



**AGENDA**  
**TWIN FALLS CITY PLANNING & ZONING COMMISSION**  
**October 22, 2013 6:00PM**  
**City Council Chambers**  
**305 3<sup>rd</sup> Avenue East Twin Falls, ID 83301**

**PLANNING & ZONING COMMISSION MEMBERS**

**CITY LIMITS:**

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

**AREA OF IMPACT:**

Lee DeVore   Steve Woods

**Vice-Chairman**

**City Council Liaisons**

Suzanne Hawkins   Rebecca Mills Sojka

**I. CALL MEETING TO ORDER:**

1. Confirmation of quorum
2. Introduction of staff

**II. CONSENT CALENDAR:**

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

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

**IV. PUBLIC HEARINGS:**

1. Request for a Special Use Permit to operate a drive-through window in conjunction with a restaurant on property located at 163 Pole Line Road (east of Walgreen's) c/o Culvers of Twin Falls, c/o Eugene Smith & Jay Campbell (app.2603)
2. Request for the Commission's recommendation on the zoning designation for property being requested for annexation, consisting of 425 (+/-) acres, located approximately 10,900' along the boundary of the Snake River Canyon between Hankins Road North (3200 East) extended and the eastern boundary of Dierkes Lake, including the Evel Knievel Jump Site, Centennial Trail, Twin Falls City Gun Range, Shoshone Falls Park and Dierkes Lake, c/o City of Twin Falls. (app. 2605)

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

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

1. Work Session: [Wednesday, November 6, 2013](#)
2. Public Hearing: [Tuesday, November 12, 2013](#)

**VII. ADJOURN MEETING:**

Si desea esta información en español, llame Leila Sanchez al (208) 735-7287

Any person(s) needing special accommodations to participate in the above noticed meeting should contact Lisa A. Strickland at (208) 735-7267 at least two (2) working days before the meeting.

**CITY OF TWIN FALLS**  
**PLANNING & ZONING COMMISSION**  
**Public Hearing Procedures for Zoning Requests**

1. Prior to opening the public meeting, the Chairman shall review the public hearing procedures, confirm a quorum is present and introduce staff present.
2. Individuals wishing to testify or speak before the Commission shall wait to be recognized by the Chairman, approach the microphone/podium, state their name and address, then commence with their comments. Following their statements, they shall write their name and address on the Sign-In record sheet(s) located on a separate table near the entrance of the chambers. The administrative assistant shall make an audio recording of each public meeting.
3. **The Applicant, or the spokesperson for the Applicant, shall make a presentation** on the application/request. No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing – WHICH IS A MINIMUM OF 15 DAYS PRIOR TO PUBLIC HEARING. **The applicant's presentation should include the following:**
  - **A complete explanation and description of the request.**
  - **Why the request is being made.**
  - **Location of the Property.**
  - **Impacts on the surrounding properties and efforts to mitigate those impacts.**

The Applicant is limited to 15 minutes, unless a written request for additional time is received and granted by the Chairman prior to commencement of the public meeting.

4. Upon completion of the applicant's presentation City Staff will present a staff report which shall summarize the application/request, history of the property, if any, staff analysis of the request and any recommendations.
  - **The Commission may ask questions of staff or the applicant pertaining to the request at this time.**
5. The public will then be given the opportunity to provide public testimony/input/comments regarding the request.
  - **The Chairman may limit public testimony to no more than two (2) minutes per person.**
  - **Five (5) or more individuals, having received personal public notice of the application under consideration, may select a spokesperson by written petition. The spokesperson shall be limited to 15 minutes.**
  - **No written comments, including e-mail, received after 12:00 o'clock noon on the date of the hearing will be accepted for consideration by the hearing body. Written comments, including e-mail, received by 12:00 o'clock noon or before the date of the hearing shall be either read into the record or displayed on the overhead projector either during or upon the completion of public comment.**
  - **Following the Public Testimony, the applicant is permitted a maximum five (5) minutes rebuttal to respond to Public Testimony.**
6. Following the Public Testimony and Applicant's response, the Public Input portion of the public hearing shall be closed **No further public testimony is permitted.** Commission Members, as recognized by the Chairman, shall be allowed to request clarification of any public testimony received of the Applicant, Staff or any person who has testified. The Chairman may again establish time limits.
7. The Chairman shall then close the Public Hearing. The Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. **Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed.** Legal or procedural questions may be directed to the City Attorney.

**\*\***

**Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and thereafter removed from the room by order of the Chairman.**



Public Hearing: **TUESDAY, October 22, 2013**

To: Planning & Zoning Commission

From: Rene'e Carraway, Community Development

## AGENDA ITEM IV-1

**Request:** Request for a Special Use Permit to operate a drive-through window in conjunction with a restaurant on property located at 163 Pole Line Rd. (east of Walgreens) c/o Culvers of Twin Falls, c/o Eugene Smith & Jay Campbell. (App. 2603)

**Time Estimate:**

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

**Background:**

|                                                                                                                                   |                                                                                                             |                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <b>Applicant:</b>                                                                                                                 | <b>Status:</b> Owner                                                                                        | <b>Size:</b> 1.28 Acres; 4,235 sq ft Bldg                   |
| Culvers of Twin Falls/<br>Eugene Smith<br>10003 S Clinton Corners,<br>Clinton, WI 53525<br>608-289-5076<br>esdairyman@hotmail.com | <b>Current Zoning:</b> C-1 PUD                                                                              | <b>Requested Zoning:</b> SUP for Drive-Thru Window          |
|                                                                                                                                   | <b>Comprehensive Plan:</b> Commercial/ Retail                                                               | <b>Lot Count:</b> 2 Lots                                    |
|                                                                                                                                   | <b>Existing Land Use:</b> Undeveloped                                                                       | <b>Proposed Land Use:</b> Restaurant with Drive-Thru Window |
| <b>Representative:</b>                                                                                                            | <b>Zoning Designations &amp; Surrounding Land Use(s)</b>                                                    |                                                             |
| Jay Campbell<br>810 Swan Dr Unit A<br>Mukwonago, WI 53149<br>262-436-4760<br>jay@campbellconstructionbbg.com                      | <b>North:</b> C-1 PUD; Future Marriot Hotel                                                                 | <b>East:</b> C-1 PUD; Undeveloped                           |
|                                                                                                                                   | <b>South:</b> Pole Line Rd; C-1 Undeveloped                                                                 | <b>West:</b> C-1 PUD; Walgreens                             |
|                                                                                                                                   | <b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-8.2(B)6a, 10-7-6, 10-7-12, 10-10, 10-11-1 thru 8, 10-13 |                                                             |

**Approval Process:**

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

Within thirty (30) days after the public hearing, the Commission shall approve, conditionally approve, or disapprove the application as presented during the hearing. If conditions are placed on the permit, the Administrator shall issue a special use permit listing the specific conditions specified by the Commission for approval.

If an applicant or interested party appeals the decision of the Commission, the 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.

**Budget Impact:**

Approval of this request will have marginal impact on the City budget with the change of the property to a commercial use, and increased sales tax.

**Regulatory Impact:**

Approval of this request will allow the applicant to operate a drive-thru window in conjunction with a restaurant.

**A special use permit is for zoning purposes only.** Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.

**History:**

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

**Analysis:**

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

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

A fast food restaurant at the intersection of Pole Line Road and Washington Street North would follow the purpose and intent of the C-1 Zoning district.

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

Per City Code 10-10: Off street parking is required for this business at a rate of one (1) parking space per four (4) seats. This requirement will be reviewed during the building permit process; the minimum required parking spaces will be required to be installed at that time.

**Possible Impacts:** The neighboring uses in the general area are commercial/retail in nature, or they are zoned to be such in the future. There is currently a convenience store/pharmacy immediately to the west, a one hundred (100) plus bed hotel currently under construction to the north, and undeveloped commercially zoned properties to the South and East.

A major concern with any fast-food/restaurant with a drive-thru is the noise from vehicles and the speaker box that could emanate towards residences. With the design submitted by the applicant showing the drive-thru lane and speaker box on the South/East side of the building, this places the possible noise instigators on the far side of the building, away from the closest residences located in the Los Lagos / Villa Del Rio subdivisions. Furthermore, the closest residences are more than three-hundred feet (300') from the property lines of the proposed development.

The design of the building coupled with proposed hours of operation, have minimized the most common possible negative impacts that occur with drive-thru restaurants.

The request appears to meet the minimum requirements & standards for the City and the Northbridge PUD and is compliance with the Comprehensive Plan.

**Conclusion:**

Should the Commission grant this request as presented staff recommends approval subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards and the Northbridge PUD.

**Attachments:**

1. Letter of Request
2. Zoning Vicinity Map
3. Aerial Map
4. Applicant Submitted Site Plan
5. Applicant Submitted Elevations
6. Site Photos (4)

Culver's Restaurant  
Washington & Pole Line Road  
Twin Falls, Idaho

We feel this project is compatible with the surrounding properties and commercial development in the area.

The property Adjacent to the North is vacant/undeveloped commercial property, with residential development to the North of that property.

The property Adjacent to the East is vacant/undeveloped commercial property, with a bank w/drive thru facing East and commercial buildings to the East of that property.

The property Adjacent to the West is Commercial (Walgreens w/drive thru facing North).

The property to the South, across Pole Line Road is vacant/undeveloped property.

We do not feel that this project will have any adverse impact to the neighboring properties. The restaurant will have the drive thru window on the East side of the building, with cars exiting through the drive thru area to the north (same configuration as the Walgreens just to the West). The residential area to the North has a vacant commercial lot and access drive between them and this new proposed development, and they are at a higher elevation, so the glare from headlights exiting the drive thru at night should not be an issue. Other factors that address noise and odors are as follows:

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**Building Location on Site:** Our drive-thru aisle is typically a minimum of 25 feet from adjacent property lines and the other four sides of the building are usually more to accommodate guest parking. Therefore the proximity of the building to neighboring buildings assists in keeping minimal any noise or aroma transfer.

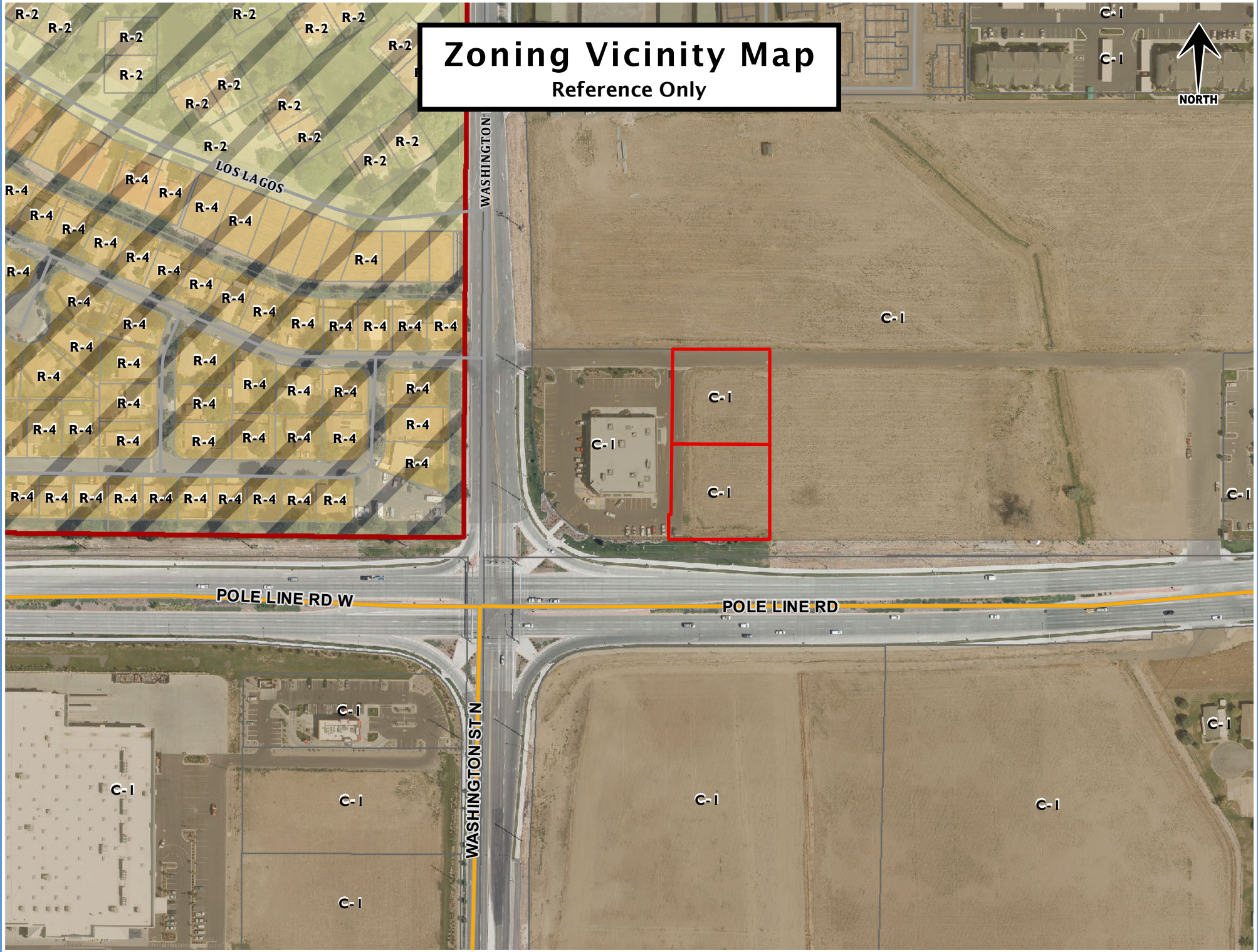
**Grease Exhaust and Smell:** We exhaust up through the roof. The roof is also surrounded by a high parapet screening our rooftop units. This screen assists visually but also directs noise up rather than out. Grease exhaust is directed up and not horizontal.

**Air Exhaust:** Our air intakes and exhausts are also located on the roof – behind screening parapet walls.

**DT Speaker Sound:** The drive through speaker is located at the rear of the building and would reside between the building and the vehicle when in use. The host's welcome at the speaker pad, while audible, is minimal. Should complaints arise, the volume can be adjusted.

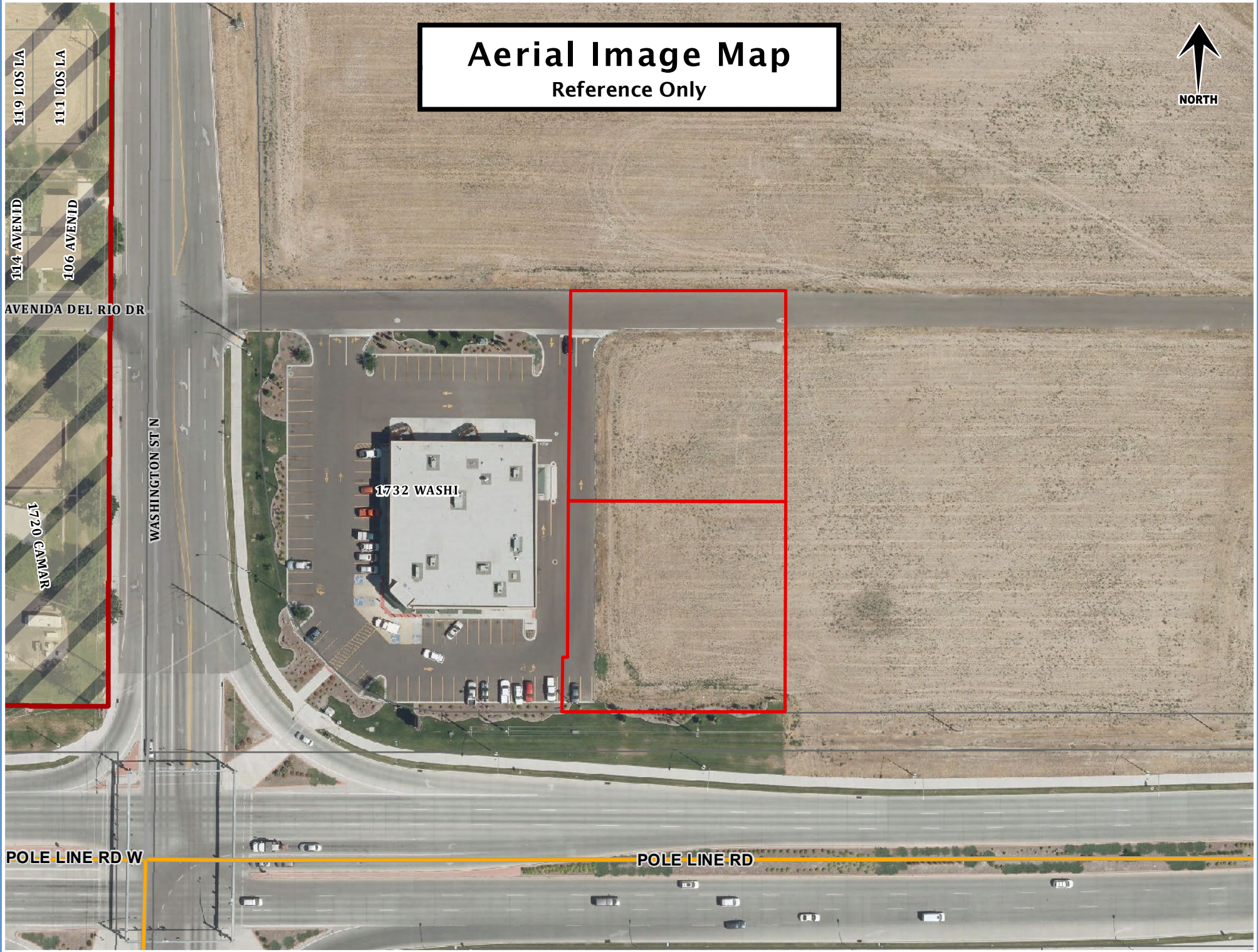
# Zoning Vicinity Map

Reference Only



# Aerial Image Map

Reference Only



119 LOS LA  
111 LOS LA  
114 AVENID  
106 AVENID

AVENIDA DEL RIO DR

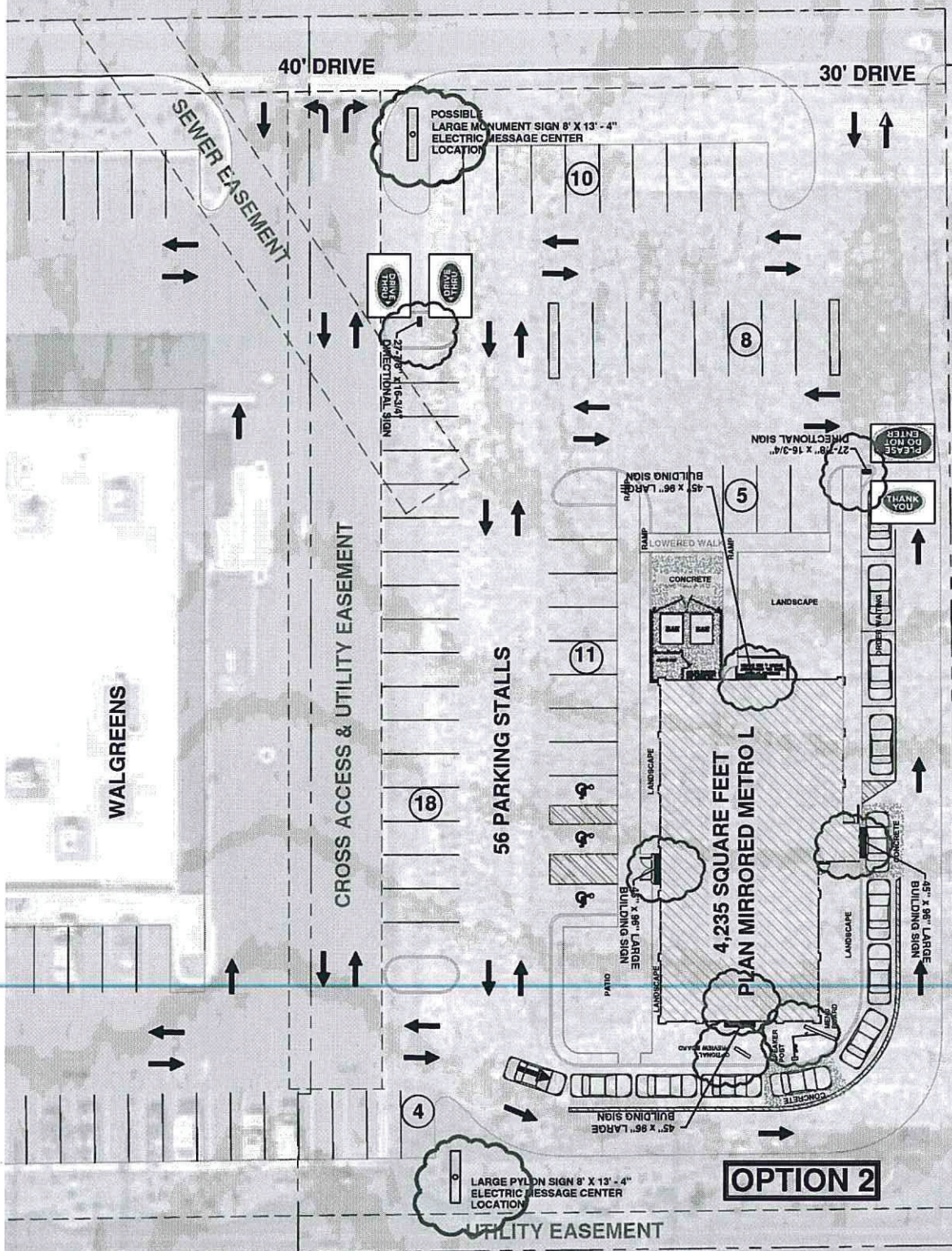
WASHINGTON ST N

1732 WASHI

POLE LINE RD W

POLE LINE RD

# POLE LINE ROAD



**PROPOSED CULVER'S RESTAURANT**  
**TWIN FALLS, ID. PLAN MIRRORED METRO 1 SHOWN**

**LOT AREA APPROX. 56,025 SQ. FT.    OPTION 2**

**SPH 06/26/13**  
**EUGENE SMITH**









Looking Northwest towards Walgreens and future Hotel

10/15/2013 10:59 AM



10/16/2013 10:59 AM



Public Hearing: **TUESDAY, OCTOBER 22, 2013**

To: Planning & Zoning Commission

From: Rene'e Carraway, Community Development Manager

## AGENDA ITEM IV-2

**REQUEST:** Request for the Commission's recommendation on the zoning designation for property being requested for annexation, consisting of 425 (+/-) acres, located approximately 10,900' along the boundary of the Snake River Canyon between Hankins Road North (3200 East) extended and the eastern boundary of Dierkes Lake, including the Evel Knievel Jump Site, Centennial Trail, Twin Falls City Gun Range, Shoshone Falls Park and Dierkes Lake, c/o City of Twin Falls. (app. 2605)

### TIME ESTIMATE:

The applicant/City staff's presentation may take up to fifteen (15) minutes.

### BACKGROUND:

|                                                                                                 |                                                                                    |                                                                           |
|-------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| <b>Applicant:</b>                                                                               | <b>Status:</b> Owner/Developer                                                     | <b>Size:</b> 425 (+/-) acres                                              |
| City of Twin Falls<br>c/o Mitch Humble<br>P.O. Box 1907<br>Twin Falls, ID 83303<br>208-735-7267 | <b>Current Zoning:</b> SUI and OS within the Area of Impact (Aol)                  | <b>Requested Zoning:</b> Annexation with OS zoning designation            |
|                                                                                                 | <b>Comprehensive Plan:</b> Open Space                                              | <b>Lot Count:</b> 16 lots and parcels                                     |
|                                                                                                 | <b>Existing Land Use:</b> Open space                                               | <b>Proposed Land Use:</b> no change, just annexation into city limits     |
| <b>Representative:</b>                                                                          | <b>Zoning Designations &amp; Surrounding Land Use(s)</b>                           |                                                                           |
|                                                                                                 | <b>North:</b> OS Aol; Snake River, BLM land, residential                           | <b>East:</b> Kimberly Hidden Lakes Estates Subdivision, Twin Falls County |
|                                                                                                 | <b>South:</b> SUI; residential and undeveloped property                            | <b>West:</b> R-2 PUD; undeveloped (The Preserve PUD)                      |
|                                                                                                 | <b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-11, 10-11-1 through 9, 10-15-2 |                                                                           |

### APPROVAL PROCESS:

#### §10-15-2: Annexation

The Commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

(B) At least fifteen (15) days prior to the hearing, notice of time and place, and a description of the proposed zoning changes for the unincorporated area shall be published in the official newspaper or paper of general circulation within the jurisdiction of the City. Additional notice shall be provided by mail to property owners and residents within the land being considered; three hundred feet (300') of the external boundaries of the land being considered; and any additional area that may be impacted by the proposed change as determined by the Zoning Administrator. Notice shall be posted on the premises not less than one week prior to the public hearing.

### BUDGET IMPACT:

A recommendation on the zoning for this request will have negligible impact on the City budget.

## REGULATORY IMPACT:

A recommendation on the zoning of this request will allow the application to be scheduled for the City Council.  
Approval of this request will allow the applicant to annex the subject property into the City limits.

## HISTORY:

On August 14, 1909, Deed 886, State of Idaho to The State of Idaho, 149.3 (+/-) acres for schools was recorded.  
On December 30, 1932 Frederick and Martha Adams conveyed 71 (+/-) acres to the City of Twin Falls to be used as a public park.  
On February 2, 1933 House Bill #50 was approved to donate to the City of Twin Falls the 149.3 (+/-) acres to be kept and maintained as a park.  
On June 5, 1970 J. Anton and Lola Britt conveyed 35.72 (+/-) acres to the City of Twin Falls.  
On April 24, 1972 Fred and Marjuary Foss and Herbert Dierkes deeded 116.68 (+/-) acres to the City of Twin.  
On June 16, 1995 Carl and Ruth Stutzman and Ken and Jill Stutzman deeded 6.85 (+/-) acres to the City of Twin Falls in a land swap.  
On March 8, 2012 Renaissance Project Development, LLC deeded 6.65 (+/-) acres to the City of Twin Falls in a land swap.

## ANALYSIS:

This request is to annex 425 (+/-) acres with a zoning designation of Open Space (OS). Currently an undeveloped 50' access north of the dead end of Hankins Rd N, the Evel Knievel jump site and some areas of Centennial Trail are currently zoned SUI, consisting of 7 +/- acres, with the remainder of the City owned property zoned OS all in the City's Area of Impact. The property is currently being used as public park and walking trail. Some of the land has not been developed. The property is contiguous to City limits on the west boundary and thus able to request annexation.

The proposed annexation consists of property owned by the City of Twin Falls and includes the Evel Knievel Jump Site, Centennial Trail, Twin Falls City Gun Range, Shoshone Falls Park and Dierkes Lake. The City of Twin Falls requests the annexation so we have governmental jurisdiction of city owned property. This pertains to emergency response, special events and property development.

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.

The property's intended use has always been to be open space to be enjoyed by the public. The Comprehensive Plan designates this area as appropriate for Open Space. Staff recommends the entire 425 (+/-) acres be zoned as OS as is consistent with the existing use and any proposed use for this property.

## CONCLUSION:

If the Commission finds the OS zoning designation appropriate they should make a recommendation to the City Council as such.

## ATTACHMENTS:

1. Zoning Map

2. Boundary Map



# Zoning Vicinity Map

Reference Only



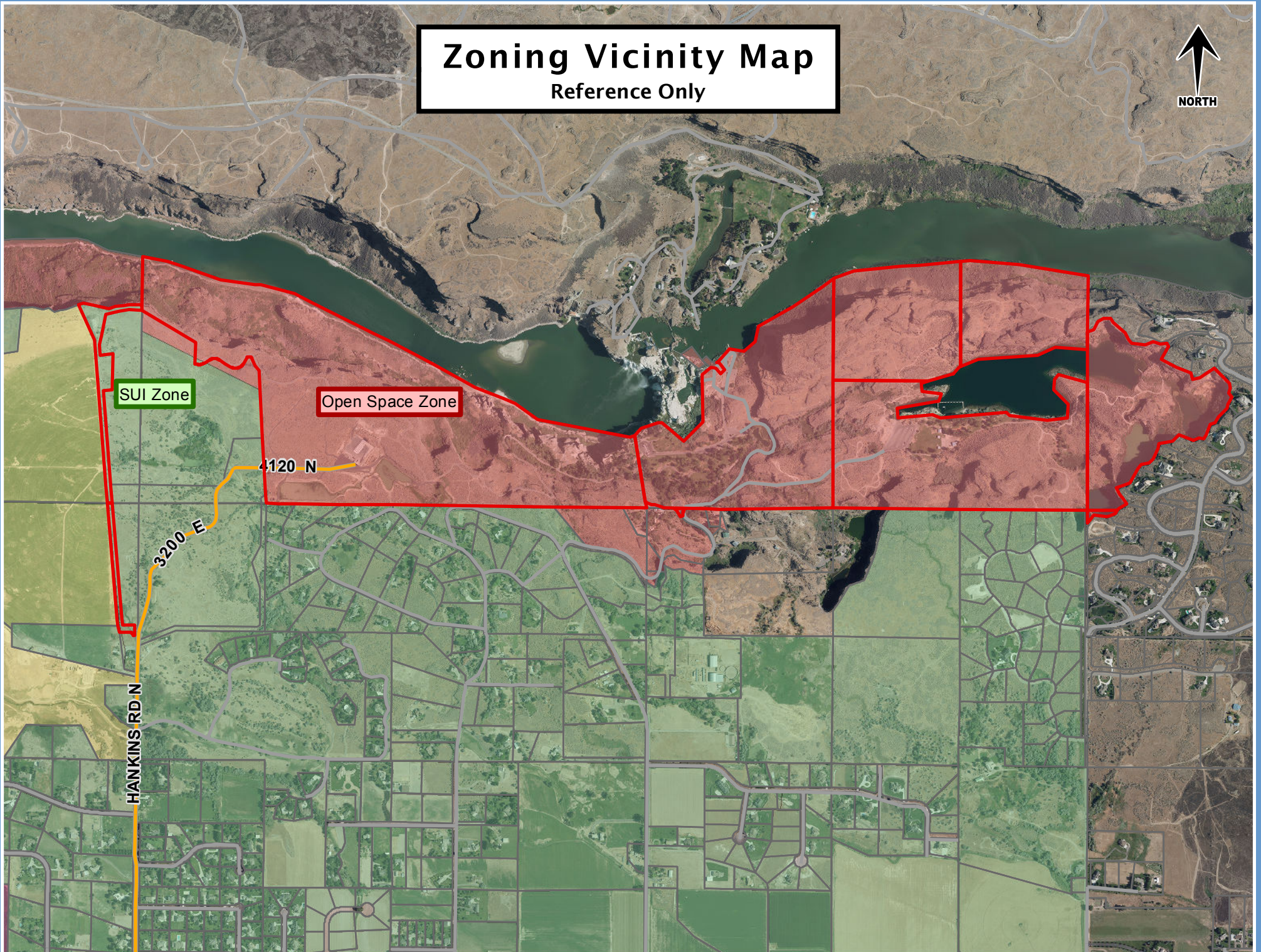
SUI Zone

Open Space Zone

4120 N

3200 E

HANKINS RD N



# Annexation Exhibit

Reference Only

