



Twin Falls Planning & Zoning Commission Minutes

Tuesday, January 8, 2019, 6:00 PM

203 Main Avenue East
Twin Falls, ID 83301

Members -

City Limits: Danielle Titus, 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

Chairman Munoz called the meeting to order at 6:00 pm.

A quorum was present.

Members Present: Titus, Hawkins, Munoz, Bolton, Higley, Detweiler, Hansen, Kelley

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

2) Consent Calendar

a) Approval of Minutes from the following meeting: December 11, 2018

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

- Sweeto Burrito

Motion:

Commissioner Bolton made a motion to approve the consent calendar, as presented.

Commissioner Titus seconded the motion.

Unanimously Approved

3) Items of Consideration

a) Preliminary presentation for a request to amend PUD # 264 to allow "Hotel" as a permitted use and increase maximum building height to sixty feet (60') for property located at 2151 Fillmore Street c/o EHM Engineers on behalf of Geronimo, LLC. (PZ18-0099)

Staff Presentation:

City Planner, Steve O'Connor, gave a Preliminary presentation for a request to amend PUD # 264 to allow "Hotel" as a permitted use and increase maximum building height to sixty feet (60') for property located at 2151 Fillmore Street c/o EHM Engineers on behalf of Geronimo, LLC. (PZ18-0099)

Per Twin Falls City Code 10-6-1.4(E) Approval of a ZDA Sub-District requires a preliminary presentation to the Planning and Zoning Commission for a review of the proposed changes. The Commission is allowed, and may grant the public the ability, to ask questions and give suggestions to applicant about the proposed project during the preliminary presentation. A public hearing shall be held before the Commission on January 29, 2019 for a recommendation to the Council to amend the zoning district and the zoning map, amend with recommendations or deny the request.

Staff makes no recommendation at this time.

Applicant presentation:

Dave Thibault, EHM Engineers, representing applicant, gave a history of the original PUD. Hotel use was part of the original PUD, then was removed for restaurant use. At this time, applicant would like Hotel use to be permitted on PUD. The proposed hotel would have 124 rooms, and four stories tall, with a maximum height of sixty (60) feet from the top of the existing retaining wall. A Hotel is outright permitted in C-1 zone. The hotel would be located between Petco and the Twin Falls Visitors Center.

PZ/Questions & Comments:

- Commissioner Bolton asked if there will be a restaurant feature as part of the hotel.
- Mr. Thibault stated believes there will be a breakfast bar in lobby area, similar to other hotels in area.
- Commissioner Higley asked where the sixty (60) feet height dimension is measured, and is the outcropping at top of building included.
- Mr. Thibault stated he believes with the outcropping included the total height of the hotel is about fifty-six (56) feet.
- Commissioner Higley asked if architect could add icon on site plan of height and the distance measurement from the canyon rim before the Public Hearing.
- Commission Chairman Munoz asked the distance of the hotel from the Canyon Rim overlay.
- Mr. Thibault stated they will comply with the minimum requirement of fifty (50) feet, and there has been a canyon rim study for this setback from the retaining wall, the distance is approximately fifty-five (55) feet from the canyon rim.
- Commissioner Higley asked if there will be additional parking spots created to accommodate hotel.
- Mr. Thibault stated there will be additional parking.
- Commissioner Hansen asked the specifications for the hotel use previously requested for the PUD.
- Mr. Thibault stated that there were provisions for an eight story hotel, but unsure of exact height request.
- City Planner Steve O'Connor clarified that a hotel would require an SUP in the C-1 zone and ask for a height restriction through the CRO, for recommendation from P&Z Commission to City Council. This PUD amendment request covers coming back for an SUP.
- Commission Chairman Munoz reminded audience if the public has additional concerns

or questions, please email P&Z staff to present at the public hearing.

Scheduled for Planning and Zoning Public Hearing on January 29, 2019.

- b) Consider of reinstatement of SUP #1314 due to the use not being established within the one (1) year required after approval.(PZ18-0112)

Staff Presentation:

City Planner, Steve O'Connor, presented a Consideration of Reinstatement of SUP #1314 due to the use not being established within the one (1) year required after approval, c/o Kimberly Construction.(PZ18-0112)

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

In conclusion, the commission is tasked with deciding to reinstate SUP #1314 or, if the circumstances have changed enough, to require a new SUP. Requiring a new SUP would require the applicant to submit a new SUP application to be heard in front of this body at a later date.

Applicant Presentation:

Mr. Dave Thibault, EHM Engineers, representing ownership, explained that construction was not able to be completed within the one year timeframe of the SUP. The applicant is asking for reinstatement of the SUP for construction of a fourplex on property.

Discussions Followed: without concerns

Motion:

Commissioner Higley made a motion to recommend reinstatement of the SUP request, as presented.

Commissioner Detweiler seconded the motion.

Unanimously approved, as presented.

4) Public Hearings

- a) Request to Vacate an undeveloped portion of Washington Street South right-of-way located at the Southwest corner of Washington Street South and South Park Avenue West c/o the Engineering Department on behalf of the City of Twin Falls. (PZ18-0093)

Staff Presentation:

PZ Director Jonathan Spendlove presented the request to Vacate an undeveloped portion of Washington Street South right-of-way located at the Southwest corner of Washington Street South and South Park Avenue West c/o the Engineering Department on behalf of the City of

Twin Falls. (PZ18-0093)

All procedures will follow the process as described in City Code 10-16-1&2

Portions of the Right-of-Way in question were created/dedicated when plats were recorded in 1910 and 1957. One portion of the Right-of-Way is thought to be dedicated a when the property to the West was created through a record of survey.

The property surrounding this ROW area is currently owned, and utilized, by the City of Twin Falls Public Works Department. The ROW area in question was not utilized due to the realignment of Washington St. S. and Shoshone Street. The undeveloped land has been utilized as unofficial parking for City and private businesses in the area.

Vacating the ROW will allow the Public Works department to develop the land with a formal parking lot, storm water facilities, landscaping, and other required improvements.

The Commission is tasked with forwarding a positive or negative recommendation for approval to the City Council. The Commission may also table the item to ask more information be provided.

Applicant Presentation:

City Engineer Josh Baird, on behalf of the Public Works Department, the city purchased the small corner lot recently and would like vacate the right of way to turn entire area into a parking lot and additional buildings in the future.

PZ/Questions & Comments:

- Chairman Munoz asked if the area across street on South Park Avenue will remain a right of way.
- PZ Director Spendlove stated it will remain a right of way for the business across the street.

Public Hearing: Opened

- Citizen Pete Johnston stated he is in favor of the vacation request.

Public Hearing: Closed

Discussions Followed: without concern

Motion:

Commissioner Titus moved to recommend to approve the vacation to City Council, as presented, with staff recommendations.

Commissioner Bolton seconded the motion.

Unanimously recommended to City Council, as presented.

Scheduled for City Council Public Hearing on February 4, 2019.

- b) Requests a Zoning District Change and Zoning Map Amendment from R-4 and M-1 to M-2 for property located at 304, 312, 404 Washington Street South c/o Tom Mikesell on behalf of Gem

State Dairy Product, LLC. (PZ18-0095)

Staff Presentation:

PZ Director Jonathan Spendlove presented the request a Zoning District Change and Zoning Map Amendment from R-4 and M-1 to M-2 for property located at 304, 312, 404 Washington Street South c/o Tom Mikesell on behalf of Gem State Dairy Product, LLC. (PZ18-0095)

The Zoning District Change process shall follow City Code 10-14-1 thru 8.

The eastern portion of the property has been zoned M-1 since at least 1981, perhaps as early as 1975. The western portion has been zoned various residential designations since 1981. Both areas have been primarily farmed as agricultural land throughout the years.

The Zoning District change process requires a public hearing with the Planning and Zoning Commission in order to evaluate the request for compliance with the currently adopted Comprehensive Plan.

The 2016 Comprehensive Plan “Grow With Us” designates this area as “Industrial/Employment/Flex”. The Defining Characteristics and Land Use Mix outlined in the plan list the types of land uses found within the M-2 Zone being sought by the applicant.

It is Staff’s determination this request for a Zoning District Change meets the criteria in City Code, and complies with the currently adopted comprehensive plan.

The Commission is tasked with making a recommendation to the City Council. You may recommend approval as requested; recommend a modification, or recommend denial.

Applicant Presentation:

Mr. Tom Mikesell, applicant representative, stated this is a straight forward rezone. The intention for the property is a food processing plant by Gem State Dairy Products.

PZ/Questions & Comments:

- Commissioner Detweiler asked if this purchase would be taking over the two farms.
- Mr. Mikesell stated that the preliminary plat includes the whole forty-five (45) acres. They will only be building on eastern part of property to start, utilizing the rest of the property for city requirements.
- Chairman Munoz asked what is on the southeast corner of property.
- Mr. Mikesell stated those are two rental homes and that property is under contract.
- PZ Director Spendlove stated that Arnold Equipment and Blue Lakes Automotive are next door to the property as well.

Public Hearing: Opened

- Citizen Pete Johnston, stated that the property in question is his current property and is selling it to the applicant. He is in favor of this rezoning request.
- Citizen William Mills, neighbor, has a concern about the rezoning with the pollution issues. He feels that the developer should be more forthcoming with the specifics and intent of the project. He is opposed to the rezoning due to lack of information.
- Citizen Sherrill Sylvester has farmed this land and his concern is the irrigation plan for the property to get water to the other farms in area. He is in favor of the rezoning if the

irrigation is addressed.

- Citizen Alfred Kyle has a concern with the increased traffic this will bring to the area. He believes this will increase income tax for neighboring properties and that property values will plummet. He would like to see more information on the project from the developer. He is opposed to the rezoning request.
- Citizen Willy Bachma is in favor of rezoning because there is a need for more dairy processing in area. This will create jobs and help address dairy overproduction.

Public Hearing Closed

Closing Statements:

- Mr. Mikesell addressed the citizens' concerns. He stated Gem State Dairy plans to work with city to address factory issues to meet needs working with community and will be a facility that works for Twin Falls and its neighbors. Developer intends to have water to farms in area. Traffic issues will be addressed, meeting all city requirements. They want to be good neighbors and good asset to neighborhood.

Discussions Followed:

- Chairman Munoz asked about future road improvement-, curb, gutter, and sidewalk.
- PZ Director Spendlove stated with the rezoning process, the commission is allowed to only vote if rezoning fits with comprehensive plan. Any development issues will be addressed according to City Code and the applicant/developer will be required to work with city staff. He assured that site requirements will be enforced and will not be waived in the development process. He reminded commission that they are only looking at the rezoning at this time.
- Chairman Munoz asked if traffic flow between M-1 and M-2 zones is similar.
- PZ Director Spendlove stated that the proposed use of the property is a similar use to what it is now and the area is established as an industrial area.
- Commissioner Bolton asked for the locations of the surrounding residential areas.
- PZ Director Spendlove demonstrated on map where the residential areas lie.
- Chairman Munoz reminded commission that they are only looking at zoning and recommending if M-2 is applicable zoning to City Council.
- Commissioner Hansen stated that looking at the city's master plan, this area is meant for manufacturing and the rezone request meets the master plan.
- Commissioner Bolton asked if commission can approve rezoning with considerations.
- Chairman Munoz reminded that the Planning and Zoning Commission is only recommending this request to Council, not making decision on rezoning.
- PZ Director Spendlove reminded commission that state code overrules any recommendation from this commission and that noise, light, and other nuisance issues are addressed in state code.

Motion:

Commissioner Kelley moved to recommend the approval of the rezoning to M-2 to City Council as presented.

Commissioner Hawkins seconded the motion.

Unanimously recommended to City Council, as presented.
Scheduled for City Council Public Hearing on February 4, 2019.

5 minute break taken by Commission

- c) Requests a Special Use Permit to establish a fourplex unit on property located at 1969 Shoup Avenue East c/o Kevin Bradshaw. (PZ18-0098)

Staff Presentation:

City Planner Brock Cherry presented the request for a Special Use Permit to establish a fourplex unit on property located at 1969 Shoup Avenue East c/o Kevin Bradshaw. (PZ18-0098)

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.

Prior to this application, the applicant had twice applied in 2008 for a special use permit for a fourplex at 1969 Shoup Avenue East.

The first application was denied based upon adequate parking being provided even though the proposed site plan met city parking requirements (See attachment #6 for meeting minutes).

The applicant then reapplied after submitting a plan that provided additional parking (12 total spaces, 4 of which are single garage bays) and received approval for a special use permit (Special Use Permit #1089). The approved special use permit was conditioned to not allow onsite personal storage of campers, boats, travel trailers, motorcycles, etc.

This is a request to construct a fourplex located within the R-4 Zoning District. At 1969 Shoup Avenue East.

The applicant states the proposed fourplex will be a single level building comprised of: two (2) two-bedroom one-bath units; one (1) one-bedroom one-bath unit; and one (1) three-bedroom two-bath unit. Three of the units will have partial private patio areas. Each unit will be allocated two parking spaces with two additional spaces for the entire fourplex.

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

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.

Applicant Presentation:

Kevin Bradshaw, applicant, presented the project to the commission. This area is a good place for infill, but this fourplex provides a diversity for renters. Mr. Bradshaw stated that he has changed the layout from his previous request to address neighbor issues that came up previously with parking and noise and has addressed flood plain issues. Mr. Bradshaw presented demographic area map of rentals vs homeowners of area, with 30% being rentals, and 60% being homeowners. He stated the design of this project is to look like there are four different houses within one unit.

City Planner Cherry stated map has not been verified by staff, but believes applicant is acting in good faith.

Public Hearing: Opened

Citizen Joe Robinson, has a concern with a sewer line and if enough parking is being provided. At one time there was talk of a bridge over the canal area to reduce traffic on Sunrise, but that was never addressed.

Public Hearing: Closed

Closing Statements

- Applicant Bradshaw stated he is working with EHM Engineers to place sewer line across Shoup Ave. through utility easement connecting to the back of Smith's grocery store. As far as traffic issue, there will be curb and gutter in place to add parking spots on street in front of property. The goal is to keep the residents cars on property, not on the street.
- City Engineer Vitek stated there is a storm water line through Shoup Avenue. There is no budget for a bridge at this time.

Discussions Followed without concerns

Motion:

Commissioner Bolton moved to approve the request as presented, with staff recommendations. Commissioner Detweiler seconded the motion.

Unanimously approved, as presented, with conditions:

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.

- d) Requests a Special Use Permit to operate an Outdoor Amplified Audio System on property located at 1725 Park View Drive c/o EHM Engineers on behalf of Subaru of Twin Falls. (PZ18-

0103)

Staff Presentation:

City Planner Brock Cherry presented a request for a Special Use Permit to operate an Outdoor Amplified Audio System on property located at 1725 Park View Drive c/o EHM Engineers on behalf of Subaru of Twin Falls. (PZ18-0103)

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 became part of the Canyon Properties PUD #229 in 2003.

A special use permit (SUP #18-0088) was approved by the Planning & Zoning Commission on November 27, 2018 to allow the operation of automobile sales and repair or services facilities on the subject property.

Additionally on November 27, 2018, the Commission approved a plan to group the parking lot landscape islands.

This is a request to permit the operation of an outdoor amplified audio system on property located at 1725 Parkview Drive. The applicant intends the outdoor amplified audio system to be used in conjunction with an automobile dealership.

The property is located within the C-1 Zoning District and the Canyon Properties PUD #229.

The applicant indicates the hours of operation of the car dealership will be from 6:30 A.M. to 9:00 P.M.

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

1. Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.

Applicant Presentation:

Tim Vawser, EHM Engineers, applicant representative, stated this SUP request goes along with the previously approved SUP for Subaru of Twin Falls. He stated that the speakers will be directed inward towards dealership to help with traveling noise level and that the audio system will not be used all the time. He stated the dealership is located approximately 350 ft. from

Grace Assisted Living and 500-600 ft. away from the residential zone.

PZ/Questions & Comments:

- Chairman Munoz asked what the zoning designation is for this property.
- City Planner Cherry stated it is designated C-1 zoning.
- PZ Director Spendlove showed commission the city's zoning map, showing the whole area is zoned C-1 PUD with residential use allowed in certain areas.
- Commissioner Titus asked for clarification on restrictions on residential usage in area and how the audio system will be used.
- Mr. Vawser clarified the audio system will be used for paging customers to office or staff, or holiday music. He stated the residential areas are defined in original PUD. The audio system conforms with the original PUD.
- Chairman Munoz asked for the placement of audio system speakers.
- Mr. Vawser stated there will be parking lot lighting with speakers attached to some of them. All speakers will be directed towards the building with landscape buffers, taking into account the protection of the residential areas.

Public Hearing Opened and Closed without Input

Discussions Followed:

- Commissioners Detweiler, Bolton, Kelley, and Higley have no concerns.
- Chairman Munoz stated that noise level was a condition on last approved SUP. His concern is that Grace Assisted Living being close by and that there are alternative paging systems available.
- Commissioner Titus stated that she is also concerned with Grace Assisted Living being close by, and also believes there are other ways to address it.
- Commissioner Kelley stated there is another dealership on Pole Line Road with sound system and an apartment complex behind dealership and he is not aware of any noise issues. He believes a speaker system is vital for this type of business, and has no concerns with this request.

Motion:

Commissioner Detweiler moved to approve the request as presented, with conditions.
Commissioner Hawkins seconded the motion.

Roll call vote showed all members present voted.

Motion approved 6 to 2, with conditions:

1. **Subject to continued compliance with all local, state, and federal code requirements and other standards as applicable.**

5) Upcoming Meeting(s)

- a) Worksession, Wednesday, January 9, 2019 at 12:00 pm.

b) Tuesday, January 29, 2019 at 6:00 pm..

6) Adjournment

The meeting adjourned at 7:49 pm

Kelli Ebersole, Administrative Assistant