



NOTICE OF AGENDA
TWIN FALLS CITY PLANNING & ZONING COMMISSION
JUNE 10, 2014 6:00PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Munoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

City Council Liaison

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): **May 13, 2014 PH, May 28, 2014, June 4, 2014**
2. Approval of Findings of Fact and Conclusions of Law:
 - Kimberly Construction (SUP 05-28-14)
 - ProWest Engineering (SUP 05-28-14)
 - White Cloud Communications (Variance 05-28-14)
 - Silcock Enterprises (SUP 05-28-14)
 - Century Motorsports (SUP 05-28-14)

III. ITEMS OF CONSIDERATION:

1. Request for consideration of the Preliminary Plat for Lengfeld Subdivision, consisting of two (2) single family residential lots on approximately 3.83 acres located southwest of the intersection of Madrona St. N and Candleridge Drive. c/o Don Acheson/Reidesel Engineering, Inc. on behalf of Mitchell Moffitt.

IV. PUBLIC HEARINGS:

1. Request for a Zoning Title Amendment to amend Title 10; Chapter 4; Section 23.3 - Residential Business District Property Development Standards c/o Gerald Martens, EHM Engineers, Inc. (app. 2639)
2. Request for a Special Use Permit to allow for a new free standing Wireless Communication Facility on property located in the Hollohan Addition Lot 10 Exc S 25' and Exc E 125' (aka Clouche Avenue) c/o Verizon Wireless (app. 2641) **WITHDRAWN**
3. Request for a Special Use Permit to allow for a new free standing Wireless Communication Facility on property located a 1592 Elm Street c/o Verizon Wireless (app. 2641) **WITHDRAWN**
4. Request for a Special Use Permit to allow for a 24 Hour Gasoline Service Station with a drive through window on approximately 2.7(+/-) acres located at the north east corner of Meadowview Lane and Kimberly Road. c/o Steve Fisher on behalf of Nick Lynch / Mr. Gas (app. 2463)

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

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

1. Public Hearing- **June 24, 2014**
2. Work Session - **July 2, 2014**

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, JUNE 10, 2014**

To: Planning & Zoning Commission

From: Rene'e V. Carraway, Community Development Department

AGENDA ITEM III-1

Request: Request for consideration of the Preliminary Plat for Lengfeld Subdivision, consisting of two (2) single family residential lots on approximately 3.83 acres located south west of the intersection of Madrona St. N and Candleridge Drive. c/o Don Acheson/Reidesel Engineering, Inc. on behalf of Mitchell Moffitt

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. Staff's presentation may be up to five (5) minutes.

Background:

Applicant:	Status: Owner	Size: 3.83(+/-) acres
Mitchell Moffitt 1710 Brookfield Ct Twin Falls, ID 83301 208-944-4358 mitchell.moffitt@googlemail.com	Current Zoning: R-2	Requested Zoning: Approval of a preliminary plat
	Comprehensive Plan: Medium Density Residential	Lot Count: 2 lots
	Existing Land Use: Residential	Proposed Land Use: Single Family Residential
Representative:	Zoning Designations & Surrounding Land Use(s)	
Riedesel Engineering, Inc. 202 Falls Ave Twin Falls, ID 83301 Don Acheson 208-733-2446 dacheson@riedeseleng.com	North: R-1 VAR; residential	East: R-2; Madrona St N, residential
	South: R-2; residential	West: R-2; Galena Dr, residential
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-4, 10-7-6, 10-11-1 through 9, 10-12-2.3	

Approval Process:

As per Twin Falls City Code 10-12-2.3 Action on Preliminary Plat:

The Commission may approve, conditionally approve, deny or table for additional information when acting on the preliminary plat. If tabled, approval or denial shall occur at the regular meeting following the meeting at which the plat is first considered by the Commission. The action and the reasons for such action shall be stated in writing by the Administrator and forwarded to the applicant. The administrator shall also forward a statement of the action taken and the reasons for such action together with a copy of the approved preliminary plat to the Council for its information and record.

Budget Impact:

As the request is for a Preliminary Plat, approval of this request will have negligible impact on the City budget.

Regulatory Impact:

Upon approval of a preliminary plat a final plat that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

History:

Purchased in 1985 from the McCallie family, John Reeder constructed a separate dwelling on the lot in 1986. At the time, the County Assessor's Office was requested, by Twin Falls Bank & Trust, to split off the new home from the lot in what was called a *Mortgage Split*. This mortgage split was to allow for financing purposed only and was processed; however, the County assigned a separate RPT# for this portion of the lot. This led the Reeder's to believe that the lot had indeed been split legitimately. The property as a whole was annexed by the City of Twin Falls in December of 1995.

A Conveyance Plat was recorded on November 5, 2012.

Analysis:

This Preliminary Plat for the Lengfeld Subdivision, includes 3.83 (+/-) acres and is zoned R-2 (Residential Single Household or Duplex District). The request is to plat two (2) lots for single family residential development. The site is located on the west side of the 1200 block of Madrona Street North between Pomerelle Drive and Candleridge Drive.

The proposed plat will allow for single family residential development only. The city code allows a minimum lot area per household dwelling of be six thousand (6,000) square feet and ten thousand (10,000) square feet for a duplex dwelling.

Access to Lot 1 will be obtained through a shared approach with Lot 2 off Madrona Street North. An Access Easement will have to be recorded before a building permit can be issued for Lot 1. The Fire Department review has indicated the need for an additional fire hydrant. The location of the residence on Lot 1 will determine where this hydrant will need to be placed. The location and size of the residence on Lot 1 has not been determined at this time. The sewer and water tap locations will be finalized at building permit process.

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

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that Lot 1 will be connected to City of Twin Falls water and sewer systems. Lot 2 is currently on a septic system and city water. The developer is negotiating sewer capacity at this time. A guarantee of services comes when the City Engineer signs a Will-Serve Letter after final and construction plans are reviewed. It is also indicated on the Preliminary Plat that the site will be on a private Pressure Irrigation (P.I.) System.

This request is in conformance with the Comprehensive Plan which designates this area as appropriate for Medium Density Residential development.

Conclusion:

Staff recommends the Commission approve the preliminary plat of the Lengfeld Subdivision, as presented, subject to the following conditions:

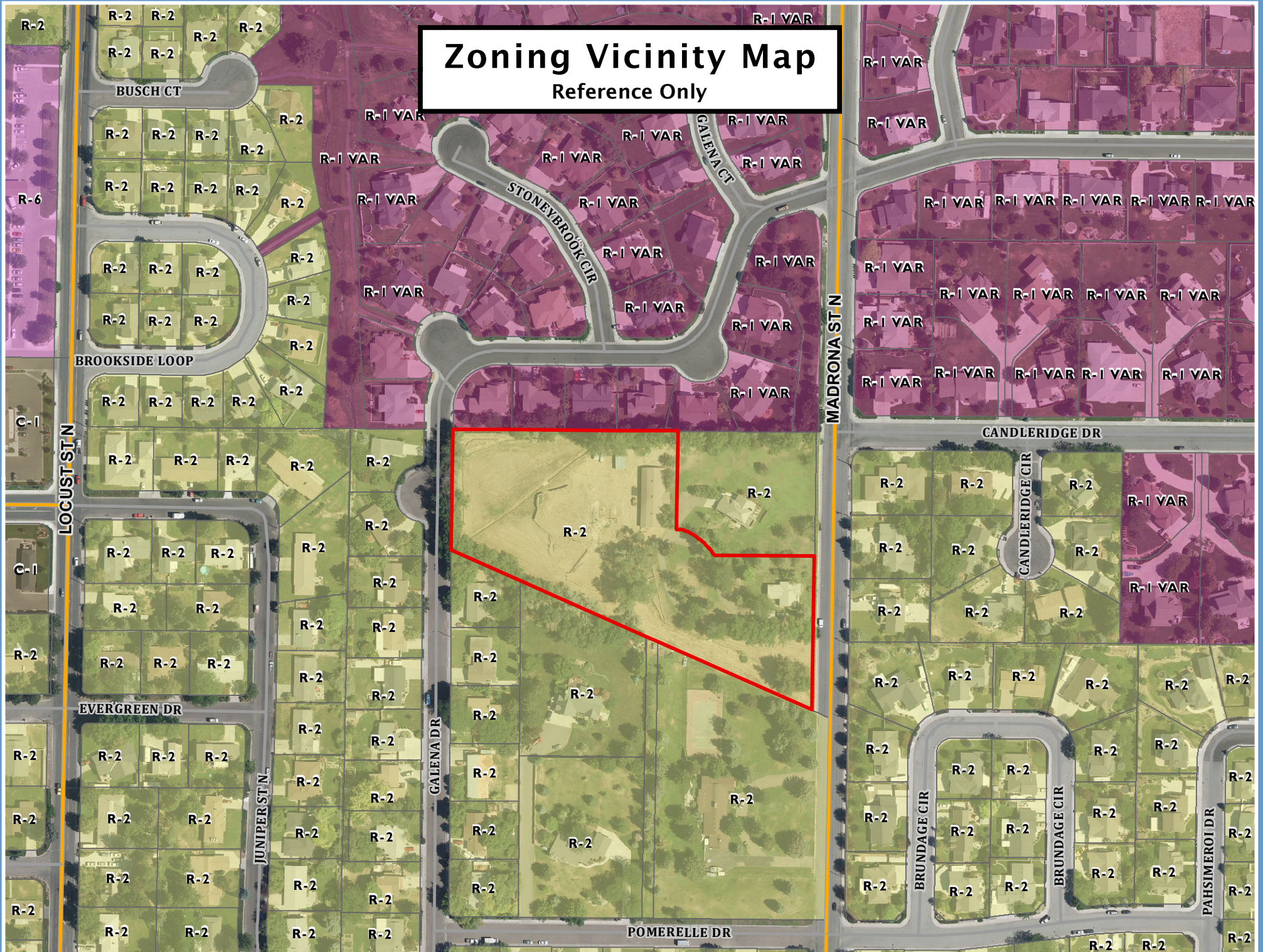
1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to an access easement being recorded before building permit can be issued on Lot #1.
3. Subject to a fire hydrant being installed at the time of building permit being issued for Lot #1.
4. Subject to a completed transfer of sewer capacity or the lots will have to be placed in trust.

Attachments:

1. Zoning Vicinity
2. Aerial Map
3. Future Land Use Map
4. Preliminary Plat Exhibit
5. Pictures

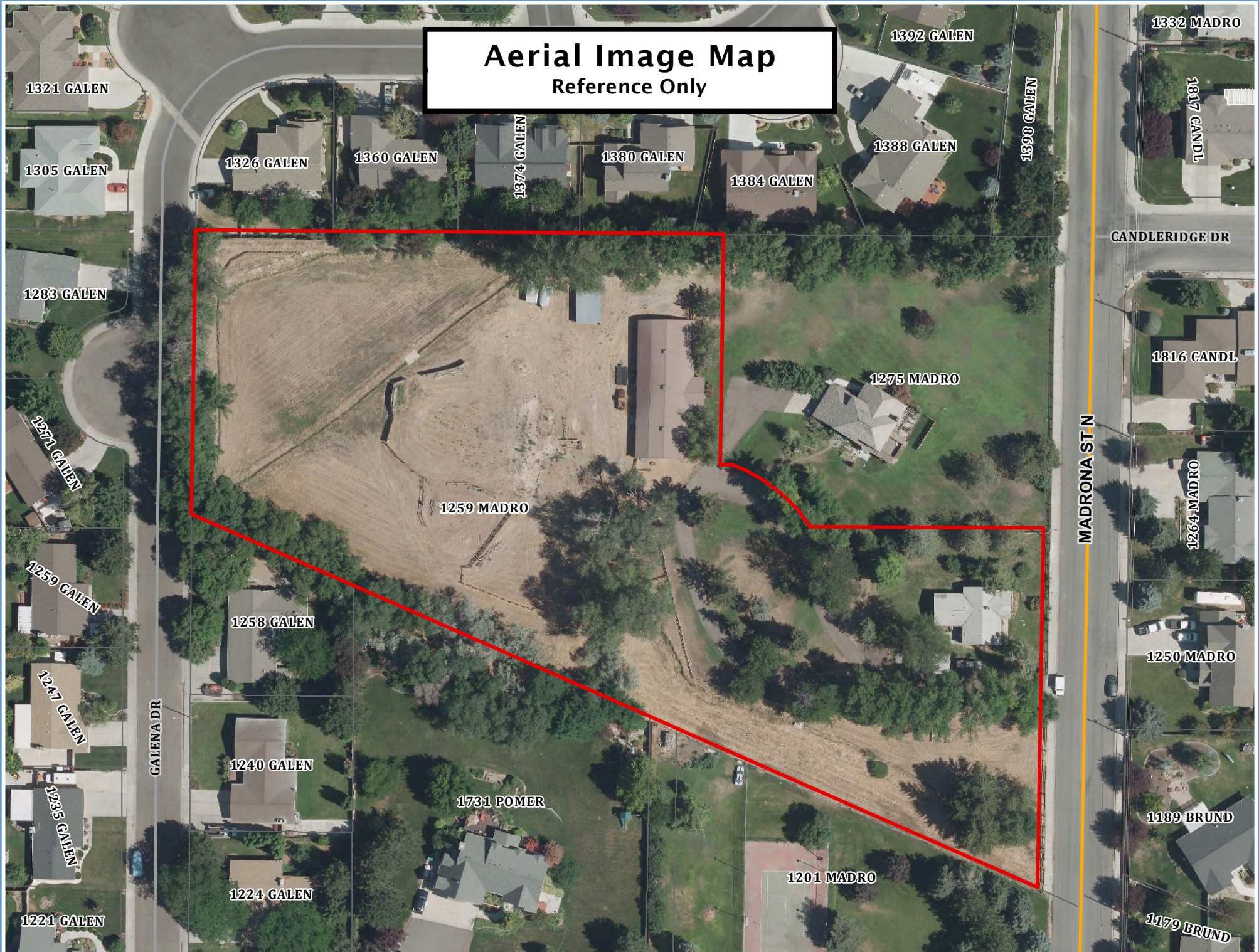
Zoning Vicinity Map

Reference Only



Aerial Image Map

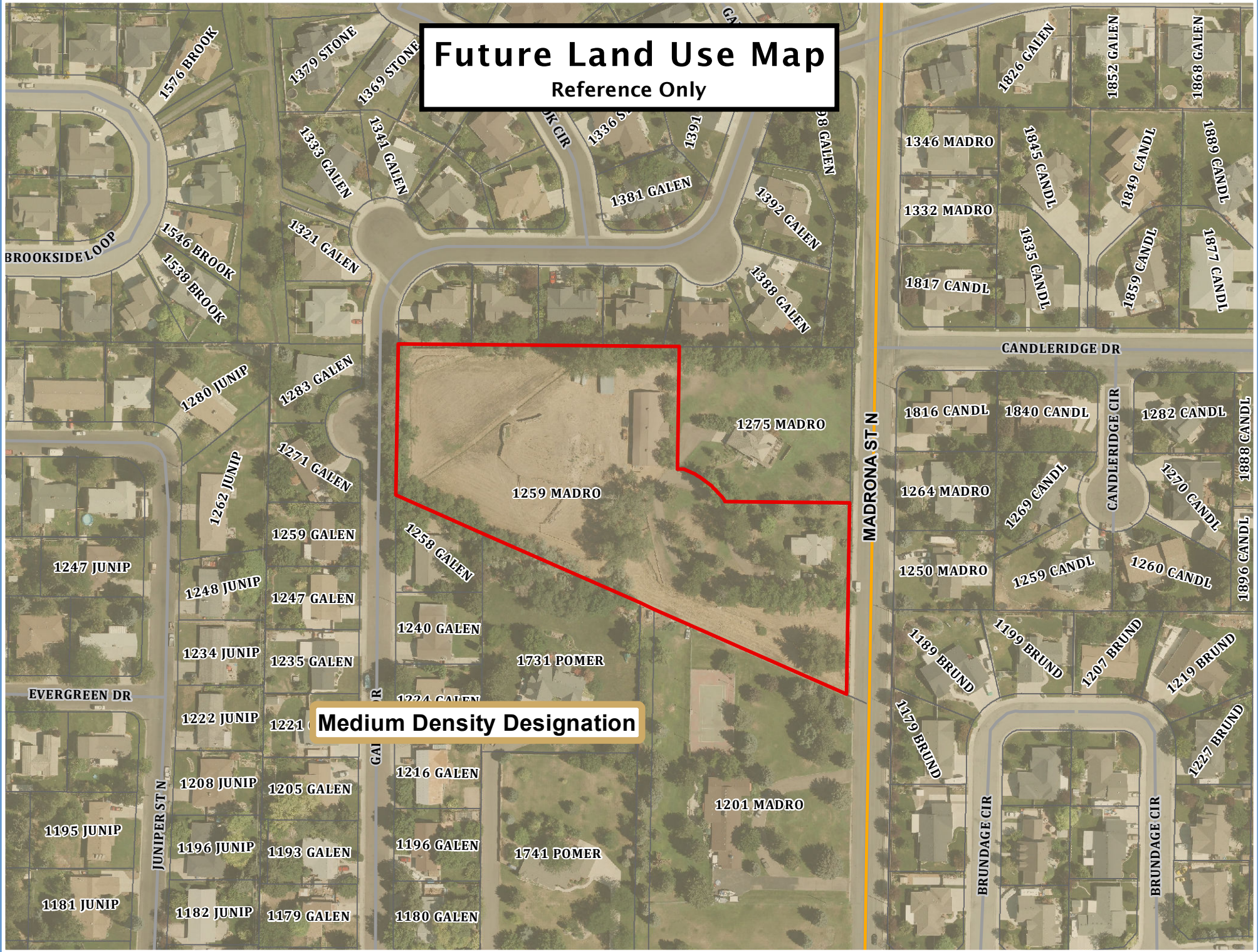
Reference Only



Future Land Use Map

Reference Only

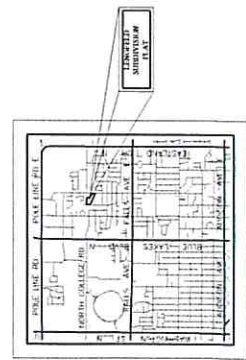
Medium Density Designation



PRESTRESSED	
VAS	
TESTING (TUCKER)	
RHC, DGA	
DETAILS	
VAS	
EMATING (TUCKER)	
RHC, DGA	
TELE NAME	
2107 PLAT 08g	
EMATING DATE	
10/27/13	
EMATING SCALE	
AS SHOWN	
SHEET	1 of 1



CURVE DATA TABLE						
CURVE	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BEARING
C1	35°27'35"	120.00'	74.27'	73.09'	38.37'	S 51°37'04" E



VICINITY MAP
NOT TO SCALE









Public Hearing: **TUESDAY, JUNE 10, 2014**

To: Planning & Zoning Commission

From: Rene'e V. Carraway, Community Development Dept.

AGENDA ITEM IV-1

Request: Request for a Zoning Title Amendment to amend Title 10; Chapter 4; Section 23.3 - Residential Business District - Property Development Standards c/o Gerald Martens, EHM Engineers, Inc. (app. 2639)

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	
EHM Engineers Inc. 621 North College Rd Twin Falls, ID 83301 208-734-4888	Requested Zoning: Amendment to Twin Falls City Code – Title 10; Chapter 4; Section 23.3: Property Development Standards
Representative:	
Gerald Martens 621 North College Rd Twin Falls, ID 83301 gmartens@ehminc.com	Applicable Regulations: 10-1-10, 10-4-23, 10-14-1 through 7,

Approval Process:

All procedures will follow the process as described in TF City Code 10-14: Zoning Amendments.

Zoning Title Amendments, which consist of text or map revisions, require a public hearing before the Planning 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 the Council.

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

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

Budget Impact:

Approval of this request will have negligible impact on the City budget.

Regulatory Impact:

A recommendation from the Planning and Zoning Commission on the proposed Zoning Title Amendment will allow the request to proceed to a public hearing before the City Council.

History:

The City Council approved Ordinance 2012 on July 6, 1981 which replaced Twin Falls City Code - Title 10; Zoning & Subdivision Regulations in its entirety.

In January 2011, Ordinance 2998 was approved by the City Council. This ordinance created the Residential Business District in Twin Falls City Code - Title 10; Chapter 4; Section 23.

Analysis:

This is a request submitted by EHM Engineers, Inc. asking for the Commission's recommendation on a Zoning Title Amendment which would amend Twin Falls City Code 10-4-23.3: Residential Business District; Property Development Standards.

The proposed amendment encompasses changes to the following items: **A**-lot occupancy, **B**-building size, **C**-driveway access, **D**-landscaping percentage, **E**-off street parking, and **F**-window design specifically for commercial buildings.

The applicant stated in their narrative that the proposed changes will make the standards functional, while maintaining conformance with the stated purpose of the district. To date no development has occurred within the district, and without the proposed changes development is likely to not occur.

The proposed changes are outlined as follows:

- **A- 10-4-23.3 (B) Lot Occupancy:** No building shall occupy more than ~~sixty thirty~~ percent(~~30~~ 60%) of a lot.

The Residential Zoning Districts have a max occupancy of 60%. Staff found that when current code was applied to a potentially converted residence, the 30% max occupancy was nearly impossible to meet therefore conversion to a commercial use would then create a non-conforming property which is not allowed by code. The proposed amendment will help address this non-compliance issue if existing residences were converted to businesses.

- **B- 10-4-23.3 (D) Building Size:** No building shall have a ~~footprint square footage greater than three thousand (3,000) square feet or~~ total floor area square footage of greater than six thousand (6,000) square feet.

This change will allow a building to have a larger footprint while maintaining the cap of overall square footage at six-thousand (6,000) square feet. This will give builders greater flexibility in building designs tailored to

specific needs and circumstances on existing residential lots. It also creates the option to build a one story building up to six-thousand square feet, which some would argue is more desirable than a two story structure. Staff feels it would still meet the intent of the code to keep buildings on a residential scale due to the height restriction of two (2) stories.

- **C- 10-4-23.3 (F) Access:**

2. Driveway access: No driveway with access to more than two (2) parking spaces will open onto the side street for access to ingress to the properties containing the nonresidential uses, nor can any additional curb cuts be made on the side street curbs. However, if a driveway presently exists that goes to the side street, then the presently existing driveway may be maintained, but the use may not be expanded to include other parking places.

3. When an existing residential structure is converted to a nonresidential use, the driveway requirements above may be modified by the Administrator if it can be shown that strict compliance to these development standards is not possible.

This change will allow access to be established on the side streets, while limiting them to no more than two (2) spaces. This will maintain the residential character and intent of the code while giving property owners more options to fulfill the parking requirements. Previously, Staff was concerned that a single driveway may not allow access to the required parking on a converted lot while also following the other requirements outlined in the code (setbacks, landscaping, driveway, Etc.). Staff does not foresee any negative impacts due to this proposed change.

- **D- 10-4-23.3 (G) Landscaping:**

1. Twenty ~~five~~ percent (~~25~~20%) of each property shall be maintained in landscaping.

No other district in the code requires twenty five percent (25%) of landscaped area. The Neighborhood Commercial Zone has very similar goals to the RB and it requires 20%. Staff has no concerns with this change.

- **E- 10-4-23.3 (H) Off Street Parking:**

1. ~~All off street parking shall be placed on the alley side of the lots or behind buildings so that the portion of the property that fronts the side streets and arterial streets shall continue to have lawn and landscaping consistent with surrounding properties as opposed to asphalt, rock, or pavement. Also, any~~ Any use that has a parking requirement, as determined by section 10-10-3 of this title, in excess of twenty four (24) spaces is prohibited.

2. Off street parking shall conform to the requirements contained in 10-10-3 of this title. When an existing residential structure is converted to a nonresidential use, the parking requirements may be modified by the Administrator if it can be shown that strict compliance to these development standards is not possible.

The proposed changes to this section will address potential issues with conflicting code requirements. Staff has determined it may be very difficult to comply with the required parking in the rear of converted residential properties, especially in locations that do not have alleyways. This change will allow reasonable solutions to be reached on converted properties while maintaining meaningful governmental oversight by City Staff.

- **F- 10-4-23.3 (K) Building Design Standards:**

4. *Commercial Buildings:* commercial buildings on street frontages shall have functional entrances that face the street and have between 10 percent (10%) and ~~at least~~ forty percent (40%) of the façade as windows. Windows shall be non-reflective glass ~~on the ground floor~~.

Staff does not perceive any negative effects will result from this change to the code. Under further review of the implementation of the current code, Staff has determined that the requirement of forty (40%) may have a more commercial feel rather than a residential feel. Giving a target range to be obtained will allow the developers, businesses, and property owners more options to design a building that fits in the neighborhood while maintaining a residential feel.

The current Twin Falls Comprehensive Plan was updated in 2009. Within that plan, the Residential Business (RB) District was presented as a type of development/district on the Future Land Use Map (Map 2-4). **The following is an excerpt from the description of the RB District in the Comprehensive Plan:**

“The Residential Business is a transitional land use category. This category allows existing residential uses to remain and be improved, while also allowing low-scale, low-intensity commercial and business operations to be developed as part of infill projects. The overall intention is to allow an appropriate mix of residential and commercial uses that provide good transitions with nearby residential uses and neighborhoods.

Residential Business uses should (1) be low in scale and intensity, (2) share design characteristics with nearby residential uses, (3) provide a good neighborhood "fit" and (4) exude a distinct residential character. Where possible, existing residences located in Residential Business areas should be preserved in their present form and use. Where this is not feasible, individual residences should be allowed to convert into Residential Business developments. In cases where existing structures and site conditions are prohibitive for conversion, two or more existing lots may be assembled and developed as Residential Business uses, thereby consolidating site access and creating a more rational parking layout. Once a particular home or property has been converted to a Residential Business use, it should not be allowed to revert to a residential use. Typical non-residential uses include service operations, offices and small retail type uses. Uses catering to the automobile such as drive-up windows, gas stations and mechanical garages are not envisioned and should not be supported.

The specific configurations, densities, heights and other details of Residential Business developments should be approved as part of the project approval process utilizing zoning rules, design guidelines and standards. New buildings should be residential in style, scale, and appearance to the extent possible, incorporating typical residential features such as pitched roofs, square footage limitations, yards and landscaping, and residential details such as windows, porches and building materials similar to homes.”

The Commission shall ensure that any favorable recommendations for amendments are in accordance with the established goals and objectives of the current Twin Falls Comprehensive Plan.

Possible Impacts: The amendments requested will not change any of the allowed or special permit land uses in the Zoning District. The changes are exclusively dealing with the development standards. The applicant and staff evaluated the current zoning code against existing and potential developments. It was found that some of the currently required development standards would render a disproportionately amount of properties undevelopable and/or nonconforming upon re-development. Staff is supportive of the proposed changes that will alter this code section into a realistic alternative for smaller scale businesses to potentially operate in and around residential neighborhoods, as opposed to full blown Commercially Zoned property.

Conclusion:

The Commission may recommend to the City Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested (will require another public hearing before the Commission), or it may recommend that the amendment be denied.

Attachments:

1. Letter of Request
2. Proposed Amendment

RB RESIDENTIAL BUSINESS DISTRICT ZONING TITLE AMENDMENT

REASON FOR REQUEST

The multiple changes to the property development standards (10-4-23.3) are proposed to make the standards functional and to allow development in conformance with the stated purpose of the district (10-4-23.3).

To date no development has ever occurred within the district and without those changes no development in the district is likely to occur.

The proposed changes have been evaluated to assure that they meet the stated purpose and will generally be feasible and effective in maintaining the stated purpose of maintaining the neighborhood.

10-4-23: RB, RESIDENTIAL BUSINESS DISTRICT:

10-4-23.1: PURPOSE:

This zoning district is intended to allow conversion of residential structures located on arterial and collector roads in areas of transition to an appropriate mix of residential, light retail and service commercial uses that provide good transitions with nearby residential uses and neighborhoods. This zone allows existing residential uses to remain and be improved, while also allowing low scale, low intensity commercial and business operations to be developed as part of infill projects. Centralized water and sewer facilities are required.

Development in the residential business zoning district should:

- (A) Be low in scale and intensity,
- (B) Share design characteristics with nearby residential uses,
- (C) Provide a good neighborhood "fit", and
- (D) Exude a distinct residential character. (Ord. 2998, 1-3-2011)

10-4-23.2: USE REGULATIONS:

- (A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:
 - 1. Communications and utilities:
 - a. Radio and television stations without transmission and receiving towers.
 - b. Underground and aboveground transmission lines.
 - c. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
 - 2. Cultural facilities:
 - a. Botanical gardens and arboretums.
 - b. Historic sites and monuments.
 - c. Libraries, museums and art galleries.
 - 3. Governmental facilities:
 - a. Governmental office buildings.
 - 4. Medical facilities:
 - a. Acupuncture facilities approved by the South Central district health department or other state regulatory agency.
 - b. Doctors' offices.
 - c. Drug and alcohol treatment centers.
 - d. Rehabilitation services.
 - 5. Parks:
 - a. Open space.
 - b. Private parks and playgrounds without crowd attracting facilities.

- c. Public parks and playgrounds without crowd attracting facilities.
6. Public assembly:
- a. Funeral chapels.
 - b. Religious facilities.
 - c. Schools - private, single purpose.
 - d. Schools - private vocational and/or academic.
 - e. Schools - public.
 - f. Wedding chapels and/or reception halls.
7. Residential:
- a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.
 - b. Bed and breakfast facilities.
 - c. Home occupations.
 - d. Household units existing at the time this title was adopted.
 - e. Household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use.
 - f. Household units in upper floors of commercial or professional buildings.
8. Retail trade:
- a. Alcoholic beverages when consumed on premises where sold if located three hundred feet (300') or more from residential property.
 - b. Antique shop.
 - c. Apparel and accessories.
 - d. Art galleries and frame shops.
 - e. Automobile parts store.
 - f. Bakery.
 - g. Bookstore.
 - h. Cottage businesses.
 - i. Craft shop, in conjunction with retail business.
 - j. Eating places.
 - k. Fabric and pattern shop.
 - l. Florist shop.
 - m. Food, drugs, etc.
 - n. General merchandise.
 - o. Hardware store.

- p. Hobby and toy store.
 - q. Home furnishings and appliances.
 - r. Ice cream store.
 - s. Import store.
 - t. Laundering and dry cleaning.
 - u. Laundromats.
 - v. Music store.
 - w. Pet shop.
 - x. Sporting goods store.
 - y. Taxidermy studio.
9. Services:
- a. Advertising.
 - b. Apparel repair and alteration.
 - c. Beauty and barber shops.
 - d. Building care contracting offices.
 - e. Business associations.
 - f. Civic, social and fraternal organizations.
 - g. Construction trade offices.
 - h. Consumer credit collection offices.
 - i. Copy center - self-service.
 - j. Duplicating and stenographic offices.
 - k. Finance and investment offices.
 - l. Horticultural services.
 - m. In home daycare services.
 - n. Insurance and related business.
 - o. Labor unions and organizations.
 - p. Photography studios.
 - q. Professional organizations.
 - r. Professional services.
 - s. Real estate and related business.
 - t. Seamstress shop.
 - u. Tourist information center.

Notwithstanding the foregoing list of permitted uses, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit.

(B) Special Uses: A special use may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. Communications and utilities:
 - a. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.
2. Governmental facilities:
 - a. Fire stations and police stations.
 - b. Water treatment plants.
3. Manufacturing:
 - a. Handcrafted furniture.
4. Medical facilities:
 - a. Ambulance service.
 - b. Animal hospital - small animals.
 - c. Prosthetics - sales, service and construction.
5. Miscellaneous:
 - a. Any facility with drive-through service.
 - b. Notwithstanding the foregoing, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit.
6. Residential:
 - a. Detached accessory buildings (more than 1,000 square feet), i.e., garages and other accessory buildings.
 - b. Nursing homes and rest homes.
 - c. Shelter homes.
7. Retail trade:
 - a. Alcoholic beverages when consumed on premises where sold if located less than three hundred feet (300') from residential property.
 - b. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
8. Services:
 - a. Commercial childcare facilities and preschools.
 - b. Daycare services.

- c. Dog grooming and/or kennels.
 - d. Employment agency.
 - e. Publishing and printing business.
 - f. Testing laboratories.
 - g. Welfare and charitable facilities.
9. Sports facilities:
- a. Indoor recreation facility.

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection 10-17-1(F) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2998, 1-3-2011)

10-4-23.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the residential business district:

(A) Lot Area:

- 1. The lot size shall be of sufficient size to provide for the building, off street parking, stormwater retention and landscaping.

(B) Lot Occupancy:

- 1. No building shall occupy more than ~~sixtythree~~ percent (~~360~~%) of a lot.

(C) Building Height: No building shall exceed two (2) stories and shall not exceed thirty five feet (35') in total height.

(D) Building Size:

- 1. No building shall have a footprint square footage greater than three thousand (3,000) square feet or total floor area square footage of greater than six thousand (6,000) square feet.

(E) Yards:

- 1. Front Yards: Front yards shall conform to the following standards, or section 10-7-6 of this title, whichever is greater:
 - a. No structure shall be closer than fifteen feet (15') to the front property line for nonresidential uses.
- 2. Side Yards:
 - a. No structure shall be closer than five feet (5') to the side property line (minimum of 10 feet between any structure/building) for nonresidential uses.
- 3. Rear Yards:
 - a. For nonresidential uses, the rear yard may be reduced to the side yard setback of five feet (5').

(F) Access:

1. Only One Access Allowed Per Lot: Upon redevelopment of an existing property, if more than one access exists it will be coordinated with the city engineer which access(es) shall be eliminated. Adjoining properties should have joint accesses whenever possible.
2. Driveway Access: No driveway with access to more than two (2) parking spaces will open onto the side street for access or ingress to the properties containing the nonresidential uses, nor can any additional curb cuts be made on the side street curbs. However, if a driveway presently exists that goes to the side street, then the presently existing driveway may be maintained, but the use may not be expanded to include other parking places.
3. When an existing residential structure is converted to a nonresidential use, the driveway requirements above may be modified by the Administrator if it can be shown that strict compliance to these development standards is not possible.

(G) Landscaping: Landscaping shall conform to the following standards, or sections 10-7-10 and/or 10-7-12 of this title, whichever is greater:

1. Twenty ~~five~~-percent (205%) of each property shall be maintained in landscaping.
2. New development shall encourage planter boxes, barrel planters, and other landscaping in parking areas to reduce the visual impact of parking lots from the road.

(H) Off Street Parking:

1. ~~All off-street parking shall be placed on the alley side of the lots or behind buildings so that the portion of the property that fronts the side streets and arterial streets shall continue to have lawn and landscaping consistent with surrounding properties as opposed to asphalt, rock or pavement. Also, a~~Any use that has a parking requirement, as determined by section 10-10-3 of this title, in excess of twenty four (24) spaces is prohibited.
2. Off street parking shall conform to the requirements contained in 10-10-3 of this title. When an existing residential structure is converted to a nonresidential use, the parking requirements may be modified by the Administrator if it can be shown that strict compliance to these development standards is not possible.

(I) Signs:

1. Shall comply with chapter 9, "Sign Regulations", of this title. Multiple occupancy buildings shall have a sign plan approved by the administrator.

(J) Walls, Fences And Hedges:

1. Nonresidential Use: Any nonresidential use shall provide a fence not less than six feet (6') in height that will act as a sight and sound barrier between the nonresidential use and any contiguous residential lot or use.
2. Minimum Standards:
 - a. Screening shall be a minimum six foot (6') fence or wall or a landscaped area or any combination thereof. If it be a fence or wall it shall be constructed of wood, solid vinyl, metal (not chainlink), concrete or concrete block. If it be a landscaped area, it shall be evergreen bushes or trees and may include an earthen berm.
 - b. Whenever bushes or trees are used as screening, the screening height may not be less than three feet (3') at the time of planting, providing a minimum height of six feet (6') is achieved within five (5) years after planting.

- c. Screening shall completely obscure objects inside the screened area when viewed from any angle outside the screened area and shall be constructed so as to reduce noise, lights and blowing trash.

(K) Building Design Standards:

1. Buildings: Existing residences will not be razed and new buildings constructed unless said new buildings are designed in such a way as to conform to the general residential nature of the neighborhood, consistent with the existing architectural style and design.

Where possible, existing residences located in the residential business zoning district should be preserved in their present form and use. Where this is not feasible, individual residences should be allowed to convert into residential business developments. In cases where existing structures and site conditions are prohibitive for conversion, two (2) or more existing lots may be assembled and developed as residential business uses, thereby consolidating site access and creating a more rational parking layout. Once a particular property has been converted to a residential business use, it shall not be allowed to revert to a residential use.

2. Roofs: Roofs are required to be pitched, with a minimum pitch of four to twelve (4:12), and residential in nature.
3. Architectural Standards: All building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations and other architectural treatments to break up large uniform surfaces.
4. Commercial Buildings: Commercial buildings on street frontages shall have functional entrances that face the street and have between ten percent (10%) and at least forty percent (40%) of the façade as windows. Windows shall be non-reflective glass on the ground floor. (Ord. 2998, 1-3-2011)



Public Hearing: **TUESDAY, JUNE 10, 2014**

To: Planning & Zoning Commission

From: Rene'e V. Carraway, Community Development Dept.

AGENDA ITEM IV-4

Request: Request for a Special Use Permit to allow for a 24 Hour Gasoline Service Station with a drive through window on 2.7(+/-) acres located at the north east corner of Meadowview Lane and Kimberly Road.
c/o Steve Fisher on behalf of Nick Lynch/ Mr. Gas (App 2643)

Time Estimate:

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

Background:

Applicant:	Status: Owner	Size: 6,000 sq ft bldg.; 2.7 Acres Land
Nick Lynch/Mr. Gas 411 Overland Ave Burley, ID 83318 208-678-9009 nick@mrgas.com	Current Zoning: C-1, Commercial Highway District	Requested Zoning: Special Use Permit
	Comprehensive Plan: Commercial/Retail	Lot Count: 1 Lot
	Existing Land Use: Vacant / Undeveloped	Proposed Land Use: Gasoline Service Station, 24 Hour C-Store with a drive-thru window
Representative:	Zoning Designations & Surrounding Land Use(s)	
Steve Fisher 223 1 st Ave East Jerome ID, 83338 208-324-7653 sfisher0580@gmail.com	North: C-1, Residential Apartments	East: C-1, Vacant Undeveloped
	South: Kimberly Road; C-1, Vacant Undeveloped	West: Meadowview Lane; C-1, Vacant Undeveloped
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8.2(B)6a & 10g & 10j, 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 24 hour convenience store in conjunction with a gasoline service station.

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 location has been zoned C-1 at least as far back as the 1970's. There is no further zoning history for this location. It has been used as undeveloped agricultural land.

Analysis:

Per City Code 10-4-8.2(B)-6a& 10g & j: A gasoline service station, a 24 hr. retail operation, and a drive thru, are all required to obtain a Special Use Permit prior to being established in the C-1 (Commercial Highway) Zoning District.

Per City Code 10-7-6 Street Setbacks: Any building located along this stretch of Kimberly Road will need to follow a Center Line Setback set forth in the code. On this section of Kimberly Road, the Centerline Setback is 93'. The site plan submitted by the applicant appears to meet this requirement; however, this setback will be officially reviewed at the time of building permit submittal.

Per City Code 10-7-12 Gateway Arterial Landscaping: This stretch of Kimberly Road is a Gateway arterial. There will be a required 30 foot wide landscape strip along the Kimberly Road frontage. This landscaping will be required to follow all applicable standards for numbers of trees and bushes. This requirement will be assessed at the time of building permit submittal.

Per City Code 10-10 Off Street Parking: The parking requirement for this type of use will be assessed at a rate of one parking space for every three hundred square feet (1:300). The site plan provided by the applicant shows a building footprint of approximately 7,500 square feet. The number of parking spaces shown on this site plan meets or exceeds the amount required. The official count and assessment will be performed at the time of building permit submittal.

Per City Code 10-11-1 thru 8 Required Improvements: All improvements required under this code section will be reviewed at the time of building permit submittal. The required improvements outlined in city code include landscaping, screening, parking, streets, and utilities. Some of these improvements have been addressed on the site plan; others will be reviewed at the time of building permit approval.

The lot in question was part of a larger parcel that was split sometime in 2008. This split by a previous owner was done without recognition by the City as a legal lot. As a consequence, this lot may need to be platted prior to approval of any development occurring on this lot. Further review by city staff will determine if required.

Possible Impacts: The impacts of this gasoline service station will generally include an increase in customer traffic to the immediate streets in the area, light intrusion on surrounding properties, deliveries by larger trucks, a 24 hour operation for the store, and an increase in noise disturbance to neighboring properties.

The increase of traffic to the area should be kept to a minimum given the location of the property along Kimberly Road which is a major arterial in Twin Falls. It is safe to assume the majority of traffic will enter and exit onto Kimberly Road thus diminishing the negative impacts of the customer and truck traffic on the surrounding area.

The possibility of light intrusion on neighboring properties is something that can be a negative impact on neighboring properties. City Code currently requires all lighting to be downward facing in order to help mitigate the light intrusion. The City always encourages new businesses to be open to neighboring properties complaints about light intrusion. If a problem arises the City has a process to get the situation rectified if needed.

The drive thru and 24 hour operation could produce an increase in noise for neighboring property owners. Current City Code requires screening between commercial and residential properties. This can be accomplished in a variety of ways; the minimum standard of screening will be required and reviewed at the time of building permit submittal. The commission may require more than the minimum standard outlined in the code if it finds that the proposed development will have greater impacts on the neighboring properties than the minimum standard will mitigate. The applicant has attempted to address this issue by showing a landscape strip on the north side of the property that shows multiple trees.

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 platting the lot in accordance with current Twin Fall City Code.

Attachments:

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

Mr. Gas

NEIGHBORHOOD MARKET

Special Use Permit

From:

Nick Lynch
President of Triple S. Oil
411 Overland Ave.
Burley, ID 83318

To:

City of Twin Falls
Community Development Services
PO Box 1907
Twin Falls, ID 83303

To Whom It May Concern:

C.4.A

Triple S. Oil is excited to expand our first class neighborhood market to the location describe in our site plan. Our facility will give the area community many options of fresh food, beverages, snacks, milk, RV fueling stations, and quality fuel.

C.4.B

Hours of operation will be 24 hours per day for inside sales and drive through will have 15 hours per day, 6am-9pm. We plan to have 16 employees who will have good paying jobs averaging \$9.50 - \$14 per hour and anticipate 900 transactions per day at this facility.

C.4.C.

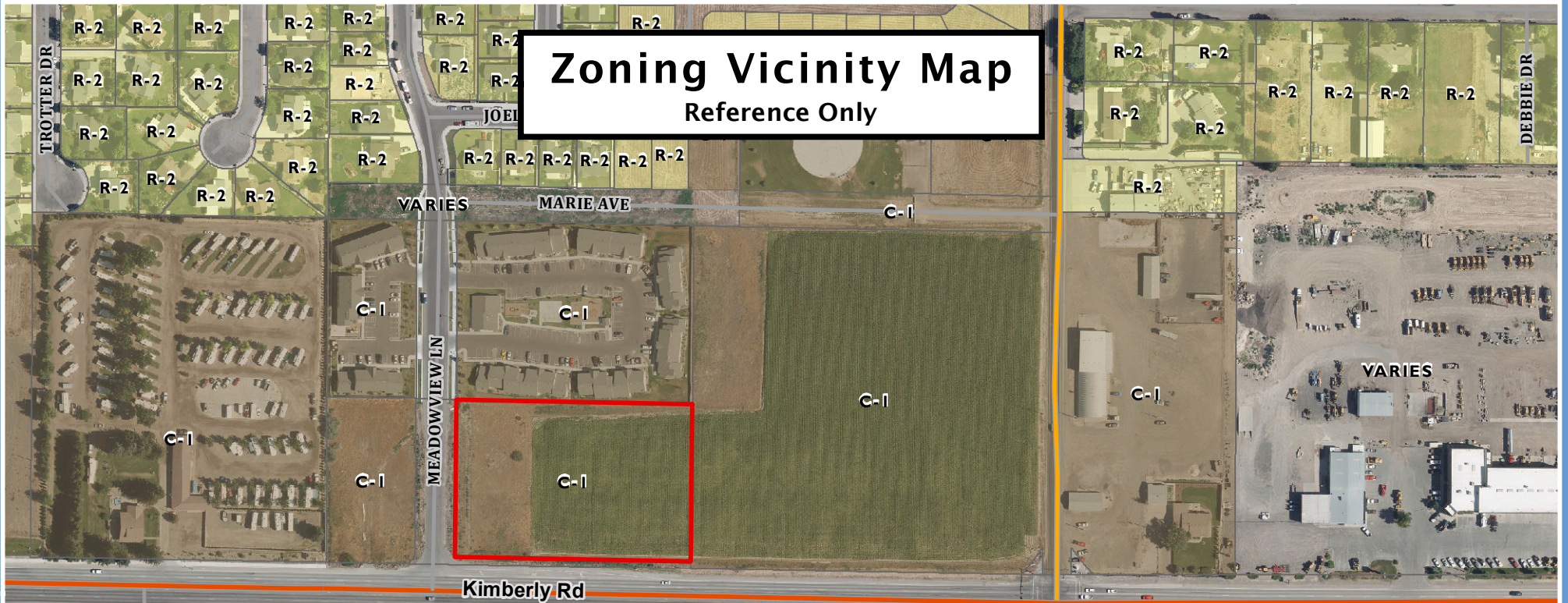
The property site plan will be laid out to reduce any noise, odor, glare, etc. The focus of our business will be toward Kimberly Rd. so the neighborhood to the rear will not be affected from our business operations. All reasonable precautions will be taken to ensure there will be no odor, fumes, etc that would affect the surrounding properties. We hope we are one of many retail facilities going in this direct area to support the growth on this side of Twin Falls.

Sincerely,

Nick Lynch

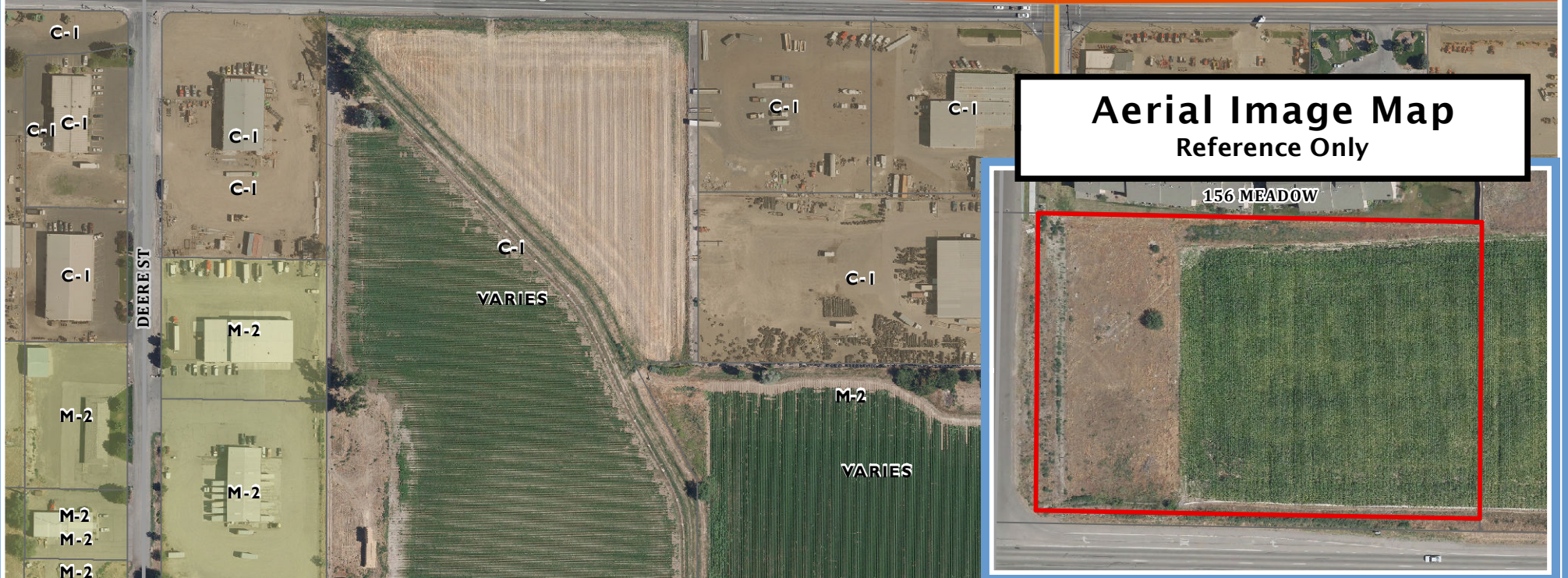
Zoning Vicinity Map

Reference Only



Aerial Image Map

Reference Only

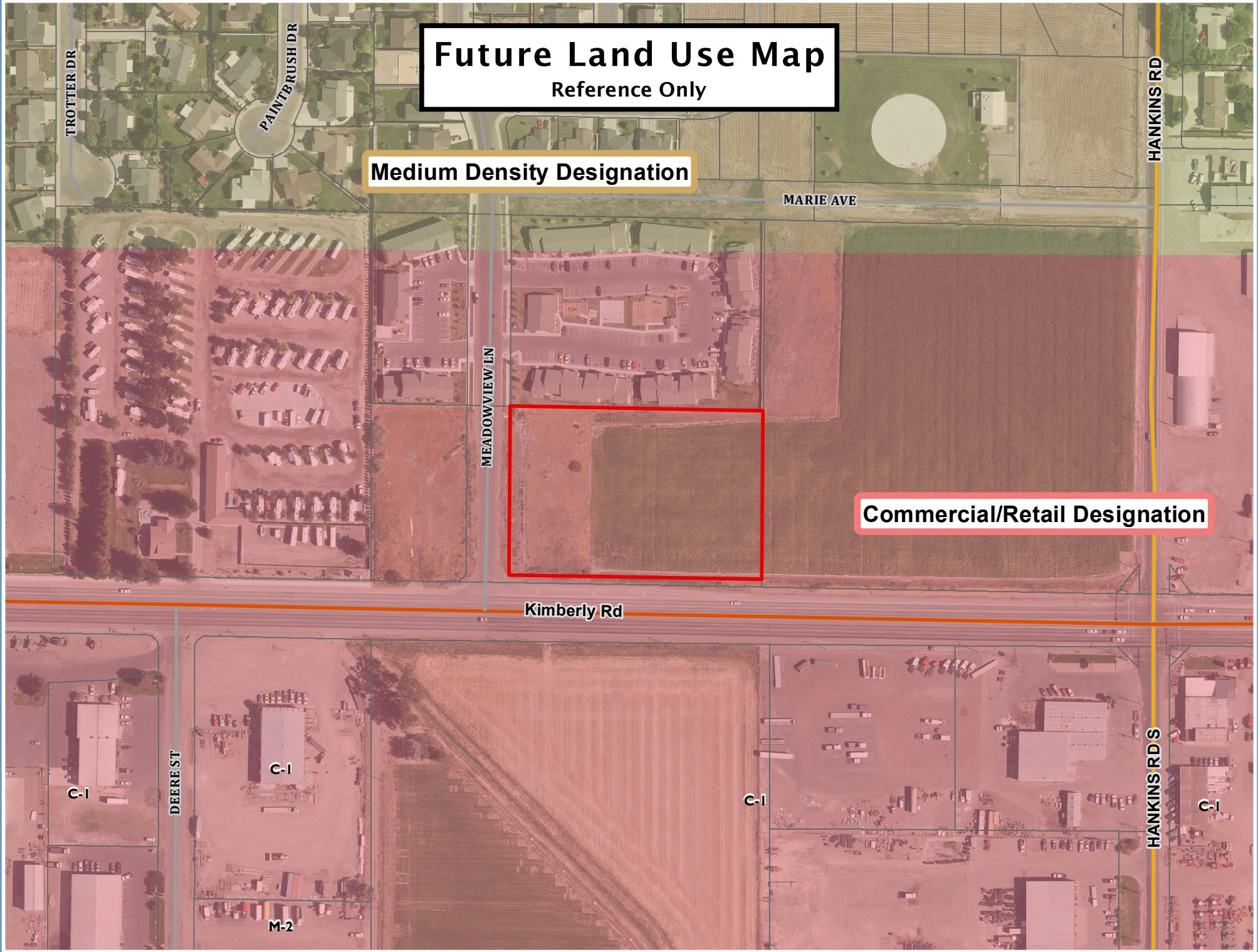


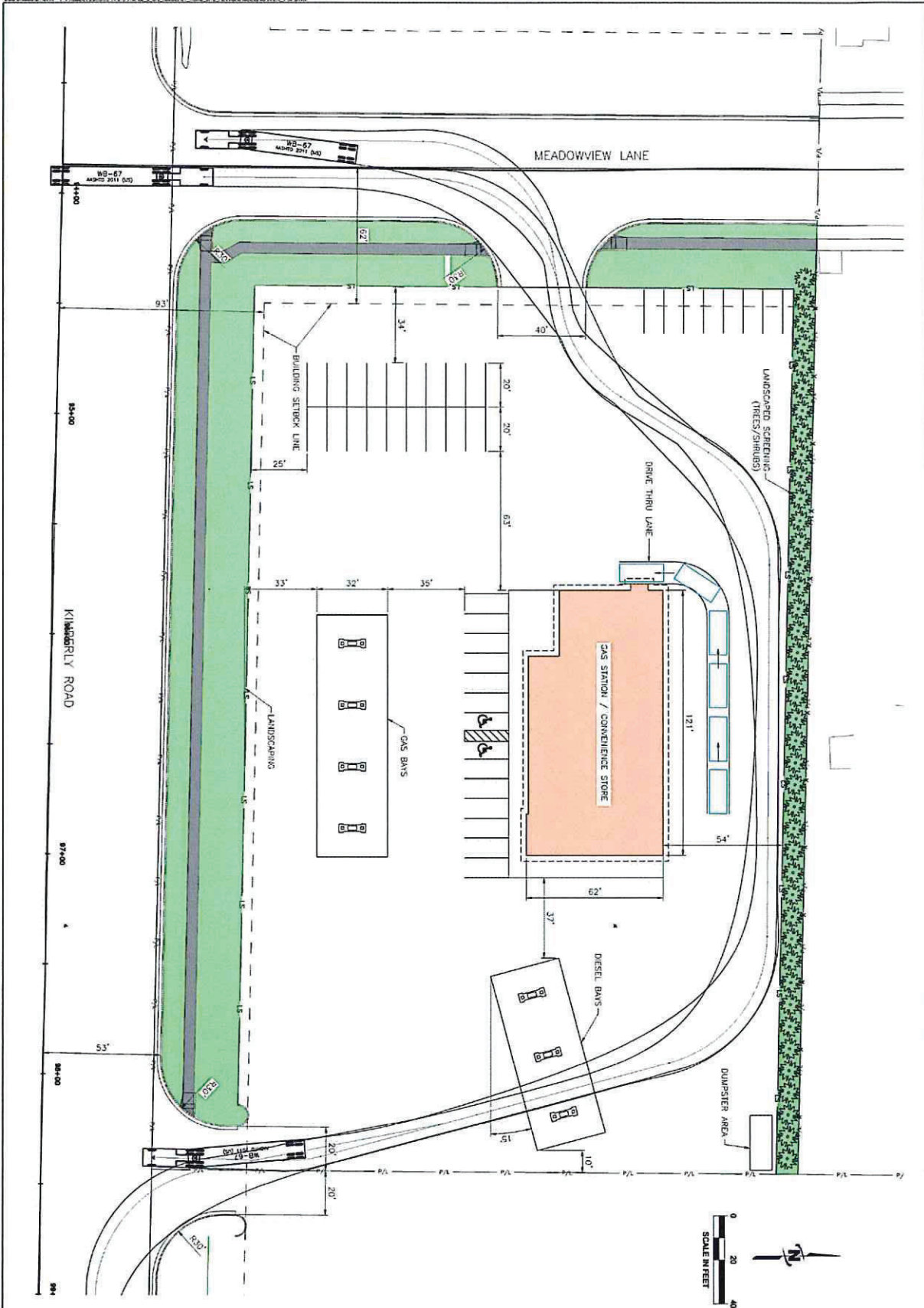
Future Land Use Map

Reference Only

Medium Density Designation

Commercial/Retail Designation





1 SHEET NUMBER	TRIPLE S OIL INC. KIMBERLY ROAD SITE PROPOSED SITE PLAN	NOT FOR CONSTRUCTION	J-U-B ENGINEERS, INC. 115 Northstar Ave. Twin Falls, ID 83301 Phone: 208.733.2414 Fax: 208.733.9455 www.jub.com
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