



Twin Falls Planning & Zoning Commission Minutes

Tuesday, September 25, 2018, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

Members -

City Limits: Danielle Dawson, Vice-Chair; Craig Hawkins; Gerardo "Tato" Muñoz, Chairman; Ed Musser; Carolyn Bolton; Curtis Hansen; Craig Kelley

Area of Impact: Ryan Higley; David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Commissioner Musser 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.

Members Present: Higley, Hansen, Bolton, Musser, Kelley, Detweiler, Hawkins

Staff Present: Cherry, Nope, O'Connor, Spendlove, Strickland, Vitek

2) Consent Calendar

a) Approval of minutes from the following meeting: 09-11-18

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

- Wells Fargo Bank (SUP PZ18-0028)
- Mel Moeller (SUP PZ18-0054)
- PMT (SUP PZ18-0055)

Motion:

Commissioner Bolton moved to approve the consent calendar, as presented. Commissioner Detweiler seconded the motion. All members present voted in favor of the motion.

Unanimously Approved

3) Items of Consideration - None

4) Public Hearings

a) Request for a Special Use Permit to construct a detached accessory building larger than 1500 sq. ft. on property located at 3365 E 4028 N in the City's Area of Impact. c/o Al Gamache (app. PZ18-0058)

Applicant Presentation:

Al Gamache, the applicant stated he is here for a special use permit to build an detached accessory building to house his trailer.

Staff Presentation:

City Planner Cherry reviewed the request on the overhead and stated this a request for a Special Use Permit to construct a detached accessory building larger than 1500 sq. ft. on property

located at 3365 E 4028 N in the City's Area of Impact.

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application. The Commission shall make a decision on the request within thirty (30) days after the public hearing. The Administrator if conditions are placed on the permit, shall issue a special use permit listing the specific conditions specified by the Commission for approval. Conditions shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

The primary residence on the subject property is currently under construction. Prior to construction of the primary residence the land was vacant/undeveloped. This is a request to construct a detached accessory building (approx. 1760 sq. ft.) on property located within the SUI Zone at 3365 E. 4028 N. The SUI Zone requires an SUP for all detached accessory buildings exceeding 1,500 sq. ft. The applicant has stated the structure will be utilized for storage of personal recreational vehicles, trailers, and other garage type items. Further, the applicant has stated that their neighborhood/subdivision covenants require that recreational vehicles and trailers be out of site from public right of way.

If the Commission approves this request as presented, then staff recommends the following conditions.

1. Subject to site plan amendments as required by City Code Standards.
2. Subject to personal use only – no commercial activity.

Public Hearing: Opened & Closed Without Testimony

Discussions Followed:

- Commissioner Bolton asked if there is a residence associated with this accessory building.
- City Planner Cherry stated yes the home is under construction.
- Commissioner Bolton asked if there will be any plumbing or living quarters planned for the space.
- Mr. Gamache stated not the building is solely being built to house is trailer, because the CCNR's do not allow for trailers to be parked on the street or keep in plane site.

Motion:

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

Approved, As Presented, With Conditions As Follows

1. Subject to site plan amendments as required by City Code Standards

2. Subject to personal use only-no commercial activity

- b) Request for a Special Use Permit to construct a maximum of (8) four-plex units, on individual lots on property located south of the intersection of Borah Avenue West and Rose Street North. c/o EHM on behalf of Kaitlyn Court (app. PZ18-0059)

Applicant Presentation:

Tim Vawser, EHM Engineers, Inc. representing the applicant explained this is a 2.01 acres property located along Borah Avenue West south of the Rose Street North intersection. The developers wish is to put 8 four-plexes on this property. The layout will be 5 four-plexes placed along the west boundary and 3 four-plexes along the east boundary. The development will be on City services, have storm water retention and has been approved for a parks-in-lieu by City Council September 24, 2018.

Staff Presentation:

City Planner O'Connor reviewed the request on the overhead and a stated this is a request for a Special Use Permit to construct a maximum of (8) four plex units, on individual lots on property located south of the intersection of Borah Avenue West and Rose Street North.

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

There is very limited history on this property other than it was Farmland in the '50's and '60's. This is a request to construct eight (8) four-plexes on individual lots, on property SW of the Borah Ave and Rose St intersection. The Property is zoned R-4, therefore a SUP is required to construct a four-plex.

Currently the land is not subdivided into the eight lots, however, the Engineering and P&Z departments have reviewed a preliminary plat that this body will see at a future public meeting.

If the Commission approves this request as presented, then staff recommends the following conditions.

1. Subject to site plan amendments as required by City Code Standards.
2. Subject to the approval of a Final Plat for Kaitlyn Court Subdivision.

Public Hearing: Opened

- Susan Salazar, 498 Heyburn Avenue West, stated she has concerns. There are four plexes to the west of her that has created flooding issues because of the canal. The noise pollution, it is a dead end street, the traffic down Heyburn is immense, people speed on Heyburn and it will only get worse with this development. She is also concerned with the four-plexes invading her privacy and people looking into her windows and back yard. She realizes growth is needed she would like to suggest duplexes instead of four-plexes to reduce the number of families.
- Louise Heranic, 435 Rose Street North, this is a very narrow street. She has several neighbors that have children that drive who park their cars along the street, making it a one-way street. You can't pass with two cars because of the parked cars. There are problems with people raising up and down the street with little children that end up running out into the street. This development will double the amount of traffic on her street.
- Randy Steel, 447 Bracken Street, he stated he agrees with the previous citizens. Rose Street North is a one-way, Bracken Street is another one-way street because of all the cars parked along the street. These are the two may northbound accesses for this development. There is a concern for emergency vehicles being able to turn around on the narrow street. As for the canal on the east of this project, there is an underground pipe that has so much water coming through it they had to sealed shut the lid in the street to keep it from coming up, so there is an existing water issue with the property also.

Public Hearing: Closed

Closing Statement

Mr. Vawser, stated the hope of the developer is to build four-plex units that will draw a little higher rent and better clientele. There are not as many bedrooms as usual so it will not create as much of an impact as a four-plex with more bedrooms per unit. He is not sure where people are going to travel, it seems that most people will travel the direction that gets them where they want to go the fastest and in this situation Martin Street would be the best route. As for the irrigation issues the canal is not on this property, there is irrigation on this property they will be maintaining and they will also be using a private irrigation system to water the lawns for this development. They will not be adding any water downstream and won't be taking more than their share either. The neighbors may need to contact to canal company for the issues they have brought up tonight. As for the neighbors privacy, the homes on the west boundary face towards the four-plexes the most southerly unit faces south, to try and keep the orientation of the development facing inward and not out at the surrounding properties. This is a four-plex development in an R-4 Zone, it is proper to be there it fits zoning. While there is some inconvenience due to new developments they feel it fits within the area.

PZ Questions/Comments

- Commissioner Bolton asked if there will be any fencing between this development and the other properties.
- Mr. Vawser explained that there will be a fence between this developments and the adjacent properties, and most likely 6' tall to give the people in this development a sense of security as well as the neighboring properties.
- Commissioner Hansen asked about the parking in the development and fire truck turn around concerns.
- Mr. Vawser showed on the overhead an area on the plan that has been reviewed by fire that will accommodate a fire truck turnaround, and explained that the parking for this development has been designed to be contained within this development without extending over onto Borah Avenue.
- Commissioner Higley asked about the width of Borah Avenue and if there is any requirement for that to be widened by this development.
- Mr. Vawser explained it is 36' wide they will be replacing a portion of the street to centerline as required but it will not be widened.
- Commissioner Detweiler asked about storm water retention.
- Mr Vawser explained yes the retention area is located on the northwest corner of the development.
- Commissioner Bolton asked if there is a history of flooding for this property.
- Mr. Vawser explained this was pasture and they did do some flood irrigation on this property.
- Commissioner Kelley asked about landscaping on the site and will it be used for privacy mitigation.
- Mr. Vawser explained they could use some of the landscaping around the fence area to assist in the privacy concerns, but it has not been discussed.
- Commissioner Bolton asked if these will be rentals, and if there will be any limitation to the number of vehicles each tenant can have.
- Mr. Vawser that limitations have not been considered but could be if it became a problem.
- Commissioner Musser asked for clarification on the types of homes surrounding the property.
- Mr. Vawser explained there is a single family home to the west of this development on a rather larger lot, on the west side there is a four-plex development, there are larger lot off of Heyburn Avenue that are single family.
- Commissioner Hansen asked for some clarification on the parks in lieu process.

- Mr. Vawser explained a parks in lieu is a donation based on units to assist the Parks and Recreation Department make improvements to a park that is located with the same one mile square as the development. City Council approve the donation in lieu of putting a park in this development.
- Commissioner Detweiler asked about plans for Rose Street to be developed all the way through.
- Mr. Vawser explained that the lots along Heyburn Avenue are fully developed and Rose Street is not identified on the Transportation Master Plan for it to be developed.

Discussion Followed:

- Commissioner Bolton stated she is a big supporter for affordable housing, this is a positive, but she also sympathizes with neighbors on Rose Street North. She stated she is not sure how you have development without having these concerns.
- Commissioner Higley explained it is part of growth and it is in compliance with zoning and something the community needs.
- Commissioner Hansen agreed he does understand the concerns for traffic but if there is a problem with cars parking on a street that turns it into a one-way some action needs to be taken. He recommended the citizens take the parking concern to the Traffic Safety Commission.
- Commissioner Detweiler explained there are limitations to how people get in and out of the development, the roads are narrow in this area and he does see the traffic as being a concern. He does think it fits the comprehensive plan, but doesn't know how to resolve the issue with people being allowed to park on both sides of the street.
- Commissioner Bolton explained the Traffic Safety Commission could be approached with the traffic concerns along Rose and Bracken Street. She also stated that the role of the Planning & Zoning Commission is to ensure that the request meets the Comprehensive Plan. She does think other factors have been brought to light but it meets the Planning & Zoning requirements.
- Commissioner Musser asked if there is any City Code violation for all of the cars being parked on the street.
- City Planner O'Connor explained that cars can be parked within the right of way not more than 24 hours. If there is a concern for the amount of vehicles on the road that have not moved, the citizen can contact dispatch at 311 and report the concern.
- Commissioner Higley asked about future plans to have Borah Avenue all the way west.
- Assistant City Engineer Vitek explained that is not on the Master Transportation Plan and will not be extended.
- Commissioner Hawkins asked about the concerns with traffic impacts with this proposed development.
- City Planner O'Connor explained the issue is that these neighborhoods are older and

different development standards for roads applied at the time they were constructed. As City's goes, standards change, needs change and there is no change required. If however Rose Street North was on the Master Transportation Plan as a collector any new development would trigger bringing the road into compliance.

Motion

Commissioner Kelley made a motion to approve the request, as presented, with staff recommendation. Commissioner Higley seconded the motion. Members Kelley, Higley and Hansen voted in favor of the motion, while Commissioners Hansen, Detweiler, Bolton, and Hawkins voted against the motion.

Motion Failed 4-3

- c) Request for a Special Use Permit to operate an indoor recreation facility on property located at 163 Cheney Drive West, Ste 200. c/o Gerald Martens on behalf of Core Cycle (app. PZ18-0063)

Applicant Presentation:

Gerald Martens representing Core Cycle to request a Special Use Permit for an indoor recreation facility, The building is being constructed across from Walmart and Core Cycle will be one of the 6 tenants for this building. It will be an exercise facility that will provide stationary bikes for people to use for exercise as well as other exercise opportunities. The activities will be inside preventing any noise and disturbance to the surrounding neighbors. This is an appropriate use for this space, conveniently located and compatible to the area.

Staff Presentation:

City Planner O'Connor reviewed the request on the overhead and stated this is a request for a Special Use Permit to operate an indoor recreation facility on property located at 163 Cheney Drive West, Ste 200.

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

The property is part of the Canyon Ridge PUD #247, recorded in January 2008.

This is a request to establish an indoor recreation facility as a health club on property located at 163 Cheney Dr. The applicant is looking to establish a health club type operation at this location and this land use has been classified as "indoor recreation" and in the C-1 Zone a SUP is required for an indoor recreation facility.

If the Commission approves this request as presented, then staff recommends the following conditions.

1. Subject amendments as required by City Code Standards.

Public Hearing: Opened & Closed Without Testimony

Discussions Followed:

- Commissioner Hansen asked if it is going to be open 24/7
- Mr. Martens stated no, it will be open early for people that want to work out prior to work but will not be a 24/7 facility.

Motion:

Commissioner Bolton made a motion to approve the request, as present, with staff recommendation. Commissioner Detweiler seconded the motion. All members present voted in favor of the motion.

- d) Request for a Special Use Permit to operate a drive through on property located at 326 Blue Lakes Boulevard North. c/o Kyle Cooper (app. PZ18-0064)

Applicant Presentation:

Kyle Cooper, the applicant representing Dutch Bros, he is here to present a request for another location located at 326 Blue Lakes Boulevard North. They have been search for a second location for quite a long time, and they feel this property fits within their business model and will be a great location. He reviewed on the overhead the proposed site plan showing the stacking that would allow for up to 25 cars. This will allow them to handle their customer volume. There has been some feedback from the neighbors which has resulted in a modification to the site plan. The new site plans shows the drive thru isle moved approximately 12' from the east property line and they will be using this area to for landscaping to provide a buffer between the business and the townhomes on the east boundary. They want to be a good neighbor.

Staff Presentation:

City Planner Cherry reviewed the request on the overhead and stated this is a request for a Special Use Permit to operate a drive through on property located at 326 Blue Lakes Boulevard North.

The Special Use Permit process requires a public hearing in which interested persons have the

opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

Most recently Threads, a retail business that provides screen printing and embroidery services, has occupied the subject property.

This is a request to construct a drive-through at 326 Blue Lakes Boulevard North. The subject property is located in the C-1 Zoning District. The C-1 Zone requires a special use permit (SUP) for drive-through services.

The proposed drive-through will be used to facilitate the delivery of food and beverage to customers. The proposed drive-through provides approximately twenty-five (25) stacking spaces before the first stopping point and an escape lane which is nine feet (9') wide.

Staff does acknowledge that to the east of this location is a residential development that will be susceptible to more noise and any impacts from this type of use. Prior to this use it was a screen printing shop this change will have a lot bigger impact. The applicant has proposed that they will put more landscaping along the east boundary and has indicated they will plant trees that are greater than 3' tall approximately 50' apart and that should be approximately 10' tall within 6 years of planting. This should provide better mitigation for noise and impacts to the residential property.

If the Commission approves this request as presented, then staff recommends the following conditions.

1. Subject to site plan amendments as required by City Code Standards.

PZ/Questions & Comments:

- Commissioner Musser asked why the applicant would not plant larger trees in the beginning.
- City Planner Cherry explained code requires screening between a residential use and a commercial/industrial use. The screen can be a vinyl fence, chain link with slats, and there is also a provision for vegetative screening. The vegetative screen code states the minimum size for a tree is 3' and the minimum size the tree should be after 6 years is 6' tall.
- Commissioner Bolton clarified that the Commission can require more than the minimum standard.

- Commissioner Kelley asked if the proposal include vegetative screening and a fence.
- City Planner Cherry stated there is a vinyl fence already in place and is owned by the residential property.
- Commissioner Musser asked if there is going to be a condition that requires people to turn right only when exiting the drive-thru.
- Assistant City Engineer Vitek explained this will not be a requirement, the cars will stack and if people turn left out of the exit. The customers will be able to enter the drive thru quickly, and there may be some frustration by the customer behind the person trying to head south onto Blue Lakes Boulevard but that impact the business not the roadway.
- Commissioner Higley explained there is another business further north of this property that that has a wider exit with a right and left turn lane for people to get out onto Blue Lakes and they still have traffic problems. He has seen the business send employees out to direct traffic to turn right and restrict the cars from turning left. It is an issue even though they can stack a lot of cars. He asked for clarification on the curves shown on the site plan.
- Assistant City Engineer Vitek explained that they are there to accommodate existing utility poles.
- Commissioner Bolton asked if they are only going to have one window.
- Mr. Cooper explained yes one window is much more efficient than two.
- Commissioner Bolton asked about the stacking and the approximate time it would take someone that is number 20 in the line to be served.
- Mr. Cooper explained it takes approximately 45 seconds per car, so someone in the 20th spot would wait approximately 13 minutes.
- Commissioner Bolton asked if the applicant considered making the stacking lane shorter, because it is so close to the residential property to the east.
- Mr. Cooper explained that they wanted to provide room for as much stacking as possible, 25 is probably an overkill and will most likely not be full all the time. On average when cars are stacked it averages around 7 vehicles.
- Commissioner Bolton explained she is trying to consider all of the information so an informed decision can be made to prevent the applicant from having to come back because of unforeseen issues.
- Mr. Cooper explained he understands and clarified the trees they are proposing to plant will be approximately 2.5" caliber 6' tall tree from the beginning. They are not going to plant starter trees 3' tall. They would most likely use a mix of autumn blazes, pines and some taller shrubbery to help buffer the residential property. The screening will be nice.
- Commissioner Higley asked if they are going to modify the existing building or start new.
- Mr. Cooper explained the existing buildings will be demolished.

- Commissioner Higley clarified that by demolishing the buildings that allows them to place a new building anywhere on the site.
- Mr. Cooper explained that is correct; however there are some limitations due to the location of utility easements on the site. They were trying to provide as much stacking area as possible and move the noise from the business closer to Blue Lakes Boulevard.
- Commissioner Higley asked about altering the accesses.
- Mr. Cooper explained he will be working with the Idaho Transportation Department in relation to the approaches.
- Commissioner Higley asked if the exit could be widened to allow for a left turn.
- Mr. Cooper explained after looking at the traffic pattern most of the customers will head right out of the exit. It could be possible but he will still need to work with ITD on the approaches.
- Commissioner Kelley asked what the hours of operation are and if there is going to be an outside seating area.
- Mr. Cooper explained the hours are 5am -11pm, 7 days a week. The building design does accommodate walk up traffic with outdoor seating.
- Commissioner Kelley explained 11pm is late for a residential area, and asked if they had any concerns with walk up traffic creating addition noise concerns.
- Mr. Cooper explained he doesn't foresee this being an issue, walk up traffic is minimal. After 10pm the town is fairly quiet, they will make sure any audio is directed away from the residential property.
- Commissioner Bolton asked the new location they just opened in Idaho Falls and what the stacking number is for that location.
- Mr. Cooper stated that location has the ability to stack 17 cars.
- Commissioner Hansen stated there were changes made to the other location here in town to accommodate for special events that increased traffic beyond what was normally expected. What is the plan when this happens at this location.
- Mr. Cooper explained having two locations should help alleviate this issue, but if it were to be an issue they would have to work with the local highway officials to make sure traffic keeps moving on Blue Lakes if they can't turn in they will need to keep moving past the business.

Public Hearing: Opened

- Greg Lanting, 355 Elm Street North, he explained that he is excited to hear the applicant is planning to do landscaping. He would ask that conditions on the Special Use Permit provide more protection to the neighbors than just promises at the meeting. There is a little cause for concern related to this business because there have been issues at their other location. The development to the east is not a rental property, these are condominiums people have

purchased to live in permanently or until they are no longer able to stay in their home. He showed on the overhead pictures of the Rocket Express landscaping along their property boundary that abuts residential homes. The landscaping is made up of mature mostly evergreen plants and trees along with a 5' masonry wall. They would hope that the applicant would install a masonry fence along with mature landscaping. He requested that the Commission place conditions on the Special Use Permit to protect the neighbors. The trees really help block the noise. The last request is that lighting be turned off when the business is not operating and that the lights be downward facing to keep the light from infiltrating onto the adjacent properties.

- Mark Beams, 1442 Heyburn Avenue East, he stated that he is excited to see this request, he main concern is the turn from the exit onto Blue Lakes Boulevard. He used Sonic on Blue Lakes as an example stating that everyone the exits their business must turn right. He would like to see a condition that requires a right turn only.
- Jo Kirchner, 355 Elm Street North, he would ask that they provide landscape and screening to provide a noise barrier between the business and the residential property.
- Tyler Ready, 284 Taylor Street, he is opposed to the request, because of the traffic that it will generate.
- Wiley Dobbs, 355 Elm Street North, he lives in the condominiums and he would like to request that there be a buffer between the business and residential. Possibly a 20' barrier and taller trees. He would like to see the lighting facing down so it doesn't feel like a football field.
- Christina Dobbs, 355 Elm Street North, she would like the trees to be mature and evergreen to provide a year round buffer.
- Jim Thorpe, owner of the property that is being discussed stated there is not nearly the traffic load on Blue Lakes at this end compared to the other end where Rocket Express is located. He is sure that the applicant will do his best to make the neighbors happy.

Closing Statement

- Mr. Cooper explained they want to be good neighbors and they are willing to work with the neighbors. The design of the site is negotiable for the landscaping, he typically plants the trees 10'-15' apart depending on the canopy size of the tree and type. If they plant all evergreen the distance is probably reduced to 8' apart staggered so they look nice. As for the approaches and how traffic flows in and out of the site is dependent upon what ITD requires of him. Lighting will be downward facing and included on the plans as such.
- Commissioner Musser asked if the applicant is opposed to a right turn only out of the exit.
- Mr. Cooper explained he thinks that a left turn out of the exit is traffic violation.
- PZ Director Spendlove explained that legal people are not allowed to turn left out of this approach. The person operating the vehicle is the person violating the law, however if the Commission was inclined they could put a condition that a right turn only sign be posted at the exit. Blue Lakes is owned, operated and maintained by the State of Idaho. The signage would have to be on the property, the applicant would have to work with the state if they

want to post a sign in the state right of way.

- Commissioner Higley explained that we need to be proactive, and a sign may assist the customers.
- Commissioner Hansen suggested a painted right turn only arrow on the exit may also be beneficial for people to understand it is a right turn only exit.
- Commissioner Bolton explained she still has concerns about the number of cars stacked on the site. She asked if the applicant would be will to collaborate on the sound buffer.
- Mr. Cooper explained he is willing as long as it is feasible and within reason.
- Commissioner Detweiler explained he likes the narrower exit, people will most likely make a left turn when they are tired of waiting. As for the time, if the customers are there early or late at night making an illegal left turn is probably not difficult. He thinks if the stacking lane is shorter it will impact Blue Lakes. His biggest concern for the back wall is the exhaust from the vehicles and the headlights facing into the homes.
- Commissioner Musser explained he thinks the trees that get planted should be mature from the beginning, the neighbors should not have to wait for the trees to grow.
- Commissioner Kelley explained Rocket Express does have a nice barrier but if you ask the residents that live behind there, they are still impacted by the noise, the headlight, the smell every diesel. He is still concerned for the neighbors, the barrier has to be right and has to be good, what is being proposed now is not enough.
- PZ Director Spendlove explained that generally, the condition should not leave the approval in the hands of the neighbors, it should come back the Commission for review and approval prior to final inspection and encourage collaboration. The commission could then ask the neighbors about the plan and it does not preclude the applicant from receiving his building permit, it would only prevent the business from opening prior to approval. The applicant is not prepared to create a plan tonight, but by adding a condition that requires the Commission's approval would give him time to collaborate, and prepare a plan. The other condition about the lighting could also be added requiring that the lighting source being shielded from infiltrating onto adjacent properties.
- Commissioner Higley stated he thinks something general could be added as a condition on the permit that gives guidelines and encourage the applicant to collaborate with the neighbors, but allows him to proceed.
- Commissioner Hansen explained that a shortened stacking lane would allow for more buffering, but he wanted to know how often the drive thru located on Pole Line Rd has had to use the extra stacking lane to handle the customer load.
- Mr. Cooper explained they have not had to use it yet.
- Commissioner Hansen explained he does not want to shorten the stacking lane but the landscaping needs to be addressed.

Discussion Followed:

- Commissioner Musser asked if the commission wants to condition the permit so that the landscape plan comes back for approval or try to come up with a solution this evening.
- PZ Director Spendlove explained it can be discussed and there can be some clarification made if necessary.
- Commissioner Higley stated the Commission has heard testimony, the concerns of the neighbors and the Commission he thinks they can define the conditions and they can bring back the plan. It is obvious that the 3' trees is not going to cut it and the trees need to be evergreens that will give them some general guidelines to consider.
- Commissioner Kelley explained it probably needs to be stated as a percentage to help.
- Commissioner Higley explained the stacking lane could remain like it is and plant taller trees, or the stacking lane could be reduced to allow for a burm and shorter trees.
- Commissioner Bolton explained she would like to make an attempt at a motion and then have discussion based on the information we have heard.
- Commissioner Hansen explained without being arborist and understanding completely landscaping methods he thinks it would be better to have the applicant design a plan and bring it back for approval.
- PZ Director Spendlove explained that if the applicant given time they can bring back a plan without the Commission has to list specific criteria.
- Commissioner Higley stated that in the past when the applicant has been told to bring back a plan for approval, it does not meet the expectation and the applicant ends up asking the Commission for criteria. He is trying to avoid the applicant bringing back a plan with 3' tree that is not going to meet the expectation.
- PZ Director Spendlove explained if the plan is not satisfactory when the applicant brings it back for approval the Commission can deny the plan delaying their time.
- Commissioner Higley stated he does not think it will hurt to put some guidelines with minimum tree heights and clarify that 3' trees are not enough. The stacking lane does not back directly up to the backyards of homes like the Rocket Express so the situation is not exactly alike but they do need to create a buffer. Specifying the tree height and types of trees would not be a bad thing to add to the permit.
- City Planner Cherry explained the applicant has stated he is willing to plant 6' trees in the beginning.
- Commissioner Kelley explained he is a horticulturalist and trees that are 10'-12' tall is difficult to acquire, he does not want to make it too difficult to get the business started. Providing guidelines with percentages, mixed sizes and types it give the applicant some option. He wants to see taller trees but it is very difficult to plant large trees.

Motion:

Commissioner Bolton made a motion to approve the request, as presented with staff

recommendations and additional conditions

1. Subject to site plan amendments as required by City Code Standards.
2. Subject to a landscape plan being designed through collaboration with the neighbors.
3. Subject to installation of a masonry fence
4. Subject to a burn, with mature trees to be planted in the beginning
5. Subject to the lighting sources being shielded to prevent infiltration to adjacent properties.

Commissioner Detweiler seconded the motion.

Discussion on the Motion:

Commissioner Higley asked for signage for right turn only be added as a condition. He also would like the minimum starting height for the trees should be 6' with a majority of them being evergreens.

Commissioner Bolton made a second amendment to the conditions after discussion.

1. Subject to site plan amendments as required by City Code Standards.
2. Subject to a landscape plan being designed through collaboration with the neighbors to be reviewed and approved by the Commission prior to any final inspections being done.
3. Subject to the installation of a masonry fence
4. Subject to a burn with the majority of evergreen trees to be planted with a starting minimum height of 6' to provide year round buffer.
5. Subject to the lighting sources being shielded to prevent infiltration to adjacent properties.
6. Subject to a right turn only arrow being painted on the exit and if allowed a right turn only to be place near the exit.

Discussion on Second Amendment to Motion:

- Commissioner Kelley thinks majority is to subjective and that a percentage should be used as a guide for how many trees to be planted.
- Commissioner Hansen stated that he can support the second amendment to the motion.
- Commissioner Bolton explained she feels like the applicant needs to come up with a plan and it is not the Commissions job to design the plan for the applicant.
- Commissioner Higley explained in his experience it never comes back without the Commission having to design the plan.

Final Motion:

Commissioner Bolton made a motion to approve the request, as presented with staff recommendations and additional conditions

1. Subject to site plan amendments as required by City Code Standards.
2. Subject to a landscape plan being designed through collaboration with the neighbors to be reviewed and approved by the Commission prior to any final inspections being done.
3. Subject to the installation of a masonry fence
4. Subject to a burn with the majority of evergreen trees to be planted with a starting minimum height of 6' tall to provide year round buffer.
5. Subject to the lighting sources being shielded to prevent infiltration to adjacent properties.
6. Subject to a right turn only arrow being painted on the exit and if allowed a right turn only to be place near the exit.

Commissioner Detweiler seconded the motion. Members Hawkins, Detweiler, Bolton and Musser voted in favor of the motion, while Members Hanse, Higley and Kelley voted against the motion.

Motion Approved 4-3

Approved, As Presented, With the Following Conditions

1. Subject to site plan amendments as required by City Code Standards.
2. Subject to a landscape plan being designed through collaboration with the neighbors to be reviewed and approved by the Commission prior to any final inspections being done.
3. Subject to the installation of a masonry fence
4. Subject to a burn with the majority of evergreen trees to be planted with a starting minimum height of 6' tall to provide year round buffer.
5. Subject to the lighting sources being shielded to prevent infiltration to adjacent properties.
6. Subject to a right turn only arrow being painted on the exit and if allowed a right turn only to be place near the exit.

The Commission took a 7-minute break.

- e) Request for a Special Use permit to operate an indoor recreation facility on property located at 834 Blue Lakes Boulevard North. c/o Tayler Chapin (app. PZ18-0065)

Commissioner Detweiler stepped down for this item.

Applicant Presentation;

Tayler Chapin, the applicant stated she is here for a special use permit to operate one of the first

hot yoga facilities.

Staff Presentation:

City Planner O'Connor reviewed the request on the overhead and stated this is a request for a Special Use permit to operate an indoor recreation facility on property located at 834 Blue Lakes Boulevard North.

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

This area has been commercially developed since the early 1980's and has had various tenants since.

This is a request to establish an indoor recreation facility as a health club on property located at 834 Blue Lakes Blvd. N. The applicant is looking to establish a yoga studio at this location and this land use has been classified as "indoor recreation" and in the C-1 Zone, a SUP is required for an indoor recreation facility.

If the Commission approves this request as presented, then staff recommends the following conditions.

1. Subject to site plan amendments as required by City Code Standards.

Public Hearing: Opened

Dave Detweiler, this building has a hard time with tenants and believes this would be a compatible for the area and is in favor of the request.

Public Hearing: Closed

Discussions Followed:

- Commissioner Hansen asked about hours of operation.
- Ms. Chapin explained she will most likely provide 3-4 classes daily for people that work starting at 6am with a final class at 7pm Monday-Friday and maybe one or two classes on the Saturday and Sunday.

Motion:

Commissioner Hansen made a motion to approve the request, as present, with staff recommendation. Commissioner Kelly 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 City Code Standards.

Commissioner Detweiler returned to his seat.

- f) Request for a Special Use Permit to construct a storage unit rental facility and automobile/recreation vehicle storage yard on property located at 240 Eastland Dr. c/o Eastland Storage Solutions, LLC-Tyler Davis-Jeffers (app. PZ 18-0066)

Applicant Presentation:

Tyler Davis-Jeffers, representing Eastland Storage Solutions, the office would be located off of 4th Avenue East, the project will be constructed in two phases, each phase is approximately 2.5 acres each. Office hours will be between 8am-6pm but the site will be accessible to customers from 6am-10pm. A living space will be above the office so there will be 24-hour on-site management. All of the exterior of the development will be buildings providing a screening for the facility and security. They believe this will be a quiet neighbor and provide a good service for the surrounding residential areas that have CCNR's that don't allow outside storage of recreational vehicles and multi-family developments that don't provide storage for their tenants.

Staff Presentation:

City Planner Cherry reviewed the request on the overhead and stated this is a request for a Special Use Permit to construct a storage unit rental facility and automobile/recreation vehicle storage yard on property located at 240 Eastland Dr.

The Special Use Permit process requires a public hearing in which interested persons have the opportunity to be heard, with regards to the application.

The Commission shall make a decision on the request within thirty (30) days after the public hearing. If Conditions of Approval are placed on the permit by the Commission, the Administrator shall issue the permit specifically listing such conditions. Conditions shall be implemented within 6 months or the permit is void.

If the Commission's decision is appealed within fifteen (15) days of the signing of the Findings of Fact, City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

The subject property was developed as a Drive-In Movie facility in 1967 per Twin Falls County Records. Drive-In Movie facility operations ceased in 2015. Currently the subject property is considered vacant (however some equipment/structures from the prior Drive-In Movie facility remain on the subject property).

This is a request for a Special Use Permit to construct a storage unit rental facility and automobile /recreational vehicle storage yard on property located at 240 Eastland Drive.

The subject property is located within the Commercial Highway (C-1) Zoning District.

If the Commission approves this request as presented, then staff recommends the following conditions.

1. Subject to site plan amendments as required by City Code Standards.
2. Subject to the applicant dedicating right of way on 4th Ave. prior to receiving final occupancy. (Dimensions to be determined by the City Engineer.)

Public Hearing: Opened & Closed Without Testimony

Discussions Followed:

- Commissioner Hansen asked if 4th Avenue East is a through street and if not is it planned to be extended.
- PZ Director Spendlove stated not is it not a through street and it is not on the Master Transportation Plan to be extended.
- Commissioner Detweiler asked about paving the site.
- City Planner Cherry explained that because this property is zoned C-1 hard surfacing will be required.

Motion:

Commissioner Kelly made a motion to approve the request, as presented, with staff recommendations. Commissioner Detweiler 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 City Code Standards.
2. Subject to the applicant-dedicating right of way on 4th Ave. prior to receiving final occupancy. (Dimensions to be determined by the City Engineer.)

- g) Request for a Zoning Title Amendment to repeal and replace City Code 10-11-19 Floodplain Regulations (A through E). c/o City of Twin Falls-Troy Vitek, Assistant City Engineer

Staff Presentation:

Assistant City Engineer Vitek, replace the existing ordinance, is required to be able to pass the flood plain audit, for funding. It will also allow for better enforcement, better definitions. This is a recommendation to Council from Planning & Zoning because it is part of Title 10 Zoning & Subdivision Regulations.

City Planner reviewed the request on the overhead and stated this is a request for a Zoning Title Amendment to repeal and replace City Code 10-11-19 Floodplain Regulations (A through E).

c/o City of Twin Falls-Troy Vitek, Assistant City Engineer.

Zoning Title Amendments, which consist of text or map revisions, require a public hearing before the Planning & Zoning Commission. Following the public hearing, the Commission may forward the amendment with its recommendation to the City Council. Any material change by the Commission from what was presented during the public hearing will require an additional hearing prior to the Commission forwarding its recommendation to City Council.

After City Council receives a recommendation from the Commission, a public hearing shall be scheduled where the City Council may grant, grant with changes, or deny the Zoning Title Amendment. In any event the City Council shall specify the regulations and standards used in evaluating the Zoning Title Amendment, and the reasons for approval or denial.

In the event that the City Council shall approve an amendment, such amendment shall thereafter be made a part of the Title upon the passage and publication of an ordinance.

City Code 10-11-9(A-E) was adopted in 1982. There has been no significant changes to this portion of code since then.

This is a request to amend Title 10 of the Twin Falls City Code by repealing and replacing City Code 10-11-9 "Flood Plain Regulations" in its entirety.

The City Engineering Department has submitted the proposed Zoning Title Amendment to comply with best management practices and state and federal requirements.

Further, the proposed Zoning Title Amendment will be easier to enforce, provide more clarity, and provide better protection to residents who reside in flood prone areas.

The Commission may:

- Recommend modifying the proposed Zoning Title Amendment (which may require another public hearing before the Commission).
- Recommend approval of the proposed Zoning Title Amendment to the City Council.
- Recommend denial of the proposed Zoning Title Amendment.

PZ Questions/Comments:

- Commissioner Kelley asked if this is not approved would it impact the citizens.
- Assistant City Engineer Vitek explained this amendment is required so that the City qualifies for funding if there were to be a flood. If it is not current the citizens would not be able to purchase flood insurance or make any claims related to flooding. It also protects people that purchase property in flood zones.

Public Hearing: Opened and Closed Without Testimony

Motion:

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

5) Upcoming Meeting(s)

PZ Director Spendlove- explained there are only 2 items on the upcoming agenda.

He stated there will be training at the October 3, 2018 work session on motions, conditions and voting procedures. As for the Dutch Bros request, that decision is not finished, please do not discuss amongst yourselves or anyone else because there is still a pending item related to the request.

- a) October 3, 2018 Work Session
October 9, 2018 Public Hearing

6) Adjournment

Commissioner Musser adjourned the meeting at 8:24 pm.

Lisa A. Strickland, Administrative Assistant