



Twin Falls Planning & Zoning Commission Minutes

Tuesday, September 24, 2019, 6:00 PM

203 Main Ave East
Twin Falls, ID 83301

Members -

City Limits: Danielle Titus, Chairperson; Craig Kelley, Vice-Chair; Craig Hawkins; Ed Musser; Carolyn Bolton; Curtis Hansen; Marilu Perez

Area of Impact: Ryan Higley; David Detweiler

1) Confirmation of Quorum/Call Meeting to Order

Chairperson Titus called the meeting to order at 6:00 pm
A quorum was present.

Members present: Titus, Kelley, Bolton, Hansen, Higley, Perez, Musser, Detweiler, Hawkins

Staff Present: Spendlove, Cherry, Ebersole, Murray, Vitek

2) Consent Calendar

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

Unanimously approved

- a) Approval of Minutes from the following meeting: August 13, 2019 and September 4, 2019
- b) Request for approval of Findings of Fact and Conclusions of Law:
 - Cedarpark Subdivision No. 12 Preliminary Plat
 - Nicholas Gursslin Special Use Permit
 - Shannon Troop/Estella Evans Special Use Permit

3) Public Hearings

- a) Request for a Special Use Permit to allow a Home Occupation on property located at 1110 Highview Lane c/o Daniel Corsini. (PZ19-0104)

Staff Presentation:

City Planner Cherry presented the request for a Special Use Permit to allow a Home Occupation on property located at 1110 Highview Lane c/o Daniel Corsini. (PZ19-0104)

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.

Per County records the primary residence on the subject property was built in 1952.

This is a request to allow a Home Occupation for a Federal Firearms Licensed Transfer and Armorer business located at 1110 Highview Lane. The subject property is located within the R-2 (Residential Single Household) Zoning District.

The applicant intends to operate regularly from 8:00 A.M. to 7:00 P.M. One customer will be served at a time. The business will be operated in a spare room that is approximately 250 square feet. The armorer work being performed will not include machinery or involve noise, smell, or visual disturbances

City Planner Cherry presented a letter of support from a nearby neighbor.

Staff determines that the applicant's request is in accordance with City Code and City Comprehensive Plans.

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:

Applicant Daniel Corsini presented his request for a Special Use Permit for a Home Occupation. He is requesting a Federal Firearms License and is requesting to run his business from his home. He stated he will see customers by appointment only. He stated there will be minimal traffic to the neighborhood. He will be doing basic armory work, with no machinery involved.

PZ/Questions & Comments:

- Commissioner Perez asked for the regulations on home occupations besides what has been presented.
- City Planner Cherry stated that home occupations are only allowed to occupy less than 400 sq. ft. in the house. There is a fairly broad description of what type of business can be home occupation.
- Commissioner Musser asked about the quantity of guns stored on premises.
- Mr. Corsini stated he has guns on premises and has to follow ATF (Alcohol, Tobacco, Firearms) regulations. All weapons and ammunition will be locked up.
- City Planner Cherry stated an ATF agent will contact PZ staff if license is approved to assure all regulations are followed.

Public Hearing: Opened

- Citizen James Ricks, neighbor, stated he commends the applicant for going through the proper procedure. His concern is additional traffic that the business may generate as Highview Ln. is not a through street. He stated it is hard to find addresses for deliveries. He stated Mr. Corsini is a good neighbor and hopes his business succeeds.
- David Brown, neighbor, stated he is the most impacted neighbor, but is in support of the business.
- Citizen Phil Schell stated he is concerned that a firearms business is not appropriate in a residential neighborhood. He stated he is concerned about deliveries being left on front porch and not taken indoors.
- Citizen Howard Wilcox stated he prefers to have business in another neighborhood, not in a residential area.

- Citizen Paula Sinclair, neighbor, stated that Highview Ln. is closed off from Addison and has created a quiet neighborhood. She is concerned this business will cause a change in the neighborhood. She also stated the Corsini's are great neighbors, but believes this is the wrong business for a residential neighborhood.
- Citizen Byron Hardy stated his concern is there is a school close to property. He also stated he has a concern of deliveries not being picked up in a timely matter.
- Citizen Sherry Jeffrey stated she supports the business, but would like clarification of type of dealership (level).

Applicant closing statement:

Mr. Corsini stated he is requesting a Class 1 license. He stated he takes security very seriously. He assured there will be no packages left outside. All packages have to be signed for for delivery. He stated he has a 12 year background and is a certified NRA instructor.

Public Hearing: Closed

Discussion Followed:

- Commissioner Musser asked for clarification on the neighborhood traffic.
- Mr. Corsini stated this will be a part time business, only seeing customers by appointment only, one at a time. He stated there will be no more traffic than having a friend over (one vehicle at a time). He has had discussions with all delivery people to help with deliveries to the proper address.
- Commissioner Bolton asked about applicant's security system and verification of delivery with signature only.
- Mr. Corsini stated he has a Ring security system. It is a smart house system with cameras. He stated he has special locks on the room where the business is located. He stated that packages containing guns are not legal to leave at a location without a signature and has never had an experience with deliveries being left improperly. Fed Ex will take back to facility if no one is there to sign for package.
- Commissioner Bolton asked if the applicant has mapping capabilities on his appointment software to help customers find residence.
- Mr. Corsini assured he would give his customers good directions and make sure they can find residence.
- Commissioner Detweiler asked if there will be signage at the location.
- Mr. Corsini stated there will be no signs.
- Commissioner Higley stated this is not the first application of this type that has come before the commission.
- Chairperson Titus asked for clarification on the specifics of the previous requests.
- City Planner Cherry stated there have been requests for firearm sales and/or transfers.
- Commissioner Perez asked if the business can be listed on Google Maps.
- PZ Director Spendlove stated the State will not allow the city to regulate internet advertisement.
- Commissioner Kelley stated the applicant has come through this process properly.
- Commissioner Higley stated an SUP can be revoked if the conditions are not followed.
- Commissioner Perez stated that with the upcoming code rewrite, the requirements may be changed.
- PZ Director Spendlove stated today's standards and codes must be followed for this request.
- Chairperson Titus stated the commission is tasked with reviewing current code for the request, as well as the impact on area and take concerns into consideration and that is why the applicant has a chance to have a closing statement and address concerns.
- Commissioner Hansen stated the applicant stated there will be minimal traffic/noise impact, and is a part time business. He also stated that ATF would not allow the business if Mr. Corsini is

not following regulations and that Planning and Zoning Commission can only vote on the Home Occupation request.

- Commissioner Perez asked if shooting is allowed in city limits.
- PZ Director Spendlove stated shooting is not allowed in city limits.
- Commissioner Bolton stated she appreciates the neighbors' concerns.

Motion:

Commissioner Kelley made a motion to approve the request for a Special Use Permit to allow a Home Occupation on property located at 1110 Highview Lane c/o Daniel Corsini. (PZ19-0104). Commissioner Musser seconded the motion.

Unanimously approved

- b) Request for a recommendation to City Council for a Zoning District Change from R-4 to C-1 on property located at 890 Washington Street South c/o Colby Ricks on behalf of Oasis Stop N Go LLC. (PZ19-0105)

Staff Presentation:

PZ Director Spendlove presented the request for a recommendation to City Council for a Zoning District Change from R-4 to C-1 on property located at 890 Washington Street South c/o Colby Ricks on behalf of Oasis Stop N Go LLC. (PZ19-0105)

A public hearing shall be held before the Commission for a recommendation to City Council. After receiving the recommendation, the Council may amend the zoning district and the zoning map, amend with recommendations, or deny the request.

Property records indicate there was a neighborhood market on the property in 1961 it then burned down in 1975. Ord. 2012 likely rezoned the property to its current zoning district in 1981. The property with the current Oasis Stop 'N Go was redeveloped in 1978 to include the fuel station.

This is a request to rezone property located at 890 Washington Street South. Currently the Oasis Stop 'N Go operates a fuel station on a lot that is zoned C-1. Future expansion plans of the station would require the property located north and west be rezoned from R-4 to C-1 in order to be usable for that business. This request meets the comprehensive plan designation as Mixed Use.

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:

Colby Ricks, representing applicant, presented the request for a recommendation to City Council for a Zoning District Change from R-4 to C-1 for the property located at 890 Washington Street South. He stated the owner would like to build to 5000 sq. ft. He stated the site will be redeveloped with landscape and sidewalk improvements which would help access points being pushed back from intersection. He stated there will be a benefit to have the building farther away from street. The land was purchased 7-8 years ago by Oasis. He stated he believes this change will help improve land values in the area. The change will help with the flow of traffic. The plan is to have four (4) gas pumps, and acknowledged there may be an increase in traffic. He stated he does not believe there will be a big impact to area with the approach being moved back. He stated they will comply by the site improvements imposed by the city. He stated the site lighting will meet dark sky requirements of the city.

PZ/Questions & Comments:

- Commissioner Bolton asked if this is a lighted, managed intersection.
- Mr. Ricks stated this intersection is a managed, lighted intersection.

Public Hearing: Opened

- Citizen Jim Barrett stated his concerns with the project.
- Citizen Debbie Wildman, neighbor, stated her concern of the rezone of R4 to C1. She would like to see a restriction on the lighting and is concerned with size of property and noise pollution.
- PZ Director Spendlove stated there is an additional application for an SUP for a future meeting, with a new public hearing. The rezone request is a separate process. Contact Planning and Zoning office for inquiries.

Applicant closing statement:

Applicant Troy Willey, Oasis Stop N Go, stated he has heard the concerns and assured he will be a good neighbor and takes concerns seriously and will address issues.

Public Hearing: Closed**Discussions Followed:**

- Commissioner Bolton asked staff for the zoning of area around property.
- PZ Director Spendlove demonstrated surrounding zoning on map.
- Commissioner Kelley asked how long has the corner been zoned C1. He asked if there was a commercial entity prior to the Oasis.
- PZ Director Spendlove stated he believes it was zoned C1 in 1981 and was reaffirmed with Comprehensive Ordinance 2012.
- Commissioner Musser asked if the SUP coming forward would be allowed in the R4 zone.
- PZ Director Spendlove stated the gas station is not allowed in the R4 zone.
- Commissioner Perez asked for comment on the potential bus issue.
- PZ Director Spendlove stated he has no comment on property being looked at for bus lines.
- Commissioner Kelley stated historically that corner has been C1 and the surrounding property has been vacant for a long time. He no issue with the rezone request.
- Chairperson Titus agreed and hears the citizens' concerns, but believes the request goes with the area. The new gas station and site improvements will help to beautify area. She stated the rezoning of the corner makes sense.
- Commissioner Bolton is encouraged with applicants closing statement regarding working with the neighbors.
- Commissioner Detweiler agreed. He does not see the area being used for R4. This change will lift up neighborhood with new facility and asset to neighborhood.
- Commissioner Perez agreed as the current corner is not going to change from C1, she does not have issue with the surrounding property being rezoned.

Motion

Commissioner Hawkins made a motion to approve request for a recommendation to City Council for a Zoning District Change from R-4 to C-1 on property located at 890 Washington Street South c/o Colby Ricks on behalf of Oasis Stop N Go LLC. (PZ19-0105).

Commissioner Detweiler seconded the motion.

Motion approved by a vote of 8-1

- c) Request for a Special Use Permit to allow a drive through facility with extended hours on property located at 1869 Addison Avenue East c/o Clysdale Enterprises LLC. (PZ19-0107)

Staff Presentation:

City Planner Cherry presented the Request for a Special Use Permit to allow a drive through facility with extended hours on property located at 1869 Addison Avenue East c/o Clysdale Enterprises LLC. (PZ19-

0107)

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 six (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.

Per City & County records the multi-tenant building on the subject property was built in 1965. The tenant space the applicant intends to use has most recently been used as an office by Magic Valley Youth Services.

This is a request for a Special Use Permit to allow a drive through facility and extended retail hours on property located at 1869 Addison Avenue East. The subject property is located with the C-1 (Commercial Highway) Zoning District.

The restaurant will provide customers a "pickup window" (drive through). The pickup window will not have a menu or intercom for taking orders. The proposed drive-through provides approximately five (5) stacking spaces before the first stopping point and an escape lane which is nine feet (9') wide.

The hours of operation will be from ten o'clock (10:00) A.M. to one o'clock (01:00) A.M. Approximately fifteen (15) full and part time employees will work at the establishment. It is anticipated that 400 vehicles will visit the subject property a week.

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:

Applicant Patrick Clysdale presented his request for a Special Use Permit to allow a drive through facility with extended hours on property located at 1869 Addison Avenue East. He stated he is the owner of the location on Washington St and this will be their 2nd location. This will be a pick up window for orders placed ahead of time, with no menu board. He stated the extended hours are normal operating Domino's hours. There is one neighbor with no fence and Mr. Clysdale will put up a screening in the back. The parking lot will be updated with lighting and cameras.

PZ/Questions & Comments:

- Commissioner Bolton asked what material are the fences in back.
- Applicant stated that they are wood slatted.
- City Planner Cherry showed the commission where the residence is that has no fence on the map.
- Commissioner Perez asked how the cars will navigate through the lot and where is the parking for employees.
- Applicant stated customers will be exiting on to Morningside Dr. He stated that parking behind the store is for use of employees and customers.
- City Planner Cherry stated that it is stated on lease the parking is able to be used for this

business.

- PZ Director Spendlove stated that a restaurant is outright allowed and with building permit, the parking will be reviewed.
- Commissioner Perez stated customers would have to walk thru drive thru area to get to building, and this could be a safety concern.
- Commissioner Kelley asked the operating hours for the location on Washington St.
- The applicant stated they are open until 1:00 am.
- Commissioner Bolton stated her concern for the neighbor at the end of pick up window without fence and asked if the applicant is willing to mitigate issue for neighbor.
- The applicant stated he will do whatever is needed to address concerns.
- City Planner Cherry stated by code, the applicant has to screen the area and the building permit would not be approved without it.

Public Hearing: Opened

- Citizen Jim Barrett stated he will be a customer and loves being able to walk to the businesses in the area.

Public Hearing: Closed

Discussions Followed:

- Commissioner Hawkins stated this request makes sense as an enhancement to area.
- Commissioner Kelley stated he is okay with extended hours.

Motion:

Commissioner Bolton made a motion to approve the request for a Special Use Permit to allow a drive through facility with extended hours on property located at 1869 Addison Avenue East c/o Clysdale Enterprises LLC. (PZ19-0107).

Commissioner Higley seconded the motion.

Unanimously approved

- d) Request for a recommendation to City Council for a Special Use Permit for Additional Height to allow a seventy-five foot (75') tall mixed use building on property located at 160 Main Avenue South c/o OneSixty, LLC. (PZ19-0085)

Staff Presentation:

City Planner Cherry presented the request for a recommendation to City Council for a Special Use Permit for Additional Height to allow a seventy-five foot (75') tall mixed use building on property located at 160 Main Avenue South c/o OneSixty, LLC. (PZ19-0085)

A request for additional height follows the public hearing process for zoning map amendments as described in subsection 10-14-5(B) and section 10-14-7 of City Code.

The Planning & Zoning Commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The Commission shall then transmit its recommendation to City Council.

After receiving the recommendation, the City Council shall conduct a public hearing, and make a final decision on the request.

The existing primary building on the subject property was built in 1908. Per the Engineering Department the existing building is approximately thirty-three (33) feet high.

The existing building is considered historic in nature due to the businesses and entities that conducted business within its walls over the years (Mercantile, County Court House, etc.).

However, the building is not located within the Downtown Historic District. Therefore, the property is not required by code to adhere to the Historic Design Guidelines and Standards.

The building most recently housed the Idaho Youth Ranch, and is currently vacant.

This is a request for a special use permit for Additional Height to allow a seventy-five foot (75') tall mixed use building on property located at 160 Main Avenue South. The subject property is located within the C-B (Commercial Business) Zoning District and P-1 Parking Overlay.

The applicant is seeking approval to construct a new six (6) story, seventy-five (75) foot tall mixed-use building. The future building is proposed with a mix of Retail/Office/Residential type uses. The drawing depicts building finishes of Glass, Metal, Concrete, and other common rock/stone like materials.

At seventy-five (75) feet, this building would be the tallest structure in the vicinity and will create shadows along Main Street, on adjacent buildings and potentially stretching into the Plaza.

As this is the first building of this size within the vicinity, it will change the skyline of downtown. It will create new challenges and experiences for the residents and visitors to the area. As the growth of the City progresses, similar buildings have the potential to become more commonplace.

Staff has conducted a visual survey of the surrounding public parking lots. The findings of that report are found as an attachment to this report.

The commission may recommend to City Council that additional height be approved as requested, approved with modifications, tabled for additional information, or it may recommend that the request be denied.

If the Commission chooses to approve 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.
2. Subject to continued compliance with the application materials and drawings submitted by the applicant.
3. Subject to mechanical, service, or other structural equipment extending no more than ten (10) feet above the height of the building.

Applicant presentation:

Fran Florence, representing applicant, presented the request for a recommendation to City Council for a Special Use Permit for Additional Height to allow a seventy-five foot (75') tall mixed use building on property located at 160 Main Avenue South c/o OneSixty, LLC. He stated this project is addressing growth in downtown, and trying to bring it back to life. He stated that shopping and residence is the key to growth in downtown. This project combines retail, office, and residence. He stated the parking issues will be addressed for the anchor tenant on second floor. He presented a letter of support from a downtown neighbor.

PZ/Questions & Comments:

- Commissioner Higley asked PZ staff when the 50' height limit was established.
- PZ Director Spendlove stated when the height limit was established. He stated with growth and the desire to keep open space, buildings will have to go taller in town, where the services are

located. There are different things the community said they wanted in the Comprehensive Plan, one being keeping the open space (agricultural core), while accommodating growth.

- Chairperson Titus asked staff to clarify is the request for seventy-five (75') for the building **plus** an additional 10' for utilities on roof.
- City Planner Cherry stated that is correct with conditions.
- PZ Director Spendlove stated there is a condition in the staff report that addresses the additional height.
- Commissioner Bolton asked for clarification on rooftop use.
- Mr. Florence clarified roof top use.

Public Hearing: Opened

- Citizen Susan Hall, business owner on Main Ave., is opposed to this request and does not believe that this is an appropriate project for the area. She has a concern of an historical building being torn down. She is concerned with the shade causing icing issues in the winter.
- Citizen Joyce Engleman stated she is not in favor of this request. She believes this project is too overpowering for downtown and does not fit in.
- Citizen Dan Brizee, downtown business owner, is in favor of this request. He believes building with additional height is the future of the area.
- Citizen Mike Brown, business owner downtown, is in favor of this request. He believes this project will bring more people downtown to surrounding merchants.
- Citizen Malin Urkey stated the progression of downtown is beautiful. She stated this project will attract traffic to businesses.
- Dean Johns, business owner downtown (Claude Browns), would like to know construction timeline. He asked for the number of apartments being built. He stated he sees this project as growth, but has a concern of icing problem that can exist with shade from building. He stated the parking behind his store is never more than 25% full. He has concerns of Main St and Hansen street closures with construction.
- Ken Fitzgerald, downtown property owner, stated he moved his business to downtown to help revitalization. He stated there is a need for evening crowd downtown for these businesses to thrive. He stated he is in favor of height request and that height is the key to growth.
- Citizen Mona Weeks is concerned about the height request. She would like clarification on the total height request. She believes parking is an issue at meal times. She is concerned what happens if URA or the developer pulls out of the project.

Public Hearing: Closed

Applicant Closing Statement:

- Fran Florence stated there will be forty (40) apartment units. Timeline for construction: demolition planned for late this year. Building construction to start in Spring 2020. He stated this will be a yearlong project completed Summer 2021. Addressing the building height: asking for approval of a seventy five feet (75') building with an additional ten feet (10') for screened utilities.
- PZ Director Spendlove clarified the application has always been for seventy-five feet (75'). He also informed audience to contact Nathan Murray with URA concerns.

Discussions Followed:

- Commissioner Bolton asked about street closures with demolition and construction.
- Mr. Florence stated a commitment has been made to make every effort to not close Main St.
- Chairperson Titus reminded commission that this request is for the additional height request only.
- Commissioner Perez asked if there are regulations regarding icing concerns.
- PZ Director Spendlove stated the adjoining businesses, by code, are responsible for snow

removal in front of their businesses. If code enforcement gets a complaint, it is the business owner's responsibility to remove snow/ice.

- Commissioner Hansen stated business owners are responsible for snow/ice in front of their buildings, regardless of height.
- DT stated he agrees the additional height will bring potential growth and revitalization to downtown.

Motion:

Commissioner Kelley made a motion to approve the request for a recommendation to City Council for a Special Use Permit for Additional Height to allow a seventy-five foot (75') tall mixed use building on property located at 160 Main Avenue South c/o OneSixty, LLC. (PZ19-0085)
Commissioner Musser seconded the motion.

Unanimously approved

4) Upcoming Meeting(s)

a) **Tuesday, October 8, 2019**

****No worksession next week. Kelli will send out available date for longer worksession for October/November.****

5) Adjournment

The meeting adjourned at 8:20 pm

Kelli Ebersole

Kelli Ebersole, Administrative Assistant