is occupied and maintained.

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- Commissioner Frank stated that he is in total support of this request and he would like to see some of the metal facades removed from the buildings downtown and it will help with the preservation of the older buildings downtown.
- Commissioner Grey explained his concern originally was what was appropriate and what is feasible may create some conflict. After reviewing all the recommendations if a landowner wants to demo a building there is nothing to stop that from happening.
- Commissioner Frank stated the visual appearance is what the Commission looks at when helping someone through this process.
- Commissioner Woods asked about the recent request for a Climbing Gym located along Shoshone Street, would they be required to go through this process.
- Ms. Taylor explained that this building is being constructed in the Warehouse Historic District and did have to go through this process for a Certificate of Appropriateness and they received their Certificate of Appropriateness.
- Zoning & Development Manager Carraway-Johnson clarified that the City already has the Warehouse Historic District where the Certificate of Appropriateness is required, this request is just adding the two other districts and codifying it into the code under an ordinance.
- Commissioner Woods said knowing this is already in place for the Warehouse District puts his mind at ease.
- Senior Planner Spendlove reminded the Commission that this is a recommendation that moves forward to the City Council.

Motion:

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

Recommend Approval, As Presented, to the City Council

City Council Public Hearing February 21, 2017

V. GENERAL PUBLIC INPUT: None

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

Commissioner Frank stated he wanted to recognize that the Historic Preservation Commission has spent a lot of time working on these guidelines and he thanks the Commission for their efforts. Zoning & Development Manager Carraway-Johnson explained that one of the things we see quite often is the community's interest in preserving our history. The guidelines we have in place now serve only the Warehouse Historic District Overlay area this offers people an information on how to bring their building back to historic character for that era. This codifies the guidelines, and if someone came in and wanted to restore an old building to look, similar to what it did when it was built in the 1920's we wouldn't know how to help them without the guidelines. The documents are a gift and will provide a service for the community.

Announcement: Commissioner Dawson had a baby girl Friday, January 20, 2017 she weighed 7lbs. 11 oz. 20 in. long and named her Dawson Taylor Titus.

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Commissioner Woods showed on the overhead a photo of the equipment that has been parked at an equipment rental facility located on Addison Avenue East for which the Commission granted a Special Use Permit. He is aware there is nothing in the code that controls what goes on behind the screening fence however, he feels this is something the Commission may need to discuss in the future.

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

1. Work Session-[February 1, 2017](#)
2. Public Hearing- [February 14, 2017](#)

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:00 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department