

CITY COMMISSION MEMBERS:

City Limits:

Tom	Ryan	Kyla	Bernice	Cyrus	Carl
Frank	Horsley	Kelly	Richardson	Warren	Youngkin
Chairman	Vice-Chair				Alt.

Area Of Impact:

David Kemp
Dusty Tenney, Alt.
Joe Shelton,

**CITY OF TWIN FALLS
PLANNING AND ZONING COMMISSION MEETING & PUBLIC HEARING**

NOTICE OF CANCELLATION

**THE JANUARY 11, 2005
PLANNING & ZONING COMMISSION MEETING
HAS BEEN CANCELED.**

Date of next Planning & Zoning Commission Work Session and Public Hearing.
W/S –JANUARY 18, 2005 P/H –JANUARY 25, 2005

COMMISSION MEMBERS:

City Limits:

Gerardo	Tom	Ryan	Kyla	Gregory	Bernice	Cyrus	Carl
Munoz	Frank	Horsley	Kelly	Lanting	Richardson	Warren	Younkin
Alt.	Chairman	Vice-Chair					

Area Of Impact:

David Kemp
Joe Shelton
Dusty Tenney, Alt.

CITY OF TWIN FALLS
PLANNING AND ZONING COMMISSION MEETING & PUBLIC HEARING

MINUTES

January 25, 2005 P.M. * * * COUNCIL CHAMBERS

PLANNING AND ZONING MEMBERS PRESENT: Munoz, Frank, Horsley, Kelly, Lanting, Richardson, and Younkin

PLANNING AND ZONING MEMBERS ABSENT: Warren

AREA OF IMPACT MEMBERS PRESENT: Kemp, Shelton, and Tenney (in audience)

AREA OF IMPACT MEMBERS ABSENT: None

CITY COUNCIL PRESENT: Maughan

CITY STAFF PRESENT: Bates (in audience), Bravender, Carraway, Wonderlich, and Young.

Chairman Frank called the meeting to order at 7:00 PM. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

ELECTION OF OFFICERS:

Commissioner Horsley nominated Commissioner Frank to be Chairman. Commissioner Kemp seconded the motion, and all members present voted in favour of the motion.

Commissioner Kelly nominated Commissioner Horsley to be Vice-Chairman. Commissioner Kemp seconded the motion, and all members present voted in favour of the motion.

PUBLIC HEARING ITEMS:

Item #1 Request of Blackhawk/Blue Lakes LLC c/o Gerald Martens for a Zoning Title Amendment which would allow the modification of Title 10 of the Twin Falls, Idaho City Code to permit modification of sign requirements of a Planned Unit Development.

Gerald Martens, representing the applicant, explained the request. He explained the history of the PUD, and the benefit of a Master Sign Plan for the entire PUD.

Planning & Zoning Assistant Carraway reviewed the request using overhead projections. She said staff made no recommendations.

Commissioner Frank inquired about the possible ripple effect of the proposed code change throughout the rest of the code.

City Attorney Wonderlich said that the amendment language facilitated the least amount of damage. It is a literal definition change.

Commissioner Frank inquired if the amendment will satisfy all other current code requirements.

Planning and Zoning Assistant Carraway said that it did comply.

Commissioner Lanting asked if there is a current definition for a Master Sign Plan.

Planning and Zoning Assistant Carraway said that there is not

The public hearing was opened and closed with no input.

Gerald Martens said that the Master Sign Plan should include a site plan, size, location, and aesthetic qualities (colours, architecture). He also said that he felt it is not an amendment but a code enhancement.

Deliberations followed:

§ Initial concerns, more comfortable now. – TF

§ Also concerned, but now ok. – DK

§ Master Sign Plan definition a must. – GM

§ Add to general sign provisions – a master sign plan may be required. – CY

○ Sign committee is headed in that direction. - TF

Commissioner Kelly made the motion to recommend approval to the City Council.

Commissioner Horsley seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

OTHER ITEMS

Item #2 Consideration of the preliminary plat of Cedar Park Subdivision, No. 7, approximately 11.75 acres located east of Carriage Lane North and north of Whispering Pine Drive, extended.

Tim Vawser, EHM Engineering Inc., representing the applicant, explained the request. He said that the drainage concerns have been temporarily addressed and will be permanently resolved with the development. He said the developer will certainly work with city staff for any and all site improvements and staff requirements.

Planning & Zoning Assistant Carraway reviewed the request using overhead projections. She said staff recommends the following conditions be placed on the plat, if granted:

1. Assure compliance with the PUD Agreement.
2. Subject to the City of Twin Falls Engineering Department final technical review.

Commissioner Frank asked if there should be an additional condition for the curb, gutter, and sidewalk.

City Engineer Young said that with condition #2 it was not necessary.

Commissioner Lanting inquired about the proposed lot sizes in comparison to the existing surrounding lots.

Tim Vawser said that the proposed lot sizes are somewhat smaller than those on Longbow Drive, but are in excess of the R-2 zone minimum of 6000 SF.

Commissioner Kemp inquired about reasonable access to parks and open space.

Planning and Zoning Assistant Carraway said that the development is in compliance with the approved PUD.

City Attorney Wonderlich stated that the PUD Agreement is finalized.

Commissioner Horsley asked about the extension of the streets to Hankins Road.

City Engineer Young said that they could extend; however their future is unknown at this point.

The public comment was opened.

Dr. Gus Spiropulos, 2608 Longbow Drive, expressed concerns with storm water drainage from the site onto neighbouring properties. He said that he also represented Elsie Traubar at 2622 Longbow Drive.

Darrell Sharp, 2710 Longbow Drive, represented seven (7) homeowners who signed a letter expressing concerns with storm water management.

The public comment was closed.

Tim Vawser expressed the applicants desire to be a good neighbour, and they are committed to satisfying all City requirements.

Deliberations followed:

§ Can relate to storm water concerns. – TF

§ Development will help manage the storm water and alleviate concerns. – DK

§ Street improvements. – RH

§ Drainage. – GL

- Drainage possibilities explained. - GLY

Commissioner Horsley made the motion to approve the request as presented, with staff recommendations. Commissioner Kelly seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

Item #3 Consideration of the preliminary plat of Bracken Rim Subdivision, approximately 1.05 acres located 380 feet (+/-) south of the intersection of Addison Avenue West and Bracken Street on the west side.

John Root, representing the applicant explained the request.

Commissioner Frank asked if the Housing Authority duplexes are to be moved onto this site.

John Root said that the south lot will have one on it. The other lots are to be sold.

Commissioner Kelly asked if the applicant has any concerns with the staff report.

John Root said that they have already taken care of all the staff concerns.

Planning & Zoning Assistant Carraway reviewed the request using overhead projections. Staff recommends the following condition be placed on the plat, if granted:

1. Subject to the City of Twin Falls Engineering Department final technical review.

The public comment was open and closed with no input.

Deliberations followed:

§ Cut and dry. – TF, DK

Commissioner Kelly made the motion to approve the request as presented, with the staff recommendation. Commissioner Horsley seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

Item #4 Findings of Fact and Conclusions of Law:

- a. Preliminary plat of Rock Creek Trail Estates Subdivision.

Unanimously approved.

Item #5 Approve minutes of December 14, 2004, December 28, 2004 and January 4, 2005 Planning and Zoning Commission Meeting.

Item #6 **Approve amended minutes of July 27, 2004 Planning & Zoning Commission meeting.**

Unanimously approved.

Item #7 Date of next Planning & Zoning Commission Work Session and Public Hearing.
(W/S –FEBRUARY 01, 2005 P/H –FEBRUARY 08, 2005

Item #8 Public input and/or items from the Planning & Zoning Director and Planning & Zoning Commission.
City Attorney expounded on the ramifications of site visits by P&Z Commissioners.

The Meeting was adjourned at 7.55 P.M.

Shawn Bravender
Secretary for the Planning and Zoning Commission

COMMISSION MEMBERS:

City Limits:

Gerardo	Tom	Ryan	Kyla	Gregory	Bernice	Cyrus	Carl
Muñoz	Frank	Horsley	Kelly	Lanting	Richardson	Warren	Younkin
Alt.	Chairman	Vice-Chair					

Area Of Impact:

David Kemp
Joe Shelton
Dusty Tenney, Alt.

CITY OF TWIN FALLS
PLANNING AND ZONING COMMISSION MEETING & PUBLIC HEARING

MINUTES

February 8, 2005 P.M. * * * COUNCIL CHAMBERS

PLANNING AND ZONING MEMBERS PRESENT: Muñoz, Frank, Kelly, Lanting, Richardson, Warren and Younkin

PLANNING AND ZONING MEMBERS ABSENT: Horsley

AREA OF IMPACT MEMBERS PRESENT: Kemp, and Tenney

AREA OF IMPACT MEMBERS ABSENT: Shelton

CITY COUNCIL PRESENT: None

CITY STAFF PRESENT: Bates (in audience), Bravender, Orton, Wonderlich, and Young.

Chairman Frank called the meeting to order at 7:00 PM. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

PUBLIC HEARING ITEMS:

Item #1 Request of Tim and Rene Wangler for a Special Use Permit to operate a dog grooming business located at 333 B Main Avenue East.

Rene Wangler explained the request.

Commissioner Muñoz asked how many dogs she may have at any one point.

Rene Wangler said that the most there would be at any one time would be 12 dogs.

Commissioner Kelly inquired about the procedures for “bathroom” breaks for the animals.

Rene Wangler said that if the dog(s) were left long enough to warrant a break it would be taken in the alley with provisions to eliminate any evidence of the visit.

Planning & Zoning Director Orton reviewed the request using overhead projections. He said staff made no recommendations.

Commissioner Warren asked if the entire building or just part of the building was to be utilized. Planning and Zoning Director Orton said that just part of the building would be used. Ron Bean, the realtor, confirmed this.

Commissioner Kemp inquired about the access thru the building to this particular use. Ron Bean, the realtor, explained the floor plan and layout.

The public hearing was opened.

Wade Falconbury, 915 Delmar Drive, spoke in favour of the request. He stated that he was the property owner and he relayed the extent and quality of the insulation and subsequent soundproofing of the building.

The public hearing was closed.

Deliberations followed:

§ No issue. – TF

§ Good for area. – DT

Commissioner Warren made the motion to approve the request. Commissioner Kelly seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

OTHER ITEMS

Item #2 Consideration of the request of Michael F. Hunzeker to modify the site plan approved as part of Special Use Permit #0713, issued January 30, 2001, to remodel and relocate an existing gas station in conjunction with the addition of a convenience store with a drive-through window with extended hours of 6:00 A.M. To 2:00 A.M. on property located at 1390 Blue Lakes Boulevard North.

Gerald Martens of EHM Engineering Inc., representing the applicant, explained the request. He said that there is no drive-thru facility proposed, and that the landscaping issue is the critical factor of discussion.

Commissioner Tenney asked if the proposed changes of 22' deep landscaping on Blue lakes Boulevard North is just for the center island or all of the landscaping.

Gerald Martens proposed two options: (1) All landscaping to be 22' wide with additional landscaping elsewhere on the lot, or (2) Only 30' wide landscaping along the Blue Lakes Boulevard North frontage.

Commissioner Tenney stated that he understood the rationale in modifying the center landscaping, but asked why the other landscaping would be altered as well.

Gerald Martens said it was to gain a parking stall.

Commissioner Frank commented on the building being relocated closer to the back of lot, and the increase in the number of gas pumps. He asked if the extra pumps were driving a lot of the changes on the site plan.

Gerald Martens stated that the traffic flow was impacted regardless of the extra pump.

Commissioner Frank asked about any extra vehicles on the lot.

Michael Hunzeker said that there would be the employee's vehicles, and an occasional vehicle from the car dealership next door.

Planning & Zoning Director Orton reviewed the request using overhead projections. He explained the differences between the original Special Use Permit and the current application, namely the elimination of the drive-thru and the alteration of the landscaping. He said the intent of the original Special Use Permit was to allow the modification of the center island landscaping only, and not along the entire frontage as being represented. He said staff made no recommendations.

Commissioner Frank asked about a detached sidewalk in the arterial landscaping.

Gerald Martens said that they could detach the sidewalk and that they would just need to connect it to the ADA ramps.

Commissioner Warren asked if the commission was able to recognize the original Special Use Permit with modifications or if they should request a new application.

Gerald Martens explained the need for the timely approval of the Special Use Permit in order to facilitate the construction, and opening congruent with the Lowe's project.

City Attorney Wonderlich explained that the 1-year time limit to establish a Special Use is a vehicle to keep the neighbours informed and up to date. He stated that he saw no need to start the Special Use Permit application from scratch.

The public comment was opened and closed with no input.

Deliberations followed:

§ Discussion on the alteration of the landscaping from the code requirement of 30' to 22' wide and the precedence it would set. – ALL

§ Discussion on the detached sidewalk and sign location. – ALL

Commissioner Kelly made the motion to approve the request as presented, with the condition of a thirty (30) foot arterial landscaping requirement, and the requirement for a detached sidewalk design. Commissioner Kemp seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

- Item #3 Findings of Fact and Conclusions of Law:
- a. Cedar Park Subdivision, No. 7, preliminary plat
 - b. Bracken Rim Subdivision, preliminary plat
 - c. Special Use Permit request of St. Edward's Catholic Church

The Findings of Fact were unanimously approved.

- Item #4 Approve minutes of January 25 and February 1, 2005, Planning and Zoning Commission Meeting.

The Minutes were unanimously approved.

- Item #5 Date of next Planning & Zoning Commission Work Session and Public Hearing.
(*W/S – FEBRUARY 15, 2005* *P/H – FEBRUARY 22, 2005*)

- Item #6 Public input and/or items from the Planning & Zoning Director and Planning & Zoning Commission.

The Meeting was adjourned at 7.55 P.M.

Shawn Bravender
Secretary for the Planning and Zoning Commission

CITY COMMISSION MEMBERS:

City Limits:

Gerardo	Tom	Ryan	Kyla	Gregory	Bernice	Cyrus	Carl
Munõz	Frank	Horsley	Kelly	Lanting	Richardson	Warren	Younkin
Alt.	Chairman	Vice-Chair					

Area Of Impact:

David Kemp
Dusty Tenney, Alt.
Joe Shelton,

**CITY OF TWIN FALLS
PLANNING AND ZONING COMMISSION MEETING & PUBLIC HEARING**

NOTICE OF CANCELLATION

**THE TUESDAY, FEBRUARY 22, 2005,
PLANNING & ZONING COMMISSION MEETING
HAS BEEN CANCELED.**

Date of next Planning & Zoning Commission Work Session and Public Hearing.
W/S –MARCH 01, 2005 P/H –MARCH 08, 2005

COMMISSION MEMBERS:

City Limits:

Gerardo	Tom	Ryan	Kyla	Gregory	Bernice	Cyrus	Carl
Muñoz	Frank	Horsley	Kelly	Lanting	Richardson	Warren	Younkin
Alt.	Chairman	Vice-Chair					

Area Of Impact:

David Kemp
Joe Shelton
Dusty Tenney, Alt.

CITY OF TWIN FALLS
PLANNING AND ZONING COMMISSION MEETING & PUBLIC HEARING

MINUTES

March 8, 2005 P.M. * * * COUNCIL CHAMBERS

PLANNING AND ZONING MEMBERS PRESENT: Muñoz, Frank, Horsley, Lanting, Richardson, Warren and Younkin

PLANNING AND ZONING MEMBERS ABSENT: Kelly

AREA OF IMPACT MEMBERS PRESENT: Tenney

AREA OF IMPACT MEMBERS ABSENT: Kemp and Shelton

CITY COUNCIL PRESENT: Maughan

CITY STAFF PRESENT: Bowyer (in audience), Bravender, Carraway, Orton and Young.

Chairman Frank called the meeting to order at 7:00 PM. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

PUBLIC HEARING ITEMS:

Item #1 Request of Jensen & Jensen Construction, LLC, for a Special Use Permit to construct and operate a professional office located at 1092 Eastland Drive North.

Steve Jensen, president of Jensen & Jensen Construction, explained the request.

Planning & Zoning Assistant Carraway reviewed the request using overhead projections. She said staff made no recommendations.

The public hearing was opened and closed with no input.

Deliberations followed:

§ Good fit, good project. – TF, CW

Commissioner Horsley made the motion to approve the request as presented. Commissioner Warren seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

Item #2 Request of Mel and Priscila Moeller for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 for property located at 713 Washington Street North.

Steve Arrington, representing the applicant, explained the request.

Commissioner Frank inquired about traffic patterns on the property.

Steve Arrington said that there would be no additional curb cuts for approaches.

Commissioner Warren asked if the mobile home was to be removed as previously represented.

Steve Arrington said that was the long range plan but no immediate change was planned.

Planning & Zoning Assistant Carraway reviewed the request using overhead projections. She explained that once the area was rezoned to C-1, any C-1 use would be permitted. She said staff made no recommendations.

Commissioner Frank asked what the Comprehensive Plan indicated for this area, and he suggested an overlay.

Planning and Zoning Assistant Carraway said that the Comprehensive Plan designated a Professional Office overlay for this area.

The public hearing was opened and closed with no input.

Deliberations followed:

- The Commission expressed deep concern for the residential properties adjacent to the proposed site. A lengthy discussion ensued about the merits of a C-1 PUD for the entire property owned by the Moellers. However, only this one piece was subject to this rezone request. The opening of this property to all of the permitted uses in the C-1 zone was of grave concern to the Commission due to the possible impacts on the surrounding neighborhood.

Commissioner Horsley made the motion to recommend a zoning designation of C-1 PUD to the City Council. Commissioner Warren seconded the motion. Commissioner Tenney voted against the motion. Commissioners Muñoz, Frank, Horsley, Lanting, Richardson, Warren, and Younkin voted in favour of the motion.

THE MOTION PASSED

- Item #3 Request of the City of Twin Falls for a Zoning Title Amendment that would repeal City Code §10-11-8(E)6 and that would amend City Code §10-12-3.11 by requiring parks and storm water retention/detention, dedication, and development, and setting standards for such development.

Dennis Bowyer, Parks and Recreation director for the City of Twin Falls, explained the request. He said that the Parks and Recreation Commission unanimously approved the amendment. He also said that the amendment would aid in cleaning up the weed lots that are currently plaguing the City

Commissioner Frank asked how the amendment would apply to a small infill project, and what the minimum park size would be.

Dennis Bowyer said that the in-lieu-of contribution would aid in funding a facility in the same area. He also said that 15,000 square feet would be the minimum park size, but staff was recommending that the maximum minipark size of 2 acres be removed from the ordinance.

Commissioner Tenney inquired about the Park costs.

Dennis Bowyer said that Vista Bonita Park, which included several amenities, cost approximately \$36,000 an acre..

Planning & Zoning Director Orton reviewed the request using overhead projections. He said that the proposed amendment would resolve the current issues with storm water retention facilities, and address the concern of adequate neighborhood parks. He also said that the in-lieu-of contributions would be used on park improvements within a square mile of the property. He also said that the ordinance would increase the lot value by approximately \$400 - \$500 per lot.

The public hearing was opened.

Brent Jussel, 935 Meadowview Lane, the current Chair of the Parks and Recreation Commission, spoke in strong support of the amendment.

The public hearing was closed

Deliberations followed:

- Commend the entities involved. – ALL
- Enhances the community, and property values. – RH, TF
- Quantifies the rules, levels the playing field. – CW

Commissioner Horsley made the motion to recommend approval to the City Council as presented for the zoning title amendment that would repeal City Code §10-11-8(E)6 and that would amend City Code §10-12-3.11. Commissioner Warren seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

OTHER ITEMS

Item #4 Consideration of the request of Twin Falls High School for a Special Sign to be located at the northeast corner of Locust Street North & Stadium Boulevard.

Dr. John Miller, representing the Twin Falls High School and Twin Falls School District, explained the request. He said that the signs were seasonal and expressed community interest.

Commissioner Tenney and Lanting inquired about the location of the words on the windscreens and the location of the windscreens.

Dr. John Miller said that the windscreens were on the north side of the tennis courts and would face south or to the interior of the courts.

Planning & Zoning Assistant Carraway reviewed the request using overhead projections. She said that staff recommended that the signing be denied, as it does not meet the intent of the “special sign” provisions. In the alternative, if the Commission feels that a special sign could be approved for the site, staff recommends that the sign be limited to two words and that each word be no larger than 1’ x 3’.

The public comment was opened and closed with no input.

Deliberations followed:

- Discussion on need, size, and appropriateness of the application. - ALL

Commissioner Lanting made the motion to approve the request with the condition that the two words are not to exceed 2.5’ x 15’ in size. Commissioner Tenney seconded the motion. Commissioners Frank, Warren, and Younkin voted against the motion. Commissioners Muñoz, Horsley, Lanting, Richardson, and Tenney voted in favour of the motion.

THE MOTION PASSED

Item #5 Consideration of the preliminary plat of West Haven, No. 2, approximately 1.6 acres located at the northwest corner of Filer Avenue West and Wendell Street.

Gerald Martens of EHM Engineering Inc. representing the applicant explained the request.

Planning & Zoning Assistant Carraway reviewed the request using overhead projections. She said staff recommended the following condition be placed upon the plat, if granted:

1. Subject to the City of Twin Falls Engineering Department final technical review.

The public comment was opened and closed with no input.

Deliberations followed:

- Much more fitting looks good. – RH, TF

Commissioner Horsley made the motion to approve the request as presented, with the staff recommendation. Commissioner Warren seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

Item #6 Consideration of the preliminary plat of Cedar Park, No. 9, approximately 9.6 acres located on the south side of the 2700 block of Filer Avenue East.

Tim Vawser of EHM Engineering Inc. representing the applicant explained the request. He said that Meadowview Lane was relocated as per the City's request, and the lots were well in excess of the 6,000 square foot minimum.

Planning & Zoning Assistant Carraway reviewed the request using overhead projections. She said staff recommended the following conditions be placed upon the plat, if granted:

1. Assure compliance with the PUD Agreement
2. Subject to the City of Twin Falls Engineering Department final technical review.

Commissioner Frank inquired about the canal water arrangements

City Engineer Young said that all the requirements have been satisfied.

The public comment was opened and closed with no input.

Deliberations followed:

- Follows the rest of the project, looks good. – TF, CW

Commissioner Horsley made the motion to approve the request as presented, with the staff recommendations. Commissioner Warren seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

Item #7 Consideration of the preliminary plat of a request to replat Lot 4, Block 1 within the Renaissance Subdivision, No. 1, located on the south side of the 700 block of North College Road and consisting of approximately 1.8 acres.

Alan Hansten of Riedesel Engineering LLC. representing the applicant explained the request.

Planning & Zoning Assistant Carraway reviewed the request using overhead projections. She said staff recommended the following condition be placed upon the plat, if granted:

1. Subject to the City of Twin Falls Engineering Department final technical review.

The public comment was opened and closed with no input.

Deliberations followed:

- Whole project looks really good, 100% support. – CW
- All one-property owner, no issue. – TF
- Next to commercial, looks great. - DT

Commissioner Horsley made the motion to approve the request as presented, with the staff recommendation. Commissioner Warren seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

BREAK FROM 8:18 – 8:23

Commissioner Horsley stepped down

Item #8 Consideration of the revocation of Special Use Permit #865, granted February 24, 2004 to operate an indoor recreation facility serving alcohol for consumption on the premises operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M. on property located at 156 Main Avenue North.

Planning & Zoning Director explained the revocation procedure for Special Use Permits.

Sergeant Dan McAtee explained the policing issues and public complaints regarding Luckys. He asked the Commission to initiate the revocation proceedings in order to facilitate the public hearing to provide the venue to have all of the concerns aired and hopefully addressed.

Forrest Andersen and Armando Silvia, owners of Luckys, responded to the concerns and explained their perspective.

The Commission asked many questions regarding the type of the complaints, service calls, preventative measures taken and planned, and the nature of the business and cliental.

Commissioner Tenney made the motion to initiate the revocation proceedings. Commissioner Younkin Warren seconded the motion. Commissioner Warren voted in favour of the motion. Commissioners Muñoz, Frank, Lanting, Richardson, Tenney, and Younkin voted against the motion.

THE MOTION FAILED

Commissioner Horsley resumed his seat.

- Item #9 Findings of Fact and Conclusions of Law:
a. none

- Item #10 Approve minutes of February 8, 2005, February 15 and March 1, 2005, Planning and Zoning Commission Meeting.

The Minutes were unanimously approved.

- Item #11 Date of next Planning & Zoning Commission Work Session and Public Hearing.
(W/S –MARCH 22, 2005 P/H –MARCH 29, 2005)

- Item #12 Public input and/or items from the Planning & Zoning Director and Planning & Zoning Commission.

Training workshop on the 19th of March at the County Planning and Zoning Office.

Reminder, March has five Tuesdays, there is no meeting on March 15th, 2005.

The Meeting was adjourned at 10:15 P.M.

Shawn Bravender
Secretary for the Planning and Zoning Commission

COMMISSION MEMBERS:

City Limits:

Gerardo	Tom	Ryan	Kyla	Gregory	Bernice	Cyrus	Carl
Muñoz	Frank	Horsley	Kelly	Lanting	Richardson	Warren	Younkin
Alt.	Chairman	Vice-Chair					

Area Of Impact:

David Kemp
Joe Shelton
Dusty Tenney, Alt.

CITY OF TWIN FALLS
PLANNING AND ZONING COMMISSION MEETING & PUBLIC HEARING

MINUTES

March 29, 2005 P.M. * * * COUNCIL CHAMBERS

PLANNING AND ZONING MEMBERS PRESENT: Frank, Horsley, Kelly, Lanting, Muñoz (in audience), Richardson, Warren and Younkin

PLANNING AND ZONING MEMBERS ABSENT: None

AREA OF IMPACT MEMBERS PRESENT: Kemp, Shelton, and Tenney (in audience)

AREA OF IMPACT MEMBERS ABSENT: None

CITY COUNCIL PRESENT: None

CITY STAFF PRESENT: Bravender, Orton, Wonderlich and Young.

Chairman Frank called the meeting to order at 7:00 PM. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

PUBLIC HEARING ITEMS:

Item #1 Request of TKO Construction, c/o Todd Ostrom, for a Special Use Permit to construct and operate two professional offices on property located at 1166 and 1186 Eastland Dr N.

Todd Ostrom explained the request.

Planning & Zoning Director Orton reviewed the request using overhead projections. He said staff recommended the following conditions be placed upon the permit, if granted:

1. Assure compliance with all zoning, building, and fire code.
2. Subject to conformance with the PUD Agreement.

Commissioner Warren asked the applicant if they had any concerns or questions about the staff conditions.

Todd Ostrom said that he did not.

The public hearing was opened and closed with no input.

Deliberations followed:

§ Goes with the existing uses. – RH

§ In accordance with the PUD. – CW, TF

Commissioner Horsley made the motion to approve the request as presented with staff recommendations. Commissioner Kelly seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

Item #2 Request of Jay Proost for a Special Use Permit to construct and operate a professional office on property located at 1146 Eastland Drive North.

Jay Proost explained the request.

Planning & Zoning Director Orton reviewed the request using overhead projections. He said staff recommended the following conditions be placed upon the permit, if granted:

1. Assure compliance with all zoning, building, and fire code.
2. Subject to conformance with the PUD Agreement.

Commissioner Warren asked the applicant if they had any concerns or questions about the staff conditions.

Jay Proost said that he did not.

The public hearing was opened and closed with no input.

Deliberations followed:

§ Fits well. – RH

Commissioner Horsley made the motion to approve the request as presented with staff recommendations. Commissioner Kemp seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

Item #3 Request of Greater Twin Falls Association of Realtors for a Special Use Permit to construct and operate a professional office on property located at 1162 Eastland Dr N.

Mark Jones, representing the Greater Twin Falls Association of Realtors, explained the request.

Planning & Zoning Director Orton reviewed the request using overhead projections. He said that the Fire Marshal required the drive access to be centered on the West Property line. He said staff recommended the following conditions be placed upon the permit, if granted:

1. Assure compliance with all zoning, building, and fire code.
2. Subject to conformance with the PUD Agreement.

The public hearing was opened and closed with no input.

Commissioner Horsley made the motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

Item #4 Request of Carrie Costa for a Special Use Permit to operate an in-home daycare facility on property located at 665 Heyburn Avenue.

Carrie Costa explained the request. She said that the garage was for one vehicle and a shop. She also said that with the 6' dirt path there was room for two vehicles to park. She said that she could install the turnaround and with some gravel on the grass provide adequate parking and maneuvering.

A discussion on the fencing and demographics of the children ensued.

Planning & Zoning Director Orton reviewed the request using overhead projections. He clarified that **all** parking and maneuvering areas need to be concrete or asphalt as per City Code. He said that staff recommended the following conditions be placed upon the permit, if granted:

1. Residents to park in the garage. The driveway is to remain open for parent parking.
2. Provide a loop-drive/hammer-head so there will be no backing out onto Heyburn Ave (All parking and maneuvering areas shall be paved).
3. Comply with all State and local requirements to establish a daycare facility.
4. Hours of operation to be less than 14 hours a day.
5. No signage is allowed.

The public hearing was opened.

A letter from Eleanor Young at 331 Fillmore Street was read into the record. She raised the concern of the lack of safety-appropriate fencing along her shared property line with the applicant.

The public hearing was closed.

Discussion on fencing.

Carrie Costa said that she could complete the fencing adjacent to Eleanor Young's property by the end of the summer.

Deliberations followed:

- Further discussion on the type, height, location, and completion of the fencing. – ALL
- Hours of operation, number of children, and traffic concerns. – RH

- One-year time limit? – DK

Commissioner Lanting made the motion to approve the request with the staff recommendations and the additional following conditions:

6. Complete the NE corner with a 5' screening fence
7. The Special Use Permit will expire in one-year.

Commissioner Kemp seconded the motion and all members present voted in favour of the request.

THE MOTION PASSED

Item #5 Request of S&W Investors c/o W.R. White for a Special Use Permit to operate an appliance repair business on property located at 115 Filer Avenue.

Gerald Martens of EHM Engineering Inc. representing the applicant explained the request.

Commissioner Frank inquired if this was the structure immediately east of Personnel Plus.

Gerald Martens said that it was.

Planning & Zoning Director Orton reviewed the request using overhead projections. He said staff recommended the following conditions be placed upon the permit, if granted:

1. No appliances or parts to be stored outside of a building or outside of an area with a sight obscuring screening fence.
2. No appliances or parts to be placed in the public right-of-way.
3. Assure compliance with all City zoning, building, and engineering requirements.

City Engineer Young inquired about provisions for storm water retention for the site.

Gerald Martens said that it was not designed yet but that they are working on it. He also said that the adjacent property is not zoned C-1 and is under an option to buy, however no decision has been made yet.

The public hearing was opened.

Shirley Riddle of 492 Washington Street North (the Baptist Church), inquired about the work schedule for the proposed business.

Brian Fear of 492 Washington Street North (the Baptist Church), inquired about the height of the fence on South end.

The public hearing was closed.

Gerald Martens said that the business would be open from 7am to 6 pm.

Planning & Zoning Director Orton clarified that the code requires a 6' minimum screening fence adjacent to all residential uses.

Deliberations:

- Great way to clean the site up. – RH
- Step in the right direction. – CW
- Storage area, secure and screened. – TF

Commissioner Horsley made the motion to approve the request as presented, with the staff recommendations. Commissioner Warren seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

OTHER ITEMS

Item #6 Findings of Fact and Conclusions of Law:

- a. Special Use Permit request of Jensen & Jensen Construction, LLC
- b. Rezone request of Mel & Priscila Moeller
- c. Preliminary Plat request for West Haven, No. 2 Subdivision
- d. Preliminary Plat request for Cedar Park, No. 9 Subdivision
- e. Preliminary Plat request for the replatting of Lot 4, Block 1, Renaissance Subdivision, No. 1

Unanimously approved.

Item #7 Approve minutes of March 8, 2005, Planning and Zoning Commission Meeting.

Unanimously approved.

Item #8 Date of next Planning & Zoning Commission Work Session and Public Hearing.
(*W/S –APRIL 5, 2005* *P/H –APRIL 12, 2005*)

Item #9 Public input and/or items from the Planning & Zoning Director and Planning & Zoning Commission.

None

The Meeting was adjourned at 8:55 P.M.

Shawn Bravender
Secretary for the Planning and Zoning Commission

CITY COMMISSION MEMBERS:

City Limits:

Gerardo	Tom	Ryan	Kyla	Gregory	Bernice	Cyrus	Carl
Munoz-Bryan	Frank	Horsley	Kelly	Lanting	Richardson	Warren	Younkin
Alt.	Chairman	Vice-Chair					

Area Of Impact:

David Kemp
Dusty Tenney, Alt.
Joe Shelton,

MINUTES

TWIN FALLS CITY PLANNING AND ZONING COMMISSION MEETING AND PUBLIC HEARING

APRIL 12 , 2005 * * * 7:00 P.M. * * * COUNCIL CHAMBERS

PLANNING & ZONING MEMBERS PRESENT: Munoz, Frank, Lanting, Richardson, Younkin

PLANNING & ZONING MEMBERS ABSENT: Horsley, Kelly, Warren

AREA OF IMPACT MEMBERS PRESENT:

AREA OF IMPACT MEMBERS ABSENT: Kemp, Tenney, Shelton

COUNCIL PRESENT:

STAFF PRESENT: Orton, Carraway, Young, Bates, Wonderlich, Sanchez

Chairman Frank called the meeting to order at 7:10 PM. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

PUBLIC HEARING ITEMS:

Item #1 Request of William J. Bishop for a variance to allow an accessory building in the front yard located at 376 Buchanan Street.

William J. Bishop, applicant, explained the request using overhead projections.

Discussion followed on:

- Clarification of proposed property line.
- Length and paving of the driveway.
- Existing garage servicing the second house.
- Existing house will not have garage but carport.

Planning and Zoning Director Orton reviewed the request using overhead projections. Staff has reviewed the request. He said staff makes no recommendations on this request.

The public hearing was opened:

Commissioner Frank read a letter from Mr. Kevin Mindock, 403 Buchanan Street, wrote against the request and stated that the request for a Variance does not meet all City code section 10-13-2.1(C)4 criteria.

Dan Neville, 390 Buchanan, spoke against the request. Concerns include large density lots should not be divided, increase in traffic and decline of property values.

Michael Rowe, 448 Buchanan, spoke against the request. Would like area to remain as it is.

The public hearing was closed.

William Bishop stated that homes on Buchanan sit on large lots and in a quiet neighborhood but believes one additional resident would not significantly impact the neighborhood. He also stated that the majority of the windows would face to the south, which would be in the opposite direction of Mr. Neville and Rowe's homes

Discussion followed:

- Commissioner Frank, Munoz and Younkin agreed that the request does not qualify for a Variance.

Commissioner Lanting made the motion to approve the Variance for William Bishop to allow an accessory building in the front yard located at 376 Buchanan. Commissioner Younkin seconded the motion and all members present voted against the request. **THE MOTION FAILED**

Item #2

Request of 3rd Trust c/o Gerald Martens for a Special Use Permit to construct and operate a professional office located on the east side of the 800 block of Washington Street North.

Gerald Martens spoke in behalf of the applicant and explained the request using overhead projections.

Planning & Zoning Director Orton reviewed the request using overhead projections. Staff has reviewed the request. He said staff recommended the following conditions be placed upon the request, if granted:

1. Assure compliance with all zoning, building, and fire codes.
2. Subject to conformance with the PUD Agreement.

The public hearing was opened.

Cecilia Jordan, 820 Meadows Drive, asked for clarification of the location of the parking lot and if a dust abatement would be in progress.

The public hearing was closed.

Gerald Martens stated that the parking lot would be located north of the building and the south side of the building would be fully landscaped along University Drive. Landscaping, grading and paving would finalize the project. Dust would be controlled.

Discussion followed:

- Straightforward.

Commissioner Lanting made the motion to approve the Special Use Permit for 3rd Trust to construct and operate a professional office located on the east side of the 800 block of Washington Street North with the staff recommendations. Commissioner Richardson seconded the motion and all members present voted in favor of the request. **THE MOTION PASSED**

Item #3 Request of Bob Hyde for a Special Use Permit to construct fifty 10'x20' storage unit rentals located at 1205 Addison Avenue West.

Bob Hyde, owner, explained the request using overhead projections.

Discussion followed:

- Fencing of property.
- Storage unit hours.

Bob Hyde stated that the property would be fenced with the exception of Addison Avenue West and hours would be from 8:00 am. to 8:00 pm.

Planning & Zoning Director Orton reviewed the request using overhead projections. Staff has reviewed the request. He said staff recommended the following condition be placed upon the request, if granted:

1. Assure compliance with all City zoning, engineering, fire and building requirements.

The public hearing was opened.

Gloria Johnson, 1149 Addison West, asked the location of driveway to Summit Excavation and Snake River Construction.

Bob Hyde stated that Driveway to Summit Excavation is next to the trailer park and Ms. Johnson's driveway would not be impacted in any way.

The public hearing was closed.

Discussion followed:

- Straightforward.

Commissioner Lanting made the motion to approve the Special Use Permit for Bob Hyde to construct fifty 10'x20' storage unit rentals located at 1205 Addison Avenue West with the staff recommendations. Commissioner Younkin seconded the motion and all members present voted in favor of the request. **THE MOTION PASSED**

Item #4 Request of Kevin R. Powers for a Special Use Permit to expand an existing auto service and repair business by more than 25% located at 490 Washington Street South.

Kevin R. Powers, owner, explained the request using overhead projections.

Planning & Zoning Director Orton reviewed the request using overhead projections. Staff reviewed the request. He said staff recommended the following conditions be placed upon the permit, if granted:

1. All vehicles that require overnight stay are required to be stored within a sight obscuring fenced area or inside an enclosed building.
2. Assure compliance with all City zoning, building, and engineering and fire codes.
3. Dedicate 12' of right of way on Washington Street South.

The public hearing was opened and closed with no input.

Discussion followed:

- Accumulation of vehicles inside a building or an enclosed area.

Commissioner Lanting made the motion to approve the Special Use Permit for Kevin R. Powers to expand an existing auto service and repair business by more than 25% located at 490 Washington Street South with the staff recommendations. Commissioner Munoz seconded the motion and all members present voted in favor of the request. **THE MOTION PASSED**

Item #5 Request of James M. and Mary L. Adkins for a Special Use Permit to construct a 2,304 sq. ft. detached accessory building located at 2673 East 4269 North within the City's Area of Impact.

James M. Adkins, applicant, explained the request using overhead projections.

Planning & Zoning Director Orton reviewed the request using overhead projections. Staff reviewed the request. He said staff recommended the following condition be placed upon the permit if granted:

1. The building to be used for residential purposes only.

The public hearing was opened and closed with no input.

Discussion followed:

- Straightforward.

Commissioner Lanting made the motion to approve a Special Use Permit for James M. and Mary L. Adkins to construct a 2,304 sq. ft. detached accessory building located at 2673 East 4269 North within the City's Area of Impact with the staff recommendation. Commissioner Munoz seconded the motion and all members present voted in favor of the request. **THE MOTION PASSED**

Item #6 Request of Jessica L. Randall for a Special Use Permit to operate a photography studio as a home occupation located at 2550 4th Avenue East.

Jessica L. Randall, applicant, explained the request.

Discussion followed:

- Definition of a portrait party

Planning and Zoning Director Orton reviewed the request using overhead projections. Staff has reviewed the request. He said staff makes no recommendations on this request.

The public hearing was opened and closed with no input.

Discussion followed:

- Signs on premises not permitted.
- Straightforward.

Commissioner Lanting made the motion to approve the Special Use Permit for Jessica L. Randall to operate a photography studio as a home occupation located at 2550 4th Avenue East as presented. Commissioner Younkin seconded the motion and all members present voted in favor of the request. **THE MOTION PASSED**

Item #7 Request of Amazing Grace Fellowship dba Eastridge Developers for a Special Use Permit to allow the development of seven professional offices located at 1072, 1076, 1096, 1102, 1122, 1142, and 1182 Eastland Drive North.

Ken Edmunds spoke on behalf of the applicant and explained the request using overhead projections.

Discussion followed:

- Ken Edmunds acting as the agent for the Church.
- At the Public Hearing when the proposal was first made the church's promise to the neighborhood was that there would be office buildings because a church was to be built and soccer fields. What is the status of the building of the church?

Ken Edmunds stated that he is only representing the residential offices for the church and has no idea of schedule for their own development. Soccer fields were offered but not accepted.

Planning & Zoning Director Orton explained the request using overhead projections. Staff has reviewed the request. He said staff recommended the following conditions be placed upon the request, if granted:

1. Assure compliance with all zoning, building, and fire code.
2. Subject to conformance with the PUD Agreement.

Discussion followed:

- Time length of Special Use Permit.
- Commissioner Frank asked Staff if Amazing Grace Fellowship's illegal parking lot could be brought into the same project.

Planning & Zoning Director Orton said the illegal parking lot is a code issue and staff would look at it carefully before issuing a permit.

The public hearing was opened.

Kathy Barkman, 1208 Eastland Drive N., asked if vinyl fencing or landscaping would be on the north border.

Ken Edmunds stated it would be landscaped similar to existing offices.

Discussion followed:

- Permit would be in force for one year but would continue beyond the one year as long as no lapse occurred.
- Applicant, Amazing Grace Fellowship, failure to follow through projects.

Commissioner Lanting made the motion to approve the Special Use Permit for Amazing Grace Fellowship dba Eastridge Developers for a Special Use Permit to allow the development of seven professional offices located at 1072, 1076, 1096, 1102, 1122, 1142, and 1182 Eastridge Drive North with the staff recommendations. Commissioner Munoz seconded the motion. Commissioner Lanting voted against the motion. **THE MOTION PASSED**

OTHER ITEMS:

Item #8 Consideration of the preliminary plat of Fourth Avenue No. 2 Condominium Subdivision.

John Bonnett, owner, explained the request using overhead projections.

Planning & Zoning Director Orton reviewed the request using overhead projections. Staff has reviewed the request. He said staff recommended the following conditions be placed upon the request, if granted:

1. Subject to final technical review by the City Engineering Department.
2. Meet building code for condominium units

The public hearing was opened and closed with no input.

Discussion followed:

- Fire safety issue.
- Straightforward.

Planning and Zoning Commissioner Lanting made the motion to approve the preliminary plat of Fourth Avenue No. 2 for John Bonnett with staff recommendations. Commissioner Munoz seconded the motion and all members present voted in favor of the request. **THE MOTION PASSED**

Item #9 Preliminary PUD presentation for Houser Custom Homes, Inc. for a Zoning District Change and a Zoning Map Amendment from R-4 to R-4 PUD for approximately 1.64 acres located at the northwest corner of Park Avenue and Lois Street.

Tim Vawser, spoke on behalf of the applicant and explained the request using overhead projections

Planning & Zoning Director Orton reviewed the request using overhead projections. Staff has reviewed the request. He said staff makes no recommendations on this request.

Opened for public comment.

Discussion followed:

- Consideration of using aluminum siding and brick on third level.
- Lack of parking.
- Water/sewer separate.
- Minimum 2-acre parks

Public hearing is to be held on 4/26//05.

No action taken.

Item #10 Findings of Fact and Conclusions of Law:

- a. Special Use Permit request of TKO Construction.
- b. Special Use Permit request of Jay Proost
- c. Special Use Permit request of Greater Twin Falls Association of Realtors
- d. Special Use Permit request of Carrie Costa
- e. Special Use Permit request of S&W Investors c/o W.R. White

The Findings of Fact were unanimously approved.

Item #11 Approve minutes of March 29, 2005, and April 5, 2005, Planning and Zoning Commission Meeting.

The Minutes were approved.

Item #12 Date of next Planning & Zoning Commission Work Session and Public Hearing.

(W/S –APRIL 19, 2005

P/H –APRIL 26, 2005)

Item #13 Public input and/or items from the Planning & Zoning Director and Planning & Zoning Commission.

LaMar Orton - Open House on April 13, 2005, 5 :00 P.M. – 7:00 P.M. in the City Council Chambers to thank the Twin Falls Centennial Commission from their efforts during last year's Centennial Celebration.

The Meeting was adjourned at 8:45 P.M.

Leila Sanchez

COMMISSION MEMBERS:

City Limits:

Tom	Ryan	Kyla	Gregory	Gerardo	Bernice	Cyrus	Carl
Frank	Horsley	Kelly	Lanting	Muñoz	Richardson	Warren	Younkin
Chairman	Vice-Chair			Alt.			

Area Of Impact:

David Kemp
Joe Shelton
Dusty Tenney, Alt.

CITY OF TWIN FALLS
PLANNING AND ZONING COMMISSION MEETING & PUBLIC HEARING

MINUTES

April 26, 2005 P.M. * * * COUNCIL CHAMBERS

PLANNING AND ZONING MEMBERS PRESENT: Frank, Horsley, Kelly, Richardson, Muñoz, Warren and Younkin

PLANNING AND ZONING MEMBERS ABSENT: Lanting

AREA OF IMPACT MEMBERS PRESENT: None

AREA OF IMPACT MEMBERS ABSENT: Kemp, Shelton, and Tenney

CITY COUNCIL PRESENT: None

CITY STAFF PRESENT: Bravender, Orton, Wonderlich and Young.

Chairman Frank called the meeting to order at 7:00 PM. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

PUBLIC HEARING ITEMS:

Item #1 Request of Houser Custom Homes, Inc. for a Zoning District Change and a Zoning Map Amendment from R-4 to R-4 PUD for approximately 1.64 acres located at the northwest corner of Park Avenue and Lois Street.

Tim Vawser of EHM Engineering Inc., representing the applicant explained the request.

Commissioner Frank inquired about the rationale for the necessity for higher density.

Tim Vawser explained the cost of site improvements.

Planning & Zoning Director Orton reviewed the request using overhead projections. He said staff recommended the following conditions be placed upon the PUD, if granted:

1. Detach and meander the sidewalk on Park Avenue and Lois Street to comply with City Code 10-12-4.2.
2. Assure compliance with all zoning, building, and fire code.
3. Master Landscaping Plan.
4. Right-of-way dedication as submitted.

The public hearing was opened.

Robert Reichel, 428 Lois Street, inquired about the access on the back-of-lot-line and about the well in the center of the lot.

The public hearing was closed.

Tim Vawser said that the water would be maintained if not improved and that there are no legal access easements for the access discussed, however they would do all that they could to aid the neighbour.

Deliberations followed:

§ Makes sense. – TF

§ Detached sidewalk? – CW

○ Yes – LNO

§ Unique property. – CW

Commissioner Horsley made the motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

Item #2 Request of Casy Burgess d/b/a Casy's Kids Daycare for a Special Use Permit to operate an in-home daycare service on property located at 509 Parkway Circle.

Casy Burgess explained the request. She said that she was currently operating on a 24-hour basis and was applying for the Special Use Permit as a requirement by the State to be licensed.

Commissioner Kelly asked how many children would be at the facility.

Casy said that there was 26 children enrolled plus her own 3. However, the most she would have at any one time would be 12 plus her own 3.

Commissioner Warren asked if she was licensed.

Casy said that she was in the process of being licensed.

Commissioner Frank asked if the applicant had a Special Use Permit for her current location, and if she was aware that her application was limited to 14 hours of operation per day in accordance to City Code and that there was no option for the approval of the 24 hours as requested.

Casy said that she did not have a SUP for her current location and that she is now aware of the 14-hour Code limitation.

Planning & Zoning Director Orton reviewed the request using overhead projections. He said staff recommended the following conditions be placed upon the permit, if granted:

1. Driveway to remain open for parent parking only.

2. The hours of operation shall be limited to a maximum of 14 hours per day.
3. Comply with all State and local requirements to establish a day care facility.

Discussion between City staff and the Commission on the number of children, hours of operation, state requirements and staffing ratios.

The public hearing was opened.

Heather Peña, 226 3rd Ave N, spoke in favour of the request.

Bruce Palmer, 469 Parkway Circle, spoke against the request citing concerns with traffic and the commercial impact on a residential neighborhood.

Kathie Palmer, 469 Parkway Circle, spoke against the request citing concerns with safety brought on by extra parked and moving vehicles, number of children, ratio of children to instructors, and impact of a business in a residential area.

Brian Burgess, 509 Parkway Circle, (applicant's husband) spoke in favour of the request. He explained that they had polled the neighborhood previously about the daycare and that everyone was ok with the use. He also said that the previous owners had a daycare, and that the parents of the children were responsible parents and that the traffic would reflect their responsibility.

Myron Lee, 465 Parkway Circle, spoke against the request citing concerns with the traffic and the impact on the residential neighborhood. He also said that no one had polled him about the day care.

Del Carraway (a retired ITD engineer), 483 Parkway Circle, spoke against the request citing concerns with unsafe parking conditions and traffic patterns, hours of operation, noise, and impact on a residential neighborhood.

Betty Brooks, 488 Parkway Circle, spoke against the request citing concerns with astonishing number of children, impact on residential neighborhood. She also said that no one had polled her.

The public hearing was closed.

Casy Burgess apologized for the confusion, she said that they polled all the people in their cul-de-sac and they were ok with the daycare facility. She also said that she has not observed any traffic violations. She also stressed that the most children she would have at any one time was 13 with two supervisors. Casy explained that she had two families that needed her services during the evening as the parents worked graveyard shifts.

Deliberations followed:

- 24-hour operation is not within the scope of the Commission, 14 hour maximum is codified and a code change would be the only option. – ALL
- § A lot of children, however not all at once. – ALL
- § All the concerns have been voiced; the owner knows what she has to do. – ALL

Commissioner Horsley made the motion to approve the request as presented with staff recommendations and with a one-year time limit. Commissioner Warren seconded the motion. Commissioner Frank, Richardson, and Warren voted against the request. Commissioner Muñoz, Horsley, Kelly, and Younkin voted in favour of the request.

THE MOTION PASSED

Item #3 Request of Tod's Precision Collision, LLC for a Special Use Permit to operate an auto service and repair business on property located at 2188 4th Avenue East, Suite #1 and #2.

WITHDRAWN

Item #4 Request of Canyon View Properties and Wayne & Connie Courtney for Vacation of Northridge Subdivision, 38.48 acres (+/-), located on the south side of the 500 and 600 blocks of Canyon Rim Road.

Tim Vawser of EHM Engineering Inc., representing the applicant, explained the request. He stated that this application EXCLUDED the 30' of right-of-way on the north boundary, the Canyon Rim Road.

Commissioner Frank inquired about the original plat lot sizes.

Tim Vawser said that he was not sure the exact size but the proposed plat consisted of significantly larger lots.

Planning & Zoning Director Orton reviewed the request using overhead projections. He said staff made no recommendations.

The public hearing was opened.

Ray Boomhower, 892 Canyon Rim Road, cited concerns with traffic.

The public hearing was closed

Tim Vawser said that none of the original plat was developed, this was greatly improved over the original plat, and that there were no homes being built.

Deliberations followed:

- Looks great, larger lots, better roads. – TF, RH
- Wendell Street to extend to Pole Line Road? – CW
 - Yes. - TF

Commissioner Horsley made the motion to recommend approval of the request to City Council as presented. Commissioner Kelly seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

Item #5 Request of Sandra Strout for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 PRO on property located at 2122 Addison Avenue East.

William Hollifield, an attorney representing the applicant, explained the request

Planning & Zoning Director Orton reviewed the request using overhead projections. He said that staff made no recommendations.

The public hearing was opened.

A letter from Paula Brown Sinclair was read into the record. She spoke against the request.

A letter from Dr. John Holland was read into the record. He spoke in favour of the request.

A letter from Kelly and Debbie Thomson was read into the record. They spoke in favour of the request.

Curtis Webb, 2158 Addison Ave E, spoke against the request citing concerns with the perceived ability to maintain the residential character of the neighborhood. He also said that there was not a good reason for the zoning amendment.

Scott and Catherine Petersen, 1109 Highview Lane, spoke against the request citing concerns with the loss of trees, perceived property value loss, drastic changes, lack of privacy now that the trees are gone (would like a 8' screening fence), traffic and parking. They asked for the decision to be postponed.

Pat Curtis, 1054 Highview Lane, spoke against the request citing concerns with the requirement that businesses resemble the residential character and that he felt this property could not satisfy that. He said that he wanted to know the specifics of the site plan.

John Doer, 1040 Highview Lane, spoke against the request. He stated three concerns: 1) No access of Highview Lane, 2) Parking would require entire front yard to be paved, 3) This application could not possibly fit in with the residential character. He said that it was impossible to do the landscaping in addition to the required parking.

Kristy Webb, 2158 Addison Ave E, spoke against the request citing concerns with the perceived decrease in property values, no adequate reason for the change, not enough room for parking, and not in keeping with the residential nature.

Geoffroi Golay, 1078 Hoops Street, spoke against the request citing concerns with landscaping. He requested a delay until a master landscaping plan is submitted.

Jim Fort, 2133 Addison Ave E, expressed concern that the recommendations be completely followed.

The public hearing was closed.

Commissioner Frank commented that a special use permit would be required and that the issues raised would be specifically addressed in that application.

William Hollifield stated that the applicant had met with the City of Twin Falls Tree Commission prior to removing the trees and they will be replaced.

Deliberations followed:

- Proper request, design to come with SUP. – TF
- Follows Comprehensive Plan. – RH
- Majority of neighborhood rezoned already. – CW
- Just a rezone issue. - KK

Commissioner Horsley made the motion to recommend approval to the City Council of the request. Commissioner Muñoz seconded the motion and all members present voted in favour of the request.

THE MOTION PASSED

Break from 8:58 to 9:05

Item #6 Request of Pregnancy Crisis Center, Inc., for a Special Use Permit to expand by more than 25% an existing professional office on property located at 718 Shoshone Street East.

Marilyn Scott representing the applicant explained the request. She said that they are not expanding, just making room to better provide their current services and cliental.

Commissioner Muñoz inquired about the parking arrangements with the Clinic.

Marilyn explained that they had a few different options in lieu of a future crisis.

Planning & Zoning Director Orton reviewed the request using overhead projections. He said staff recommended the following condition be placed upon the permit, if granted:

1. Subject to all zoning, engineering, fire and building requirements.

The public hearing was opened.

Stephanie Moore, 230 Coronado Ave, spoke in favour of the request.

Dave Moore, 230 Coronado Ave, spoke in favour of the request.

Gary Aufderheide, 156 Brook Lane, spoke in favour of the request.

The public hearing was closed.

Deliberations:

- Great project, parking is an issue. – TF, RH, CW

Commissioner Kelly made the motion to approve the request as presented, with the staff recommendation. Commissioner Horsley seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

OTHER ITEMS:

Item #7 Findings of Fact and Conclusions of Law:

- a. Variance request of William J. Bishop
- b. Special Use Permit request of 3rd Trust c/o Gerald Martens
- c. Special Use Permit request of Bob Hyde
- d. Special Use Permit request of Kevin R. Powers
- e. Special Use Permit request of James M. and Mary L. Adkins
- f. Special Use Permit request of Jessica L. Randall
- g. Special Use Permit request of Amazing Grace Fellowship d/b/a Eastridge Developers
- h. Preliminary plat request of Fourth Avenue No. 2 Condominium

UNANIMOUSLY APPROVED

Item #8 Approve minutes of April 12, 2005, and April 19, 2005, Planning and Zoning Commission Meeting.

UNANIMOUSLY APPROVED

Item #9 Date of next Planning & Zoning Commission Work Session and Public Hearing.
(W/S- *MAY 3, 2005* P/H –*MAY 10, 2005*)

Item #10 Public input and/or items from the Planning & Zoning Director and Planning & Zoning Commission.

- **Discussion on code intent and language concerning daycares.**
- **City Attorney Wonderlich explained that the land use, not the operation, should be the focus for consideration for the Commission**

MEETING ADJOURNED AT 9:25 pm

Shawn Bravender
Secretary for the Planning and Zoning Commission

COMMISSION MEMBERS:

City Limits:

Tom	Ryan	Kyla	Gregory	Gerardo	Bernice	Cyrus	Carl
Frank	Horsley	Kelly	Lanting	Muñoz	Richardson	Warren	Younkin
Chairman	Vice-Chair			Alt.			

Area Of Impact:

David Kemp
Joe Shelton
Dusty Tenney, Alt.

CITY OF TWIN FALLS
PLANNING AND ZONING COMMISSION MEETING & PUBLIC HEARING

MINUTES

May 10, 2005 P.M. * * * COUNCIL CHAMBERS

PLANNING AND ZONING MEMBERS PRESENT: Frank, Horsley, Kelly, Richardson, Muñoz, Warren and Younkin

PLANNING AND ZONING MEMBERS ABSENT: Lanting

AREA OF IMPACT MEMBERS PRESENT: Kemp and Shelton

AREA OF IMPACT MEMBERS ABSENT: Tenney

CITY COUNCIL PRESENT: Maughan

CITY STAFF PRESENT: Bravender, Carraway and Young.

Chairman Frank called the meeting to order at 7:00 PM. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

PUBLIC HEARING ITEMS: NONE

OTHER ITEMS:

Item #1 Preliminary presentation of the request of Gerald Martens, on behalf of Blackhawk/Blue Lakes, LLC, for a PUD modification to approve a master sign plan as part of the PUD process for the Blackhawk PUD.

Gerald Martens, representing the applicant, explained the request. He said that the proposal would limit all monument signs to a maximum of 100 square feet, as well as the proposed conceptual location. He said that the trade-off is the limit of only one off premise sign with two tenant panels, all totaling less than 300 square feet. He said that this was less than the previous Weston sign .

Commissioner Muñoz asked for clarification on the height of the sign.
Gerald Martens stated that it was 35' high.

Commissioner Warren inquired as to whose property the multiple occupancy sign was on.
Gerald Martens said that it was on land owned by Blackhawk, and leased to Banner Bank.

City Engineer Young pointed out that the Banner Bank sign was taller than the 10' allowed by the PUD amendment.

Gerald Martens said that he would have that clarified for next meeting.

Commissioner Kemp asked if the two tenant spaces on the sign were for the two lots that were obscure from the roadway.

Gerald Martens said that they were for the lots on the south side of North College Road East.

Commissioner Younkin asked about the refurbishing of the Weston sign.

Gerald Martens said that the foundation of the Old Weston sign was being refurbished and reused.

Planning & Zoning Assistant Carraway reviewed the request using overhead projections. She said staff made no recommendations.

City Engineer Young stated, for the record, that the amendment would not impact any other on-premise signs within the PUD.

Commissioner Frank said that he had no issues, however he would like to see the sign lower to the ground.

Commissioner Kemp asked exactly why there was a PUD.

Gerald Martens said that it resolved the issue with the off-premise sign

Commissioner Muñoz said that the real issue was the two tenant panels.

NO ACTION WAS TAKEN

Item #2 Findings of Fact and Conclusions of Law:

- a. Rezone request of Houser Custom Homes, Inc.
- b. Special Use Permit request of Casy Burgess
- c. Vacation request of Canyon view Properties and Wayne & Connie Courtney
- d. Rezone request of Sandra Strout
- e. Special Use Permit request of Pregnancy Crisis Center, Inc.

UNANIMOUSLY APPROVED

Item #3 Approve minutes of April 26, 2005 Planning and Zoning Commission Meeting.

UNANIMOUSLY APPROVED

Item #4 Date of next Planning & Zoning Commission Work Session and Public Hearing.

(W/S- MAY 24, 2005 P/H –MAY 31, 2005

Item #5 Public input and/or items from the Planning & Zoning Director and Planning & Zoning Commission.

MEETING ADJOURNED AT 7:30 pm

Shawn Bravender

Secretary for the Planning and Zoning Commission

CITY COMMISSION MEMBERS:

City Limits:

Tom	Ryan	Kyla	Gregory	Gerardo	Bernice	Cyrus	Carl
Frank	Horsley	Kelly	Lanting	Muñoz	Richardson	Warren	Younkin
Chairman	Vice-Chair			Alt.			

Area Of Impact:

David Kemp
Dusty Tenney, **Alt.**
Joe Shelton,

CITY OF TWIN FALLS
PLANNING AND ZONING COMMISSION MEETING & PUBLIC HEARING

MINUTES

MAY 31, 2005 * * * 7:00 P.M. * * * COUNCIL CHAMBERS
NEW COUNCIL CHAMBERS, 305 THIRD AVENUE EAST.

PLANNING & ZONING MEMBERS PRESENT: Frank, Horsley, Lanting, Munoz,
Richardson, Warren, and Younkin

PLANNING & ZONING MEMBERS ABSENT: Kelley

AREA OF IMPACT MEMBERS PRESENT: Shelton, Tenney

AREA OF IMPACT MEMBERS ABSENT: Kemp

COUNCIL PRESENT: Maughan

STAFF PRESENT: Bates, Bravender, Orton, Carraway,
Sanchez
Wonderlich, Young

PUBLIC HEARING ITEMS:

Frank: Folks, there're some chairs up here if you want to have a seat. Don't be bashful. Good evening everybody, I'd like to call to order the May 31st meeting of the Twin Falls City and Planning Zoning Commission. I encourage everyone in the audience to pick up an agenda at the door to the Council Chambers so they may follow our order of business. For those unfamiliar with the Public Hearing process, I will review the procedures of the Commission. The applicant will present their request, the City staff will then present their analysis of the request, discuss any pertinent zoning history and make recommendations if staff, if staff has any. The Commission may ask questions of the applicant or staff at this time. The Public Hearing will then be open. To anyone wishing to speak is invited to step up to the podium, state his or her name and address and state their concerns. When finished you're asked to sign the register with your name and address. The Public Hearing portion of the hearing is the opportunity for anyone to comment on or to ask questions about the issue or request being considered. After the Public Hearing testimony the applicant will then be invited to answer any questions from the Public Hearing and or make a closing statement. The Public Hearing

will then be closed. No further testimony will be allowed. The Commission will then have open discussion and take action on the request. Some of the action taken by this Commission are final, others are recommendations only and automatically go on to the City Council for their decision. Any appeal of the decision of the Planning and Zoning Commission must be made within fifteen days after the hearing date. Representing the City of Twin Falls are LaMar Orton, Planning and Zoning Director, Gary Young, City Engineer, Rene'e Carraway, Planning and Zoning Assistant, Fritz Wonderlich, City Attorney, Shawn, excuse me, Dennis Maughan, City Council, and Shawn Barrigar, no Shawn's not here, excuse me, Shawn Bravender, another Shawn, Code Compliance Officer, and I forget this young lady's name.

Sanchez: Leila

Frank: Leila, and let's call her Leila tonight. Okay, thank you. Before we get to our first agenda item, if some of you are here for other items, which may or may not be the case, Item #3 has been withdrawn, Item #5 has been withdrawn, Item #7 has been withdrawn, and Item #11 has been withdrawn by the applicant and rescheduled for the preliminary PUD presentation on June 14 of this year, and the Public Hearing will be scheduled for June 28th of this year. So if you're here for any of those items, they've been withdrawn. We may have to open up this other side here. Okay the first item on our agenda is the consideration of the request of Gary D. Slette on behalf of Catherine Valenti, Philip Behm, I'm sorry for the pronunciation, Martin Behm, Thomas Behm, Naida Billiar for the Estate of David Billiar, Ruth Rahe and Pelican Development, LLC for an appeal of the Planning & Zoning Administrator's decision regarding the signage restrictions in the North Haven PUD Agreement. Would the applicant please come up?

Slette: Mr. Chairman, members of the commission, my name is Gary Slette representing the Billiar family and the Rahe family with regard to this particular property. As has been communicated to you last week, we have requested that the Commission process Item #2 first on the agenda since it appears that, that appeal would subsume ours, so if that's okay with the Commission I'd ask you to do that.

Item #2 Consideration of the appeal of JoAnne C. Butler on behalf of Wal-Mart Stores, Inc. of the Planning & Zoning Administrator's decision rejecting the Special Use Permit Applications on property located within the North Haven PUD at the southwest corner of Washington Street North and Pole Line Road West

Frank: Fine with me. Thank you sir. So we are going to go to Item #2. The consideration of the appeal of JoAnne C. Butler on behalf of Wal-Mart Stores, Inc. of the Planning & Zoning Administrator's decision rejecting the Special Use Permit Applications on property located within the North Haven PUD at the southwest corner of Washington Street North and Pole Line Road West. Would the applicant please come up to the podium?

Butler: Mr. Chair, Commissioners, JoAnne Butler, 251 East Front Street, representing the applicant. Can I ask, because this is, it's been a long time since I've been in front of the Twin Falls Planning and Zoning Commission, could you tell me how the hearing is run? Do I give a presentation and then afterwards.

Frank: Ma'am you give your presentation, staff will give their presentation, before we open up for, for public hearing will give everyone the opportunity for everyone on the Commission to ask you questions or the staff questions and if they have no questions then we will open up for public hearing and after the public hearing give you the chance to rebuttal comment.

Butler: Thank you very much. Okay, okay, again I'm JoAnne Butler, 251 East Front Street, representing the applicant, the applicant. As the Commission knows and staff knows, Wal-Mart at this location is a permitted use but we have made application for three special uses and those applications have not been processed but have been returned to us by staff, so what we have before the Commission is just a procedural issue. We are asking solely that the Commission ask staff to process those applications so that they can make their recommendation to the Commission and a public hearing can be held where we can make our arguments as to why we believe that we meet your special use criteria, the public can make its comments as to why they feel whatever they feel about the special uses that we are asking for and go from there, so today is solely an appeal of staff decision to reject the applications. We want to make sure that proper procedure is held in, in with these applications. I'm going to hazardly guess that some of the folks that are sitting behind me probably have some comments about Wal-Mart and some of these special use applications and so they should be given the opportunity to be heard, just like we need the opportunity to be heard but at a properly noticed meeting after the applications have been processed. If the subsequent issues are heard tonight then your notice would be defective because all we're talking about is asking you to ask staff to process our applications and although I can imagine that there are some people who would like very much to speak about subsequent issues, I'd like to ask the Commission to please advise the audience that of these procedural nature or the procedural nature of what we're up tonight but there would be public hearings in the future once the applications have been processed for the public to testify. Again we think this is very important because we feel that or believe this would insure proper process, everybody would get proper notice and there's nothing the applicants or the cities like least then to have things turned around because of procedural issues, so with that I'll reserve some time for rebuttal or, or answer any questions the Commission has.

Frank: Does anyone have any questions for the applicant at this time? Apparently nothing at this time.

Butler: Thank you.

Frank: LaMar.

Orton: The City of Twin Falls received three applications for special use permit for Wal-Mart. They were for a retail business to operate for 24 hours a day and also included an application for a drive through pharmacy and the operation of a tire and lube facility. There were elements of the site plan that were submitted that were not in compliance with either the PUD Agreement or the code, City Code itself. Although tire shops are allowed in C-1 zone, first of all this property is zoned C-1 PUD. It was represented through the hearing process as a business park. There were actual changes to the code to allow business park facilities in the C-1 zone. In the C-1 Zone tire shops are allowed by special use permits; however, because of input during the hearing process on the PUD, tire shops were deleted as an allowed use, that's why we rejected the application for the tire shop. Although it may be argued that the tire shop is actually an

automobile service operation, we feel that what they're proposing is very similar to the operation of other tire shops they have other services other than just the selling of tires so we felt that was comparable. The second reason that the City turned down the site plan or returned the applications was that there was a narrative showing outside storage. City Code Section 10-6-3(B), states that no outside storage whether product, material, or vehicles used in the loading, unloading of transportation of manufactured goods are allowed. That's specific to the business park section that was added to the code. The concern was that through the hearing process that there not be any outside storage at all in a business park. The third reason that the applications were turned back was because on the information that was provided, there was a sign plan shown that was not in conformance with the, the PUD Agreement which set limitations on both free standing and wall mounted signs. Signs that were asked were, asked for that were shown were larger than what would be allowed by the PUD Agreement. Staff is very concerned about bringing something to the Planning and Zoning Commission that obviously does not meet either the PUD Agreement or the City Code and this isn't the first time that we have pulled applications or rejected applications that have been submitted because of code problems and we feel that if we do or when we have brought site plans to the Commission or application to the Commission that don't meet code, that if the special use permits are granted, that often times even though it may be pointed out that there is non-compliance with certain elements with the code, that we get the reaction well the Commission approved it so it's okay, even though it may have been very clear through the hearing process that it wasn't okay. Staff is recommending that the Planning and Zoning Commission affirm the decision of rejecting these applications. Thank you.

Frank: Thank you LaMar. Any questions for staff or the applicant?

Tenney: Yeah, I have a couple of questions. So what we're, we're discussing here tonight is an administrative, whether in this, whether it should be brought before us or not? Is that, I'm not sure.

Frank: I think the applicant, the applicant is making that statement. Is it, this is a procedural issue to them at this stage. If I, I don't want to put words in the applicant's mouth but that's what I just heard and I believe that's what I'm reading in a copy of an email. To them this is a procedural error. Fritz could we get your words of wisdom on, on an, are we looking at, the applicant is looking at a procedural error and really doesn't really want to talk about the individual issues. This really deals with individual issues.

Wonderlich: As you heard, there are three different areas that the Zoning Administrator has turned his back on and he's discussed each one of those. As I hear the applicant tonight, I hear the applicant saying that without regard to what he thought about the legality or the illegality of those that he should have processed those in any event. I'm not exactly sure, but I guess when you get to that point of voting you'll have to make a motion in the form that you think it ought to be, but you're going to have to address three different areas unless you just make a blanket motion to let the, let the applications go through no matter what.

Frank: Let me ask you a question sir, as far as the City of Twin Falls, from your knowledge, this is, is this the procedure that the City uses to process applications?

Wonderlich:

It is a process that we use, because, as, as LaMar indicated, it we, we feel like it's pretty unfair or you'll be up there scratching your heads why did staff bring this to us if they think, if they think it's illegal and so if, if we present an, an application to you and then LaMar says that he recommends that you reject it because it's not permitted then you're kind of of scratching your head about why you're having a hearing. Now obviously the applicant disagrees with us on that and they want you to make a decision. I think probably, specifically, as to the three different areas whether this the signs are permitted or it doesn't matter what they've shown on their plan, whether or not a tire shop application ought to be permitted under the circumstances and whether the sign plan has anything to do with it and as LaMar has indicated, I, I think our, our fear always is and we've heard it before, if something is approved and it shows things on there that, that we don't think are permitted, the applicant later says, well Planning and Zoning already approved this, even though we all know that that's not exactly what they applied for.

Frank: Thank you very much. Any questions for the staff or the applicant? I've got a couple of questions LaMar. Can I see the site plan? Is that available?

Orton: We don't have the site plan. It's all returned back to the applicant.

Frank: Okay, all right, guess I had a couple of questions on that. So does anybody else have any questions?

Lanting: I guess the question I would have and the, it's the biggest _____ for the staff, I'm not quite understanding, I understand what you're saying and _____ is saying but what we're deciding, but I guess I'm a little confused why we're having a public hearing about it.

Orton: There, there's a provision in the code that a decision of the Zoning Administrator can be appealed to the Planning and Zoning Commission.

Lanting: Right. I understand that but I guess I'm confused as to why there would be a public hearing if we're just deciding on that specific issue.

Frank: The next step is, is this process. An appeal has been filed and so there's a public hearing on the appeal. Any other questions? Okay before we open up the public hearing, I need to ask a couple of questions. Raise of hands, how many people are here on this issue? All right. #1, I'm going to ask, is there a spokespeople here, to, can represent a bunch of people, there's one person here. Okay. That doesn't mean the rest of you will get to talk, but I'm going to give the spokesperson, if no one disagrees, up to ten minutes, and then anybody else who wishes to speak, I'll give you 2 minutes apiece, asking you not repeat each other, because what we've heard the statement the first time. Okay, second thing, again this is a very, very narrowly defined issue tonight we're dealing with us. So any comments on Wal-Mart as, as a company has nothing to do with this issue. This issue is dealing with Twin Falls City Codes. Okay. So any comments about wanting to go there, any comments that are outside of this framework are not appropriate tonight and if I hear it I will ask you to please get back on point and if you don't get back on point, I'll ask you to sit down. Okay. So we're going to open up the public hearing. Please keep it to what we're talking about tonight. I appreciate your help with that.

- Lanting: Would you please reiterate what we're talking about?
- Frank: Okay, that's a good question. Thank you. It's Item #2. Is a consideration of the appeal of JoAnn C. Butler on behalf of Wal-Mart stores, Inc. of the Planning and Zoning Administrator's decision rejecting the special use permit applications on property located within the North Haven PUD at the southwest corner of Washington Street North and Pole Line Road West. Okay. Everybody hear that? Okay. Our first speaker, again I ask you after you've done speaking, please sign the register which is over here still.
- Leforgee: Mr. Chairman, ladies and gentlemen, I'm Rex Leforgee, resident at 255 Los Lagos, just a little bit north of this proposed project and this PUD. If I get off the subject, Tom, bring me back, because it's, it's not really clear as to exactly where we are but.
- Frank: I'd be willing to reel you back in, just to review, because you're bringing up that point. Those items that again that we're dealing overall rejection of an application and let me read again, was the rejection of the applications for some special use permits.
- Leforgee: And I'm speaking on behalf of the Board of Directors of the Los Lagos Property Owner's Association and are our thirty-four property owners of our subdivision and in light of what I've heard earlier this evening, I would like to say we would encourage you to support the action of LaMar and his office because we, we like the PUD as it was originally accepted, in fact, four months ago tonight. It was accepted and we did not appear in opposition to that because we thought that concept was viable and the decision that they made were consistent with that and we would encourage you to support your City staff.
- Frank: Thank you Mr. Leforgee. You did that in two minutes. Rex, be sure to sign in. Thank you. Anyone else wishing to speak for or against? Just as people step down, please feel free to come up.
- Haines: My name is Bill Haines, 674 Rose Street North here in Twin Falls. I represent the Concerned Citizens League of Twin Falls. I'd like to enter five hundred and thirty-two signatures on a petition.
- Frank: Give to that gentleman there.
- Haines: We would like to speak on behalf of the staff, for the staff. We think it's a wonderful PUD that you folks put in place. It's just the kind of growth this community needs, was very wise and well thought out when it was voted on four months ago and any special use changes to what's, what's already been passed by this _____ body is not necessary for our community and is detrimental in many ways. Our petition addresses each of the specific issues in the special use permits and we, we would encourage you folks, who sit up there representing us, to realize that this is quite a few people that are shown out here. Probably more than your average P and Z. If we knew what this was going to be about four months ago, we would have had just as many people there. We're your friends, we're your family, and we ask that you take our view on this into account. You are our spokespeople, we've supported you through many elections, and, and encourage you folks to do the right thing by us and take our wishes into account.

Frank: Thank you sir. Please sign in over here please. Thank you Sir. Anyone else wishing to speak for or against?

Johnson: Hi, I'm Robert Johnson, 789 North Pointe Drive, here in Twin Falls, I would request that you deny any changes to the North Haven PUD or plat as accepted by the City Council and I ask you to deny the appeals presented by the owners and Wal-Mart tonight. Again, the City has done a great job looking to the future and these business parks will work well with mixing residential with business. It's a great idea. Right now I ask you the City, the P and Z not to alter a change that's taken most of year to develop. If you let these appeals pass, that means you have allowed the flexibility that they've ask for and so there can be bigger signs. I went over to Burley, huge signs, pylon signs were, were against the rules, the storage is fenced, it's not inside. The concept that Wal-Mart has, Wal-Mart can move into the North Pointe PUD, no problem, if they meet the requirements of that PUD. It's as simple as that and I ask that you not alter that in any way. It's taken a year to develop. Let's leave it the way it is. Trust your City staff to do the right thing for you and they have done the right thing. The other thing was the access. The City Council had required that they have access off of both Washington and Pole Line and if Wal-Mart in that entire west end, east end how does that happen? Cheney can't go through because of that five acres of lots that blocks it, so again I ask you to deny these appeals. Thank you.

Frank: Thank you very much sir. Anyone else wishing to speak for or against? Mr. Mead you can come up right after this gentleman.

Higgins: My name is Jim Higgins, 135 Los Lagos Drive, Twin Falls, and I would like to reiterate what was said previously but my wife and I have lived in Los Lagos for three years now and we, excuse me, we did not oppose North Haven, have business development because the way it was laid out and the PUD as was explained to us, but now this comes along with the request to change all of five of those items and we don't feel that, that's in the best interest of our residents there in Los Lagos. We'd ask you to stand by the PUD Agreement that was brought up for North Haven and not to make exceptions for Wal-Mart. Thank you.

Frank: Thank you sir. Mr. Mead.

Mead: I'm David Mead, live at 2045 Hillcrest Drive, in Twin Falls, that's on the northeast part of Twin Falls. I retired from banking after a career in banking. I've served on the planning Commission several decades ago and have been on a number of task force. I'm on one now of the Planning and Zoning Administrator before it comes before the planning and zoning here. I'm totally against any of these appeals and amendments. My experience started when I was Chairman of the Planning and Zoning Commission in the past. When the big boxes started to come in, the first one was Idaho big box. They promised to do everything the PUD said. It was approved by the City. Then they asked for amendments as part of the modus operandie, get the okay, then ask for amendments. If the amendments are not given, threaten to move out, threaten not to come. We've seen it time and time again. There's new buildings in Twin Falls out on north Blue Lakes, which did the same thing, and they're doing the same thing now. I request that they not get by with it as it's done in other towns that I'm familiar with and that you do back the Planning and Zoning Administration of the City of Twin Falls. Thank you.

Frank: Thank you Mr. Mead. Don't forget to sign in sir. We've moved it now. You've missed a few meetings David, it's over there now. Yeah right there. Anyone else to speak for or against?

Sipes: Good evening, I'm Katie Sipes, 763 Campus Drive and I'm here to object any change in the North Haven Business Plat PUD. I ask this Commission to deny the appeals from the owner's and from Wal-Mart. We must protect the validity of the business park PUD and not let the idea be altered before it can even become a reality. If we see the success of this business park, we can see a brighter future for Twin Falls. I, I want to point out another issue that will come up if Wal-Mart's allowed in North Haven. The traffic study for the park was basically for a place for people to go and work, have restaurants to feed them, daycares, etcetera, now this will be a point destination with lots of traveling. North Washington's is very crowded and not scheduled for widening until 2009. That's what the State Transportation Improvement Plan says and that could always be delayed funding issues or environmental issues. Wendell is not completed from Cheney to Pole Line. Cheney is only partially completed as mentioned earlier. North College is not completed, it's only one-half wide in several places. Grandview is narrow and does not connect to the south to any major arterial. Traffic will mainly have to come into the new widened Pole Line which means they travel at Blue Lakes, which is already one of the busiest four lane roads in Idaho. This area does not have the infrastructure to handle the increase load of a Wal-Mart, nor does the PUD support that, that building. Thank you.

Frank: Thank you ma'am. Anyone else wishing to speak for or against?

Daigle: My name is Bob Daigle. I'm a former PZ rep a few years back. I want to commend every one of you people for recognizing what the PUD means and standing up for what it means. It's very important, very, very important. Give you a good example of a, even tonight not given a chance to see a site plan to see what they had in mind. No site plans gives you a kind of idea of people we are working with. So you have to be on your guard at all time. Stick with the PUD no matter what. I recommend you; however, I think you guys do a really good job.

Frank: Thank you sir. Don't forget to sign in. The site plan was Wal-Mart's issue, we sent it back just for correction.

Haines: My name is Tanya Haines; I also live at 674 Rose Street North #6 and I would just like to echo the objections of my fellow citizens. Think another issue is that the property directly south of this business park, or what was going to be a business park, is owned by the Twin Falls School District. I don't know what will be built there, but there might be the possibility of a new school being needed to be built in the next few years and I don't know how well that would work with a twenty-four hour mega Wal-Mart store next to it. I don't think I'd want my children to be going to school next to that kind of, of store that's opened twenty-four hours a day and with all the traffic is another issue. I just again would like to echo the objections of my fellow citizens and urge you to hold to the PUD as it is.

Frank: Thank you ma'am. Anyone else wishing to speak for or against? Any input? You didn't come out here just to sit all night long, did you? Last call. That was the fear of god, okay.

Dragt: Hi, my name is Lorie Dragt and I am a property owner at the North Pointe Ranch subdivision and my mom and dad are moving up to Twin Falls. They are retired military thirty years and

they're the kind of people you want to live in this area and I see this so different. I see it as you can have your cup half full or you can see your cup half empty and from what I've heard so far, I don't see it as looking at the cup half full. I look at it, at a different way of looking at it. Let's just pretend we're going to look at it half full and let's say that this does get developed and let's say that the City has two hundred thousand dollars more in tax money and let's say I have a friend that has a business right on the corner of Second and Shoshone and you guys know as well as I do, and because I'm from a military background, those people all down Main Street are putting all their windows back together. He said just about, just about a month ago, that he spent another two hundred thousand bucks that month to put his windows back in his stores and to me, you guys, what if we were to look at this and take and see this as a good thing and that we take and make our town better so that we do get these, a lot of the military retiree people and other retirees and keep making this really an awesome town. Why do we, why can't we fix and make Main Street as, for example, one way to take this situation and make it better, because you know what, you can't have all these people going and having the vandals they have down there.

Frank: Ma'am could you address more towards what we're talking about tonight instead of downtown? Is it possible?

Dragt: Right, yeah. Why what I mean is just that I feel in having this and making it in consideration and seeing that this, this store does come, my mom and dad would, would need it because of their type of their budget. I see it as good and I see it as we can also take that money, that extra money income that does come from having something like that come here and we can, for example, the average police officer, what, makes thirty five thousand dollars a year and if there's two hundred thousand dollars more in tax money in Twin, couldn't you hire another police officer or maybe two and have some of these vandalism areas that we really want to protect? Couldn't we maybe see this as a positive thing?

Frank: So you're out of time there and can I ask ma'am you're basically for?

Dragt: I'm for forseeing that we do get Wal-Mart.

Frank: Okay. Thank you very much. Be sure to sign in.

Griggs: My name is Donna Griggs, 1658 Fillmore Street North, Twin Falls. I am not a native Idahoan, I am relocated from California. I have seen what a Wal-Mart can do to a city, however, what we're talking about here is land use in a PUD and what you have here is a marvelous staff that has told you reject this. What have you seen here is an overwhelming majority of people who are saying reject this. We are saying this because it's, when we thought of a business park, we didn't think about a twenty-four hours of traffic, noise and trash. When we thought about a business park, we thought about something good for Twin Falls. When we thought about a business park we didn't think about signage and, and skyline pollution. The reason I relocated here from California is because they're starting to stack us up like cordwood, just cordwood and you have spaces between your places and that's really nice and what is really nice is the community effort that you have here. We, we applaud your staff. We need for you to listen to us and your staff. We need you to know that we don't want twenty four hours of traffic, noise, and trash. We don't want signage that Quasimodo can hang from. What we want is Twin Falls the way it is in a growth that's commendable and, and that you would love and adore

here. That's why I moved here and when it comes to, to taxes, you're not going to get new taxes, you're going to shift taxes from people who have been loyal to you and to this city for generations. You're going to shift it away from people who have been here for generations, who, who've raised their families here.

Frank: Ma'am the tax issue is not an issue tonight.

Griggs: Okay then let's talk about signage and land use.

Frank: Actually and you did and you're out of time.

Griggs: Okay. Thank you.

Frank: But we did hear you and we heard you. Ma'am, ma'am, ma'am did you sign in please. If you made all the effort to stand there put your name on a piece of paper. Okay, you're fine. Anyone else wishing to speak for or against? Sir.

Herold: Thank you Mr. Chairman. Excuse me, let me introduce myself quickly and I apologize if I run over and hopefully you'll give me a little extra time. My name is Troy Herold. I'm a project manager of CLC and Associates. We are the engineering land planning firm representing Wal-Mart.

Frank: If you are part of the applicant we will give you additional time.

Herold: I appreciate that. There are several issues that have come up tonight and I understand that staff and you recognize the difference of what we're discussing tonight and what we are hoping in discussing in the future. As you are well aware of, tonight currently, Wal-Mart does not have a site plan or a special use permit in front of this board. We are here basically here to appeal staff decision. That appeal is based on a couple of items which are outlined in the petition there. They are the signage, the fact that people don't want a twenty four hour operation and the appeal is based on the items that staff felt that did not meet within the PUD requirements. Our feeling and interpretation is that it does. We would like nothing more than to bring that site plan to you to discuss these issues that these folks brought up tonight to show why we feel the application does meet those requirements so that you can make that informed decision and, and your residents are aware of those issues and our proposed mitigation of those issues. Unfortunately we can't do that tonight. Our hope is that we would be able to do that. One thing I do obviously want to make very clear is that this store is approximately two hundred and three thousand square feet. Of that two hundred and three thousand square feet, one hundred and ninety five square feet is a permitted use, it is a permitted use site plan approval that would go before your Building Department to obtain a building permit and be built without a public hearing. The items we are requesting a special use application for, are again, the twenty four hour operations, the, what Wal-Mart calls a tire lube express but in, in essence is an auto service facility and also a drive through pharmacy. Those are all things that we feel meet within the PUD Agreements and meet within this business park and we would like nothing more than to bring those applications to you and show you why and how we have site planned this site plan to mitigate those concerns. There are a couple of comments in regards to transportation, etcetera, again, I'm sure you are aware of, we have, have a traffic report we would be happy to share with staff and bring to you and

what you would review that traffic study, again, we can't tonight. With that I'll, I'll briefly close, but the items that staff has rejected the applications on, we feel, frankly that weren't appropriate for staff to reject the applications on but we can show you in a public hearing format with the public to be able to have involved decision on that, that we can show you that our applications do meet those requirements and that you should approve those. Obviously we can't discuss that because staff won't review those applications. That's all we're asking for. To give us the opportunity to show you why. Thank you.

Frank: Thank you . Anyone else wishing to speak for or against before we close the public hearing?

O'Connor: Good evening my name is John O'Connor. I'm, I'm assuming you take statements from people who live in the county, not just necessarily the City of Twin Falls. Is that right? I.

Frank: If you keep it on point.

O'Connor: Sure.

Frank: Thank you. A regal opportunity.

O'Connor: That's right, that's right. I live at 1794 East 400 N. outside Buhl. I own several businesses and farms and am also on the Board of Directors for the Chamber of Commerce in Buhl, I see the process of the first round of negotiations and decisions to get to the original PUD as already give and take that, that has transpired and, if I understood the process correctly, I think a lot of people felt that they already allowed as much as they, they can allow and so to come now at this juncture and, and ask for additional bearances seems just totally inappropriate to me and I guess I didn't get as involved in the original process to write with the PUD, but, but from what I've learned from the last couple, couple of weeks I would definitely say you should keep the PUD as it is and not grant variations.

Frank: Thank you sir. Ma'am.

Renaldi: Hi my name is Janet Renaldi and I live at 276 Robbins Avenue and I am here to oppose the appeals based on the same things that have already been mentioned, but also, I feel that we live in a very special place and I think that like everybody that lives here feels that way. We live in a unique community that deserves to be preserved. It is large enough to offer many services: shopping, cultural events, you know a great junior college, museums, but still small enough to have a community feeling that values families, family owned businesses that support its community and its historical agricultural base. I would ask you to deny the appeals and support smart growth not just growth based solely on the bottom dollar and what it can make for people who aren't necessarily in this community at this time. Thank you.

Frank: Thank you ma'am. Sir.

McComas: I'm Bruce McComas, 652 Woodland. I've been a physician in Twin Falls now for nineteen years and I feel that I have one hand tied behind my back talking to you 'cause I can't speak about things like poor employer records and lack of medical benefits for employees. So I won't talk about that tonight.

Frank: Well okay, seriously, you guys had your shot. That's it.

McComas: Okay just want to.

Frank: Just want a civilized atmosphere so give us something of input on point.

McComas: I think your previous planning has been excellent with the PUD and I encourage you to accept the recommendation of your staff.

Frank: Okay, anybody else wishing to speak for or against? Doctor. Anybody else wishing to speak for or against?

Edwards: My name is Wendell Edwards. I am a small business owner and have been in Twin Falls for over ten years. I'm opposed to Wal-Mart coming to town. I'm also affiliated with the citizens against that. I would like to ask that anybody that doesn't want to speak if they could raise their hand so we can see the whole room who are opposed to Wal-Mart coming into town and opposed to changing the PUD? Thank you for giving me this opportunity.

Frank: Okay sir, be sure to sign in. Anyone else wishing to speak for or against, Sir.

Adams: My name is Robert Adams and I am a small business owner as well as my wife and as far as I'm opposed to changing the PUD and as far as I can tell Wal-Mart is already in town. They are twelve miles away and it seems to me that they don't need to come here. Thank you.

Frank: Anybody else wishing to speak?

Cawthra: My name is Mildred Cawthra. I live at 1765 Alvarado Street. That's just a block away from the proposed site and I do request that you deny the appeal of Wal-Mart to change the PUD because I would be seeing their lights and hearing their traffic and I live in a very small community. The kids play normally out in the streets all day long. If you just went to see them this afternoon they were all playing in the streets. If we bring twenty four hour trans business and traffic to the area that will change. So I just request that you deny the request for an appeal.

Frank: Thank you ma'am. Make sure to sign in. Anyone else?

Lopez: Hello, my name is Kate Lopez. I'm a CPA here in Twin and I'm sort of confused about the issue because I know this is an appeal but it sounds like your staff has already done the work and you've already done the work once. So my question to the Wal-Mart staff is what don't you understand about no?

Frank: Okay. I give everybody lots, I've given you guys' lots of leniency but as I told you upfront this is a civilized thing. I know this is an emotional issue but let's keep this on point. Okay. Anybody else wishing to speak for or against? Okay, we'll close the public hearing. Ma'am.

Butler: Thank you Mr. Chair Commissioners. First of all can I ask the Commission did you receive a copy of a May 24th letter that I sent? Thank you. This is a technical hearing. We are appealing staff's, the decision to not process the applications and because it's technical let me

take a moment to be technical and read a few sentences from the Twin Falls ordinance under the special use section which is 10-13-2-2 Section C says “an application for a special use shall be filed with the administrator.” Frankly, the ordinance doesn’t say they would process that application but then it goes on to say “that the Commission shall review the particular facts and circumstances of each proposed special use.” So you would had had staff thoroughly review its professional planning review before you and its recommendation so you could make the decision on the nine different discretionary criteria that are contained in the Twin Falls code. You need to do that weighing and balancing and unfortunately you can’t do that with what you have before you. It’s not staff’s job to make a final decision that permit applications or site plan don’t meet City Code or PUD Agreement. It’s up to staff to process those applications and provide you, the Commission, with recommendation, so that you can go through those nine criteria and decide whether or not were changing the PUD, whether or not we’re asking for something that we’re not allowed to ask for. There is no site plan before you tonight; there is no public file for the people in the audience to go review. It hasn’t been created by the staff. There is no proper public notice of what we had hoped to get before the Commission. The public, one member of the public, was pretty miffed at that, that there wasn’t a site plan and rightly so because without staff processing those applications there is nothing for anybody to review. People have made comments today, but based on what? Nothing in the, in the public files. We so much want to hear what the public has to say but not based on no information that’s in the public file. We so much want the Planning and Zoning Commission to review our applications and decide whether we meet the special use criteria. With regards to signs, we’re going to have to come back before you with a sign application. You’re going to have to make a decision again as to whether or not we meet Twin Falls code and the planned development agreement, so we are asking the Commission, respectfully, to direct staff to process the applications and to give us, and to give the public the information, all the information it needs to make, make an informed decision, an informed comment to the Commission so it can do its job. Thank you.

Frank: Thank you ma’am. I’ll turn this matter to the Commission for deliberations and consideration. Don’t all of us now speak at once.

Munoz: I think, I think one of the issues that we are considering here is procedural, you know, whether we’re following a procedure or not, or whether staff followed procedure. My opinion, there is two types of procedures, written procedures, you know, and then there’s those that we follow as common routine that is normally accepted. I think staff has followed that in the past, it has followed the same procedure in this instance and I really don’t see anything wrong with their decision, I mean if, I mean we already review this Commission the PUD and, and there were certain parameters that were accepted for that PUD and all staff is saying is these items do not meet that PUD therefore you guys don’t need to relook this issues. It wasn’t a request to change those parameters, it was just a request, I mean, to accept different things. They didn’t meet the criteria of the PUD; I don’t see why we needed to even look at it.

Frank: My experience, gosh I’m in my fifth year sixth year term, there’s a lot of stuff out there we don’t see and probably should never see. It’s pretty ugly, but I think the system works, it can’t, the bureaucracy of looking at everything with ten, fifteen people is unrealistic. I think we have system that does work. We also have an appeals system that’s why we’re here tonight, so, and if depending this ___ goes, there’s another appeals system. We have a system where we can get input and make these changes. I think the system works. I think, again, I

think the staff's decision is the way the staff made their decision. Why bring something to us that is against the PUD. You know, it's like reverse logic, some weird logic. You know I'm sure there's new ____ as a tire store, actually a lube shop, versus whatever but again in the PUD tire shop is expressly prohibited and if it walks like a duck and talks like a duck, you know, it's probably a tire shop. That said there's probably things in our code that do need to be changed. We still have telegraph stations in our code. When's the last time somebody sent a telegraph. So, I mean we have you know on both sides, there's probably some definitions, some issues that need to be taken care of but I don't think this is the forum for that if we're going to change code and change definitions we need to do that upfront in the PUD process that should had said tire shop, if it, a tire never leaves an open enclosure, whatever, that needs to be defined then, not now.

Warren: Mr. Chairman, staff sending this back to these people is not new. The first time Wal-Mart come through I was on the Commission, I don't believe anybody else was here at the time, but it was denied that night but also on the docket that night was another project that had been sent back because it did not meet PUD requirements for redesign to comeback. It was coming back that night for approval. So this is nothing new. The staff has done this before and I agree one hundred percent with staff. They tried to bring to us a proposal that maybe we could approve, not one that is definitely going to be denied. Thank you.

Munoz: I think, I think the other we would be doing be setting up a precedence here in the sense of, you know, staff has no rights in denying the application, that we could get inundated by amounts of applications that make no sense that maybe staff has already processed and denied, I mean to start with and if we cannot rely on staff we cannot rely on the people the City has entrusted and is working for the City, then who can we rely on.

Lanting: Mr. Chairman I concur with other members at this point. I mean it's pretty obvious, pretty obvious to me that a tire shop was is proposed; a tire shop is not allowed. It's pretty obvious to me in by reading the PUD that it says a one hundred square feet of signage per building, that isn't going to happen under what their plans were, and so, I agree, I think, there be, I think we need to back up staff's decision and we need to pat them on the back for doing what they keep these kind of things away from us on a, on a bi-weekly basis. We're in growing community. The business park was set up with a valid PUD that everybody could live with, everybody that worked on; compromise occurred somebody talked over a year, I'm not sure how long exactly worked on, but a long time for that PUD to come up with. Okay, they need to find another site and start out with their own PUD possibly. I don't know.

Horsley: I agree, there was a lot of time spent on the PUD as it was set up. Public hearings and it was approved by the neighborhood and that's what they assumed would be going in there and if Wal-Mart lives by the PUD, they deserve to build. I think, also, you know, we have heard from staff as well, that you know this, this is, well it's, it's outright permitted you know but with these, these exceptions which require, which require special use permit with it, itself is permitted in the zone, but with, with these items right here, they are not permitted at all and, and I agree with everyone else here that you know there's no point in going forward on this, if it's not, if it's not permitted in the first place.

Frank: Okay, any other input? Is there a motion out there someplace?

- Warren: Mr. Chairman, are we going to vote on #1 and # 2 at the same time?
- Frank: No, we're voting on #2 and letting the applicant from #1 decide if they want to proceed.
- Lanting: I guess I would ask for unless somebody else has a motion __ for, we, we usually make our motions in positive manner.
- Frank: We will do the same thing tonight if, if you should decide to make a motion to affirm staff's decision.
- Lanting: So we are making affirm staff decision? Unless somebody has it ready, has it ready, go for it.
- Warren: Items to appeal staff decision.
- Frank: Would you make a motion to affirm the staff's decision.
- Horsley: I'll take a crack at this, Greg do you want to?
- Lanting: No, go for it.
- Horsley: Okay, all right. I would like to make a motion to uphold the Planning and Zoning Administrator's decision rejecting the special use permit applications on property located within the North Haven PUD, at the southwest corner of Washington Street North and Pole Line Road West.
- Frank: Is there a second?
- Munoz & Younkin I second that.
- Frank: We got a tie, your choice? Carl or Tato? We have a first and second, any discussion on the motion? Does everybody understand the motion is in the affirmative? A vote in favor would uphold it; a negative vote would not uphold it. Okay. Call vote please.
- Sanchez: Tato Munoz
- Frank: Is your mike on?
- Sanchez: It says it is. Did I get it?
- Frank: Only if you talk over to your right. Okay.
- Sanchez: Tato Munoz
- Munoz: Yes.
- Tom Frank: Yes.

Sanchez: Ryan Horsley

Horsley: Yes.

Sanchez: Greg Lanting

Lanting: Yes.

Sanchez: Bernice Richardson

Richardson: Yes.

Sanchez: Joe Shelton

Shelton: Yes.

Sanchez: Dusty Tenney.

Tenney: Yes.

Sanchez: Cyrus Warren

Warren: Yes.

Sanchez: Carl Younkin.

Younkin: Yes.

Frank: We are upholding staff's decision, but as long as you know the rules of the road, these folks can appeal our decision, which will go on to the City Council. I'm sure they have, it's up to them what they want to do at this point but this, this decision is appealable and can go on to the City Council.

Item #1 Consideration of the request of Gary D. Slette on behalf of Catherine Valenti, Philip Behm, Martin Behm, Thomas Behm, Naida Billiar for the Estate of David Billiar, Ruth Rahe and Pelican Development, LLC for an appeal of the Planning & Zoning Administrator's decision regarding the signage restrictions in the North Haven PUD Agreement.

Frank: Item #1, our next item, Gary you want to, I hope that's because we're all good-looking. You want to proceed sir?

Slette: Yes I do.

Frank: Okay, we are going on to our next item. I think it's the same group, and just to review, this is a consideration of the request of Gary D. Slette on behalf of Catherine Valenti, and I apologize for pronunciation, Philip Behm, Martin Behm, Thomas Behm, Naida Billiar for the Estate of David Billiar, Ruth Rahe and Pelican Development, LLC for an appeal of the Planning &

Zoning Administrator's decision regarding the signage restrictions in the North Haven PUD Agreement. Sir.

Slette:

Thank you. Mr. Chairman, members of the Commission, my name is Gary Slette representing the appellants articulated in the agenda item, Item #1. Before you on the screen is Exhibit B North Haven Business Planned Unit Development. It shows the location of the appellant's property. Here's Washington Street North, the intersection of Pole Line Road. The property consists of seventy, seventy-five acres, once again that is owned by my clients. Without regard to any potential future user on this property, my clients are here tonight as certainly interested parties with regard to the letter we received, or a copy of which we received from Rene'e dated April 14th. I've heard people stand up tonight and talk about their length of occupancy in the City of Twin Falls. I don't think that occupancy of Twin Falls has ever been an issue that ought to be focused on but, if it is, just so everyone knows, the Billiar family has, this property has been in their family for ninety odd years, and they finally elected, after farming it all those years to allowing something to be done or move forward with some development plans for the property as Twin Falls grew and expanded. I can tell you, in candor, that the Billiar family never anticipated being in front of the City of Twin Falls, being cross wised with the City of Twin Falls, over an administrator zoning decision with regard to signage on their property. Why we are here tonight is to focus on a very narrow issue and it is the PUD Agreement which we are willing admit was an adopted agreement that went through the process through of planning and zoning review and City Council review. We just don't happen to agree with the manner of interpretation and I hope by the time I'm done, I've convinced you, that with the regard to the signage issue, common sense will tell you I'm correct.

The job I have to do is to do it by virtue of reviewing the record that is before me, and that's what you will also have to do, as the City Council will have to do and anyone who reviews this further. We're confined to the record that has been established. I was not here at the time the PUD Agreement was adopted, but I do have copies of all of the transcripts of the Planning and Zoning Commission meetings and the City Council meetings and the minutes of those meetings and as an attorney I've attempted to conduct a somewhat dispassionate review of those records to find out if the administrative decision that only one sign, whether it be a wall mounted sign or a monument sign, not exceeding ten feet in height is the rule and once again, I'm going to take the position that the staff interpretation of the PUD Agreement is not what either the City of Twin Falls ever intended or the applicant. This is the language that is the subject of this appeal. It's Section 5 B of the PUD Agreement. It clearly indicates that with regard to this seventy-five acre parcel of property, that building signs are contemplated and that building signage shall be limited to wall mounted signs. There was never any intention by either the City or the applicant to say that wall mounted signs would not be in accordance with the Twin Falls City Zoning Ordinance. Once again, having gone through the entire set of transcripts, I find nothing in there that limits signage to one sign per building regardless of the size of the building, in fact, if it was anything, it was to the contrary. The plural use of the word signs in that location tells me that there was more than one that was contemplated for wall mounted signs. The pylon signs were the topic that was discussed. If people who are heckling back here were at the PUD meetings they would have heard that what was contemplated was uniformed signage throughout the planned unit development, but certainly not restricting it to the interpretation that has been accorded to the agreement by the Planning and Zoning Commission. I think that if you look at it some practical issues, I think the Commission will readily agree that the idea of one mounted sign not higher than ten feet in

height makes absolutely no sense. Rex Lytle is here tonight and testified earlier. Lytle Signs would be the first one to tell you that signage plays a critical role, not only for the business, but also for the traveling public and the community, who look towards signage to identify what the user of the property is. What the P & Z Administration had told us in this letter, or at least told Wal-Mart, is that no sign can be no higher than ten feet at its very highest point. If you look at some of the frontage along Pole Line Road, if you're out on the property, or traveling Pole Line Road, you'll see that the land runs slightly towards Pole Line Road, so there's going to be a grade established in order to construct any sort of structure on the property. The engineering estimates are, at this point, the grade will rise approximately three feet above the curb level in order for a building pad to be constructed. So now we're elevated three feet above the curb and that leaves us seven feet under the current P and Z administrative determination as the maximum allowable height of the signs. So now we're at about this level. What the PUD Agreement, well I should also state that minimum stem wall rise for commercial structure for Twin Falls, I believe, is six inches but most stem walls rise twelve inches. So now we are at a six foot peak highest point of a sign on a building that according to the PUD Agreement can be thirty-five feet tall. Along Pole Line Road the PUD Agreement indicates that we are required to install a berm, fifty percent of which must be at least eighteen inches in height and the other fifty percent of which must be thirty inches in height, so now we're coming up to about this level, to this level where a sign would be visible. Beyond the berm we are required, as the owners of the planned unit development, to install trees that are at least four feet tall, fifteen feet on center and in addition to those four feet tall trees, we're required to install shrubs every three feet along Pole Line and Washington. I think you can see what has happened. Now the visible signage for a passing motorist, who's traveling forty-two inches in his car seat, is such as this current interpretation, a sign will be invisible and I submit to you, that if you look at the minutes and transcripts of your meeting, you're not going to find anything where the City wanted that situation to occur. If a structure is located on Pole Line Road that sits one hundred feet back off the road, the likelihood that anyone can see a sign that has this much exposure by virtue of the berms and the trees and the shrubs coupled with the height limitation, is not going to at all function for what its intended purposes are. Certainly the City wants effective signage so that people can find the very permitted uses that they're going to. I don't think people ever contemplated that the signs would be sole restricted and sole limited that there would be one one-hundred foot square sign on any of these buildings. I believe this one in the PUD draft agreement, which was certainly presented for concept only, but if you scale it out was approximately 170,000 square feet, as depicted to the Planning and Zoning Commission and to the City Council. I'm simply asking, on behalf of my clients, to look at the language of that PUD Agreement and determine that the administrative interpretation, accorded to that agreement, wasn't what was intended by anyone based upon the record that is before this body and certainly, if you contemplate the common sense issue, that, that is not contemplated and as a consequence I'm going to ask you reverse the decision of the administrator with regard to the signage issue. Thank you.

Frank: Thank you Mr. Slette and did you sign before?

Slette: I did not.

Frank: Okay, before you sit down to do that, any questions for Mr. Slette?

Lanting: Sure. Mr. Chairman could you leave those there?

Slette: Sure.

Lanting: By chance, the one that you have up there, is that the original master development plan for North Haven?

Slette: It is not the original master development plan, it's a concept plan, well it's entitled master development plan, but if you note the notes on the bottom, it says it's a conceptual plan only.

Lanting: Sure. Would you also agree that there are no curb, curb cuts on Pole Line?

Slette: No curb cuts?

Lanting: Correct.

Slette: There is a curb cut at this location.

Lanting: Right. For the street?

Slette: Yes.

Lanting: Again, again my, my question would be, I, I guess I could get into the discussion parts, that's my question, there's no curb cuts, except for the curb cuts you see on what there, I can't, I can't quite read the readers up like the VIP Boulevard or that.

Frank: That's an internal street.

Lanting: Interior street, right? There are curb cuts on the internal street correct?

Slette: There are, there are certainly curb cuts but there will be curbs on along Pole Line Road and along Washington.

Lanting: Right, but there would also be curbs on that interior street, correct?

Slette: Yes.

Lanting: Okay. Can we look at the other one just for a moment? The one you have? Okay, okay if you, thank you.

Slette: May I, may I do one thing and introduce also for the record, simply because I'm trying to establish a record, I want to include in the record two pages of the Blackhawk Planned Unit Development agreement and the reason I do that is for this limited reason, note paragraph five entitled, "project signs." If this is the Lowe's project, for everyone who doesn't know what the Blackhawk project is, but this is the Lowe's project on Blue Lakes Boulevard, if the same interpretation was accorded to the North Haven Planned Unit Development as, but maybe I should make it a converse, if the same interpretation as before you on this appeal was accorded to the Blackhawk project, there could be no wall mounted signs on the Lowe's building and we all know that the Lowe's building has wall mounted signs. It says with the exception of the existing sign on the property adjacent to Blue Lakes Boulevard North that

was the old Weston Hotel sign, signs would be monument type signs with a maximum height of ten feet measured above the adjacent curb. All signage shall comply with applicable provisions of the City Code. But if you're going to say that which is not included is excluded then the only thing that could be done on that project is a monument type sign and that's what I'm trying to say was not within the contemplation of the Council or the Commission in which does not make sense for effective signage on a development such as this.

Frank: Mr. Slette, you would say, you would say that number five says that's underlined "project signs" and you also have a little line on yours called project signs too?

Slette: That is correct.

Frank: So they are too different. We're, we're comparing apples and oranges, not apples and apples.

Slette: Once again, I believe my interpretation on this is appropriate and I'm making a record because I contemplate, based upon your reception of the last deal, that I'm probably not stopping here.

Frank: Okay. Fair enough.

Munoz: Gary, I got a couple of questions for you actually. Actually it's one but your appeal is based; actually this is more like a clarification than anything else, based on the numbers slash pylons signs or on the actual size of signs or both?

Frank: On the action of the City, I believe

Munoz: Yeah, but, but, but the appeal, what is it based on?

Slette: It is on the entirety of the interpretation that has been accorded to this code section.

Munoz: The interpretation, the interpretation of which part? Are we talking about the interpretation of the size and type of signs or the interpretation of the size of such signs or.

Slette: What was intended, according to people whom I've spoken, from the applicant's perspective on this, was that building signage would be allowed consistent with Twin Falls City zoning ordinances for wall mounted signs. With regard to monument type signs, they could be a maximum of ten feet in height, measured above the adjacent curb with a maximum square footage of one-hundred feet. What we're seeing is the importation of one-hundred square feet and this ten foot height limit at the top of the sign imported to wall signs. That was not the intent of this language.

Frank: Any other questions for Mr. Slette?

Tenney: So, so what you're, saying is that the, the ten foot was for pylon signs which should have been, and that the ten foot should of not of been applied to the wall mount slash monument?

Slette: Let me distinguish. A pylon, as I understand is.

Tenney: A free standing sign.

Slette: Like a pole.

Tenney: Monument.

Frank: We don't do pylon signs.

Tenney: Monument.

Frank: Monument sign.

Tenney: Monument sign.

Slette: You're correct Dusty. The interpretation that everyone that I know of so far, had accorded to this was that the or monument type sign with a maximum height of ten feet measured above the adjacent curb, because that is logically where you measure monument signs from with a maximum of one-hundred square feet. Everything else was intended to have wall mounted signs in conformity with applicable provisions of the Twin Falls City zoning ordinance, relative to signs.

Frank: Any other questions for Mr. Slette? Gary, if you sign in sir.

Slette: Sure will.

Frank: LaMar.

Orton: First of all, let me say this verbiage was not written by the City staff or by the City of Twin Falls. This was written by the applicant and if that was the intent, then it should have been clarified. We have, what we have here, we don't disagree that there can't be various interpretations here. If the intent was that the wall mounted signs complied with City Code it should say that and there certainly is a PUD amendment process where this all can be clarified. Thank you.

Frank: Just a second, any questions for LaMar?

Lanting: I guess I'm confused here, I thought we were getting ready for the City staff representation of what we have, your representation as well.

Frank: No, no Gerald's with the applicants, so if you have a question for LaMar or the City's statement. Gerald, I, you, introduce yourself.

Martens: Thank you. For the record my name is Gerald Martens. I am the individual, or at least part of the individuals, that LaMar just represented that drafted this language. This language is somewhat new and somewhat taken from previous PUD's. I am the individual that stood up and made most of the representations. I am the one you'll read, if you read the record, my comments. I'm here to tell you that the intent was we had significant discussions about limiting signs. We're talking about free standing signs, pylon signs, roof mounted signs, any of that type of signs that protruded into the air. We agreed to preclude, which I think we did in this agreement, any free standing sign within this project to not to exceed ten feet. For any

_____ and I believe that is the intent, and I believe that's what it says. I, until we got the interpretation, I, my intent was, when I wrote it and my and my understanding was that this said that signage would be limited to wall mount signs per City Code, per City Code is not in there, but wall mount signs or and or pylons, not to exceed ten feet. The, we never envisioned, for the obvious reasons that Gary alluded to with his hands up and down, that a sign on a wall building some fifty to a one-hundred feet away from the street, would be down at seven or eight foot elevation behind landscaping. This landscaping issue Gary addressed, applies not only to Pole Line, but all of the streets require berms and four foot trees and you would not see them if a sign that is only seven to ten foot high, depending upon the, depending upon the relation to the building to the curb, certainly not more than ten feet and the intent was and I believe, the understanding was, that the this language is restriction on size and height applied only to the free standing, pylon signs did not apply to Wal-mart wall mount signs and I think that if you added a comma one place or took out a comma another, everybody would agree, but I believe in the drafting process, it left it with two interpretations. I believe the interpretation is Wal-Mart wall mount signs meet City Code, pylon signs not more than one-hundred feet, square feet, and not more than ten feet high. Thank you.

Frank: As long as you're up there Gerald, may I ask you why you guys just after the rejection just didn't come back and resubmit to your interpretation.

Martens: We have. Item 13 or 12, or whatever it is entered this evening. We, we.

Frank: So we're, we're just doing this item for practice?

Martens: I believe so.

Frank: Okay, all right

Gerald: But I believe we got to get through this one so we get to number three and right on down the list.

Frank: I mean, guess I'm, I'm hearing there is a way to work this out and I'm wondering there's people out there sitting going, "What are we doing here?"

Martens: We have, we have, we have approached this in two different ways. I believe the appeal, I'm not going to speak for the attorneys.

Frank: You're speaking for yourself?

Martens: I'm speaking for myself, but I believe that we felt that it was appropriate to respectfully appeal the interpretation and in, and in to allow, if our interpretation is deserves merit consideration, we would have discussion on an amendment to the language to bring it into what will actually work. I'm sure that in the life of this PUD Agreement, someday, maybe not on this project, maybe not on this lot, but there will be another "oh, gosh, we never thought about that, let's talk about it" that's what we're doing here relative to the signage. Thank you.

Frank: Thank you very much Gerald.

Tenney: I have, I have a question.

Frank: Gerald, before you sit down Gerald, we have a question for you.

Tenney: And, well he might be involved with it. We were talking about it, I need a distinguishing between a monument type and a pylon?

Martens: Okay. I believe a monument and pylon is, means the same thing to me. Does not mean the same thing. Both are free standing signs. A pylon sign typically would be the.

Frank: Up on a pipe.

Martens: Two pipes going up or one pipe going up, with a big sign up on the top.

Tenney: When you were talking about.

Martens: A monument sign is usually a block, sometimes it's a stone, sometimes it's masonry, but it's a structure.

Tenney: In your, in your discussion you referred to pylon, you were, you were talking about monument signs not pylon?

Martens: Yes and if I, there will be.

Tenney: I just wanted to make sure.

Martens: We clearly precluded any pylon signs, roof mounted signs and we don't have any problem with that. That was the intent. So we're only talking about really.

Tenney: Monument and wall mount.

Martens: Monument and wall mount, yes

Tenney: Basically your, your, your, the question we have is not necessarily with monument at all; it's mainly with wall mounted.

Martens: For relative to the interpretation that's correct.

Tenney: What we're dealing here is with, with wall mounted signs basically?

Martens: That is correct, yes. This language, this language is, was intended to direct the size and height of monument signs.

Tenney: Thank you.

Frank: Any other question for any of the applicants? Mr. Martens, Mr. Slette or staff? Okay, now we'll open up the public hearing based on the same rules before just keep it on task here folks

and with respect to all parties concerned. Anybody wishing to speak for or against please come up.

Robison: My name is Barbara Robison. I live at 104 Los Lagos and I would like to ask you to, ask you to oppose Mr. Slette's, Mr. Slette's application to change the wording in the signage, because I think that when you, if you approve it, then what you're doing is turning around what you just changed or what you just said no to in, in proposal Item #1. If you change the signage then Wal-Mart's got the signs that they want because you changed it in #2 and I think you've defeated the purpose of defeating it in # 1.

Frank: Thank you.

Robison: Thank you.

Frank: Anybody else? Sir? If you've spoken before you don't have to sign again, but please give us orally your name and address.

Haines: Bill Haines, 674 Rose Street North. The signage is what the signage is and semantically you could break down and try to split a hair, but it says what it says monument signs. When we think of a business park you think of the small signs. You don't have to see them from the road. The esteemed Council prior, he said, that you know it seemed absurd and common sense would tell you that you should be able to see it from the road when drive by. When you're going by a business park you generally have to drive in there, you look around, just north of it there's a business park. You can't see every sign from the road. You don't need to know what every business is. You have to drive in, you have to look around, it's aesthetically pleasing, it's what the community's looking for when we're zoned a business park. We're not looking for any monstrous signs that's going to block out the skyline, we're looking for, what we're looking for in the PUD. Your staff here made the right decision and we hope that you folks do too. It is what it is and just stand by it and if you decide to change the PUD, have public hearings on that and let us have a chance to comment on it. You can't just split hairs and pick and choose what you're going to use. It's a PUD that's in place and we, the public, have the right to expect what's gong to be there. Thank you for your time.

Frank: Thank you sir. Anybody else wishing to speak for or against? Sir. Ma'am if you want to speak and you're welcome to, please come up to the microphone. Well, we're recording ma'am. if you could put to the mike and I, I respect your question, but we just want to keep everything on tape.

Tanner: In parliamentary procedure it means that the person wants to find out some information.

Frank: And I'm giving you that opportunity to identify yourself.

Tanner: Yes, I'm Fran Tanner. I live at Los Lagos, Twin Falls. Since the first motion was passed to uphold what the staff has suggested about the PUD and that was voted on by all of you and it was accepted I, my question is this, why are we allowing #1 to even speak about the signage because the signage, I understood, was already taken care of with the vote that we gave the staff for accepting the PUD.

- Frank: Ma'am they're two separate issues so that's why they're two separate items on the agenda.
- Tanner: Well in the discussion about #2 the signage was suggested in that by someone in the audience and so the confusion comes in that in the PUD I thought it had do with the signage, as well as some of the other issues.
- Frank: They're two separate items ma'am, that's why they're being dealt with in two separate levels.
- Tanner: May we have copies of the PUD, because some of us, although we were at the meeting when the PUD was, you now explored and decided on, some of us need to look at it again because I was under the understanding that the signage was part of the PUD.
- Frank: It is ma'am, but a, gosh, how should I phrase this? The first issue, the first issue was dealing with certain items, the signage was a separate item, so they're two different agenda items and they're being treated as two different items.
- Tanner: Well what is to allow the people who are asking for this signage change to do that with each of those and so pretty quick there's no PUD.
- Frank: Okay, again on task, but what we're dealing with tonight, City staff has made a decision that the applicant's request did not follow the PUD.
- Tanner: Yes, I understand that.
- Frank: And so, the applicants are appealing that decision right now. Okay?
- Tanner: Yes, I understand that, but it just seems that if they can appeal one aspect of the PUD then they could appeal all the other aspects and get the whole thing accepted.
- Frank: But they're two different people, everybody's lumped them together but they're two different sets of people here tonight.
- Tanner: Well they're still talking about the same business park.
- Frank: It's like you and your in-laws and whatever, but we got different people with different issues tonight. Anybody else wishing to speak for or against, sir?
- Waters: My name is Deck Waters and I live at 3168 Highlawn Drive. Mr. Slette's position was that the signage restrictions did not make any sense. My position is that they make perfect sense for the type of businesses that were contemplated at the time the PUD was passed and that Wal-Mart is just trying to shoehorn its way in to a PUD that never did contemplate that kind of usage.
- Frank: Thank you sir. Anybody else wishing to speak for or against?
- Haines: Tanya Haines again, 674 Rose Street North. I'd just like to point out the petitions we turned in earlier also reference the signage issue.

Frank: Thank you ma'am. Anybody else wishing to speak for or against?

Wondrick: I was just wondering can I ask a question?

Frank: Sure.

Wondrick: Sort of a comment. My name is Shaylee Wondrick. I live at 378 Alturas Drive and I was wondering if anyone knows, off the top of their head, what the agreement was in a PUD that's in something like the new, new Locust Grove Development or the one that's on the corner of Fillmore and North College? I was just wondering if it's similar to this. Is that what they're trying to?

Frank: I will give a couple of people a chance to answer that shortly.

Shaylee: Okay.

Phillips: My name is Harry Phillips at 2006 Talus Loop, Twin Falls. My question is if they were given an amendment to this PUD, why aren't they saying what they would do with them? I mean, are we talking about going from ten foot to one-hundred feet are we going from one-hundred square feet to a thousand square feet, I mean, if they're asking to amend this, what are they asking to amend it to?

Frank: I think they're asking it in possible #10 later tonight.

Phillips: At a certain point will we find out what size?

Frank: It depends on how we deal with this issue right here.

Powers: Bob Powers, 1732 8th Avenue East, also I own a small business here in town. I have some real concerns that we get back to reality. People are here tonight and we do not want to see large signs in this community anymore. Blue Lakes is enough. These small business parks are spreading all over the place do not need to put the kind of signs in that we're putting down on Blue Lakes. If we're going to do that and we're going appeal it, we're going to go to court and every little business in town might as well put up a one-hundred square foot sign and let us all go appeal it. That's not what we're here for. We want you to stand on what you said and what the zoning decision was made on the PUD and that's what we're asking five-hundred strong and we can go out in another month and probably bring in five-thousand, which is more than people that vote in this town for City elections. So I'm just telling you this community is tired of the large construction, the large signage. Keep it on Blue Lakes. Let's not start putting it in these PUD's and these small parks. Let's, let's build these things like we put into the zoning plans and stick with it and that's why I'm here tonight.

Frank: Please sign in. Anyone else wishing to speak for or against?

Brown: Yes, my name is Ryan Brown. I live at 176 Fillmore. A couple of observations and concerns relative to the signage and to the assertion of the gentlemen that spoke initially on behalf of this, the appellant, here on Item #1, made an assertion, you know of, of course we saw the excerpt from the PUD and to looking into arguing semantics and then also as one gentlemen

said splitting hairs of the semantic interpretation of, of what the signs and other verbiage within that PUD really intend or really what the intent of it is, also made, kind of, provided some information relative to the importance of signage in any business endeavor used an example, I'll be a, a subjective example of the importance of signs that Lytle Signs would corroborate, however there were no subjective data that were applied regarding the importance of signs and signage and what not relative to businesses and the success of those businesses I find that if there is an appeal process to really go through and, and clarify what the intent of the language and the verbiage of the PUD is, that at the minimum that would be the consideration given the highly emotional tone of the whole Wal-Mart issue to begin with. I would expect if I were a business man, that if I had those venues to go through that I would go through every process that I would need to in order to make sure that I was going in. Everybody knew what I was bringing upfront. Put everything on the table, go through every avenue that I needed. I think relative to your staff that they're in those positions and capacities to fulfill certain functions and I think that they, and you have agreed that they do that quite well, have historically done that well, done that well and a, a fine record to their credit and I would also encourage you to trust their judgment and their interpretation as is, relative to what is contained in the PUD. Thank you.

Frank: Thank you sir. Anyone else wishing to speak for or against?

Johnson: I spoke earlier. Robert Johnson out on North Pointe. I got a copy of those same minutes of all the meetings and I've _____. We were talking about intent and Mr. Martens, very much the intent the people received out of this was where we would have a beautiful park, it's going to be pedestrian friendly, there's going to be bicycle paths, it's going to have trees, it's going to be a gorgeous addition to our City next to our neighborhood and all of a sudden these, these signs come up. Those signs that are in that plan fit with that concept, with that intent that Mr. Martens gave us and we accepted and I think that if you go back and read all of those minutes, as I've done, as you study them and, and what the Council asked Mr. Martens, they were intending to get the same things. We had Kent Just up from Chamber of Commerce saying this is great, this is what we need, stick with it, make this work, and that's all we're asking you, make this work for our City and our community. I ask you to, to deny this appeal.

Frank: Thank you sir. Anybody else wishing to speak for or against?

Harder: My name is Pat Harder and I live at 145 Los Lagos. In traveling to visit friends in neighboring states, it has come to my attention that these new kind of signage issues that we're talking about are what are going into neighborhoods and I think that it was the intent that those signs be on the outside and that the, the, and be limited, so that we don't have all of these huge high signs in these neighborhood parks and so I would hope that you would deny the appeal.

Frank: Thank you Mrs. Harder. Anybody else wishing to speak for or against? My famous last call. Okay.

Anderson: My name is Chris Anderson and I live at 1441 Spurlock Court, which incidentally, is about as far from this planned development that you can be and still be inside the Twin Falls City limits. I would just like to point out that if Wal-Mart, suppose for a moment, were to play by the rules that have been established and you've already agreed are correct and build their two hundred and three thousand square foot facility, if someone's driving by, even without the big

Wal-Mart sign, is there a chance you're going to miss it, better yet, if they're driving at night, are they going to miss the fact that there is this thing with, that's the brightest thing for a half of mile that is lit up like a nuclear power plant? I don't think they're going to miss it even without their big Wal-Mart sign out front, so I think you are correct in, in denying this appeal.

Frank: Thank you sir. Anybody else wishing to speak for or against?

Hulm: Larry Hulm, I'm a property owner at Villa Del Rio. I think your signage is perfectly fine unless this building is going to be not very handicap accessible. You're just going to have a giant size of stairs going up to it from the raised grade and the only one curb out at a Pole Line, but I think not. I think it's going to be very handicap accessible with a large curb and level entrance into the doors and my definition of adjacent curb means just that. The curb adjacent to the building off the first sidewalk with a ten foot limit makes perfect sense to me.

Frank: Thank you sir. Be sure to sign in. Anybody else wishing to speak for or against? Anybody else wishing to speak for or against? Last call. No one's moving. Closed public hearing. Gary are you in this one or is Gerald going? This is still yours? Sorry, I get confused. I apologize.

Slette: He has more hair than I do.

Frank: That's it. That's it.

Slette: I want to draw attention to what one of speakers said about three speakers ago "make this thing work" and that's exactly what the position I'm espousing on behalf of my clients who own the eighty acres. Make this thing work. We believe we did it when that language was drafted. I think what was the interesting observation that LaMar made at the very outset of the staff report, that this language is subject to various interpretations and how do you make a business park work. We've heard some comments about what a business park is and isn't. Just so that we're all clear, business parks do include commercial uses. This is a C-1 zoning district and we've already confirmed with the City that a user such as Wal-Mart is a permitted use. Now, how do you make the signage issue work and I submit to you that the other interpretation that can be accorded to the language, just as LaMar indicated that it's susceptible of that, is the appropriate language or is the appropriate interpretation to be accorded. Monument signs are limited to ten feet in height. Monument signs are limited to one-hundred square feet, as to the wall mounted signs, we fully intended and expected to play by the same rules as everyone else does in the City of Twin Falls, with regard to the applicability of the zoning codes. We'll live by it and that's what I believe the City of Twin Falls contemplated. I'm concerned, like one of the other speakers that we get back to a sense of reality. I don't think that given the setbacks on a seven lane road such as Pole Line Road is contemplated to be, but given those one-hundred foot setbacks that the City ever thought that the band with of, of visible sign from forty-two inches off the Pole Line Road would be a segment such as this and that being occluded to with trees or shrubs and part of the berm. I just ask you to look at that language and see if you can really get to that point. I know that LaMar indicated that this language was drafted by the applicant and if they intended something else they should of said it., but you know, a PUD like any contract, is the product of mutual negotiations and I submit to you that in your deliberations, in your thought process, when you approved the planned unit development agreement, that there was never the contemplation that

wall mounted, first of all, that only one sign would be allowed for a building and secondly, if you had a wall mounted sign, if that's the one you elected to choose, that it would only be ten feet from the curb, ten feet high off the curb. I don't think that you can get that by looking at the minutes and the transcripts and I just ask you that you look at the record and reach the same conclusion that wall mounted signs consistent with municipal codes on this entire project are permissible and that monument signs, such as what Dusty was talking about earlier, with the limitations set forth as to height and square footage are the appropriate governing measure by which signs should be regulated. Thank you all.

Frank: Thank you. Mr. Slette if you don't mind, Gerald, can I bring you back? The lady right behind you had a question I think was a general question about these, excuse me, sign requests and other developments. I think she mentioned Locust. What was the other one ma'am that you mentioned? Are you familiar with that one?

Martens: Boy am I. Locust Grove is a, is a professional office project, as well remembered the issues we went through relative to convenience stores, but it allows for monument signs, project signs and wall mount signs, all which must be and there are signs limitations within that PUD Agreement based upon the proximity to the street, that there is provisions for all three types of signs and those that frequent the facility now, you will see that, that we have a combination primarily wall mount signs. There will be a project entry identification sign going in as part of the corner development forthcoming, but it allows for a combination of signage restricted, with restricted height and restricted size.

Tenney: Do you know offhand what the restricted size is?

Slette: I believe it's like, I'm just speculating, something like three feet by six feet for the wall mounted signs.

Frank: There's no need for discussion on this because it's not appropriate. I just wanted to ask this, answer this lady's questions that there's other things in the community and that was my point.

Martens: And I believe the one she commented on was on North College, also I'm quite familiar with 'cause I developed it and it is a professional office park and it, and signage there consists of, of free standing monument signs, free standing directory signs and door and window signs for the individual occupants and small free standing directory signs at each business. So it's a combination of all three types, which not only provide identification to the project, but identification to the individual business. Thank you.

Frank: Thank you Gerald. Essentially it's a different PUD. It's what's on the paper. I'll turn this matter to the Commission for deliberations. Yes.

Lanting: Can I ask one, one thing so, I think, might help our deliberations. If Mr. Slette would yield in allowing to put up the PUD Agreement that you started with and have that up during our deliberations. Of that portion that he had that he was showing.

Frank: It's in your staff report too.

Lanting: The, the, the, the text.

Frank: It's in your staff report there too.

Lanting: Right. I thought I might be helpful for the audience. .

Frank: Yes.

Tenney: I have one question for Mr. Chairman The question, then I have a comment after that, the, what's before us is we're considering, and exactly what are we considering?

Frank: What we're considering and that's good, we have to bring this back sometime, don't we? I'm going to read it here just to make sure I have it. Mr. Slette, representing a group of people, is appealing the staff's decision regarding the signage restriction, the language, no, the signage restrictions in the North Haven PUD, as was presented to staff.

Tenney: And did they turn it down?

Frank: They turned it down as presented to staff based on the language as written in the PUD.

Tenney: Okay now, I, I don't know.

Frank: As I understand it, but that we have our City Attorney up here to correct me real fast.

Wonderlich:

Excuse me, just a minute, if you turn to your packet, the Notice of Appeal from Gary Slette and look down at the last sentence of the second paragraph, that's really what he's appealing. The notion that the PUD Agreement should now be interpreted to allow only a single one-hundred square foot sign for one user on a thirty acre parcel is inconsistent with the PUD Agreement.

Horsley: So the interpretation?

Wonderlich:

The interpretation by staff has been that you're limited to one-hundred square feet in either a wall mounted sign or a monument sign. So that's the interpretation. That's the language that we're working with. They've appealed that interpretation. Thank you very much.

Horsley: The reason I ask for that is that I don't know, disagree with the fact that probably the sign ordinances may be incorrect, but I do not feel that the interpretation is incorrect from what it states here. Maybe the PUD needs changed, maybe it does, maybe it doesn't, but I don't know that the staff misinterpreted what is written here.

Munoz: I, I think I have to agree one-hundred percent on that. I think Mr. Slette brought in some, some pretty valid points, but those points apply better for a change in the PUD than they actually do in the appeal. I think that appeal is basically on, is based on the interpretation of this particular item and the interpretation, I mean, I, I will say something, my mama taught me when I was little you never sign something before reading it pretty well and, and, and this was signed already and if the way it's written to me, it means what the staff has interpreted and if we need to what, whether it makes sense or not, that's what it reads.

Lanting: And I would ascertain that it actually makes sense for what was intended for the property which was a business park and to me the curb height is the internal street that the building faces and then in that building that a monument stall sign or the wall mounted sign, ten feet is going to be plenty high enough from that curb. I don't think it was ever intended, from the way I read it anyway, that there was, that contemplate, that signage was contemplated because this was the business park on Pole Line. The signage was contemplated on that interior street, one-hundred square feet sign per building. I mean it's like what the one lady said in the first argument, of the first, the other issue, it says building signage shall be limited to wall mounted signs or monument type signs or, did you notice the "or" there, with the maximum height of ten feet measured from the adjacent curb, would be, would be this curb that faces that interior street, with a maximum size of one-hundred square feet per building and of course it outlaws the pylon roof mounted signs. It is written very clearly for me. Okay and so, I am saying we should uphold the decision of the City staff and move on. I don't even know if we need to discuss this anymore. Somebody else may want to talk.

Horsley: We, we, we, we get to the, we get to the main word that was spoken this evening and now its intentions and what was it, what was it intended and, you know and somebody brought up, Gary had brought up, as far as, well, you know was, Kent Just comment, as far as, "let's make this work" and that was for, that was the intention was for VPI, which is Veterinarian Pet Insurance and, and although there's no, there's this big hazy area as far as what is a business park and what isn't a business park, what was presented to us was a business park with something it did not need huge signage. It was, it was something that you did not really need signage everywhere to know it was there because it really didn't want everyone to know it was there and so we get into this, you know it was also brought up as far as Lowe's. We're looking at what we originally looked at in this in this PUD was not intended to be heavy retail, it was, it was to be something more, something, something definitely other than heavy retail and definitely not Lowe's and definitely not a Wal-Mart and although Wal-Mart is, could be permitted, as, as we already discussed, you know, but that, that's was getting back to the main word, that was not the intention and I, I, I agree, you know, that we should, we should uphold City staff's decision.

Frank: Well, I'll put my two cents into it. This project identification signs alluded to, that Lowe's has one, but also so does North Haven, so they're both, in fact, by the same developer, so they're written almost identical by the same engineer and reading some other PUD's that we were looking at tonight, almost verbatim, the same language will come up at least once, if not twice. So this language is not unusual, you see it a lot. Again the language, I would interpret it pretty restrict myself because being through those public hearings, running those public hearings, hearing the people testify, this whole project was designed to be a conservative type atmosphere. I'm still extremely for the concept. I'm sorry that thing didn't work out and, and I'm afraid of, if we start interpreting things different now, that what, what precedence does it set down the line for the next PUD, because I do believe in these business parks. I think that's the future integrating business like manufacturing business and stuff. I think it makes for a nicer community, but I'm, I'm afraid down the line, if we don't, not extremely careful with this, what are we setting ourselves before, we, we pass one and then we go back in to change it for another usage again and, and I'm okay for minor tweaks here and there, but you got to be careful in the minor tweaks, 'cause a minor tweak can turn into a major change, so my opinion

at this time, I would have to uphold what the staff has decided on this 'cause I would interpret it very strict, too, because that was the original intent.

Warren: Mr. Chairman, the North Haven Business Park PUD was signed on January 31st of 2005. This was in place before Wal-Mart looked at the land. They knew what the agreement said, or should have, and they should abide by this Agreement, therefore, I got to support staff decision. This proposal doesn't meet the PUD Agreement and I think the PUD Agreement is very clear what business park signage should be.

Frank: Any other comments?

Lanting: What can you add?

Frank: Pardon me.

Lanting: I can't add anything to that. We all, I think, agree to the same thing.

Frank: So, someone should make a motion.

Horsley: I'll make a motion to uphold the Planning and Zoning Administrator's decision regarding the signage restrictions in the North Haven PUD Agreement.

Richardson: I'll second.

Frank: First and second on that. Any discussion on that motion?

Warren: For means we uphold our decision, correct?

Frank: Yeah. A vote in the affirmative means we uphold the City staff's decision. Any other discussions, questions on that?

Sanchez: Tom Frank.

Frank: Yes.

Sanchez: Ryan Horsley.

Horsley: Yes.

Sanchez: Gregory Lanting.

Lanting: Yes.

Sanchez: Bernice Richardson.

Richardson: Yes.

Sanchez: Joe Shelton.

Shelton: Yes.

Sanchez: Dusty Tenney.

Tenney: Yes.

Sanchez: Cyrus Warren.

Warren: Yes.

Sanchez: Carl Younkin.

Younkin: Yes.

Sanchez: Tato Munoz.

Munoz: Yes.

Frank: Where the decision was to uphold the City staff's decision, again, that's an appealable thing, so I wouldn't be surprised if, they have to file their appeal within fifteen days, it would go on to the City Council. So just to let everybody know, stay tuned, stay in touch.

I'm going to break here for six minutes so we'll come back at 9:00 o'clock.

BREAK AT 8:54 P.M.

MEETING BACK TO ORDER

Item #3 Request of Gerald Martens, on behalf of Blackhawk/Blue Lakes, LLC, for a PUD Agreement modification to approve a Master Sign Plan as part of the PUD process to be included as part of the Blackhawk PUD. WITHDRAWN

Frank: So could everybody take a seat so we can reconvene? Is there still a bunch of people standing out in the, outside who want to hear what we're going to talk about? I guess it's up to them to come in. Okay, here we go, We're back in action. For everybody in the room, the applicant's for #11, which was a prelimin, excuse me, I'll spit this out, preliminary PUD presentation, a, no wrong, sorry, Item #10 had the wrong thing, preliminary presentation by Gerald Martens on behalf of Billiar Family and Pelican Development, LLC for a PUD Agreement modification to modify the verbiage of Section 5D(5b): Building Signs; within the North Haven PUD Agreement, they a, when we adjourned, they asked us to table that, okay, which means we are not going to talk about it tonight. They're going to go back and do what they think they need to do. It will be readvertised. We, we will have a Public Hearing so no one's cut out of the process here but they decided that after tonight, they've asked us to table Item #10. It will be readvertised and you all will be invited to come back if you want to speak on that issue. So if you're just staying here for that, you're free to leave.

Member: Although we'd like to have you stay. We don't get this many people.

Richardson: Did you mean 11 or 10?

Frank: 10. If you want to come back with coffee, that would be great. Okay, and also, just to reiterate, Item #11 was withdrawn by the applicant and it will be rescheduled for June 14th preliminary presentation, with the Public Hearing June 28th, and also, housekeeping Item #8, Item #8 which is a kind of in-house thing, but you are also welcome to participate in that discussion and consideration request of Mr. Bowyer, for signing at the park. We're going to move to the last thing, because I don't know how many people are here for that one. We want to move on and get you guys home and eventually we'll all get to go home.

Item #4. Request of Tod's Precision Collision, LLC, for a Special Use Permit to operate an automobile service and repair business on property located at 2188 4th Avenue East, Suite #1 and #2.

Tod DeBie, applicant, explained the request, including the request of a paint booth.

Discussion followed on:

- Auto repair only excluding painting.
- No vehicles to be stored outside of an enclosed building.
- No auto sales.
- Number of employees.

City Attorney Wonderlich stated that if applicant is planning to have a paint booth, the request would need to be readvertised because it was not in the applicant's request and suggested that a Public Hearing not be held at this time.

Tod Debie, stated he did not receive conditions, and is planning to do painting on the premises. It was excluded in his first letter he submitted to Planning and Zoning.

Commission Frank suggested that applicant refile the request and applicant agreed to do so.

Item #5 Request of U.S. Bank for a Special Use Permit to add a drive-through window to an existing bank facility on property located at 748 Blue Lakes Boulevard North. WITHDRAWN

Item #6 Request of Step Ahead Learning Center, Inc., for a Special Use Permit to expand an existing pre-school by more than 25% on property located at 273 Shoup Avenue West.

Rosalinda Bowman, applicant, explained the request using overhead projections.

Discussion followed on:

- Indoor gym planned.

Planning and Zoning Director Orton reviewed the request using overhead projections. Staff has reviewed the request. He said staff recommended the following conditions be placed upon the permit if granted:

1. Assure compliance with zoning, building and fire codes.
2. Submit plans approved by the TF City Engineering Department for drainage and stormwater management.

The public hearing was opened and closed with no input.

Discussion followed:

- Straightforward.

Commissioner Horsley made the motion to approve the Special Use Permit to expand an existing pre-school by more than 25% on property located at 273 Shoup Avenue West with the staff recommendations. Commissioner Munoz seconded the motion and all members present voted in favor of the request. **THE MOTION PASSED**

Item #7 Request of Living Word Christian Fellowship, Inc., for a Special Use Permit to operate a religious facility on property located at 233 Main Avenue East. WITHDRAWN

COMMISSIONER RICHARDSON LEFT MEETING AT 10:15 PM.

OTHER ITEMS:

Item #9 Preliminary presentation by Dale M. Frazell on behalf of Lyons Development, LLC, for a PUD Modification to amend the Northbridge #2 PUD to allow a self-storage facility on a 3.6 acre (+/-) site on property located on the east side of the 1800 block of Washington Street North.

Don Acheson spoke in behalf of the applicant using overhead projections.

Discussion followed on:

- Hours of operation.
- Current signage in the PUD

Planning & Zoning Director Orton reviewed the request using overhead projections. Staff reviewed the request. He said staff makes no recommendations on this request.

Discussion followed on:

- § Applauded the self-storage facility design.
- § Commended neighborhood meetings held by planner.

Opened up for public input.

Jack Eiken, 148 Los Lagos, commended the applicant for the presentation on the self-storage facility made to the neighborhood.

No action by Commission.
Public hearing to be held on 6/14/05.

Item #10 Preliminary presentation by Gerald Martens on behalf of the Billiar Family and Pelican Development, LLC for a PUD Agreement modification to modify the verbiage of Section 5D(5b); Building Signs; within the North Haven PUD Agreement. APPLICANT WITHDREW REQUEST.

Item #11 Preliminary PUD presentation by Don H. and Patricia K. Deters for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 PUD for the development of a neighborhood commercial plaza for 16.2 acres (+/-) located at the southeast corner of Orchard Drive and Washington Street South. WITHDRAWN BY APPLICANT – RESCHEDULED PRELIMINARY PUD PRESENTATION FOR JUNE 14, 2005 AND THE PUBLIC HEARING FOR JUNE 28, 2005.

Item #12 Preliminary PUD presentation by Gary’s Westland, LLP c/o Gary Storrer for annexation of approximately 376 (+/-) acres of land with a zoning designation of R-2 & C-1 PUD, currently zoned R-1 VAR and SUI, located between the 1300, 1400, 1500, 1600 & 1700 Blocks of Eastland Drive North and Hankins Road .

Gerald Martens spoke in behalf of the applicant and explained the request using overhead projections.

Planning and Zoning Director Orton reviewed the request using overhead projections. Staff has reviewed the request. He said staff makes no recommendation on this request.

Discussion followed on:

- Planner will hold a neighborhood meeting on June 7, 2005 in the Council Chambers to answer any questions they may have.
- Potential zoning recommendation to the City Council.
- Public Trail System
- Village Center proposed on 23 acres.
- Zoning

Opened up for public input and closed with no input.

No action by Commission.

Public hearing to be held on 6/14/05.

Item #8 Consideration of the request of Dennis Bowyer on behalf of Twin Falls Parks and Recreation Department for a Special Sign to be located on the Bandshell at the Twin Falls City Park, located east of Shoshone St, west of Hansen Street East, north of 4th Avenue East and south of 6th Avenue East.

Councilman Lance Clow spoke as a citizen, explained the request using overhead projections.

Planning & Zoning Director Orton reviewed the request using overhead projections. Staff has reviewed the request. He said staff makes no recommendations on this request.

Opened up for public comment. Closed public comment.

Discussion followed on:

- Community heritage.
- Historical value.

Commissioner Horsley made the motion to approve the Special Sign to be located on the Bandshell at the Twin Falls City Park, located east of Shoshone St. west of Hansen Street East, north of 4th Avenue East and south of 6th Avenue East. Commissioner Warren seconded the motion and all members present voted in favor of the request. **THE MOTION PASSED**

**Item #13 Findings of Fact and Conclusions of Law:
NONE**

- Item #14 Approve minutes of May 10, 2005 and May 24, 2005, Planning and Zoning Commission Meeting.
APPROVED

- Item #15 Date of next Planning & Zoning Commission Work Session and Public Hearing.
(W/S- JUNE 7, 2005 P/H –JUNE 14, 2005

- Item #16 Public input and/or items from the Planning & Zoning Director and Planning & Zoning Commission. NONE

The meeting was adjourned at 10:30 P.M.

Leila Sanchez

WORK SESSION
TUESDAY – June 7, 2005 – NOON
CITY HALL CONFERENCE ROOM

1. Agenda

TWIN FALLS CITY PLANNING & ZONING COMMISSION
PUBLIC HEARING PROCEDURE

FOR THOSE WHO ARE UNFAMILIAR WITH THE PUBLIC HEARING PROCEDURE THESE ARE THE PROCEDURES OF THE CITY OF TWIN FALLS PLANNING & ZONING COMMISSION:

- 1) The Planning & Zoning Chairperson Will Call The Meeting To Order, Announce Staff & City Council Present And Review The Public Hearing Procedure.
- 2) The Planning & Zoning Chairperson Will Then Read The First (or next item) On The Agenda And Call The Applicant To Come To The Podium.
- 3) The Applicant or representative of the Applicant Will Present Their Request To The Commission.
- 4) City Staff Will Then Present Their Analysis Of The Request, Discuss Any Pertinent Zoning History And Make Recommendations, If Staff Has Any.
- 5) The Commission May Ask Questions Of The Applicant Or Staff At This Time.
- 6) The Public Hearing Will Then Be Opened. Anyone Wishing To Speak Is Invited To Step Up To The Podium, State His Or Her Name & Address And State Their Concerns. When Finished Speakers Are Asked To Sign The Register With Their Name & Address.

The Public Hearing Portion Of The Meeting Is The Opportunity For Anyone To Comment On Or To Ask Questions About The Request Being Considered.

- 7) After The Public Hearing Testimony The Commission May Again Ask Questions Of The Applicant Or Staff At This Time.
- 8) The Applicant Will Then Be Invited To Answer Any Questions From The Public Hearing And/Or Make A Closing Statement.
- 1) The Public Hearing Will Then Be CLOSED. No Further Testimony Will Be Allowed.
- 2) The Commission Will Then Have An Open Discussion And Take Action On The Request.

Some Of The Actions Taken By This Commission Are Final. Others Are Recommendations Only And Automatically Go On To The City Council Or County Commissioners For Their Decision.

Any Appeal Of A Decision Of The Planning And Zoning Commission Must Be Made Within 15 Days After The Hearing Date.

COMMISSION MEMBERS:

City Limits:

Tom	Ryan	Kyla	Gregory	Gerardo	Bernice	Cyrus	Carl
Frank	Horsley	Kelly	Lanting	Muñoz	Richardson	Warren	Younkin
Chairman	Vice-Chair			Alt.			

Area Of Impact:

David Kemp
Joe Shelton
Dusty Tenney, Alt.

CITY OF TWIN FALLS
PLANNING AND ZONING COMMISSION MEETING & PUBLIC HEARING

MINUTES

June 14, 2005 P.M. * * * COUNCIL CHAMBERS

PLANNING AND ZONING MEMBERS PRESENT: Frank, Horsley, Muñoz, Richardson, Warren and Younkin

PLANNING AND ZONING MEMBERS ABSENT: Kelly, and Lanting

AREA OF IMPACT MEMBERS PRESENT: Shelton and Tenney

AREA OF IMPACT MEMBERS ABSENT: Kemp

CITY COUNCIL PRESENT: None

CITY STAFF PRESENT: Bates, Bravender, Carraway, Hicks, Orton, and Young.

Chairman Frank called the meeting to order at 7:00 PM. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

PUBLIC HEARING ITEMS: NONE

OTHER ITEMS:

Item #1 Request of Dale M. Frazell on behalf of Lyons Development, LLC, for a request to modify the Northbridge #2 PUD to allow a self-storage facility on a 3.6 acre parcel located on the east side of the 1800 block of Washington Street North.

Don Acheson from Riedesel Engineering, representing the applicant explained the request. He said this would be the fifth meeting between the developer and the neighborhood and the developer was making every effort to work with the neighbours. Don said there was no direct access off Washington Street North, there were 400 units proposed with interior access only and on-site managers. He also said there was a 50' landscaping buffer inclusive of a 6' detached sidewalk adjacent to Washington Street North. He said the maximum building height was 25' instead of the allowable 35'.

Commissioner Warren inquired about the hours of operation.

Don Acheson said the developer was proposing 24 hour access for commercial use and from 6am to 10 pm for non commercial use. He also said the facility would screen all tenants and the site would be monitored with security cameras.

Commissioner Tenney asked for a definition of commercial use.

Dale Frazell explained that it would include warehousing for deliveries such as pharmaceuticals and bread.

Commissioner Younkin asked about the size of delivery trucks.

Dale Frazell said the delivery trucks would be the smaller trucks, however he did not want to exclude the 18 wheeler residential moving trucks.

Planning & Zoning Director Orton reviewed the request. He said staff recommended the following conditions be placed upon the PUD modification if approved.

1. Assure compliance with development specifications of the PUD agreement, i.e landscaping, parking, signage, setbacks.
2. Development to be as shown on the modified Master Development Plan.

The public hearing was opened.

Rex Leforgee, 255 Los Lagos , representing the Board of Directors of the Los Lagos Home Owners Association – spoke against the request citing concerns with the depth of the buffer, commercial impact on the residential uses, increase in traffic, lighting issues, and 24 hour access. He said the community had worked extensively on the existing PUD and wanted to rely on it.

The public hearing was closed.

Don Acheson agreed that amending an existing PUD is serious business and the developer was certainly willing to continue to hammer out the concerns for the final draft. He also said the 24 hour access was negotiable. Don agreed that the lighting was a valid concern and he stated that the exterior lights were for architectural aesthetics only and the interior lights were all directed down. With regards to traffic, the only access is south of the north access to Los Lagos and a traffic study will be completed. Don Acheson reemphasized the developer's willingness to cooperate with the neighbours.

Deliberations followed:

- Concerns should be resolved prior to amendment. – GM
- Developer willing to tweak for neighbours. – TF
- PUD Agreement is a strong document. – GM
- Table?? – RH
- Table or move ahead. – TF

Commissioner Horsley made the motion to table the request. Commissioner Warren seconded the motion. Commissioner Tenney voted against the motion. Commissioners Frank, Horsley, Muñoz, Richardson, Shelton, Warren, and Younkin voted in favour of the motion.

THE MOTION PASSED

Item #2 Request of Gary's Westland, LLC c/o Gary Storrer for Annexation with a Zoning Designation Change from R-1 VAR and SUI to R-2 and C-1 PUD for 376(+/-) acres located between Eastland Drive North and Hankins Blvd and north of Candleridge Drive, extended

Gerald Martens of EHM Engineering Inc, representing the applicant explained the request. Gerald explained the mixed use of Estate lots (R-1 Var), low density (R-2), and medium density (R-4). He stated that more than three (3) miles of bike and pedestrian trails were planned. Gerald explained that the commercial area would conform to the Neighborhood Commercial Overlay zoning standards. He also said the site has four (4) sources of water, namely: natural spring, Twin Falls Canal Company wastewater, irrigation water rights, and seepage drains.

Paul Lettieri, the project planner, representing the applicant explained the request via a PowerPoint presentation demonstrating similar projects elsewhere.

Commissioner Richardson inquired about public access to the bike/ped trails.

Paul Lettieri said that although all the trails are public, the tendency is for the public to use only the through trails and not the connectors to the residential areas.

Commissioner Younkin asked what the proposed Neighborhood Commercial Area was comparable to in the PowerPoint presentation.

Paul Lettieri said the character was similar to the PowerPoint presentations and that it was intertwined.

Gerald Martens said that with the accesses and the landscaping, it would be approximately 10 – 12 acres.

Gary Storrer explained that his intent was to make this a one of a kind subdivision that would compliment and encourage an active lifestyle.

Gerald Martens said that this was a very large project that would be developed in several phases.

Commissioner Frank asked about possible phasing of the Neighborhood Commercial Area and if this area would draw from other neighbourhoods or just service this project.

Gerald Martens said it would generally draw from this area; however, if it is successful it may draw from other neighbourhoods.

Commissioner Horsley asked about the timeline for the phasing.

Gerald Martens said the phasing was driven by utilities and access. The first phase was the southern portion with Estate lots. He also said it was market driven and they anticipated at least 5 years for complete build out.

Planning & Zoning Director Orton explained the request. He said staff recommended the Commission table the request until such a time a complete application is submitted addressing all issues discussed in the analysis or the Commission recommend the zoning to remain as it is with a zoning designation of R-1 VAR and SUI.

Commissioner Frank asked if the deficient items were available.

Gerald Martens said some were still in concept form and some data. He said the developer was very willing to work with the Commission and they just needed some form of continuation process.

The public hearing was opened.

Ray Burr, 2055 Pole Line Road, spoke in favour of the request. He said it was a great project.

Tenny Garner, 3317 Oregon Trail Drive, spoke in favour of the request. She said neighborhood feel was something they had looked for when they moved to the area.

Kip McCalvey, 1198 Park View Road., spoke in favour of the request.

Ruth Manwaring, 2397 Bowlin Lane, expressed concern for the small size of the estate lots in comparison and adjacent to existing residential area. She also expressed concern for the commercial use and why the zoning designation change was necessary. She requested that more specifics be provided before the project proceeded any further.

The public hearing was closed.

Gerald Martens explained there was significant open space that complimented the lots with in the subdivision. He also said the project was designed in an effort to avoid the cookie cutter subdivisions currently found throughout the City.

Deliberations followed:

- Explanation of intent of SUI. – RH
 - Septic/well development drove SUI which also serves as a holding zone until the city extends closer, city services are available, and then a possible rezone. - LO
- Lift station? – CW
 - One is proposed. – LO
- Concern with commercial development, no details. – DT
- Neighborhood Commercial proposed, but no details. Can not ask informed questions without information. – TF
- Agree, need more information. – RH

Commissioner Warren made the motion to table the request until the staff recommendations were resolved. Commissioner Muñoz seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

Gerald Martens requested some method or procedure to be implemented in order to facilitate Planning and Zoning and the developer working together.

SHORT BREAK TO ALLOW THE EXITING OF THE PUBLIC

Item #3 Request of 9 Beans & a Burrito c/o Nunez Properties, LLC, for a Special Use Permit to operate a restaurant with a drive-through window located at 764 Cheney Drive.

Dave Hamilton, general contractor with A+ Specialty Construction representing the applicant, explained the request.

Commissioner Tenney inquired about the traffic patterns of the drive through window.

Dave Hamilton explained it emptied out into the larger parking lot.

Commissioner Frank asked if the curb cut was existing.

Dave Hamilton said it was still being negotiated.

Planning & Zoning Director Orton explained the request. He said signage was a concern but a separate issue. He said staff recommended the following conditions be placed upon the permit, if granted:

1. Signage approval is not part of this special use permit
2. Assure compliance with all City zoning, building, engineering, and fire codes.
3. Assure compliance with the PUD Agreement.

The public hearing was opened and closed with no input. .

Deliberations followed:

- Great project, straight forward. - ALL

Commissioner Horsley made the motion to approve the request as presented with the staff recommendations. Commissioner Richardson seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

10 MINUTE BREAK

Item #4 Request of John Lytle for a Special Use Permit to construct a 1,488 sq. ft. accessory building to an existing residence located at 2550 Dorm Drive.

Larren Novak from A+ Specialty Construction representing the applicant explained the request.

Commissioner Frank asked if the structure was for residential uses only.

Larren Novak said it was for residential use only.

Planning & Zoning Director Orton explained the request. He said staff recommended the following condition be placed upon the permit, if granted:

1. The building to be used for residential purposes only.

The public hearing was opened and closed with no input.

Deliberations followed:

- Looks good. - CW

Commissioner Horsley made the motion to approve the request as presented with the staff recommendation. Commissioner Muñoz seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

Item #5 Request of Magic Valley Bank for a Special Use Permit to operate a drive-through window in conjunction with a commercial bank located at the northwest corner of Bridgeview Boulevard and Pole Line Road East.

Phil Bratton, President of the Magic Valley Bank explained the request.

Commissioner Warren asked about the location of the ATM.

Phil Bratton said there would be drive up window, kiosk, and an ATM.

Planning & Zoning Director Orton explained the request. He said staff recommended the following conditions be placed upon the permit, if granted:

1. Assure compliance with all City zoning, building, and engineering and fire codes.
2. Assure compliance with the PUD Agreement.

The public hearing was opened and closed with no input.

Deliberations followed:

- All cut and dry. – TF

Commissioner Horsley made the motion to approve the request as presented with the staff recommendations. Commissioner Warren seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

- Item #6 Request by Larry Roper for revocation of Special Use Permit #0865, granted to Armando Silva on February 24, 2004, to operate an indoor recreation facility operating outside the hours of seven o'clock (7:00) a.m. to ten o'clock (10:00) p.m. on property located at 156 Main Avenue North.

Larry Roper, owner of the Orpheum Theatre, explained the request. He recounted the events surrounding the March 8th, 2005 meeting such as the 75 minute presentation by Forrest Anderson and the fact that no one, other than the police officer, could speak about the concerns that brought about the meeting. He expressed his feeling that the meeting was illegal due to the imbalance and inequality of the presentations permitted. He also stated he was aware of at least nine (9) surrounding businesses which did not receive the mailing notification for that particular meeting. Larry restated the promises that Forrest Anderson has made. Larry relayed a log of events and concerns that have impacted his business and the lack of concern, cooperation, and follow-through on the promises. The log cited dates and times for sound bleed over, decrease in patrons, garbage, noise, intimidating or "rough" crowd, Universal and Warner Bros not permitting their movies to be show at the Orpheum, vomit and peeing on the street, staff and patrons fear of the environment, and his sound metering tests that ranged from 78db to 83db. He gave a sound demonstration to inform the commission on the invasiveness of sound above 78db.

Armando Silvia, co owner of Lucky's, commented on the sound check that Lucky's conducted and said it was in compliance and submitted the test results to the Commission. He stated he can not understand the sound bleeding through a three (3) foot thick brick wall. Armando requested the Commission and/or Staff come and do their own inspection anytime. He clarified that the "vomit" on the sidewalk was in fact something else they have tried to clean up but have not had any success in doing so, due to the nature of the stain. Armando said that they do not allow drinking outside of the building after 9pm.

Commissioner Horsley asked if drinking was allowed upstairs.

Armando Silvia said the basement has not been completed and opened.

Commissioner Frank relayed that at the last meeting, Lucky's was informed in no uncertain terms that they needed to resolve the issues and concerns. However the problems still exist and are just as bad if not worse. The wake up call issued by the Commission had been ignored.

Armando said they tried to contact Larry Roper once, but were unsuccessful in connecting. He said they cannot resolve the concerns if they are not aware of them.

Forrest Anderson, co-owner of Lucky's, said he talked to Larry Roper on the 9th of March. He commented on how the movies seem to have longer run times than before and this is affecting the sound bleed through. He explained the characteristics and nature of sound due to varying tunes and frequencies. Forrest said there is, "no magic key to solve this problem...I have no delusions of this working." He said they are accused of garbage and noise; however they have not received a single citation for either.

Commissioner Frank inquired about the urination issues and trash.

Forrest Anderson said they have talked to neighborhood business owners and they have had no problems. He said Lucky's is willing to make the compromise.

Commissioner Frank inquired about the location of Lucky's, the office, and the Orpheum.

Forrest Anderson said the Orpheum is next door to Lucky's with a small office fronting off the street separating the two uses. He also said that Lucky's being next door to a theatre is never going to work.

Commissioner Muñoz inquired about the sound levels, he also commented on the decibel scale being logarithmic and not linear.

Forrest Anderson explained sound and voice over characteristics.

Commissioner Tenney asked for clarification on earlier comments about the incompatibility of Lucky's to the existing uses.

Forrest Anderson said they are willing to move, they just needed four (4) months to do so.

Commissioner Frank read the following letters into the record:

1. Rudy's A Cooks Paradise, spoke in favour of the revocation.
2. Cooper Norman C.G.A. spoke in favour of the revocation,

The public hearing was opened.

Bob Donnelly, owner of Donnelly Sports, spoke in favour of the revocation citing concerns with no security, liquor stashed in the alley, vandalism, trash, and loosing tenants due to the perceived environment.

Phil Cook, employed by the Orpheum Theatre, spoke in favour of the revocation citing concerns with impact to patrons of his business. He also said the problems were brought to the attention of Lucky's in the meeting they said no one had problems.

Sarah Cook, manager at the Orpheum, spoke in favour of the revocation citing concerns with no security, fights, and intimidation from Lucky's patrons.

Marion Johnson, representing Cain's Fine Furnishings, spoke in favour of the revocation citing concerns with trash in the parking lot, and in an effort to protect Downtown.

John Lezamiz, 133 Shoshone Street, spoke in favour of the revocation citing concerns with loosing tenants due to the "fear" in the Downtown.

Mary Ash, representing Tiffany Square at 132 Main Ave N., spoke in favour of the revocation citing concerns with no security and the perceived need to have an escort to safely get home.

Steve O'Connor, representing Dunkens at 102 Main Ave N. spoke in favour of the revocation citing concerns with trash, noise, and security. He also stated there has been no follow-through on any of the promises Lucky's has made.

Andy Newbry, 564 2nd Ave W, spoke in favour of the revocation citing concerns with scary atmosphere now present due to Lucky's.

Thadia Hunter, Twin Falls, spoke against the revocation. She said that she is a patron of Lucky's and there is security and she has never felt unsafe.

Archie Goodman, Twin Falls, spoke in favour of the revocation.

The public hearing was closed.

Forrest Anderson stated they have tried their best and they do have security. He noted that every time the controversy hit the media their business would increase; if they had been left alone they would have closed by now. He welcomed anyone to check the issues, and was unaware of the infractions. He asked for 120 days in order to relocate.

Larry Roper reiterated that prior to Lucky's moving in; they had no issues with sound pollution. He also commented on the increase in garbage and the need to be a responsible downtown business.

Deliberations followed:

- The Commission is pro-business; however Lucky's is a square peg in a round hole. The improvements have not been enough. – RH
- Factual evidence has been presented tonight. The sound is exceeding the approved limit. Already had a second chance. – GM
- No discussion on appropriateness of business, need to discuss the violations of the SUP. – DT
- Whole thing is a problem, neighbouring businesses must have a say. – BR

Commissioner Horsley made the motion to revoke Special Use Permit #0865. Commissioner Warren seconded the motion. Planning and Zoning Director Orton explained it would be effective immediately. Commissioner Warren stated they had 15 days to appeal the decision, if so desired. Commissioners Shelton and Tenney voted against the motion. Commissioners Frank, Horsley, Muñoz, Richardson, Warren, and Younkin voted in favour of the motion.

THE MOTION PASSED

OTHER ITEMS:

COMMISSIONER RICHARDSON STEPPED DOWN

SHORT 5 MINUTE BREAK

Item #7 Preliminary PUD presentation by Don H. and Patricia K. Deters for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 PUD for the development of a neighborhood commercial plaza for 16.2 acres (+/-) located at the southeast corner of Orchard Drive and Washington Street South.

Andrew Swensen, representing the applicant explained the request.

Planning & Zoning Director Orton explained the request. He said staff made no recommendations.

The public comment was opened.

Dave Moore, 230 Coronado Ave, spoke in favour of the project.

Don Deters, project owner, spoke in favour of the project.

The public comment was closed.

NO ACTION WAS TAKEN

Item #8 Findings of Fact and Conclusions of Law:

NONE

Item #9 Approve minutes of May 31, 2005, and June 7, 2005, Planning and Zoning Commission Meeting.

NOT AVAILABLE

Item #10 Date of next Planning & Zoning Commission Work Session and Public Hearing.
(*W/S- JUNE 21, 2005* *P/H –JUNE 28, 2005*)

MEETING ADJOURNED AT 12:03 AM

COMMISSION MEMBERS:

City Limits:

Tom	Ryan	Kyla	Gregory	Gerardo	Bernice	Cyrus	Carl
Frank	Horsley	Kelly	Lanting	Muñoz	Richardson	Warren	Younkin
Chairman	Vice-Chair			Alt.			

Area Of Impact:

David Kemp
Joe Shelton
Dusty Tenney, Alt.

CITY OF TWIN FALLS
PLANNING AND ZONING COMMISSION MEETING & PUBLIC HEARING

MINUTES

June 28, 2005 P.M. * * * COUNCIL CHAMBERS

PLANNING AND ZONING MEMBERS PRESENT: Frank, Horsley, Kelly, Muñoz, Richardson, Warren and Younkin

PLANNING AND ZONING MEMBERS ABSENT: Lanting

AREA OF IMPACT MEMBERS PRESENT: Shelton

AREA OF IMPACT MEMBERS ABSENT: Kemp, and Tenney

CITY COUNCIL PRESENT: None

CITY STAFF PRESENT: Bates, Bravender, Carraway, Orton, Wonderlich, and Young.

Chairman Frank called the meeting to order at 7:00 PM. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

PUBLIC HEARING ITEMS:

Item #1 Request by Don H. and Patricia K. Deters for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 PUD for the development of a neighborhood commercial plaza for approximately 16.2 acres located at the southeast corner of Orchard Drive and Washington Street South.

Andrew Swensen of Force Engineering, representing the applicant, explained the request.

Discussion regarding accuracy of conceptual plan, sidewalk width, operation hours, and non-permitted uses.

Planning & Zoning Director Orton reviewed the request. He said staff recommended the following conditions be placed upon the PUD modification if approved.

1. Construct a pedestrian/bike trail along Washington St. S. detached from the curb.
2. Project is to reflect the intent of the Neighborhood Commercial Overlay standards.

The public hearing was opened.

Walter Wildman, 108 Bonny Drive, spoke in favour of the request. He expressed some concerns for pedestrian safety.

Harold Caldwell, 924 Washington Street North, spoke in favour of the request. He expressed his desire for a traffic light.

The public hearing was closed.

Andrew Swensen restated that a traffic study will be completed as part of the PUD.

City Engineer Young commented on the warrants for a traffic study.

Deliberations:

- Great project – All
- Much needed – All
- Developer has done well. – All

Commissioner Horsley made the motion to approve the request as presented with the staff recommendations. Commissioner Warren seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

Item #2 Don H. & Patricia K. Deters requests vacation of Huerta Vista Subdivision, excluding lots 12 & 13, Block 5, 16.2 acres (+/-), located at the southeast corner of Orchard Drive and Washington Street South.

Andrew Swensen of Force Engineering, representing the applicant, explained the request. He submitted a letter from the Northwest Pipeline Company, relaying their cooperation in resolving the easement issue.

Planning & Zoning Director Orton reviewed the request. He said staff was satisfied with the letter in respect to resolving the easement issue.

City Engineer Young requested that the City infrastructure within the easement area be protected and retained.

The public hearing was opened and closed with no input.

Andrew Swensen restated that a traffic study will be completed as part of the PUD.

Deliberations:

- Goes with initial request, no problems. - ALL

Commissioner Horsley made the motion to approve the request as presented. Commissioner Kelly seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

Item #3 Request of Tony Sirucek for a Special Use Permit to place a message center sign on property located at 263 2nd Avenue North.

Tony Sirucek explained the request.

Discussion regarding colour and compliance with the City Code.

Planning & Zoning Director Orton reviewed the request. He said staff recommended the following conditions be placed upon the permit if granted.

1. Assure compliance with Twin Falls City code section 10-9-2(Q) 7 on lighting of message center signs.
2. The message center to be operated during business hours only.

The public hearing was opened and closed with no input.

Tony Sirucek requested longer hours and stated that the software would allow many different lighting options.

Deliberations:

- Condition #2 really needed??

Commissioner Kelly made the motion to approve the request as presented with staff recommendation #1. Commissioner Warren seconded the motion. Commissioners Horsley and Younkin voted against the motion. Commissioners Frank, Kelly, Muñoz, Richardson, Shelton, and Warren voted in favour of the motion.

THE MOTION PASSED

Item #4 Request of U.S. Bank for a Special Use Permit to add a drive-through window to an existing bank facility on property located at 748 Blue Lakes Boulevard North.

Phil Keene, property manager for US Bank, explained the request.

Discussion regarding location of ATM.

Planning & Zoning Director Orton reviewed the request. He said staff recommended the following conditions be placed upon the permit if granted.

1. Resolve the Deed/Legal description for the property prior to Building Permit being issued.
2. Provide an easement for a 10' x 10' triangle prior to issuance of a building permit.

3. Relocate the ATM 4' to the east.
4. Remove curb along the exit lane to the north.
5. Full compliance with all zoning, engineering building and fire codes.

Planning and Zoning Director Orton stated that condition #1 had been satisfied. City Engineer presented some information on location of ATM.

The public hearing was opened and closed with no input.

Deliberations:

- All conditions, except #1. – KK, TF

Commissioner Horsley made the motion to approve the request as presented with the staff recommendations. Commissioner Warren seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

Item #5 Request of Brad Wills for a Zoning Title Amendment which would amend City Code 10-9-2(D) by permitting a development sign on site other than at a vehicular entrance of the development.

Brad Wills explained the request.

Planning & Zoning Director Orton reviewed the request. He said staff made no recommendations on the request.

The public hearing was opened and closed with no input.

Deliberations:

- Code intent, impact on commercial uses? – TF
- Reasonable request. Appreciate trying to install, legally as opposed to the illegal signs now present. – KK

Commissioner Horsley made the motion to approve the request as presented. Commissioner Muñoz seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

OTHER ITEMS:

Item #6 Findings of Fact and Conclusions of Law:

- a. Appeal of Gary Slette on behalf of Catherine Valenti, Philip Behm, Martin Behm, Thomas Behm, Naida Billiar for the Estate of David Billiar, Ruth Rahe, and Pelican Development, LLC.
- b. Appeal of JoAnn C. Butler on behalf of Wal-Mart Stores, Inc.
- g. Revocation request of Larry Roper.

NOT READY FOR REVIEW

- c. Special Use Permit request of Step Ahead Learning Center
- d. Special Use Permit request of 9 Beans & a Burrito, c/o Nunez Properties, LLC
- e. Special Use Permit request of John Lytle.
- f. Special Use Permit request of Magic Valley Bank.

APPROVED ON JUNE 21, 2005 AT WORK SESSION

Item #7 Approve minutes of the May 31, 2005, and June 14, 2005 Planning and Zoning Commission Meetings.

UNANIMOUSLY APPROVED

Item #8 Date of next Planning & Zoning Commission Work Session and Public Hearing.
(*W/S- JULY 5, 2005* *P/H –JUNE 12, 2005*)

Item #9 Public input and/or items from the Planning & Zoning Director and Planning & Zoning Commission.

Commission presentation to the Planning and Zoning Director, Mr. LaMar Orton.

Meeting adjourned at 9:00 pm

COMMISSION MEMBERS:

City Limits:

Tom	Ryan	Kyla	Gregory	Gerardo	Bernice	Cyrus	Carl
Frank	Horsley	Kelly	Lanting	Muñoz	Richardson	Warren	Younkin
Chairman	Vice-Chair			Alt.			

Area Of Impact:

David Kemp
Joe Shelton
Dusty Tenney, Alt.

CITY OF TWIN FALLS
PLANNING AND ZONING COMMISSION MEETING & PUBLIC HEARING

MINUTES

July 12th, 2005 P.M. * * * COUNCIL CHAMBERS

PLANNING AND ZONING MEMBERS PRESENT: Frank, Horsley, Kelly, Richardson, Warren and Younkin

PLANNING AND ZONING MEMBERS ABSENT: Lanting, and Muñoz

AREA OF IMPACT MEMBERS PRESENT: Tenney

AREA OF IMPACT MEMBERS ABSENT: Kemp, and Shelton

CITY COUNCIL PRESENT: None

CITY STAFF PRESENT: Bates, Bravender, Carraway, Wonderlich, and Young.

Chairman Frank called the meeting to order at 7:00 PM. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

PUBLIC HEARING ITEMS:

Item #1 Request of Robert Moulson for a Special Use Permit to construct a 2400 square foot detached accessory building on property located at 2513 Canyon Gate Place within the City’s Area of Impact.

Robert Moulson explained the request; he said it was for personal, residential storage.

Acting Planning & Zoning Director Carraway reviewed the request. She said staff recommended the following conditions be placed upon the permit, if granted:

1. The building is to be used for residential purposes only.
2. The building permit for the detached accessory building is not to be applied for prior to application for the home building permit.

The public hearing was opened.

Frederick Prins, 2559 Canyon Gate Place, spoke against the request citing concerns with the “barn” being just too large.

The public hearing was closed.

Robert Moulson stated he had personally delivered information regarding his project about one and a half weeks ago. He said his building would match his home including stucco and brick.

Deliberations:

- Not a problem, if it matches the home and used for personal storage. – RH, CW

Commissioner Horsley made the motion to approve the request as presented with the staff recommendation #1. Commissioner Kelly seconded the motion.

Discussion on including the staff recommendation #2. Motion made by Commissioner Warren to include staff recommendation #2. Commissioner Horsley seconded the amended motion and all members voted in favour.

THE AMMENDMENT PASSED

Original motion with the amendment is voted on. All members voted in favour.

THE AMMENDEED MOTION PASSED

Item #2 Request of T's Beverage Barn, LLC for a Special Use Permit to operate a drive-through facility in conjunction with a retail business on property located at 2634 Addison Avenue East.

Leroy Atwood explained the request. He stated the developer is sensitive to the neighbours concerns.

Commissioner Warren inquired if the applicant was comfortable with the staff recommendations.

Leroy Atwood said he was aware of the staff recommendations and was willing to comply.

Acting Planning & Zoning Director Carraway reviewed the request. She said staff recommended the following conditions be place upon the permit, if granted:

1. Develop the arterial access and pavement transitions to full width as part of this project.
2. Install and maintain gateway arterial landscaping to meet minimum standards.
3. Signage approval is not a part of this special use permit.
4. Assure compliance with all zoning, engineering, building and fire codes.
5. Dedication of additional 18' of right-of-way along Addison Avenue East.

The public hearing was opened.

Gene Matthews, 2658 Addison Ave East, spoke in favour of the request. He expressed concerns with fencing, trash, and the impact on the borrow pit.

Leroy Atwood agreed to satisfy the neighbours concerns, namely;

- A screening fence between the commercial and residential uses.
- Enclosure of the trash receptacles.
- Maintenance of the borrow pit.

The public hearing was closed.

City Engineer Young commented on the road width, as well as code requirements for fencing and approaches.

Leroy Atwood stated he was willing to comply with the staff recommendations.

Deliberations:

- No concerns as long as staff recommendations are complied with. – TF, CW

Commissioner Horsley made the motion to approve the request as presented. Commissioner Warren seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

Item #3 Request of Gabriela Tovar for a Special Use Permit to operate an in-home day-care facility on property located at 1312 7th Avenue East. **WITHDRAWN**

Item #4 Request of Ed Berhamovic c/o Adria Custom Homes for Annexation with a zoning designation of R-2, currently zoned SUI, for approximately 18 acres located on the south side of the 900-1000 blocks of Filer Avenue West.

Don Acheson of Riedesel Engineering representing the applicant explained the request.

Commissioner Frank said the question of whether or not to annex was strictly up to City Council. The only objective of the Commission was to recommend a zoning designation for the parcel, if the City Council did approve annexation.

Acting Planning & Zoning Director Carraway reviewed the request. She said staff made no recommendations.

The public hearing was opened.

Kamie Nuttak, 362 Grandview Drive North, submitted a 55 name petition opposed to the development. She spoke against the request citing concerns with lot sizes being too small.

Kathleen Harper, 410 Grandview Drive North, spoke against the request citing concerns with inadequate water supply, lift station and its location, no sidewalks on Grandview Dr. N., and the detrimental impact on the existing neighbours.

Julie Croy, 379 Grandview Drive North, spoke against the request citing concerns with school overcrowding, too much activity in the area, water and sewer supply, the nature and reliability of the developer.

Andrea Jones, 375 Grandview Drive North, spoke against the request citing concerns with overcrowding of schools, water rights and preservation of there exiting water that flows through a portion of the parcel in question, location of a lift station, and the possibility of the new home owners complaining about the pre-existing agricultural uses.

Allan Nagel, 1011 Filer Ave West, spoke in favour of the request. He stated cities have to grow and development is better than weeds.

Bud Fuller, 374 Grandview Drive North, spoke against the request citing concerns with lot sizes, no city services, all rock, and 100' setback on Grandview Dr. N.

Rose Marie Fuller, 374 Grandview Drive North, spoke against the request citing concerns with lot sizes, and integrity of the mysterious builder/developer.

Mark James, 392 Grandview Drive North, spoke against the request citing concerns with too much growth and the “encroachment” of the incompatible R-2 zone.

Winnie Madiam, 875 Filer Ave West, spoke against the request citing concerns with too many homes in too small an area, and the water supply.

Craig Nuttak, 362 Grandview Drive North, read a letter of opposition authored by Rosalie Orton in which a request for R-1 VAR zoning designation be recommended if there had to be any change. He spoke against the request citing concerns with water, sewer, traffic, and pedestrian safety.

Teri Verrlagen, 615 Monroe Street, representing her father, Lester, spoke against the request.

Rich Morrison, 1054 Filer Ave West, spoke against the request citing concerns with water and sewer infrastructure, and incompatible lot sizes. He requested that if a zoning designation change had to occur, it be recommended to be designated R-1 VAR.

Erik Andersen, 1586 Filer Ave East, a realtor for the applicants, spoke in favour of the request.

Cindy Morrison, 1054 Filer Ave West, spoke against the request citing concerns with incompatible lot sizes, and lack of park facilities.

The public hearing was closed.

Don Acheson of Riedesel Engineering responded to the expressed concerns. He stated that in the City of Twin Falls, development is what drives infrastructure improvements, thus this project will resolve the localized water and sewer issue, road widths and sidewalks, etc. If the project can not provide adequate water and sewer facilities and supply, it can not proceed. He

also said the annexation and development increases the tax base, thus supporting our schools. “Development is uncomfortable, but good.” Don Acheson stated that the minimum lot size is 6000 square feet, not the 18 homes per acre that was stated in the public hearing. The irrigation is dealt with in the preliminary plat and has to meet City Code. Don also said the R-1 VAR zoning designation would result in this being a spot zone as it would be the only area with such a designation.

Deliberations:

- Discussion on merits and feasibility of both R-2 as requested by the applicant and R-1 VAR as requested by some of the neighbours. – ALL
- Whether or not to annex, is not the decision tonight.
- Max lot size in R-1 VAR is 18,500 sf, buffer percentage is 85%.
- Septics and wells not the best solution.
- Uniqueness of property vs. surrounding R-2.

Commissioner Horsley made the motion to recommend the zoning designation of R-1 VAR to City Council. Commissioner Kelly seconded the motion and all members voted in favour of the motion.

THE MOTION PASSED

BREAK FROM 8:24 – 8:30 PM

OTHER ITEMS:

Item # 5 Consideration of the preliminary plat of Davis Subdivision, 1.24 acres (+/-) located on the north side of the 1800 block of Falls Avenue East.

Gerald Martens of EHM Engineering Inc. representing the applicant explained the request.

Acting Planning & Zoning Director Carraway reviewed the request. She said staff recommended the following conditions be placed upon the plat if approved:

1. 80' C/L building setback is required, (10-7-6(C) is not applicable because the lots in question do have access to Falls Ave E.
2. The storm water calculations must be rationally based on the known driveways, parking and building roof areas plus paved appurtenances such as entryways, patios, etc.
3. Skew the bike path curb cuts to improve flow
4. Build an arterial approach to the subdivision.
5. Subject to final technical review by the City of Twin Falls Engineering Department.
6. Subject to compliance with City Code 10-12-3.11 prior to final plat approval.

City Engineer Young stated the variance in the code for the center line setback for indirect access is not applicable.

The public hearing was opened.

Jason Farr, 1818 Falls Ave E., spoke against the request citing concerns with emergency service access, parking, crime rates, and a play area for the children.

Rainer Lange, 918 Madrona Street N., spoke against the request citing concerns with property values, and inadequate lot size for proposed density.

Melisa Farr, 1818 Falls Ave E., spoke against the request citing concerns with traffic, number of dwelling units, and perceived “renters” stereotype.

Ed Chupas, 1860 Falls Ave E., spoke against the request citing concerns with the impact on the neighbours.

The public hearing was closed.

Gerald Martens said the project will meet all emergency vehicle access requirements, and the project will comply with all current zoning requirements.

Deliberations:

- R-2 zone – proposed project meets current requirements. – TF
- No issue, if compliant to standards. – CW
- Density too high in relation to neighbourhood, however meets the code requirements.

Commissioner Horsley made the motion to approve the request as presented with the staff recommendations. Commissioner Warren seconded the motion. Commissioners Horsley and Kelly voted against the motion. Commissioners Frank, Richardson, Tenney, Warren, and Younkin voted in favour of the motion.

THE MOTION PASSED

Item #6 Consideration of the preliminary plat of Stonehedge Subdivision, 9.04 acres (+/-) located at the northwest corner of Filer Avenue East and Eastland Drive North.

Gerald Martens of EHM Engineering Inc. representing the applicant explained the request.

Acting Planning & Zoning Director Carraway reviewed the request. She said staff recommended the following conditions be placed upon the plat if approved:

1. Subject to Engineering Department final technical review.
2. Subject to compliance with City Code 10-12-3.11 prior to Final Plat approval.

Discussion on road alignment, proximity to church, and ingress / egress location. City Engineer Young stated there was sufficient distance from the intersection to the ingress/egress.

The public hearing was opened.

Zola McFarland, 2138 Filer Ave E., spoke in favour of the request.

Deb Miciak, 632 Concordia Circle, spoke against the request citing concerns with an increase in traffic flow in the area.

Pam Corbin, 608 Concordia Circle, spoke against the request citing concerns with the perceived impact on home values.

Louis Zamor of the Twin Falls Canal Company expressed concern with an existing lateral on the project. He asked for a turn out on Eastland Dr. N. for maintenance access and safety. He stated the TFCC would work with the developer on easements within the project.

The public hearing was closed.

Gerald Martens stated the developer would certainly work with the TFCC for easements and a turnout on Eastland Drive N.

He also said the home sizes would be a minimum 2000 square feet (as spelt out in the CC and R's) with a market value in the mid \$200,000 range.

Deliberations:

- Technical review will address compliance issues. – GLY
- Great project, looks good, compatible with Field of Dream. – RH, CW

Commissioner Horsley made the motion to approve the request as presented. Commissioner Richardson seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

- Item #7 Consideration of the preliminary plat of Evergreen Apartments Subdivision, 1.64 acres (+/-) located at the northwest corner of Park Avenue and Lois Street.

Tim Vawser of EHM Engineering Inc, representing the applicant explained the request.

Acting Planning & Zoning Director Carraway reviewed the request. She said staff recommended the following conditions be placed upon the plat if approved:

1. Subject to approval of the PUD Agreement.
2. Subject to Engineering Department final technical review.

Commissioner Frank inquired about pressurized irrigation.

City Engineer Young said it was right across the street.

The public hearing was opened and closed with no input.

Deliberations:

- Same as PUD. – RH

Commissioner Horsley made the motion to approve the request as presented. Commissioner Kelly seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

- Item #8 Consideration of the preliminary plat of Westland Business Park Subdivision, 4.35 acres (+/-) located on the north side of the 800 block of North College Road.

Gerald Martens of EHM Engineering Inc, representing the applicant explained the request.

Discussion on access to the proposed site. Gerald Martens said it was on the East side with a cross use agreement and access easement.

Acting Planning & Zoning Director Carraway reviewed the request. She said staff recommended the following conditions be placed upon the plat if approved:

1. Show the pressure irrigation utility system on the plat
2. Subject to Engineering Department final technical review.

The public hearing was opened.

Louis Zamor from the Twin Falls Canal Company, expressed concern for the TFCC water on this site.

The public hearing was closed.

Deliberations:

- Looks good, concerned with access from The Red Lion Hotel. - RH

Commissioner Horsley made the motion to approve the request as presented. Commissioner Warren seconded the motion and all members present voted in favour of the motion.

THE MOTION PASSED

- Item #9 Findings of Fact and Conclusions of Law:
- a. Rezone request of Don H. and Patricia K. Deters.
 - b. Vacation request of Don H. and Patricia K. Deters.
 - c. Special Use Permit request of Tony Sirucek.
 - d. Special Use Permit request of US Bank
 - e. Revocation request of Larry Roper
 - f. Appeal of JoAnn C. Butler on behalf of Wal-Mart Stores, Inc.
 - g. Special Use Permit request of Amazing Grace Fellowship dba Eastridge Developers

UNANIMOUSLY APPROVED

- Item #10 Approve minutes of June 28, 2005 and July 5, 2005, Planning and Zoning Commission Meeting.

UNANIMOUSLY APPROVED

- Item #11 Date of next Planning & Zoning Commission Work Session and Public Hearing.
(*W/S- JULY 19, 2005* *P/H –JULY 26, 2005*)

- Item #12 Public input and/or items from the Planning & Zoning Director and Planning & Zoning Commission.

NONE

Meeting adjourned at 9:25 pm

Minutes – Twin Falls City Planning and Zoning Commission

July 12th, 2005

Page **10**

Shawn Bravender

Secretary for the Planning and Zoning Commission

CITY COMMISSION MEMBERS:

City Limits:

Tom	Ryan	Kyla	Gregory	Gerardo	Bernice	Cyrus	Carl
Frank	Horsley	Kelly	Lanting	Muñoz	Richardson	Warren	Younkin
Chairman	Vice-Chair			Alt.			

Area Of Impact:

David Kemp
Dusty Tenney, **Alt.**
Joe Shelton,

CITY OF TWIN FALLS
PLANNING AND ZONING COMMISSION MEETING & PUBLIC HEARING
MINUTES
JULY 26, 2005 * * * 7:00 P.M. * * * COUNCIL CHAMBERS

PLANNING & ZONING MEMBERS PRESENT: Frank, Horsley, Lanting, Munoz, Richardson, Warren, Younkin

PLANNING AND ZONING MEMBERS ABSENT: Kelly

AREA OF IMPACT MEMBERS PRESENT: Tenney

AREA OF IMPACT MEMBERS ABSENT: Kemp, Shelton

CITY COUNCIL PRESENT: Maughan

CITY STAFF PRESENT: Bates, Carraway, Wonderlich, Young, Sanchez

PUBLIC HEARING ITEMS:

Item #1 Request of Dale M. Frazell on behalf of Lyons Development, LLC, for a modification to the Northbridge #2 PUD Agreement to allow a self-storage facility on a 3.6 acre parcel located on the east side of Washington Street North.

Don Acheson, Riedesel & Associates Inc., spoke on behalf of the applicant and explained the request using overhead projections.

Don Acheson referred to a letter written by the Los Lagos Board outlining the following conditions agreed upon with the applicant:

- Ø No commercial use.
- Ø Hours of operation shall be 6:00 a.m. to 10 p.m.
- Ø All lighting will be down and at an inward cast.
- Ø Architecture. Prior to submittal to the City, the final design and plan shall be submitted to the Los Lagos Architectural Committee for their review and comments. The review and comments shall be accomplished in a timely manner.

Interim Planning & Zoning Director Carraway reviewed the request using overhead projections. Staff has reviewed the request. She said staff recommended the following conditions be placed upon the PUD Agreement, if granted:

1. Assure compliance with development specifications of the PUD Agreement, i.e. landscaping, parking, signage, setbacks.
2. Development to be as shown on the modified Master Development Plan.

The public hearing was opened:

David Shotwell, representing the West Park Commercial Development PUD, spoke in favor of the request and fully supports the Lyons Development, LLC.

The public hearing was closed.

Discussion followed:

Commissioners Horsley, Frank, and Munoz applauded parties involved in project.

Commissioner Horsley made the motion to approve the modifications, as stated above, of Northbridge No. 2 PUD Agreement for Dale M. Frazell on behalf of Lyons Development, LLC, to allow a self storage facility at 462' north of the intersection of Pole Line Road and Washington Street North and on the east side of the 1800 block of Washington Street North with the staff recommendations. The motion was seconded by Commissioner Munoz.

Deliberations followed:

Commissioner Frank suggested amending the motion to add the conditions as defined in the Los Lagos Board letter to be attached to the PUD Agreement.

Commissioner Warren made the motion to amend the main motion to include the Los Lagos Board letter be attached to the PUD agreement. The motion was seconded by Commissioner Lanting. The roll call vote on the motion to amend showed all members present in favor of the motion. THE MOTION PASSED.

The roll vote on the main motion as amended showed all members present in favor of the motion. THE MOTION PASSED.

Item #2

Request of Troy Herold, CLC Associates, on behalf of Frontera Acquisitions, LLC, for a Special Use Permit to operate a retail business outside the hours of 7:00 a.m. to 10:00 p.m. on approximately 30.46 acres of property located at the southwest corner of Pole Line Road West and Washington Street North.

JoAnn Butler, Sprink/Butler Inc., spoke on behalf of the applicant and explained the request.

Troy Herald of CLC Associates, representing the applicant, explained the request using overhead projections.

Discussion followed:

Commissioner Lanting asked what the landscaping height is on the berm on Pole Line Road.

Troy Herold stated there would be the following:

- Ø A minimum of a 30" berm.
- Ø Shrubs on top of the berm as required by the PUD Agreement.
- Ø Proposing to upsize the trees 2"- 2 ½" caliper of standard along the street frontages.
- Ø Detention area to be a 4' to 5' elevation difference between the curb and the elevation of the paving and will be screened with decorative screen wall.

Commissioner Lanting asked what the plans are for Cheney Drive and the eventual connection of Cheney or other streets to Pole Line Road on the west side.

- Ø Troy Herold stated they would be installing the full half width improvements of Cheney Drive as well as the asphalt improvements on the south end of Cheney Drive and will be working with the School District, which owns the property. Troy Herold used overhead projections to explain the tie into Cheney Drive.

Commissioner Frank asked what type of lighting instruments will be used.

- Ø Troy Herold stated they prefer using fewer poles and placing the light higher.

Commissioner Horsley asked if on the original PUD site map the large building was to be set back.

Ø Troy Herold stated that the recorded original PUD site map showed two large box type developments.

Commissioner Younkin asked if the fuel station is part of the initial plan.

Ø Troy Herold stated yes. He stated that the plan is to obscure the lighting with dense landscaping.

Michael Quattrone, BRR Architects, spoke on behalf of the applicant. He gave a tour of the buildings using overhead projections.

Commissioner Munoz asked about the signage designs.

Ø Troy Herold stated they are proposing to present the architectural design only; they will comply with City Code and PUD requirements on signage and are planning to present the signage to the Commission but not at this time.

Commissioner Tenney asked how security will be handled and if Wal-Mart will be relying on the local police force.

Herald stated they are proposing to have the following:

- Ø In store security.
- Ø Security cameras.
- Ø Site security located on the building.
- Ø Security cameras located on the light poles.
- Ø Security personnel to drive/walk the site.
- Ø 24/hour type surveillance.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. Staff has reviewed the request. She said staff makes no recommendations on this request.

The public hearing was opened:

Karl Lessee, 1424 N. Pointe Drive, spoke against the request. His concerns include the increase of traffic, a 24 hour operation in a residential area and increase in noise.

Dave Shotwell, 4115 North Meadow Ridge Circle, spoke on the various lighting throughout different areas in Twin Falls.

Destinee Schuster, 1381 Tara Street, spoke against the request. Her concerns are the proposed lighting, a 24 hour operation in a residential area and increase in noise.

Barbara Robison, 104 Los Lagos, spoke against the request. Her concerns are a 24 hour operation in a residential area and increase in noise.

Harry Phillips, 2006 Talus Loop, spoke against the request. His concern is a 24 hour operation in a residential area.

Fran Tanner, 106 Los Lagos, spoke against the request. Her concerns are the increase of noise and asked for clarification of the loading and unloading of freight.

Joann Jackson, 2190 Filer, spoke against the request. Her concerns are lighting and increase of noise.

Crystal Anderson, 1441 Spurlock Ct., spoke against the request. Her concerns are the increase of over the counter drugs used to make illegal drugs, and light pollution obstructing the telescope at the College of Southern Idaho.

David Mead, 2045 Hillcrest, spoke against the request.

Andrew Swensen, 214 9th Avenue East, spoke against the request. He asked if the structure will have skylights and if the applicant has a customer count they would service during the proposed hours.

Robert Powers, 1732 8th Avenue East, spoke against the request.

John O'Connor, 1794 E 4000 N, Buhl, spoke against the request.

Susan Waters, 3168 Highlawn Drive, spoke against the request. Her concerns are the increase of over the counter drugs used to make illegal drugs.

The public hearing was closed.

Troy Herald addressed the following concerns:

- Ø Traffic. Pole Line Road currently is a two lane road and will be a five lane road. He has hired a traffic consultant and will present the report to City staff for review and seek approval for a second signal light.
- Ø Lighting. A full cut off shield will be placed on every light within the parking area. Lights will be down lit and cut off.
- Ø Deliveries. A national average shows that 90% of deliveries take place between the hours of 7:00 a.m. to 10 p.m. and 10% of the deliveries take place in early mornings or late evenings.

Michael Quattron addressed the following concerns:

- Ø Skylights. They will be in the building and an option would be to request or specify mylar coatings to help diffuse the night time light.
- Ø Noise. Parapets are raised to help reflect upward noise from mechanical cooling units that are up on the rooftops.

JoAnn Butler stated the following:

- Ø Believes they are meeting the criteria of the City Code.
- Ø Have accepted the City Code and the previous decision of the City to zone CU-1.
- Ø Accepted guidance of the comprehensive plan which is to promote the development of the area for regional commercial and residential mixed use.
- Ø Stated that they do not have control of traffic cutting through at Cheney Drive.
- Ø Wal-Mart is one of two companies that place drugs that may be used in making methamphetamines behind the counter and which are only available during pharmacy hours.
- Ø There will be security in the parking lot and they will consult with the local Police Department on this issue.

In closing she stated that she would like to have an explanation, if the request is denied, reasons for the denial and what it would take to gain approval for a 24 hour operation.

Deliberations followed:

Commissioner Horsley asked City Attorney Wonderlich that if the Special Use Permit was granted, could the permit be revoked if problems occur in the future.

- Ø City Attorney Wonderlich said yes and this would involve revocation proceedings.

Commissioner Warren stated that he could foresee a potential traffic problem.

Commissioner Munoz stated that at the parking lot for Winco, which is a 24 hour operation, there are a minimal number of people in the early morning hours. He stated that he is concerned about the after hour deliveries which are not restricted by the hours of operation.

Commissioner Frank stated that he recalls discussions on the original PUD. He stated that the proposed pet insurance business was to be a 24 hour call center with shift employees. He stated that he has concerns regarding traffic on Cheney Drive and lighting. He stated that landscaping issues are addressed in the PUD.

Commissioner Lanting stated that he opposes the 24 hour operation and residents did not expect a 24 hour operation. He is also concerned about the lighting impacting CSI.

Commissioner Horsley stated that a business park and a 24 hour store generally mix well with residential; however, this request is not consistent with the spirit of the PUD. He stated a 24 hours retail facility would compound the traffic and noise. He stated that Wal-Marts do generate increased amounts of traffic.

Commissioner Munoz stated that skylights are a concern and that light will be brighter after hours and cause light pollution. He is concerned that the CSI telescope will be impacted.

Commissioner Horsley made a motion to approve a Special Use Permit for Frontera Acquisitions, LLC, to operate a retail business outside the outright permitted hours of 7:00 a.m. to 10 p.m. at the southwest corner of Pole Line Road West and Washington Street North. The motion was seconded by Commissioner Warren.

Commissioner Munoz made the motion to amend the main motion to have mylar coatings on the skylights. The motion was seconded by Commissioner Younkin. The roll call vote on the motion to amend showed all members present in favor of the motion. **THE MOTION PASSED.**

The roll call vote on the main motion as amended showed Commissioners Munoz and Frank voted in favor. Commissioners Richardson, Tenney, Warren, Younkin, Horsley, and Lanting voted against. **THE MOTION FAILED.**

Discussion followed:

Fritz Wonderlich suggested that the Commissioners vote a second time to make it clear that an affirmative vote means a Special Use Permit is granted and a no vote means it's denied. He stated that a motion did not need to be made.

The roll call vote on the main motion as amended showed Commissioners Munoz and Frank voted in favor. Commissioners Richardson, Tenney, Warren, Younkin, Horsley, and Lanting voted against. **THE MOTION FAILED.**

Discussion followed:

JoAnn Butler stated that for clarification under the code, she was requesting that the Commission tell them what they would need to do to gain approval of the request.

City Attorney Wonderlich recommended to the Commissioners to write down their thoughts on the Zoning Action Sheets, and these would be included on the Finding of Facts and Conclusions of Law, which would have to be adopted. City Attorney Wonderlich recommended to the Commissioners that they make a decision at this time.

Commissioner Frank called a recess at 8:52 pm.

The Commission reconvened at 9:05 p.m.

Item #3 Request of Sandra Strout for a Special Use Permit to operate a beauty salon located at 2122 Addison Avenue East.

Commissioner Frank asked permission for Items #3 and #4 to be presented together.

William Hollifield, Hollifield Law Office, spoke on behalf of the applicant and explained the request using overhead projections. He also stated that they met with Paula Brown Sinclair and addressed her concerns outlined in her letter.

Discussion followed:

Commissioner Tenney asked if there will be directional signage.

- Ø William Hollifield explained there would be a "DO NOT ENTER" sign and directional arrows in the parking lot.

Commissioner Munoz asked where the path is located on the site plan.

- Ø William Hollifield explained that the design path would be decided by Ms. Sinclair.

Commissioner Horsley asked for clarification on the dense landscaping.

- Ø William Hollifield explained the plan for dense landscaping using overhead projections.

Commissioner Franks asked if all easements will be retained.

- Ø City Engineer Young stated that easements are not shown because the location is in a public right of way and utilities have been addressed.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. Staff has reviewed the request. She said staff recommended the following conditions be placed upon the Special Use Permit, if granted:

1. Assure compliance with all zoning and building code requirements.
2. Assure compliance with gateway arterial landscaping requirements.

City Engineer Young added that the right of way was acquired in two pieces and an additional two triangles of right of way were required when Addison was acquired. There are four legal descriptions to separate. The City Council appreciates the opportunity to improve public safety by improving this substandard roadway. The retention of easements will be done because of the necessity to protect maintenance of underground utilities and the drainage.

Commissioner Warren suggested that on Item #4 the last two paragraphs of staff recommendations be added to the motion: (1) A mutual agreement for the disposition of the right-of-way should be a condition of the vacation, and (2) there is a public water line within the subject right-of-way. Stormwater must also pass through. Appropriate easements must be retained.

The public hearing was opened:

Tom High of Benoit and Alexander, representing Scott and Carrie Peterson and Pat Curtis, spoke on behalf of his clients. His clients have no objection to Item #3 if Item #4 is approved first. They are in favor of a vacation of Highview Lane as indicated on the map and as requested by the applicant. Mr. and Mrs. Peterson's request is that the Commission : (1) Approve Item No. 4, and (2) the Commission approve Item #3 as requested by the applicant with the condition that the fence across the southern portion of the property would be an 8' fence.

Commissioner Frank read letters from Paula Brown Sinclair, Karl Brown and Faye Brown, Geoffroi and Marci Golay, Mark Warner, Rosemarie and John Doerr, Richard White and Curtis and Kristy Webb.

The public hearing was closed.

Discussion followed:

Commissioner Horsley asked for clarification in regards to an 8' fence on the southerly portion of the property.

- Ø William Hollifield stated that Ms. Strout is planning to put in trees and is planning to place in a 6' fence.

- Ø City Engineer Young stated that a 6' screened fence minimum is a standard.

- Ø William Hollifield stated that there will be no driving to the south from Ms. Strout's business. Ms. Sinclair is planning on installing concrete blocks. Ms. Strout will inform her clients of parking.

Deliberations followed:

Commissioner Lanting stated that he is in favor of both proposals but not in favor of voting on Item #4 before voting on Item #3.

The Commission discussed the installation of an 8' screening fence on the southerly end and possibly making it a condition.

Commissioner Horsley made the motion to approve a Special Use Permit for Sandra Strout to operate a beauty salon at 2122 Addison Avenue East with staff recommendations and with the following recommendations to: (1) Construct an 8' solid fence on the south property line, and (2) to provide dense landscaping to break the line of sight between 2122 Addison Ave. E. and 2146 Addison Ave. E. The motion was seconded by Commissioner Lanting and all members present voted in favor of the request. THE MOTION PASSED.

Item #4 Request of Sandra Strout for Vacation of 139 'x 25' of Highview Lane located south of Addison Avenue East.

Commissioner Horsley made a motion for vacation of Highview Lane for Sandra Strout for the 139' x 16' of Highview Lane with the following recommendations: (1) A mutual agreement for the disposition of the right-of-way should be a condition of the vacation, and (2) the appropriate easements must be retained. The motion was seconded by Commissioner Warren and all members present voted in favor of the request. THE MOTION PASSED.

Item #5 Request of Jennifer Johnson for a Special Use Permit to operate an in-home daycare facility located at 1207 South Park Avenue West within the City's Area of Impact.

Jennifer Johnson, applicant, explained her request using overhead projections. She agreed with staff recommendations except #2, which stated, "All parking and maneuvering areas to be paved." In the near future she is planning to relocate her facility to another location and paving would create a large expense. She stated she was not going to be the care giver and will be working outside the home.

Discussion followed:

Commissioner Frank stated that paved parking is part of the code.

Commissioner Richardson asked if the ditch is a coulee and if there is fencing.

Ø Jennifer Johnson said it is an irrigation ditch and they are in the process of filling it with dirt and covering it with grass. She stated that fencing has not been secured.

Commissioner Tenney asked if the tax service would be in her home.

Ø Jennifer Johnson stated that the business would be in a different location and stated that she would not be at the daycare care facility full-time but would be managing the facility.

Commissioner Frank asked City Attorney Wonderlich if the applicant would need to be on the premises full-time.

Ø City Attorney Wonderlich stated that an in home daycare care service is where the provider lives full time and believes the applicant complies with the proposal.

Interim Planning and Zoning Director Carraway explained the request using overhead projections. Staff has reviewed the request. She said staff recommended the following conditions be placed upon the Special Use Permit, if granted:

1. Comply with all State and Local requirements to establish a daycare facility.
2. All parking and maneuvering areas to be paved.
3. Adequate turn-around must be provided to prevent backing out on to South Park Avenue West.
4. The driveway is to remain open for parent parking.

5. No signage is permitted.

The public hearing was opened and closed with no public input.

Deliberations followed:

The Commission agreed that a fence should immediately be in place. They also discussed the kind and length of the fence.

Commissioner Lanting suggested that the applicant be given time to pave parking and maneuvering areas.

City Engineer Young stated the daycare is at a temporary location and the Commission could make the condition that the paving could be done within one year.

Commissioner Horsley made the motion to approve the Special Use Permit to Jennifer Johnson to operate an in-home daycare facility at 1207 South Park Avenue West with staff recommendations and the additional recommendations: (6) Required to have a 2,000 square foot enclosed recreation/play area, and (7) the Special Use Permit would be for one year only. The motion was seconded by Commissioner Warren.

Deliberations followed:

Commissioners discussed the importance of the fence to be placed immediately and parking and maneuvering areas to be paved within one year.

Commissioner Lanting made an amendment to the main motion stating that staff recommendation (7) that it is the intent of the Commission that they have one year to pave the parking and maneuvering areas. The motion was seconded by Commissioner Munoz. The roll call vote on the motion to amend the main motion showed all members present in favor of the motion. THE MOTION PASSED.

The roll call vote on the main motion as amended showed all members present in favor of the motion. THE MOTION PASSED.

Item #6

Request of Gary Storrer for the Commission's recommendation on the zoning designation of approximately 45 (+/-) acres of land proposed to be annexed with a zoning designation of R-4, currently zoned R-4 PUD, for property located on the north side of the 600 block of Park Avenue.

Gerald Martens, EHM Engineers, Inc., spoke on behalf of the applicant and explained the request using overhead projections.

Interim Planning and Zoning Director Carraway explained the request using overhead projections. Staff has reviewed the request. She said staff makes no recommendations on this request.

Discussion followed:

The Commissioners asked the status of sewer in the area.

Ø Gerald Martens stated that the piece of R-4 to the north is under the same ownership and will be developed concurrently. Sewer has been extended immediately to the south when Oregon Trail Elementary School was developed. The triangular shaped property located northeast of site has not been addressed.

City Engineer Young stated the corner being discussed is subject to Canyon Rim Overlay Standards.

The public hearing was opened:

Felix Castillo, 474 Highland, spoke. His concern is gaining access to his property.

The public hearing was closed.

Gerald Martens addressed Mr. Castillo and affirmed that the access to his property would not be blocked. Gerald Martens will notify Mr. Castillo when the plat is presented to the Commission.

Deliberations followed:

The Commissioners agreed that the property could be developed if it is in an R-4 PUD.

Commissioner Horsley made a recommendation for an R-4 zoning designation upon annexation for Gary Storrer north of the 600 block of Park Avenue. The recommendation was seconded by Commissioner Warren. Commissioners Frank, Horsley, Munoz, Richardson, Tenney, Warren and Younkin voted in favor of the request. Commissioner Lanting voted against. THE MOTION PASSED.

Item #7 Request of Hyong Pak for a Special Use Permit to construct a 2,304 sq. ft. detached accessory building located at 393 Kay Drive within the City's Area of Impact.

Hyong Pak, applicant, explained the request using overhead projections.

Discussion followed:

Commissioner Lanting made the applicant aware of the requirement that the leading edge of the garage shall be no further forward than the leading or the front edge of his house.

Ø Hyong Pak stated that the submitted drawing has been revised.

Interim Planning and Zoning Director Carraway explained the request using overhead projections. Staff has reviewed the request. She said staff recommended the following condition be placed upon the Special Use Permit permit, if granted:

1. The building to be used for residential purposes only.

The public hearing was opened:

Tony Atkins, 394 Mahard Drive, asked if the building would be used as living quarters, a business, or if it would require additional septic and well.

The public hearing was closed.

Hyong Pak stated that his property sits on 2.65 acres and has private well and septic and there would be no additions. Also, the building would have a standard attic and will be used to store recreational toys only.

Deliberations followed:

Commissioners agreed request is straight-forward.

Commissioner Horsley made the motion to approve a Special Use Permit for Hyong Pak to construct a 2,324 sq. ft. detached accessory building at 393 Kay Drive with the staff recommendation. The motion was seconded by Commissioner Warren and all members present voted in favor of the request. THE MOTION PASSED.

OTHER ITEMS:

Item #8 Findings of Fact and Conclusions of Law:

- a. Special Use Permit request of Robert Moulson
- b. Special Use Permit request of T's Beverage Barn
- c. Annexation request of Ed Berhamovic c/o Adria Custom Homes
- d. Preliminary plat of Davis Subdivision

- e. Preliminary plat of Stonehedge Subdivision
- f. Preliminary Plat of Evergreen Apartments Subdivision
- g. Preliminary plat of Westland Business Park Subdivision

APPROVED

Item #9 Approve minutes of July 12, 2005 and July 19, 2005, Planning and Zoning Commission Meeting.

APPROVED

Item #10 Date of next Planning & Zoning Commission Work Session and Public Hearing.

(W/S- AUGUST 2, 2005 P/H -AUGUST 9, 2005)

Item #11 Public input and/or items from the Planning & Zoning Director and Planning & Zoning Commission.

NONE

MEETING ADJOURED AT 10:45 PM

Leila Sanchez
Public Works Clerk

CITY COMMISSION MEMBERS:

City Limits:

Tom	Ryan	Kyla	Gregory	Gerardo	Bernice	Cyrus	Carl
Frank	Horsley	Kelly	Lanting	Muñoz	Richardson	Warren	Younkin
Chairman	Vice-Chair			Alt.			

Area Of Impact:

David Kemp
Dusty Tenney, **Alt.**
Joe Shelton

CITY OF TWIN FALLS
PLANNING AND ZONING COMMISSION MEETING & PUBLIC HEARING

MINUTES

AUGUST 9, 2005 * * * 7:00 P.M. * * * COUNCIL CHAMBERS
NEW COUNCIL CHAMBERS, 305 THIRD AVENUE EAST.

PLANNING AND ZONING MEMBERS PRESENT: Frank, Horsley, Kelly, Lanting, Muñoz, Richardson, Warren, Younkin

PLANNING AND ZONING MEMBERS ABSENT: None

AREA OF IMPACT MEMBERS PRESENT: Shelton

AREA OF IMPACT MEMBERS ABSENT: Kemp, Tenney

CITY COUNCIL PRESENT: None

CITY STAFF PRESENT: Carraway, Sanchez, Wonderlich, Young

Chairman Frank called the meeting to order at 7:00 p.m.

PUBLIC HEARING ITEMS:

Item #1 Request of Trail Creek Pub, Inc., for a Special Use Permit to operate a brewery and a restaurant serving alcohol for consumption on the premises outside the hours of 7 a.m. to 10 p.m. located at 516 Hansen Street South.

Matt Pornichele, spoke on behalf of the applicant and explained the request using overhead projections.

Discussion followed:

- Clarification that the applicant is not requesting outdoor music at this time. A special use permit will be required if there is to be outside music.
- Hours of operation will be 11:00 a.m. – 11:00 p.m.

Interim Planning and Zoning Director Carraway explained the request using overhead projections. She said staff has reviewed the request and made no recommendation.

Discussion followed:

- An outdoor concert would require a special use permit.
- Established noise levels are stated in a special use permit.

The public hearing was opened and closed with no input.

Deliberations followed:

- Request is straightforward.

Commissioner Horsley made a motion to approve the Special Use Permit for Scott Featherstone dba Trail Creek Pub, Inc., to operate a brewery and a restaurant serving alcohol for consumption on the premises outside the hours of 7:00 a.m. to 10 p.m. at 516 Hansen St. South. The motion was seconded by Commissioner Kelly and all members present voted in favor of the request. THE MOTION PASSED.

Chairman Frank asked permission to move Item #2 to the end of the agenda.

Item #3 City of Twin Falls requests a Comprehensive Plan Amendment that would adopt the revised Generalized Twin Falls Comprehensive Plan Land Use Map. WITHDRAWN BY STAFF

OTHER ITEMS:

Item #4 Preliminary PUD presentation of David Randall on behalf of Val Jensen for a rezone from R-4 to R-4 PUD for 1.49 acres (+/-) to develop a multi-family housing development located at 273 Robbins Street.

Roger Kruger, EHM Engineers, Inc., spoke on behalf of the applicant and explained the request using overhead projections.

Interim Planning and Zoning Director Carraway explained the request using overhead projections. She said this is a preliminary PUD presentation and no action is required at this time.

Opened for public comment with no input.

Item #5 Consideration of the initiation of the revocation of Special Use Permit #0800, granted to David Hall January 28, 2003, to operate an automobile sales business on property located at 1102 Kimberly Road.

Interim Planning and Zoning Director Carraway explained the request using overhead projections. She explained Mr. David Hall's Special Use Permit #0800 was for the sole purpose of operating an automobile sales business. It has been observed that large pieces of heavy equipment were on the site for sale. She also stated that the property has recently been cleared of equipment and cleaned. She said staff has reviewed the request and made no recommendation on this issue.

David Hall, applicant, spoke against the revocation of Special Use Permit #0800. He stated the following:

- His renter was to apply for a special use permit and maintain the property.
- He does not have the responsibility of telling his renters what they can or cannot sell on his property.
- He no longer has real estate signs on the property.
- He has offered to sell the property to the City of Twin Falls.
- He stated that he could have been exempt from landscaping and was not required to deed 1,900 square feet of his property to the City of Twin Falls.
- Currently there are three live trees and the three shrubs he planted died.

- He received a letter from Michael Scott, State of Idaho, stating that the State has jurisdiction of Highway 30 (Kimberly Road). Two weeks later, Mr. Scott sent him a letter stating that the City of Twin Falls has jurisdiction of Kimberly Road.
- He had a potential buyer for the property but buyers indicated the shared driveway with the Shake Out would make this impossible to place an espresso shop.
- He stated that if the permit is revoked he would take down his fence and take his property back.
- He asked the Commission why Ken Stevens, owner of a business on Kimberly Road, is not required to have landscaping.

Discussion followed:

Commissioner Lanting asked the applicant why the three shrubs died.

- David Hall stated he did not water the shrubs.

Commissioner Kelly asked the applicant if he is currently meeting the following three conditions on the special use permit: 1) Assure compliance with all zoning and building code requirements including gateway arterial requirements; 2) The westerly curb cut is to be closed and arterial landscaping to be placed across it; 3) The shared driveway is to be kept open at all times.

- David Hall answered yes to all three conditions.

Chairman Frank asked the applicant if he placed the fence on the frontage of the lot and if he had checked the fencing requirements prior to installation.

- David Hall stated that he contacted the Planning and Zoning Department and that he did comply with the fencing code.
- Interim Planning and Zoning Director Carraway confirmed his answer.

Commissioner Kelly asked staff how the arterial landscaping requirements are determined and if the three trees meet these requirements.

- Interim Planning and Zoning Director Carraway stated the requirements are set by code and she could not determine if the trees meet the requirements without the correct square footage of the property.

City Attorney Wonderlich addressed the applicant's question in regards to Ken Stevens' property and the landscaping issue on Kimberly Road. He stated that improvements are triggered by a change of use or an improvement of property of an existing building of 25% or more. David Hall required a change of use; Ken Stevens did not.

He addressed David Hall and explained that it is the property owner who is legally responsible for what takes place on his property and that the property stays in compliance with all zoning laws.

Deliberations followed:

- Commissioner Lanting stated that the property is vacant and should not be required to comply with the gateway arterial landscaping.
- It was confirmed by staff that a special use permit will lapse if not active for one year. Staff will investigate if David Hall's special use permit has been inactive for one year.
- Chairman Frank suggested that the process of revocation take place and if the property is sold or rented a new application will be required for a special use permit.

Commissioner Horsley made the motion to initiate the revocation of Special Use Permit #0800 granted to Mr. David Hall on January 28, 2003, to operate an automobile sales business on real property located at 1102 Kimberly Road. The motion was seconded by Commissioner Warren and all present voted in favor of the motion. THE MOTION PASSED.

Item #2 City of Twin Falls requests a Zoning Title Amendment to amend City Code §10-17-4 by providing additional zoning and subdivision hearing procedures.

City Attorney Wonderlich explained the request using overhead projections. He stated that the purpose of the ordinance and resolution is to provide for more uniform procedures to prevent last minute changes made to the application after the staff review, and to reduce unnecessary delays in processing applications.

Discussion followed:

- Proper procedures on tabling an item if the proposed code is violated.
- Time limits for the applicant, those wishing to speak, and the spokesperson speaking for five or more persons.

The public hearing was opened and closed with no input.

Commissioner Kelly made a motion for approval of a Zoning Title Amendment which would amend City Code §10-17-4 by providing for additional zoning and subdivision hearing procedures. The motion was seconded by Commissioner Warren and all those present voted in favor of the motion. THE MOTION PASSED.

Item #6 Findings of Fact and Conclusions of Law:

a. Special Use Permit request of Troy Herold, CLC Associates. APPROVED

Item #7 Approve minutes of July 26, 2005, and August 2, 2005, Planning and Zoning Commission Meeting. APPROVED

Item #8 Date of next Planning & Zoning Commission Work Session and Public Hearing.
(W/S- AUGUST 23, 2005 P/H -AUGUST 30, 2005)

Item #9 Public input and/or items from the Planning & Zoning Director and Planning & Zoning Commission.

Interim Planning and Zoning Director Carraway updated the Commission on the current status of existing message center signs in Twin Falls.

Chairman Frank commended the City employees for compiling the report.

MEETING ADJOURNED AT 8:07 PM

Leila Sanchez
Public Works Clerk

CITY COMMISSION MEMBERS:

City Limits:

Tom	Ryan	Kyla	Gregory	Gerardo	Bernice	Cyrus	Carl
Frank	Horsley	Kelly	Lanting	Muñoz	Richardson	Warren	Younkin
Chairman	Vice-Chair			Alt.			

Area Of Impact:

David Kemp
Dusty Tenney, **Alt.**
Joe Shelton,

CITY OF TWIN FALLS
PLANNING AND ZONING COMMISSION MEETING & PUBLIC HEARING
MINUTES
AUGUST 30, 2005 * * * 7:00 P.M. * * * COUNCIL CHAMBERS
NEW COUNCIL CHAMBERS, 305 THIRD AVENUE EAST.

Any person(s) needing special accommodations to participate in the above noticed meeting should contact Jody Hall, 735-7287, two working days before the meeting

PLANNING AND ZONING MEMBERS PRESENT: Frank, Horsley, Kelly, Lanting, Muñoz, Richardson, Warren, Younkin

PLANNING AND ZONING MEMBERS ABSENT: None

AREA OF IMPACT MEMBERS PRESENT: Kemp

AREA OF IMPACT MEMBERS ABSENT: Shelton, Tenney

CITY COUNCIL PRESENT: None

CITY STAFF PRESENT: Bates, Carraway, Sanchez, Wonderlich, Young

Chairman Frank called the meeting to order at 7:00 PM. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

PUBLIC HEARING ITEMS:

Item #1 Request of David Randall on behalf of Val Jensen for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PUD to develop a multi-family housing development for 1.49 acres (+/-) on property located at 273 Robbins Street.

Roger Kruger, EHM Engineers, Inc., spoke on behalf of the applicant and explained the request.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. She said staff has reviewed the request and has recommended the following condition be placed upon the request, if recommended for approval:

1. Assure compliance with all zoning, engineering, building and fire codes.

The public hearing was opened.

Marie Smith, 333 Robbins, spoke against the request. Her concerns included the following: CSI students overcrowding the now quiet neighborhood, weed abatement issues, and the status of the canal.

The public hearing was closed.

Roger Kruger stated that he could not address the traffic issues. He stated that plans for the irrigation lateral would include covering the pipe and keeping it functional, and the exact type of development is currently happening to the east of the property.

Deliberations followed:

- four plexes would be allowed to go in on a one-by-one basis
- upscale project
- new development will not impact existing area

Commissioner Horsley made a motion to recommend approval of the request as presented with the staff recommendation. Commissioner Warren seconded the motion and roll call vote showed all members present in favor of the request. **THE MOTION PASSED.**

Item #2

Request of Les Schwab Tire Centers, c/o George Benting, for a Special Use Permit to operate a tire shop on property located at the northeast corner of Pole Line Road and Canyon Crest Drive.

Gerald Martens, EHM Engineers, Inc., spoke on behalf of the applicant and explained the request using overhead projections.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. She said staff has reviewed the request and recommended the following conditions be placed upon the Special Use Permit, if granted:

1. Assure compliance with all zoning, building and fire codes and the Northbridge PUD Agreement
2. Screen the outside service area on the east side of the building.
3. Provide adequate designated public access and parking for the public trail system.

Discussion followed:

- four parking spaces adjacent to trail system
- type of lighting

Gerald Martens explained that lighting would not be shining onto Pole Line Road. Walpole lighting with shields would be used to eliminate light pollution. Lighting hours would be from 7:00 AM to 7:00 PM.

Dave Husk, representing the applicant, stated this Les Schwab store is not a replacement for the existing store but a new store , and that 95% of the work is done inside and the area in the back of the store is used for larger vehicles.

The public hearing was opened and closed with no input.

Commissioner Warren made a motion to approve the request as with staff recommendations. Commissioner Horsley seconded the motion and roll call vote showed all members present voted in favor of the request. **THE MOTION PASSED.**

Item #3

Request of Tami Conrad for a Special Use Permit to operate an in-home daycare on property located at 1169 Sparks Street.

Tami Conrad, applicant, explained the request.

Interim Planning and Zoning Director Carraway reviewed the request. She said staff has reviewed the request and recommended the following conditions be placed upon the permit, if granted:

1. Residents to park in garage. The driveway is to remain open for parent parking.
2. Comply with all State and Local requirements to establish a day care facility.

Discussion followed:

- no documented complaints

The public hearing was opened.

Katherine Lopez, 2913 E. 3600 N. #124, spoke in favor of the request.

Rene Ramber, 1189 Sparks, spoke in favor of the request.

Aleah Lattin, 1163 Sparks, spoke in favor of the request.

The public hearing was closed.

Deliberations followed:

- commended the applicant

Commissioner Kemp made a motion to approve the request as presented with staff recommendations. Commissioner Kelly seconded the motion and roll call vote showed all members present voted in favor of the request.

Item #4 Request of Jack Bauer for the Commission's recommendation on the annexation with a zoning change from R-1 VAR, R-2 and SUI, to R-2 and SUI for approximately 77 acres (+/-) located at the northwest corner of Falls Avenue West and Grandview Drive North.

Scott Allen, EHM Engineers, Inc. spoke on behalf the applicant and explained the request using overhead projections.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. She explained that the request was for a zoning change and not an annexation request.

City Engineer Young stated his concern regarding the location of a zone line. He stated that when a zone line is placed on a lateral that the lateral would be piped. He also stated that in a subdivision a pipe would be moved out or the zone line would be moved to one side or another.

City Attorney Wonderlich stated his concern that the public hearing was advertised as an R-2 and SUI Zone rather than R-2.

Scott Allen stated that the property was zoned SUI and the entire parcel would have to be annexed, and he would ask the Commission to consider the proposed request.

Deliberations followed:

- neighbors needing to be legally informed of the proposed request.
- difference between an SUI and R-2 zoning change

City Attorney Wonderlich recommended to the Commission that the request be readvertised or tabled at this time.

Commissioner Horsley made a motion to table the request and readvertise as all R-2. Commissioner Kelly seconded the motion. Commissioners Kelly, Kemp Muñoz, Frank, Richardson, Younkin, voted in favor of the motion. Commissioners Horsley, Lanting and Warren voted against the motion. **THE MOTION PASSED.**

Item #5 Request of Daniel L. Willie for a Special Use Permit to serve alcohol for consumption on the premises and located less than 300' from residential property, in conjunction with a restaurant, on property located at 1117 Blue Lakes Boulevard North.

Gerald Martens, EHM Engineers, Inc. , spoke on the behalf of the applicant and explained the request using overhead projections.

Discussion followed on:

- clarification – the noise level is not to exceed 78 decibels at any point within ten feet (10') from the exterior walls of the building.
- proposed signage location
- existing entryways being consolidated
- business hours

Dan Willie stated that his employees would park in the back of the building in a designated area.

Dan Willie, applicant, explained the request using overhead projections.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. She said staff has reviewed the request and has recommended the following conditions be placed upon the Special Use Permit, if granted:

1. Provide a corrected site plan.
2. Provide a parking plan subject to City Staff approval.
3. Provide a definition of the common area within the Reciprocal Easement Agreement.
4. Full compliance with zoning, building, engineering and fire codes.
5. Eliminate the northerly approach on Blue Lakes Blvd. N.
6. Noise level not to exceed 78 decibels at any point within ten feet (10') from the exterior walls of the building.

The public hearing was opened.

Nick Lowman, 3177 Woodridge West, property owner in the Plaza, stated that his main concern is the limited parking and asked the applicant to address the parking.

Esther Lowman, 3177 Woodridge West, property owner in the Plaza, stated that her main concern is the limited parking and asked the applicant to address the parking.

The public hearing was closed.

Dan Willie said he spoke to Jeff Rolig, attorney for Mr. & Mrs. Lowman, and has agreed to use a 1.2 acre parcel located west of the site that will be designated for employee parking.

Gerald Martens used overhead projections locating the proposed parking area. The parking area would be paved and more than 150 parking spaces will be available and the landscaping requirements will be met.

Deliberations followed:

- the parking to the west of the proposed area will have to comply with building permit requirements

Commissioner Horsley made a motion to approve the request as presented with staff recommendations. Commissioner Kemp seconded the motion and roll call voted showed all members present voted in favor of the request. **THE MOTION PASSED.**

Item #6 Request of Yoshiko Sawada for a Special Use Permit to serve alcohol for consumption on the premises and located less than 300' from residential property, in conjunction with a restaurant, on property located at 1111 Blue Lakes Boulevard North. **RESCHEDULED FOR SEPTEMBER 27, 2005.**

Item #7 Request of Larry Muegerl for a Special Use Permit to serve alcohol for consumption on the premises and located less than 300' from residential property, on property located at 170 South Park Avenue.

Kristi Johnson, Manager of Hot Rocks, spoke on behalf of the applicant and explained the request.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. She said staff reviewed the request and recommended the following conditions be placed upon the Special Use Permit, if granted:

1. The hours of operation not to exceed 8AM to 1AM
2. Noise level not to exceed 78 decibels at any point within ten feet (10') from the exterior walls of the building.
3. Install a 6-foot high screening fence along the alley south of the building.

The public hearing was opened.

S. Hess, 126 Sidney, spoke against the request. She lives behind the property and has invested time and money in her home. The neighborhood was once quiet and pleasant and now is disrupted with the all night music. Trash is a continuous problem. She has contacted the City Police Department on several occasions. A few years back she contacted Lance Clow, Mayor at that time, to rectify the situation. A new fence on the side of the parking area was installed. She strongly opposes the request.

Victor Cabello, 186 Sidney, spoke opposing the request. He stated that a bus stop is in the vicinity of the bar. He complained about the noise and trash.

Daniel Alaniz, 130 Sidney, spoke opposing the request.

Larry Mugerl, owner, stated that his liquor license was not revoked. He has placed barriers in the alley and put up a fence. Police officers have shown up a few times because of noise complaints. He stated that he was never informed of a meeting held by the neighbors with then - Mayor Lance Clow.

The public hearing was closed.

Kristi Johnson has spoken with Office Barnhart regarding noise complaints. He informed her that the music was not in violation. She believes noise is coming from Glanbia. She stated she has not received any complaints during the past two years.

Deliberations followed:

- Special Use Permit could be revoked.
- discussion if a 6' fence was adequate
- effectiveness of a 50' ground filled fencing
- bass levels
- one official complaint made
- bar hours

Commissioner Kelly made a motion to approve the request as presented with the following staff recommendations: (1) The hours of operation not to exceed 8AM to 1AM, (2) Noise level not to exceed 78 decibels at any point within ten feet (10') from the exterior walls of the building, and, (3) Install an 8-foot high cinder block filled screening fence along the alley south of the building (50'), to be installed within 30 days of the issuance of the Special Use Permit. Commissioner Munoz seconded the motion and roll call voted showed all members present in favor of the request. **THE MOTION PASSED.**

OTHER ITEMS:

Item #8 Consideration of the Stone Ridge Estates Preliminary Plat, 130.13 acres (+/-) located southeast of Rock Creek Canyon and Pole Line Road within the City's Area of Impact.

Mitch Bausman, applicant, explained his request using overhead projections.

Chuck Brockway, McClure Engineering, explained the proposed DEQ approved Evapotranspiration system using overhead projections. He explained the adequacy of the aquifer serving the proposed area.

Discussion followed:

- leakage and contamination from the Evapotranspiration system
- units installed at each lot
- installation of the system by a state certified installer
- insignificant draw down per well
- procedures for monitoring the Evapotranspiration system

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. She said staff has reviewed the request and if the Preliminary Plat is approved they have recommended the following condition be placed upon the request, if approved:

1. Subject to final technical review by the City of Twin Falls Engineering Department.

Opened for public input.

Jay Moyle, 4052 N. 2600 E., Filer, requested that a Demand a Waiver of Nuisance Agreement be signed by the buyer prior to purchase.

Ray Moore, 2420 E. 4100 N., Filer, requested that a buffer zone be established.

Carol Sperry, P.O. Box 5022, is concerned that the proposed Evapotranspiration Systems would not be an effective system and who would enforce and monitor the system.

Sherry McAllister, 1651 Sunway N., property adjacent to proposed subdivision is concerned trees would not keep children away from their property. She is concerned with the aerial spraying done in the vicinity.

Robert Adams, owner, 821 Rim View Lane, stated that he is complying with state laws.

Chairman Frank read letters from Sherry and David Sherbet, dated August 27, 2005, and Mark Brunelle, Twin Falls County Research & Development, dated August 29, 2005.

Chuck Brockway stated that the Evapotranspiration System would have 30 inches of sand and 18 inches of gravel. The membrane would be 40 mil PVC. The lifetime of the membrane would be 50 years if not exposed to ultraviolet light. The piczometer would indicate a possible leakage.

Mitch Bausman stated that a PVC systems operations manual would be provided to the homeowner. He stated that the project would be done in phases, and the potential buyer would be informed of possible aerial applications near the property in a purchase agreement. They would also be informed of the neighboring mink farm.

Deliberations followed:

- provisions for an open space park would be part of the final plat
- area is out of the service area and unable to hook up to city sewer
- smell from the mink farm
- relying on homeowners to check for septic leakage

Commissioner Horsley made a motion to approve the preliminary plat with the staff recommendation. Commissioner Warren seconded the motion. Commissioners Muñoz, Frank, Kemp Lanting, Richardson voted in favor of the motion. Commissioners Horsley and Kelly voted against the motion.
THE MOTION PASSED

Item #9 Findings of Fact and Conclusions of Law:

- a. PUD Agreement modification request of Dale M. Frazell on behalf of Lyons Development, LLC.
- b. Special Use Permit request of Sandra Strout.
- c. Vacation request of Sandra Strout.
- d. Special Use Permit request of Jennifer Johnson.
- e. Zoning request of Gary Storrer.
- f. Special Use Permit request of Hyong Pak.
- g. Special Use Permit request of Trail Creek Pub, Inc.

APPROVED

Item #10 Approve minutes of August 2, 2005, August 9, 2005, and August 23, 2005, Planning and Zoning Commission Meeting.

APPROVED

Item #11 Date of next Planning & Zoning Commission Work Session and Public Hearing.

(W/S- SEPTEMBER 6, 2005 P/H –SEPTEMBER 13, 2005)

Item #12 Public input and/or items from the Planning & Zoning Director and Planning & Zoning Commission.

Interim Planning and Zoning Director Carraway gave an update on the message center signs.

Clarification of the annexation process was discussed.

THE MEETING ADJOURNED AT 10:43 PM

**Leila Sanchez
Public Works Clerk**

CITY COMMISSION MEMBERS:

City Limits:

Tom	Ryan	Kyla	Gregory	Gerardo	Bernice	Cyrus	Carl
Frank	Horsley	Kelly	Lanting	Muñoz	Richardson	Warren	Younkin
Chairman	Vice-Chair			Alt.			

Area Of Impact:

David Kemp
Dusty Tenney, **Alt.**
Joe Shelton,

CITY OF TWIN FALLS
PLANNING AND ZONING COMMISSION MEETING & PUBLIC HEARING

MINUTES

SEPTEMBER 13, 2005 * * * 7:00 P.M. * * * COUNCIL CHAMBERS

NEW COUNCIL CHAMBERS, 305 THIRD AVENUE EAST.

Any person(s) needing special accommodations to participate in the above noticed meeting should contact Jody Hall, 735-7287, two working days before the meeting

PLANNING AND ZONING MEMBERS PRESENT: Frank, Horsley, Kelly, Lanting, Richardson, Warren, Younkin

PLANNING AND ZONING MEMBERS ABSENT: Muñoz

AREA OF IMPACT MEMBERS PRESENT: Tenney

AREA OF IMPACT MEMBERS ABSENT: Kemp, Shelton

CITY COUNCIL PRESENT: None

CITY STAFF PRESENT: Carraway, Sánchez, Wonderlich, Young

Chairman Frank called the meeting to order at 7:00 PM. He then reviewed the public hearing procedures with the audience and introduced the City staff present.

PUBLIC HEARING ITEMS:

Item #1 Request of the City of Twin Falls for the Commission’s consideration of the revocation of Special Use Permit #0800 granted on January 28, 2003, to operate an automobile sales business on property located at 1102 Kimberly Road.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. Staff made no recommendation on this request.

Discussion followed:

- New landscaping planted as of August 30, 2005
- Gateway arterial requirements are not being met

City Attorney Wonderlich reviewed City Code 10-13-2.3 using overhead projections.

Paul Hall, brother of the applicant, stated that he is considering renting the property but had the following concerns:

1. Did he have to keep the combined entrance with the Shake Out?
2. Would he be allowed to sell autos, ATV’s, and motorcycles?
3. What assurance would he have if he did concrete cuts to allow water penetration or irrigation system to landscaping that a Special Use permit would be issued?

4. If the permit is revoked what would he need to do to start the process for a new business?

The public hearing was opened and closed with no input.

Discussion followed:

- He would have to keep the combined entrance with the Shake Out.
- The current Special Use Permit allows sales of cars and pickups only.
-

Deliberations followed:

- Current Special Use Permit would not allow sales of motorcycles
- No long term assurance of watering to be done
- Better use of property would be the sales of motorcycles and ATV's.
- Best interest of Paul Hall to apply for a new permit. Paul Hall could apply for his own Special Use Permit with legal documentation from the owner.
- Consideration of alternatives other than the initiation of a Special Use Permit revocation when an owner has made an effort to comply.

Commissioner Horsley made a motion to revoke Special Use Permit #0800 granted on January 28, 2003, to Mr. David Hall. Commissioner Kelly seconded the motion. Commissioners Frank, Horsley, Kelly, Richardson, Warren and Younkin voted in favor of the motion. Commissioners Lanting and Tenney voted against the motion. **SPECIAL USE PERMIT REVOKED**

Item #2 Request of Mel Frandsen for the Commission's recommendation on the annexation of 38 acres (+/-) with a zoning designation of R-2, currently zoned R-2, for property located on the south side of Pole Line Road and 2750 East Road.

Don Acheson of Riedesel & Associates, Inc., spoke on behalf of the applicant and reviewed the request using overhead projections.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. Staff made no recommendation on this request.

Discussion followed:

- Right of way dedicated for a turnaround
- Irrigation lateral

The public hearing was opened and closed with no input.

Deliberations followed:

- Straightforward with no issues to be discussed.

Commissioner Horsley made a motion to recommend approval of the request as presented. Commissioner Warren seconded the motion. Roll call vote showed all members present in favor of the request. **THE MOTION PASSED**

OTHER ITEMS:

Item #3 Findings of Fact and Conclusions of Law:
a. Zoning request of David Randall on behalf of Val Jensen.
b. Special Use Permit request of Les Schwab Tires c/o George Benting.

- c. Special Use Permit request of Tami Conrad.
 - d. Special Use Permit request of Larry Muegerl.
- APPROVED**

Item #4 Approve minutes of August 30, 2005 Planning and Zoning Commission Meeting.
APPROVED

Item #5 Date of next Planning & Zoning Commission Work Session and Public Hearing.
(*W/S- SEPTEMBER 20, 2005 P/H -SEPTEMBER 27, 2005*)

Item #6 Public input and/or items from the Planning & Zoning Director and Planning & Zoning Commission.

Interim Planning and Zoning Director Carraway gave an update on the message center signs. Violation procedures were discussed. City Attorney Wonderlich will prepare a violation letter.

The meeting was adjourned at 7:47 PM



Leila Sánchez
Public Works Clerk

CITY COMMISSION MEMBERS:

City Limits:

Tom	Ryan	Kyla	Gregory	Gerardo	Bernice	Cyrus	Carl
Frank	Horsley	Kelly	Lanting	Muñoz	Richardson	Warren	Younkin

Chairman Vice-Chair Alt.

Area Of Impact:

David Kemp
Dusty Tenney, **Alt.**
Joe Shelton,

CITY OF TWIN FALLS
 PLANNING AND ZONING COMMISSION MEETING & PUBLIC HEARING
MINUTES
 SEPTEMBER 27, 2005 * * *7:00 PM * *COUNCIL CHAMBERS
NEW COUNCIL CHAMBERS, 305 THIRD AVENUE EAST.

Any person(s) needing special accommodations to participate in the above noticed meeting should contact Jody Hall, 735-7287, two working days before the meeting

PLANNING AND ZONING MEMBERS PRESENT: Frank, Horsley, Lanting, Richardson, Younkin

PLANNING AND ZONING MEMBERS ABSENT: Kelly, Muñoz, Warren

AREA OF IMPACT MEMBERS PRESENT: Kemp

AREA OF IMPACT MEMBERS ABSENT: Tenney, Shelton

CITY COUNCIL PRESENT: None

CITY STAFF PRESENT: Carraway, Sánchez, Wonderlich, Young

Chairman Frank called the meeting to order at 7:00 PM. He then reviewed the public hearing procedures with the audience and introduced the City staff present.

PUBLIC HEARING ITEMS:

Item #1 Request of Gary’s Westland, LLC c/o Gary Storrer for Annexation with a Zoning Designation Change from R-1 VAR and SUI to R-2 for 354 (+/-) acres located between the 1300 – 1700 blocks between Eastland Drive North and Hankins Road aka 3200 East Road.

Gerald Martens, EHM Engineers, Inc., spoke on behalf of the applicant and explained the request using overhead projections.

- The development plan and the language in the Draft PUD Agreement addressed the following:
1. Continuation of the Canyon Rim Trail from Eastland to Hankins Road that would meander through the project providing the closing of a one mile gap in Canyon Rim Trail.
 2. A temporary trail and ultimately a permanent trail.
 3. It will allow the City to close the gap in the trail system in advance of the multiple phases of the Preserve project.

The property landscaping will utilize a City pressure irrigation system constructed in compliance with applicable standards. Each phase of the project will provide one share of Twin Falls Canal Company water for each acre platted.

The project will be presented to the Commission in several phases. The market dictates the sequence of development.

A neighborhood meeting was conducted.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. She said staff has reviewed the request and has recommended the following conditions be placed on the request, if recommended for approval:

1. Full compliance with the PUD Agreement.
2. Connection to the Snake River Canyon Trail System.

Discussion followed:

Chairman Frank addressed Gerald Martens stating that he would like to see the trail as soon as it can go out to the Canyon Rim so the entire public could enjoy the view. He asked if this was a non-negotiable item.

Gerald Martens stated the trail is at the most appropriate location for the following two reasons:

1. It is adjacent to and accesses the Evel Knievel jump site that can be promoted as a trail stop.
2. The language of the PUD agreement does provide for a temporary alignment so the trail can be constructed as soon as the City can find the resources, along with the developer, to dedicate the right-of-way and provide for a temporary easement so the trail can be completed.

It is the developer's preference that the trail not be along the short section of the canyon rim near the jump site which is approximately 300' feet of frontage. However, access will be provided to the rim and to the Evel Knievel jump site.

Commissioner Frank read a letter addressed to the Commission from LaMar N. Orton expressing concern that a portion of the Snake River Canyon trail is being considered with a private section along the rim for the Estate Lots and not being developed for public use. This sets a precedence of restricting the Snake River Canyon view from the public.

The public hearing was opened:

Warren Shillington, 2315 Pole Line Road East, expressed his concern of the possibility of homes jammed together as in other areas. He asked the applicant if there will be a minimum of 14' between dwellings.

Barbara Robison, 104 Los Lagos, asked the applicant if a business park is being proposed next to Eastland Road.

The public hearing was closed.

Gerald Martens stated, for the record, that the annexation request does not extend beyond the properties that Mr. Storrer owns.

The existing lake will be enlarged and enhanced and water quality will be improved by making a more effective inlet and outlet. It will be turned into one of the major features of the project. There is a significant amount of irrigation wastewater and spring water that flows through the

property, and will be used for aesthetic purposes such as water falls, ponds, lakes and other features.

Density, as stated within the PUD Agreement, along the perimeter areas, are designated as estate lots and will be developed to R-1 variable standards. Lot sizes may vary but they will be at least 20,000 square feet. The area designated as low density will be developed to R-2 standards. The density shall be 2 to 4 units per acre and a minimum 10,000 to 20,000 square feet per lot. The R-2 standards will provide for such things as setbacks. Lots will not be of minimal size. A townhouse development could be part of the medium density area.

The business commercial concept has been excluded from this PUD.

Deliberations:

1. Connection of the Trail system will be reviewed as part of the preliminary plat process.
2. The Commission's role regarding this request is for the zoning designation only.
3. Mixed residential zoning will be throughout the development.

Commissioner Horsley made a motion to recommend approval of the request as presented with the staff recommendations. Commissioner Kemp seconded the motion and roll call vote showed all members present in favor of the request. **THE MOTION PASSED.**

Item #2

Request of Jack Bauer for the Commission's recommendation on the annexation with a zoning change from R-1 VAR, R-2, and SUI to R-2 for approximately 77 acres (+/-) located at the northwest corner of Falls Avenue West and Grandview Drive North.

Scott Allen, EHM Engineers, Inc., spoke on behalf of the applicant and explained the request using overhead projections. He stated the lots along the westerly boundary will not have less than 10,000 sq ft and will be single-family. He said the developer could provide a Deed Restriction that would be recorded with the plat – similar to Rock Creek Estates that was approved last year.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. She stated that the applicant, in his narrative, states the developer may submit a zoning request in the future to address a neighborhood commercial center at this location. The request would be consistent with the Comprehensive Plan and other residential development in the area.

She said staff has reviewed the request and made no recommendation on this request.

Opened and closed for public hearing with no input.

Deliberations followed:

1. Consistent with the zoning in the area.
2. Discuss buffer in the platting process.
3. Neighborhood Commercial Center is part of the Comprehensive Plan.

Commissioner Horsley made a motion to recommend approval of the request as presented. Commissioner Kemp seconded the motion and roll call vote showed all members present in favor of the request. **THE MOTION PASSED.**

Item #3 Request of Daniel L. Willie for a Special Use Permit to serve alcohol for consumption on the premises and located less than 300' from residential property, in conjunction with a restaurant, on property located at 1117 Blue Lakes Boulevard North.

Gerald Martens, EHM Engineers, Inc., spoke on behalf of the applicant and explained the request using overhead projections.

He added that the property line on the site plan between parcels #1 and #2 is not an actual lot line.

Discussion followed:

Ø Commissioner Lanting: “Gerald it looks to me, like parking spots were lost.”

Gerald responded by stating it had been discussed with the business owners and the new parking area would be provided.

Ø Commissioner Lanting: “Gerald can you give me a feel as to how far the walk really is?”

Gerald Martens stated the parking area is approximately 200’.

Ø Commissioner Lanting: “The basis for my question is, actually, a different perspective, is there a shared parking area, is there a problem with that?”

Gerald Martens stated that he spoke with the surrounding business owners and there would be ample parking the new designated parking area.

1. The outdoor dining is at the SE corner of Blue Lakes.
2. No outdoor speakers in the outdoor dining area.
3. Parking spaces adjacent to the building will be removed. Spaces will be in the new parking area.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. She said staff has reviewed the request and recommended the following conditions be placed upon the Special Use Permit, if granted:

1. Provide a corrected site plan.
2. Provide a parking plan, to be approved by staff.
3. Eliminate the northerly approach on Blue Lakes Blvd. N.
4. Provide a definition of the common area within the Reciprocal Easement Agreement.
5. Full compliance with zoning, building, engineering and fire codes.
6. Noise level not to exceed 78 decibels at any point within ten feet (10’) from the exterior walls of the building.

Dan Willie, applicant, explained he failed to notify all property owners within 300’ but held an informative meeting with the property owners previously not contacted.

Michael Arrington, architect, explained the decibel readings he took in the surrounding areas.

The public hearing was opened:

Esther Lowman, 3177 Woodridge West, property owner in the Plaza, stated that her previous concerns have been addressed by Mr. Willie and spoke in favor of the request.

Gregg Middlekauf, 1243 Blue Lakes Blvd., N., spoke in favor of the request.

Helen Doherty, 1091 Lincoln Street., spoke opposing the request. Her concerns included the excessive noise, traffic, and alcohol impacting her neighborhood. She submitted a letter she received from the applicant at a neighborhood meeting.

Alfred L. Maguire, 778 Green Acres Drive, spoke opposing the request. His concerns included the excessive noise, traffic, and alcohol impacting his neighborhood.

William Dee, 990 Lincoln Street North, spoke opposing the request. His concerns included the excessive noise, traffic and alcohol impacting his neighborhood.

Mike Shawl, 1063 Lincoln Street, spoke opposing the request. His concerns included the excessive noise, traffic, and alcohol impacting his neighborhood.

Ed Fournier, 825 Green Acres Drive, spoke opposing the request. His concerns included the excessive noise and traffic impacting his neighborhood.

Frank Zambic, 839 Green Acres Drive, spoke opposing the request. His concerns included the excessive traffic, noise, and alcohol impacting his neighborhood.

Alfred Acquire stated that the next Agenda Item was a request for a Special Use Permit to serve alcohol for consumption in the same location.

Linda Fleming, 1098 Pinewood Circle, requested the closure of Lincoln Street.

Cheryl Johnson, 1098 Leatherwood Circle, spoke opposing the request.

Tammy Walker, 2927 9th Avenue East, stated Evergreen and Green Acres are also accesses to the area.

Marilyn Bothin, 1006 Lincoln Street, spoke opposing the request. Her concerns included the excessive traffic and noise impacting her neighborhood.

Esther Lowman, 3177 Woodridge West, spoke in favor of the request of Yoshiko Sawada for a Special Use Permit to serve alcohol.

Betty Grant, 836 Green Acres Drive, spoke opposing the request. Her concern is the excessive traffic impacting her neighborhood.

Joe Russell, 703 Riverview Drive, owner of the Deseret Industries building, believed he was misrepresented by comments made by the neighbors who attended a meeting with himself and Dan Willie, and made the following clarifications:

1. Dan Willie agreed to shield the lights, to plant shrubs on the southern boundary of the proposed parking lot across the street on Lincoln-west of the proposed restaurant, and discussed the closure of Lincoln Street.

2. A multi-family housing development was discussed as one of the outright permitted uses for the site where the parking lot is being proposed. He stated that he did not make the statement to be threatening, but to make the neighbors aware that he will not hold onto the property.

The public hearing was closed.

Gerald Martens addressed the neighbors' concerns regarding excessive traffic. He suggested that patrolling, directional signage, and speed bumps may help alleviate the problem.

In an earlier meeting it was agreed that the applicant would accept a 78 decibel limitation, as suggested by staff. He stated that Mr. Willie and his architect are investigating ways to shield the inside noise, which may include additional soundproofing and insulation.

There is an opportunity for cars to exit onto Blue Lakes at the three different accesses, including Evergreen and Green Acres.

The public hearing was closed.

City Engineer Young addressed the questions of the possibility of closing Lincoln Street. In using overhead projections, he showed public right of way on the Master Street Plan and stated that Lincoln Street is an integral part of the public transportation system.

Commissioner Lanting: "I want to say, the city that I can think of, that had a barrier, so through traffic wouldn't go through was in St. Louis. They, at the time, put barriers in a particular point in the road, and I don't know if it's a possibility here, because you got commercial and that section R-4, right now, which may change, a natural point to put a barrier would be in residential."

City Engineer Young stated that the City historically resists placing speed bumps on streets, with there being very few exceptions. Speed bumps restrict emergency access and public service issues.

Commissioner Lanting: "Does that include barriers excluded through a residential area?"

City Engineer Young stated that he would not be in favor of speed bumps.

Commissioner Lanting: "It seems like a good project and I hear the concerns of the residential area close by, sadly a lot of times people do envision it's going to be a terrible thing. Does seem like an upscale restaurant and the traffic just looking at it, would head straight out to Blue Lakes, and so again, it doesn't appear logical like a lot of traffic of 300 cars would be exiting at once. As Gerald said, the restaurant holds 300 people." When I leave a restaurant I don't see 100 cars leaving at once."

Deliberations followed:

1. Traffic exiting the area.
2. C-1 across residential area

City Engineer Young spoke on pedestrian safety issues. He stated that he would be favorable to a traffic island to be placed on Lincoln Street between the restaurant and parking lot. He would be reluctant to place an island at an intersection.

Commissioner Kemp made a motion to approve the request as presented with the staff recommendations and the additional recommendation: (7) Placement of a pedestrian island crossing area between parking lot and restaurant. Commissioner Horsley seconded the motion and roll call vote showed all members present voted in favor of the request. **THE MOTION PASSED.**

9:15 (Break)

9:28 (Reconvened)

Item #4 Request of Yoshiko Sawada for a Special Use Permit to serve alcohol for consumption on the premises and located less than 300' from residential property, in conjunction with a restaurant, on property located at 1111 Blue Lakes Boulevard North.

Yoshiko Sawada, applicant, explained the request.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. She said staff has reviewed the request and recommended the following conditions be placed upon the permit, if granted:

1. Provide a cross-use agreement with the adjoining property to the north.
2. Full compliance with zoning, building, engineering and fire codes.

The public hearing was opened and closed with no input.

Deliberations followed:

1. Straightforward.

Commissioner Kemp made a motion to approve the request as presented with the staff recommendations. Commissioner Horsley seconded the motion and all those present voted in favor of the request. **THE MOTION PASSED.**

Item #5 Request of Shirley Cvitan for a Special Use Permit to operate an in-home daycare on property located at 270 Avenida Del Rio Avenue, located within the City's Area of Impact.

Bridgett Slater, homeowner and daughter of the applicant, explained the request using overhead projections.

Discussion followed:

1. The backyard is fully fenced with a 6' fence.
2. The applicant will apply for a state license for up to 12 children if the Special Use Permit is approved.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. She said staff has reviewed the request and recommended the following conditions be placed upon the Special Use Permit, if granted:

1. Residents to park in garage. The driveway is to remain open for parent parking.
2. Comply with all State and Local requirements to establish a day care facility.

The public hearing was opened.

Regan Newberry, 1730 Manzinata, President of the Homeowner's Association of the Del Rio Estates, spoke opposing the request. She stated that in the homeowners' covenants there is not to be gainful occupation in the home. Her concerns included the excessive noise and traffic impacting the neighborhood.

Roxanne Winter, 136 Los Lagos, spoke opposing the request. She asked the applicant how many adult providers will be staffed, and the days and hours of the daycare. She stated that a chain link fenced community area is behind her home and stated the area is not for the day care children. Her concerns included the excessive noise and traffic impacting her neighborhood. She also stated there is a pond located behind the day care which could pose a potential risk for the children. She also stated that all residents 300' within the area were not notified.

Barbara Robison, 104 Los Lagos, spoke opposing the request. Her concerns included the excessive number of children in the day care and the traffic impacting her neighborhood.

Fran Tanner, 106 Los Lagos, spoke opposing the request. Her concerns included the excessive number of children in the day care and the excessive traffic impacting her neighborhood.

Bridgett Slater stated the following:

1. There would be two day care providers-her mother and herself.
2. The chain link fence is a protection from the lake.
3. The backyard is totally fenced with no gate.
4. Day care hours are 6:00 a.m. to 6:30 p.m. – Monday through Friday.
5. Children ages will be between 4 months to preschoolers, and after school children.

She presented a copy of a list of property owners contacted.

Deliberations followed:

1. State regulations of Child Care facilities.
2. CCR's are a civil action.
3. Lack of sidewalks in the area.

Interim Planning and Zoning Director Carraway made a point of clarification, that the area map encompasses 38 residents as submitted by the applicant and the Affidavit of Mailing submitted by the applicant showed all 38 properties were notified.

Commissioner Horsley made a motion to approve the request as presented with the staff recommendations. Commissioner Kemp seconded the motion. Commissioners Frank, Horsley, Kemp, and Younkin voted in favor of the request. Commissioner Lanting voted against the request. The motion passed.

Item #6 Request of Todd Ostrom for the Commission's recommendation on the annexation of 39.76 acres (+/-) with a zoning designation of R-4, currently zoned R-4, for property located at the northeast corner of Orchard Drive and Harrison Street South.

Darr Moon, Moon and Associates Inc., spoke on behalf of the applicant and explained the request using overhead projections.

Interim Planning and Zoning Director Carraway explained the request using overhead projections and said staff made no recommendation on this request.

The public hearing was opened.

Trent LeMarsh, 514 Halee Avenue, spoke in favor of the request.

Johnny Hanchey, 967 Carriage Lane, pastor of the Eternal Life Christian Center, asked the applicant if there would be a road at the intersection of Orchard Drive and Harrison Street South. His concern is the impacts to the church, which is located on the west side of Harrison Street South extended.

The public hearing was closed.

Darr Moon stated that Parkwood Estates #3 is in the planning process and there would be a through road intersecting Harrison Street South and Orchard Drive. The road will continue through the north part of the proposed development. There will also be two other entrances onto Harrison. Harrison will be developed as a portion of the development and is required to develop the east half of Harrison Street and may be developed in phases.

Johnny Hanchey stated the property is adjacent to the west of the church property. The church gave an easement to the City to put in a road and asked for clarification as to who would be responsible for constructing the west side of the road.

City Engineer Young stated that he would need to review the easement agreement.

Commissioner Horsley made a motion to recommend approval of the request as presented. Commissioner Younkin seconded the motion and roll call vote showed all members present in favor of the request. **THE MOTION PASSED.**

Item #7

Request of Lytle Signs on behalf of Snake River Pool and Spa for a Special Use Permit to operate a message center sign on property located at 960 Blue Lakes Boulevard North.

Trent LeMarsh, Lytle Signs, spoke on behalf of the applicant and explained the request using overhead projections. He stated that Jim Paxton, applicant, attended the message sign meeting held by Lytle Signs.

Discussion followed:

1. Replacement of the reader board electronic sign only.
2. Removal of the temporary sale sign at the location.
3. Scroll text sign in monochrome amber.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. She said staff has reviewed the request and recommended the following conditions be placed upon the Special Use Permit, if granted:

1. Assure compliance with Twin Falls City code section 10-9-2(q) 7 on lighting of message center signs.
2. Assure compliance with the Twin Falls City code section 10-9-2(q)8 on flashing, animation, and frequency of change of message center signs.
3. A complete site plan showing all existing buildings and signage shall be submitted as part of any sign permit.

The public hearing was opened.

Jim Paxton, applicant, attended the message center sign informative meeting and thanked the City and Lytle Signs for providing the information.

The public hearing was closed.

Deliberations followed:

1. Clarification of the hours of operation.

Commissioner Horsley made a motion to approve the request as presented with the staff recommendations. Commissioner Lanting seconded the motion and roll call vote showed all those present in favor of the request. **THE MOTION PASSED.**

OTHER ITEMS:

Item #8 Findings of Fact and Conclusions of Law: NONE.

Item #9 Approve minutes of September 13, 2005, and September 20, 2005, Planning and Zoning Commission Meeting. APPROVED.

Item #10 Date of next Planning & Zoning Commission Work Session and Public Hearing.
(W/S-OCTOBER 4, 2005 P/H –OCTOBER 11, 2005)

Item #11 Public input and/or items from the Planning & Zoning Director and Planning & Zoning Commission.

Interim Planning and Zoning Director Carraway gave a recap of the meeting she attended on message center signs conducted by Rex Lytle of Lytle Signs on September 22, 2005, at the CSI Taylor Building.

THE MEETING ADJOURNED AT 10:25 P.M.



Leila Sanchez
Public Works Clerk

CITY COMMISSION MEMBERS:

City Limits:

Tom	Ryan	Kyla	Gregory	Gerardo	Bernice	Cyrus	Carl
Frank	Horsley	Kelly	Lanting	Muñoz	Richardson	Warren	Younkin
Chairman	Vice-Chair			Alt.			

Area Of Impact:

David Kemp
Dusty Tenney, **Alt.**
Joe Shelton,

CITY OF TWIN FALLS
PLANNING AND ZONING COMMISSION MEETING & PUBLIC HEARING
MINUTES
OCTOBER 11, 2005 * * * 7:00 P.M. * * * COUNCIL CHAMBERS
NEW COUNCIL CHAMBERS, 305 THIRD AVENUE EAST.

Any person(s) needing special accommodations to participate in the above noticed meeting should contact Jody Hall, 735-7287, two working days before the meeting

PLANNING AND ZONING MEMBERS PRESENT: Frank, Horsley, Lanting, Richardson, Tenney, Warren, Younkin

PLANNING AND ZONING MEMBERS ABSENT: Kelly, Muñoz

AREA OF IMPACT MEMBERS PRESENT: Kemp, Tenney

AREA OF IMPACT MEMBERS ABSENT: Shelton

CITY COUNCIL PRESENT: None

CITY STAFF PRESENT: Bates, Carraway, Mathis, Sánchez, Wonderlich, Young

Chairman Frank called the meeting to order at 7:00 p.m. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

PUBLIC HEARING ITEMS:

Item #1 Twin Falls Rural Fire Protection District requests a Special Use Permit to expand an existing fire station by more than 25% on property located at 929 Washington Street South.

Les Poe, representing the Twin Falls Fire District, explained the request using overhead projections. The request is to construct a 2,000 sq ft garage to house and store the addition of two brush trucks. The building is designed for a 40' x 50' garage. It will be a single slope building with a natural light ceiling panel. It will be a minimum heated building to store equipment.

He has spoken with Andrew Swensen, property owner on the south of the Fire Station. They discussed the exterior design blending into the new development, and it was agreed that a brick wainscoting will also be on all four sides of the building.

Discussion followed:

- Ø Colored metal building with a brick facade

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. The building is located in a residential zone. The building design should be compatible with the residential neighborhood and has been discussed with the applicant. She said staff recommended the following conditions be placed on this permit, if granted:

1. Assure compliance with all City zoning, building, fire and engineering codes
2. Wainscot on all four sides of the building.

The public hearing was opened and closed with no input.

Les Poe had no final words on the request.

Deliberations followed:

- Ø Assure compliance with all City zoning, building, fire and engineering codes.
- Ø Oral representation of wainscot on all four sides of the building.

Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner Younkin seconded the motion with all members present voting in favor of the request. **THE MOTION PASSED.**

Item #2

Russ and Martha DeKruyf request a Special Use Permit to build a 2560 sq. ft. detached accessory building on property located at 4032 North 3300 East in the City's Area of Impact.

Russ DeKruyf, applicant, explained the request. The property is a bare, two acre lot and he is planning to build a home in the fall. The garage would be used for recreational vehicles only.

Discussion followed:

- Ø Clarification that a house cannot be built before the shop, but can be built concurrently.
- Ø Paving of the driveway.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. She said staff recommended the following conditions be placed on this permit, if granted:

1. The detached accessory building not to be constructed prior to the residence.
2. The building to be used for residential purposes only.

Chairman Frank made a point of clarification that the paving of a driveway is a code requirement.

The public hearing was opened and closed with no input.

Russ DeKruyf had no final words on the request.

Deliberations followed:

- Ø Straightforward.

Commissioner Horsley made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion.

Planning and Zoning Director Carraway asked the Commission if it would be possible to waive the paving until June 30, 2006, as we are currently at the end of the paving season.

Commissioner Kemp amended the motion to add the following condition: 3. Driveway paving to be deferred until June 30, 2006. Commissioner Warren seconded the motion and all members present voted in favor of the motion. **THE MOTION PASSED.**

Roll call vote showed all members present voted in favor of the amended main motion. **THE MOTION PASSED.**

Item #3 Tanya Beard requests a Special Use Permit to operate an in-home daycare on property located at 1326 Elmwood Circle.

Tanya Beard, applicant, explained the request. The existing home is 2,600 total sq. ft. She is currently planning on having five children but will be licensed for a maximum of 12 children. Parking will be in the driveway. She has spoken to Acorn Learning Center, which is located next to her residence, and the noise will not be an issue. The backyard is completely fenced.

Discussion followed:

- Ø Existing is a 6' wood fence.
- Ø Applicant has one child.
- Ø Anticipates on having 6 to 10 children.
- Ø No employees.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. The hours of operation are from 6:30 a.m. to 7:00 p.m. Tanya Beard is planning on being licensed for the in-home maximum of 12 children. The residence has a carport. She said staff recommended the following conditions be placed on this permit, if granted:

1. The driveway is to remain open for parent parking. Residents to park under carport.
2. Comply with all State and Local requirements to establish a day care facility.

The public hearing was opened and closed with no input.

Deliberations followed:

- Ø Straightforward.

Commissioner Horsley made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion and roll call vote showed all members present in favor of the request. **THE MOTION PASSED.**

Item #4 Chris Jones requests a Special Use Permit to establish an automobile sales business on property located at 564 Main Avenue South. **WITHDRAWN**

Item #5 Pioneer Federal Credit Union requests a Special Use Permit to establish a drive-through window in conjunction with a finance and investment office on property located at the northwest corner of Locust Street North and North College Road.

Anita Twitchell, President and CEO of Mountain Home's main office, explained the request using overhead projections. The request is for 3 drive up lanes. The building will be stucco with a rock ledge wainscoting.

Discussion followed:

- Ø The curb shown on the north of the site is encroaching into the access area. Chairman Frank
The access has been redesigned by EHM Engineers and has been submitted to the City. Anita Twitchell
- Ø The full width of the access off Locust Street North shall be paved as part of this project. Chairman Frank
Paving will be done. Anita Twitchell
- Ø A lot line adjustment to be recorded prior to development. Chairman Frank
Recordation is contingent to the purchase of the sale. Anita Twitchell
- Ø Provide a reciprocal agreement that addresses the curb encroachment shown along the north boundary. Chairman Frank
A reciprocal agreement will be provided. Anita Twitchell

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. She said staff recommended the following conditions be placed on this permit, if granted:

1. Assure compliance with all City zoning, building, fire and engineering codes.
2. Assure compliance with the PUD Agreement.
3. Assure the 4 issues disclosed in the analysis are resolved prior to a building permit being issued.

The public hearing was opened and closed with no input.

Anita Twitchell stated that construction is planned in April, 2006. This will allow her to comply with City code.

Deliberations followed:

- Ø All issues have been addressed.

Commissioner Horsley made a motion to approve the request as presented with staff recommendations. Commissioner Kemp seconded the motion and all those present voted in favor of the request. **THE MOTION PASSED.**

OTHER ITEMS:

Item #6 Consideration of the preliminary plat of Pulsipher Condominium Subdivision, consisting of lots 19 & 20 in the Pinnacle Subdivision, south of the Snake River Canyon and east of Washington Street North.

Denny Zimmerman, EHM Engineering, representing the applicant, explained the request using overhead projections. There would be two additional units allowing separate ownership. A cross use agreement is part of the Pinnacle Place Subdivision, and parking will be common use.

Discussion followed:

- Ø Provide a signed agreement providing for the parking area.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. A Special Use Permit was approved on July 29, 2003 for a professional office. The request is to subdivide to allow separate ownership of the three segments of the building

with common ownership of the areas outside of the building. She said staff recommended the following conditions be placed on this permit, if granted:

1. Approval is subject to final technical review by the Twin Falls City Engineering Department.
2. Assure compliance with the building code requirements for condominiums.
3. Provide a signed agreement providing for the parking area not shown on the plat but required to meet the off-street parking requirements.

The public hearing and closed with no input.

Denny Zimmerman stated that the building was built with the intention of condominiums.

Deliberations followed:

- Ø Straightforward.
- Ø Meets all City code requirements.

Commissioner Kemp made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion and all members present voted in favor of the request. **THE MOTION PASSED.**

Item #7

Consideration of the preliminary plat of Ensign Subdivision, consisting of 51 lots & 2 tracts on approximately 36 acres, located at the northwest corner of Candleridge and Eastland Drive North.

Ken Edmunds, applicant, explained the request using overhead projections. The request is for the conversion of Candleridge Golf Course. It is currently surrounded by existing residential and developers' residential subdivisions (Candlewood Subdivision and the Candlewood East Subdivision). The preliminary plat is for 51 lots. Two lots will be turned back to the LDS Church for church buildings. The plat is strictly for the subdivision and any church involvement will be at a later date.

Vern Hancock, Project Manager for construction of the LDS Temple and stake house, buildings lot 1 and 2, explained that the property was purchased for a church and meeting house. They have had contact with the Engineer and City Staff

Ken Edmunds explained the basic street layout. The typical lot size is equal to or greater than any of the surrounding subdivisions. The lots are larger than what is typically seen in the area. He originally proposed raised medians on Eastland but does not merit adequate land on the east side. There will be features related to access points. All access out is limited to right hand turns only. There will be a pedestrian path along the east side of Mountain View Drive. An in lieu contribution was submitted to the City Council and approved on October 3, 2005. There will be detached sidewalks with landscape strips on all streets. The lots are facing inward because of safety concerns of driveways backing out onto the collector street. Storm water retention tracts A and B and drywalls will be on site.

He discussed the following issues:

A non city issue involves two irrigation ponds at the wetlands site. He explained that he will need to receive clearance from the Corp of Engineers.

He is proposing on building a fence that would surround the perimeter. It will be a 5 foot to 6 foot masonry fence and would have landscaping around the perimeter. It has been met with

controversy by the neighbors. The neighbors did not want to look at a fence along a detached sidewalk and landscaping. Plat 2 was submitted today to staff as an alternative.

Discussion followed:

- Ø Commissioner Younkin asked if plat 2 allows backing out onto the street.
Each of the lots will be required to have a turnaround area. Ken Edmunds
- Ø Commissioner Tenney asked about the size of the smaller lots.
The lots are equal to or exceed the recently approved Candleview lots.
Ken Edmunds

Ken Edmunds stated that the Homeowner's Association will be taking care of landscaping. In speaking with the neighbors he proposed to take the fence down to 5'. In the upper portion of the project a masonry type fence will be proposed. Traffic in the neighborhood has been an issue. A traffic study was done for the LDS church. The front building is primarily used during the week and the rear building will be used only on Sundays. Both buildings will share parking.

- Ø Vern Hancock stated that actual access to the properties will be off North Temple and South Temple. Access will not be directly from Eastland.
- Ø Chairman Frank asked if the 20' of landscaping was proposed on the Eastland side and if the second proposal showed 14' on Cheney and 14' on Candleridge.
Plat 2 shows 6' of landscaping and 5' of sidewalk on Cheney, according to City Standards. Ken Edmunds
- Ø Commissioner Lanting asked the size of the inner tier of ten lots
There will be an average of 11,500 sq. ft. – 11,750 sq. ft. and smaller lots will be in the inner tier of the subdivision. Ken Edmunds

Ken Edmunds stated that the City has approved an in lieu contribution for a park. A park in the surrounding area is planned.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. The proposed subdivision is 36 acres and is being developed into 51 single-family lots. The lots within the R-1 –VAR zoning district are required to be 85% of the average of all lots within 150' of the developed or platted lots... Lots fronting an arterial street are to be not less than 8,000 sq feet. Lots appear to meet the R-1 VAR standards for lot size. On October 3, the City Council approved applicant's request for an in lieu contribution. The subdivision shows a pedestrian path along the east side of Mountain View Drive. She said staff recommended the following condition be placed on this permit, if granted:

1. Approval is subject to final technical review by the Twin Falls City Engineering Department.

Discussion followed:

- Ø Commissioner Horsley asked City Attorney Wonderlich how to proceed with the new information of a second plat being presented this evening.

City Attorney Wonderlich stated that the original plat is for review and the applicant would have to schedule a different date for the review of plat 2.

Ø Chairman Frank asked City Engineer Young any concerns he sees relative to the request.

City Engineer Young stated the following concerns:

1. From the public safety standpoint the configuration of the sidewalk or driveways, or lack of driveways, along Candleridge, are significant issues. The City can require turnarounds and back up tees. No back up tees are shown.
2. Detached sidewalk.
3. Traffic circulation.
4. Parking removal is anticipated.
5. Title 10-12-10.4.0 Aesthetics and Maintenance.
6. Public safety advantages to plat one.

Ø Commissioner Lanting asked if Clearwater is the collector street and has not seen any turnarounds on Clearwater.

City Engineer Young stated there will be another phase of Riverridge Subdivision, which has not begun construction. Mountain View Drive is being used as a minor collector and has a potential of going through to Pole Line.

Public input was opened:

Randy Hansen, 1888 Candleridge, stated that Ken Edmunds spoke to the neighbors, and discussion included the following: Homes that are facing Candleridge would be looking at backyards and fences, the proposed bike path, overall look of the proposed subdivision. He asked the Commission to keep the integrity of the neighborhood intact.

Linda Dennis, 1350 Clearwater Way, had concerns that include the following:

1. The possible removal of the wetlands in the development. She stated that a survey and mitigation will need to be done and the project cannot go through construction, division, or excavation until the applicant has received approval from the Corps of Engineers. She added that if the developer does not meet the needs of the Corps of Engineers, the project will be turned over to the EPA. She stated that plat 2 map is showing Mountain View Road and lots between Clearwater Way overlapping the ponds. She requested to the Commission that a stipulation is placed that the developer receives approval from the Corps of Engineers, if approved.
2. The proposed three lots would back onto her property.
3. Three different types of fencing would run along her property and she would like the CCR's to include types of fencing.

Meredith Taylor, 1215 11th Avenue East, asked the applicant to address her following concerns:

1. Types of utilities.
2. CCR's addressing fencing and landscaping.
3. Commercial business as a possibility.

Delores Jones, 2091 Candlewood, had concerns that include the traffic impacting her neighborhood. She stated that with 51 new residences, two cars per family, there would be an increase of 102 cars and she visualized 300 vehicles per day.

Davis Sparks, 1999 Pole Line Road East, stated that he looks forward to the temple, but not the proposed subdivision along the temple site. The church purchased the property and he asked why there hasn't been allowance for more open space.

Trent Kitley, 1965 Candleridge Drive, asked Ken Edmunds and Vern Hancock to bring cul de sacs in from Candleridge rather than the South Temple Street. He asked if the new subdivisions are required to be on a water pressure system.

Ginny McCoombs, 2072 Candleridge Drive, asked the Commission to keep the integrity of Candleridge intact, referring to Article 1; "Requirement to protect the property rights and property values." She stated that she liked plat 2 but opposes the backs of houses in her front yard.

Greg Wills, 2015 Candleridge Drive, stated the importance of keeping the integrity of the street stay intact. He stated that backyards take away from the neighborhood.

Public comment closed.

Discussion followed:

Ken Edmunds addressed the public's concerns:

- Ø 404 Permit Corps of Engineers. A phone call is scheduled on October 12, 2005. The issue may be a subject for the Corps of Engineers and may be resolved with the Canal Company. If it is under the Corps Jurisdiction he will turn it over to the Twin Falls Canal Company to handle.
- Ø Utilities. The pressure irrigation system is designed and will connect into 4" lines, but believes they should be 6" lines. He stated that he would like more adequate water pressure. He can satisfy water needs with the existing lines, but stated allowances should be made for the expansion to the north and east.
- Ø Sewers. There is a possibility of tying into a lift station. He has had discussions with Mr. Storrer, The Preserve, and Mr. Taylor about tying into and minimizing lift stations. There may be one common lift station for the entire sector. The worst case scenario will be a lift station at the development.
- Ø Fencing. He stated that he cannot control the types of interior fencing but would like to see consistency throughout. The CCR's would not prohibit fencing on the interior lots. He stated that the exterior of the perimeter fencing would be permanent and masonry would be an option
- Ø Cul de sacs coming off the collectors. City staff would like to minimize the access points for streets and coming onto collectors and arterials.
- Ø Traffic on Mountain View. According to the traffic study done by Riedesel & Associates, Inc., the study shows traffic will be coming out onto Eastland. Traffic is primarily focused on two collectors and Eastland.
- Ø Re-routing the bike path. The path running along the east side of Mountain View on the backside of lots creates a security issue. A residence on the Canyon Rim granted a bike path along that driveway that connects inline to the western boundary of the parcel.
- Ø Parking at the area west of the driving range will be for the LDS meeting house.
- Ø Consideration of wide private driveways. Targeting a market of utilization of that facility. Future property owners would want access to the center of the property.

City Engineer Young explained how the canyon rim trail system connects using overhead projections.

City Attorney Young responded to the potential of reversing hammerheads or cul de sacs onto Mountain View. He stated that every intersection, private or single, or every street entrance is a potential for collision. Funneling traffic to a more local street and bringing them out at fewer intersections to the collector system makes sense traffic wise. Another issue he stated is aesthetics. The question is whether the neighbors want to have the traffic generated by 6 to 8 lots shining their headlights into their front yards after dark.

Deliberations followed:

- Ø Safety versus aesthetics.
- Ø Development to the east, more traffic would generate and may warrant a light.
- Ø Less density.
- Ø Existing zoning is R-1 variable.
- Ø Pleased with large lot sizes.
- Ø Would have preferred to see an artist's rendering of the plat.
- Ø Keep the integrity of Candleridge and understand the neighbors' concerns.

Point of clarification: City Engineer Young stated there could be a median in the future, but not at this time. Eastland is a major northeast corridor and currently not adequate at the turning limitations at this point.

Chairman Frank discussed the possibility of making a motion to table the request. He would like to see the proposed fencing.

City Attorney Wonderlich stated that the Commission does not have control over architectural oversight.

Commissioner Lanting stated that in tabling the request it could delay the developer a month or more.

Commissioner Kemp made a motion to table the request. Commissioner Lanting seconded the motion. Roll call vote showed Commissioners Frank, Kemp, Lanting, and Younkin voted in favor of the motion. Commissioners Tenney, Warren, Horsley, and Richardson voted opposing the motion. **THE MOTION FAILED.**

Commissioner Horsley made a motion to approve this request as presented with staff recommendations. Commissioner Warren seconded the motion.

Discussion followed:

Commissioner Lanting reiterated his concerns that the integrity of Candleridge Drive and be kept with minimal amounts of traffic with either hammerheads or the six lots as proposed as a possibility.

Roll call vote showed Commissioners Frank, Horsley, Kemp, and Richardson voted in favor of the motion. Commissioners Younkin and Lanting voted against the motion. **THE MOTION PASSED.**

- Item #8 Findings of Fact and Conclusions of Law:
- a. Annexation request of Mel Frandsen. **APPROVED**
- Item #9 Approve minutes of September 27, 2005 and October 4, 2005, Planning and Zoning Commission Meeting. **Minutes not available.**
- Item #10 Date of next Planning & Zoning Commission Work Session and Public Hearing.
(W/S-OCTOBER 18, 2005 P/H -OCTOBER 25, 2005)
- Item #11 Public input and/or items from the Planning & Zoning Director and Planning & Zoning Commission.

Interim Planning and Zoning Director Carraway gave an update of the message center sign letters and pertaining information mailed to each individual holder on. All holders were in compliance.

The meeting adjourned at 9:07 p.m.



Leila Sánchez
Public Works Clerk

CITY COMMISSION MEMBERS:

City Limits:

Tom	Ryan	Kyla	Gregory	Gerardo	Bernice	Cyrus	Carl
Frank	Horsley	Kelly	Lanting	Muñoz	Richardson	Warren	Younkin
Chairman	Vice-Chair			Alt.			

Area Of Impact:

David Kemp
Dusty Tenney, **Alt.**
Joe Shelton,

CITY OF TWIN FALLS
 PLANNING AND ZONING COMMISSION MEETING & PUBLIC HEARING
MINUTES

October 25 , 2005 * * * 7:00 P.M. * * * COUNCIL CHAMBERS

Any person(s) needing special accommodations to participate in the above noticed meeting should contact Jody Hall, 735-7287, two working days before the meeting

PLANNING AND ZONING MEMBERS PRESENT: Frank, Horsley, Kelly, Lanting, Muñoz, Richardson, Warren, Younkin

PLANNING AND ZONING MEMBERS ABSENT: None

AREA OF IMPACT MEMBERS PRESENT: Shelton

AREA OF IMPACT MEMBERS ABSENT: Kemp, Tenney

CITY STAFF PRESENT: Bates, Carraway, Mathis, Sanchez, Wonderlich, Young

Chairman Frank called the meeting to order at 7:00 p.m. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

PUBLIC HEARING ITEMS:

Item #1 The City of Twin Falls requests the Commission’s recommendation on the annexation of 19 acres (+/-) with a zoning designation of R-2, currently zoned R-2, located west of the 600 block of Grandview Drive North also known as Castlewood Subdivision.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. The request is to annex approximately 19 acres into the City of Twin Falls. The subdivision was approved for platting in 2004. It is adjacent to the city limits on the east, south, and west sides. The subdivision has an out-of-city services agreement and is being serviced by the City.

She said staff recommends the zoning designation to remain R-2, if recommended for approval.

The public hearing was opened and closed with no input.

The applicant had no closing words.

Deliberations followed:

- Straightforward.

Commissioner Horsley made a motion to recommend approval of the request as presented. Commissioner Warren seconded the motion and roll call vote showed all members present voted in favor of the request. **THE MOTION PASSED.**

Item #2 Dexter and Cindy Ball dba Twin Falls Title and Escrow Company, request a Special Use Permit to establish a professional office on properties located at 925 & 935 Shoshone Street North.

Dexter Ball, applicant, explained the request. The request is to use the property located at 935 Shoshone Street North as an office. The office will house three to six data entry employees and will not be open to the public. The office will be kept in residential character and the office hours will be from 8:00 a.m. to 5:00 p.m., Monday through Friday. The property located at 925 Shoshone Street North was purchased three years ago. The home on the property would be removed or demolished. The removal of the home would allow the development of additional parking. The applicant has spoken with Paul Smith, Twin Falls Historical Society, and he does not object to the removal or demolition of the home.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. The properties are zoned R-4 with a professional office overlay. The site consists of two lots. The removal of the residence located at 925 Shoshone Street North would expose the backyard of the adjacent property owner.

She said staff recommends the following conditions be placed on this permit, if granted:

1. Mature landscaping be provided along the boundary of the new parking lot adjacent to the residence on 10th Ave N.
2. Assure compliance with all zoning, engineering, building and fire codes.

The public hearing was opened and closed with no input.

The applicant had no closing words.

Discussion followed:

- The request is consistent with the area professional office overlay and Comprehensive Plan.
- Paul Smith, representing the Twin Falls Historical Society, does not object to the removal of the home.
- Mature landscaping would provide privacy for the adjacent property owner.

Commissioner Horsley made a motion to approve the request as presented with staff recommendations. Commissioner Kelly seconded the motion and roll call vote showed all members present in favor of the request. **THE MOTION PASSED.**

Item #3 Tony E. Watkins requests a Special Use Permit to construct an 1,800 sq. ft. detached accessory building on property located at 1571 Briarwood Lane within the City's Area of Impact.

Tony Watkins, applicant, explained the request. The request is to build a 1,800 sq. ft. garage, which will also be used as a storage building. The building will make the property more presentable. There will be gravel around the building for parking. Currently, employees meet

at the residence for work orders at 7:00 a.m. and park their vehicles. At 5:00 p.m. the employees pick up their vehicles.

Discussion followed:

- Gravel placement around the building for parking was addressed.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. The property is located in the R-1 VAR zone of the City of Twin Falls Area of Impact. In the R-1 Variable zoning district, an accessory building over 1,000 sq. ft. requires a special use permit. The driveway is currently graveled and City Code 10-11-5 requires all parking and maneuvering areas to be hard surfaced.

She said staff recommends the following conditions be placed on this permit, if granted:

1. The building to be used for residential purposes only.
2. The driveway to be paved by **June 30, 2006**.
3. Full compliance with zoning, building, engineering and fire codes.
4. Building designed to be residential in character.

Commissioner Frank stepped down at 7:15 p.m.

Discussion followed:

- Commissioner Kelly asked City Attorney Wonderlich if there could be consequences if the accessory building is used for business rather than personal.

City Attorney Wonderlich stated that the special use permit could be revoked.

- Commissioner Warren asked the applicant when he started his business.

The applicant stated he began his business seven years ago. Currently, employees meet at 7:00 a.m. and park their vehicles. He stated the building would be used for "some storage, not a lot."

The public hearing was opened.

Jamie Wills, 1572 Briarwood Lane, stated that he was new in the neighborhood and had the following concerns:

1. Covenants restrict a business in a residential area.
2. 4 – 16 vehicles on the premises daily.
3. Utility vehicles and cargo van in driveway and in the street. Recently the van was halfway into the street and his wife backed into the applicant's van.
4. The traffic is busy in the morning and late afternoon.

In closing, Mr. Wills recommended the business be moved out of the quiet residential neighborhood.

The public hearing was closed.

Tony Watkins responded to the concerns stating that parking in the area would not be a problem. He stated that teenager drivers generated the traffic, not his employees.

- Commissioner Younkin asked the applicant if the residence is identified as a business.

The applicant stated that he does have an office.

- Commissioner Munoz asked if the building would be used for personal and business.

The applicant stated yes.

- Commissioner Warren asked Interim Planning and Zoning Director Carraway how long the area of impact had been in effect.

Interim Planning and Zoning Director Carraway stated it became part of the area of impact in the 1970's. It is currently zoned residential. A special use permit could be requested in an R-1 Variable zone for an in-home business if it met the following criteria:

1. Maximum area allowed for home business is 400 square feet.
2. Only handcrafted items made by home occupant or services by home occupancy.
3. No employees allowed.
4. No signage permitted.

- Commissioner Kelly asked City Attorney Wonderlich if the applicant would have to apply for a business permit.

City Attorney Wonderlich stated that the applicant would need a home occupation permit. The business is generating traffic to and from the premises and a business is clearly being operated from the home. He asked the Commission to consider tabling the request until the home occupation issue can be resolved and be run legally.

Deliberations followed:

- Loading and unloading of equipment is part of the business.
- Generating traffic in a residential area.

Commissioner Kelly made a motion to table the request. Commissioner Lanting seconded the motion and roll call vote showed all members present voted in favor of the motion. **THE MOTION PASSED.**

Item #4

Nielsen and Company, LLC, requests a Special Use Permit to serve alcoholic beverages for consumption on the premises where sold if the premises are located less than 300' from residential property on property located at 550 Blue Lakes Boulevard North.

Patrick Collins, attorney representing the applicant, explained the request. Craig Nielsen is requesting a special use permit in order to satisfy certain requirements as per Alcohol Beverage Control. Mr. Nielsen met with Lt. Robert Clements, the Bureau Manager of Alcohol Beverage Control, regarding the change in treatment afforded inactive licenses. The Alcohol Beverage Control indicated that Mr. Nielsen had until October 10, 2005, to put the license into a premise suitable for selling liquor by the drink. The applicant's intention is to operate at the premises for the sale of liquor by the drink only from the hours of 10:00 a.m. until 10:30 a.m., Monday through Friday, excluding holidays and election days. The applicant will not advertise the premises operation as a bar where liquor is served. Employees at the site will be responsible for operating the premises.

Discussion followed:

- Alcohol Beverage Control's new policy

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. The request is to serve alcohol for on-site consumption. The property is zoned C-1. The hours of operation will be from 10:00 a.m. to 10:30 a.m. every weekday except certain holidays and election days. The approval of the request should be limited to the hours requested.

She said staff recommends the following conditions be placed on this permit, if granted:

1. Full compliance with zoning, building, engineering and fire codes.

The public hearing was opened and closed with no input.

The applicant had no final words.

Deliberations followed:

- Chairman Frank stated the importance of stating specific hours and no exterior signage, but what is required by the state.

Commissioner Horsley made the motion to approve the request as presented with staff recommendation and to add the following conditions: 2. The hours of operation will be from 10:00 a.m. to 10:30 a.m. every weekday except certain holidays and election days. 3. No exterior signage. Commissioner Warren seconded the motion.

Commissioner Kelly made a motion to amend the main motion to add to condition 3. No exterior signage "*except but what is required by state law.*" Commissioner Munoz seconded the motion and roll call vote showed all members present voted in favor of the motion. **THE MOTION PASSED.**

Roll call vote showed all members voted in favor of the main motion. **THE MOTION PASSED.**

Item #5

Bethel Temple Apostolic Church requests a Special Use Permit to develop an open parking lot for buses on property located at 929 Hankins Road.

John Collins, Bus Director of the Apostolic Church, spoke on behalf of the applicant and explained the request using overhead projections. The request is being made in order to continue operating Sunday School buses from the property, which has been done for the past 32 years. The church is currently out of compliance and would like to relocate the buses to a different section of the property. The buses are used on Sunday mornings, and occasionally for a function during the week. This service is provided to families in the community at a cost of nearly \$40,000 per year, which is paid by donations. The staff is strictly a volunteer group of about 45 people. The cost of all parking and maneuvering area to be hard surfaced would be \$15,000.00. The cost would be paid from voluntary donations. Mr. Collins asked the Commission to possibly extend the time of construction.

John Collins, Jr. explained the history of the church buses.

Lyle Novak explained the history of the church buses and general area of the bus location.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. The parcel consists of two (2) zones: C-1 & R-2. The southern portion of the site is zoned R-2 and has approximately 5.6 acres. The northern portion is zoned C-1 and has approximately 2.25 acres. The request is to develop an open parking area for buses on the C-1 zoned portion of the property. The applicant has included three different proposals for the location for the bus storage area. All three sites have a screened area with landscaping.

She said staff recommends the following conditions be placed on this permit, if granted:

1. Assure parking and maneuvering areas are hard surfaced, as per City Code 10-11-4(B).
 - a. Defer until June 30, 2006.
2. The applicant to provide a detailed plan for the bus storage area to be screened and landscaped, as approved by staff.

Discussion followed:

Interim Planning and Zoning Director Carraway stated that the existence goes back 30 years. The situation with the buses and the previous expansion request in 2002 had increased complaints received.

City Attorney Wonderlich stated that a legal non-conforming use is for two buses, not eight.

City Engineer Young explained the different types of paving accepted by the City and explained City Code 10-11-1. Staging improvements with a maximum limit of three years are reasonable. He also stated that relief can be granted because of the weather.

The public hearing was opened.

Brent Jussel, 935 Meadowview Lane, representing a group of neighbors stated the following concerns:

1. Safety hazard of buses. Buses cutting corners in the neighborhood.
2. Questioned if the bus yard is part of the Comprehensive plan.
3. The buses running without the appropriate permits.
4. Eyesore in the neighborhood.
5. Area used for mechanic work.
6. Two years ago ag tractors stored on property for a considerable amount of time and City had them removed.
7. Yard waste disposed at site.
8. Noise generating from the buses.
9. Type of overhead lighting proposed at the site.
10. Fuel storage at site.

In closing, Mr. Jussel requested that the applicant store buses at a different location.

Terry Drown, Sunday School Director, stated that it is the intention of the church to make a very nice facility. The total cost of the facility would be \$2,500,000 and would seat 1,000 people. He also requested that the improvements be staggered over time.

Mark Knight, 2491 Paintbrush Drive, a member of the church, stated that the church does make a positive moral impact on the community. He requested that the Commission allow the improvements in increments.

Chad Henke, bus driver for the church, stated that he is not aware of any hazardous driving. He also requested the Commission allow the church to stagger improvements over two years, if approved.

Patrick Collins, applicant, addressed the following:

1. Visual Impact. Will limit the visual impact by placing the bus storage area against D & B Supply.
2. Will remove pad.
3. Safety hazards. All bus drivers are required to have CDL's.
4. Farm equipment has been removed.
5. No lighting plan at this time.
6. The cost of gas prices will reduce the amount of time buses will be used.
7. Removal of concrete chunks and storage shed in the field.

Chad Henke explained the three scenarios using overhead projections.

Discussion followed:

- Egress access.
- Hours of operation of buses.

Brent Jussel stated there is a 50 mph sign in front of the building and 30' from the speed limit there is a sign "SLOW, CHILDREN AT PLAY." He stated that he spoke with the City and was referred to the County Highway, and they referred him back to the City.

The public hearing was closed.

Deliberations followed:

- Staging the request.
- Exact location of the bus storage area.
- Excessive speed not related to the SUP.
- Screened fencing and landscaping.

Commissioner Horsley encouraged the church to work with the neighbors to resolve issues.

Commissioner Younkin suggested that a remote location to store the buses could save a considerable amount of expense.

Commissioner Kelly made a motion to approve the request as presented with staff recommendations and to add the following conditions to 1: a) The lane to be completed by October 25, 2006. b) The parking lot to be completed by October 25, 2008, and 2: The applicant to provide a detailed plan of *Scenario #3*, for the bus storage area to be screened and landscaped, as approved by the staff. Commissioner Lanting seconded the motion and roll call vote showed all members present in favor of the motion. **THE MOTION PASSED.**

OTHER ITEMS:

Item #6 Consideration of the preliminary plat of Treasure Meadows Subdivision, 9.9 acres (+/-) located at the Northwest corner of Elizabeth Blvd. and Hankins Road aka 3200 East Road. **WITHDRAWN.**

Item #7 Findings of Fact and Conclusions of Law:

- a. Consideration of Revocation of a Special Use Permit for David Hall.
- b. Annexation request of Gary's Westland, LLC, c/o Gary Storrer
- c. Special Use Permit request of Yoshiko Sawada
- d. Special Use Permit request of Shirley Cvitan
- e. Special Use Permit request of Lytle Signs on behalf of Snake River Pool & Spa
- f. Special Use Permit request of Twin Falls Rural Fire Protection District.
- g. Special Use Permit request of Russ and Martha DeKruyf.
- h. Special Use Permit request of Tanya Beard.
- i. Special Use Permit request of Pioneer Federal Credit Union.

- a. Annexation request of Jack Bauer
- b. Special Use Permit request of Daniel L. Willie
- c. Annexation request of Todd Ostrom

UNANIMOUSLY APPROVED.

OTHER ITEMS: cont.

- Item #9 Approve minutes of September 27, 2005, October 4, 2005, October 11, 2005 and October 18, 2005, Planning and Zoning Commission Meeting. **UNANIMOUSLY APPROVED.**
- Item #10 Date of next Planning & Zoning Commission Work Session and Public Hearing.
(*W/S-NOVEMBER 1, 2005 P/H-NOVEMBER 8, 2005*)
- Item #11 Public input and/or items from the Planning & Zoning Director and Planning & Zoning Commission. **NONE**

The meeting adjourned at 8:47 p.m.



Leila Sanchez
Public Works Clerk

CITY COMMISSION MEMBERS:

City Limits:

Tom	Ryan	Kyla	Gregory	Gerardo	Bernice	Cyrus	Carl
Frank	Horsley	Kelly	Lanting	Muñoz	Richardson	Warren	Younkin
Chairman	Vice-Chair			Alt.			

Area Of Impact:

David Kemp
Dusty Tenney, **Alt.**
Joe Shelton,

CITY OF TWIN FALLS
PLANNING AND ZONING COMMISSION MEETING & PUBLIC HEARING

MINUTES
NOVEMBER 29, 2005 * * * 7:00 P.M. * * * COUNCIL CHAMBERS

Any person(s) needing special accommodations to participate in the above noticed meeting should contact Jody Hall, 735-7287, two working days before the meeting

- PLANNING AND ZONING MEMBERS PRESENT: Frank, Horsley, Kelly, Lanting, Richardson, Warren, Younkin
- PLANNING AND ZONING MEMBERS ABSENT: Muñoz in audience.
- AREA OF IMPACT MEMBERS PRESENT: Shelton , Tenney
- AREA OF IMPACT MEMBERS ABSENT: Kemp
- CITY COUNCIL MEMBERS PRESENT: None
- CITY STAFF PRESENT: Bates, Bravender, Carraway, Mathis, Sanchez, Wonderlich, Young

Chairman Frank called the meeting to order at 7:00 p.m. He then reviewed the public hearing procedures with the audience and introduced the City staff present.

PUBLIC HEARING ITEMS:

Item #1 Request of Kenneth D. Stevens for a Special Use Permit to operate a truck rental business on property located at 1105 Kimberly Road. **WITHDRAWN**

Item #2 Request of Canyon View Properties c/o Gary Blick for Vacation of approximately 1.5 acres of land, currently known as Canyon Rim Road, commencing at the intersection of Federation Road and Canyon Rim Road and running northerly 2579' (+/-) along the existing roadway being parallel with and adjacent to the Snake River Canyon Rim.

Lance Fish, Project Manager, representing the applicant, explained the request using overhead projections. Lance Fish reviewed the sequence of events of the project beginning June 25, 2004 to the present.

He stated that the following items have been addressed:

- § The Gun Club endorses the project.
- § The Park Ordinance has been addressed.
- § Cul de sacs have been changed out by adding an interior road.

§ Parking on the greenbelt. There will be parking on the northeast part of the park, consisting of 18 parking spaces. The Idaho Parks and Recreation Department require 2 ½ spaces per acre of park. The parking will be handicap accessible.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. The request is to develop a pedestrian public trail in conjunction with the development of a residential subdivision. The conversion of this roadway segment to a bicycle/pedestrian trail conforms and complies with the Comprehensive Plan Policies 3.1, 3.3, 3.4 in Section VIII and policies 2.4, 2.4a, 3.2, 3.5 in Section IV. The requirement for bike paths is specified in City Code Section 10-12-4-2(D). The draft Master Bike and Pedestrian Trail Plan includes this segment as part of the Canyon Rim Trail System.

Each of the utility companies has been sent a letter requesting their approval of the vacation. Two utility companies have not responded.

She said if recommended for approval the vacation be conditional on the retention of utility and public non-working access easements.

Discussion followed:

§ The width of the road is 24' (varies).

The public hearing was opened.

Chips Barlow, 520 Canyon Rim Road, spoke against the request using overhead projections. He submitted petitions opposing the request. On the overhead projection he showed a petition of 24 members of the Gun Club opposing the request. He read a letter written by Tom Griggs opposing the request.

He stated that Canyon Rim Road is opened for public use and the access road should be opened 24 hours a day, seven days a week for everyone to use. The Blick family is asking for the vacation for "a business interest." The Blicks would receive a tax credit by making a walking path. The City, if the request is approved, will deed to the adjacent property owners the publicly owned right of way and the property owners would then dedicate half back to the City of Twin Falls.

Dwight Tucker, 513 Carriage Lane, spoke against the request.

Gary Nelson, 1031 Eastland Drive, spoke in favor of the request. Petitions have been submitted in favor of the request.

James R. Chappin, 2054 Canyon Trails, spoke against the request. He asked that the road remain open to the public and stated that the trail is not handicap accessible.

Tom Griggs, 2361 Indian Trails, opposes the request. He stated that family owned property was taken by the state for the good of the community and the people of Twin Falls. He believes the trail is not handicap accessible.

Gordon Greaves, 491 Canyon Rim Road, spoke in favor of the request. He stated that he originally owned the platted 40 acres to the west. He stated that the property would be better utilized as proposed by the applicant. His concerns include the following: Heavy traffic, excessive speeders, and weeds.

Jeff Blick, 3188 Woodridge Drive, spoke in favor of the request. He stated this would be a golden opportunity for the City. He stated a contiguous bike trail would be an enhancement for the project and a selling feature.

Fran Florence, 4129 Hidden Lakes Drive, spoke in favor of the request. He stated that the trail would be a legacy we can leave behind. He stated that Boise's greenbelt is accessible to people of all ages and physical abilities.

The public hearing was closed.

Commissioner Kelly read the following into the record:

A vacation authorization from eighteen property owners in favor of the request
A letter from Kathy and Michael Schwager, 314 Shadetree Trail, in favor of the request.
A letter from Travis and Kimberli Wray, 2320 Settlers Lane, in favor of the request.
A letter from Katy Touchette, 1525 Richmond Drive, opposing the request.

Lance Fish stated that access to the walking trail is located at the end of Washington Street. He stated that the road is currently unsafe.

Deliberations followed:

- § Safety issues as the road stands.
- § Bike trail for the public.
- § Parking distance from the trail.
- § Jersey barriers currently in place make it difficult to see the canyon.

Commissioner Horsley made a motion to recommend approval of the request as presented. Commissioner Kelly seconded the motion. Commissioners Frank, Horsley, Kelly, Lanting, Richardson, Shelton, Warren and Younkin voted in favor of the request. Commissioner Tenney voted against the request. The motion passed.

Item #3

Request of Great N.W. Development, Inc., c/o Paul Bedortha for the Commission's recommendation on the annexation of 40 acres (+/-) with a zoning designation of R-2, currently zoned R-2, for property located at the southeast corner of Grandview Drive North and Federation Road.

Gerald Martens, EHM Engineers, representing the applicant explained the request using overhead projections.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. She stated that the site is immediately adjacent to City limits on the north and east sides. She stated that Section 10-15-2(A) states, "The hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes."

She said staff makes no recommendation on the request.

The public hearing was opened and closed with no input.

Deliberations followed:

- § Straightforward.

Commissioner Horsley made a motion to recommend an R-2 zoning designation. Commissioner Warren seconded the motion and roll call vote showed all members present in favor of the motion. The motion passed.

Item #4 Request of B&D Money Purchase Pension Plan and B&D Profit Sharing c/o David Price for Vacation of the utility easement, approximately 855.83' x 15' of land, located along the western boundary of Lots 1 through 12, Block 2 and the southern boundary of Lot 24, Block 2 of the High Plains Estates Subdivision, Phase 1.

David Price, applicant, explained the request using overhead projections.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. She stated the request is to vacate 15' public utility easement dedicated as part of a recorded residential plat. The easement is located along the property boundary of 13 residential lots within the High Plains Estates Subdivision. The request to vacate the easement is to create larger building envelopes. State law requires public hearings by both the Commission for a recommendation and by the City Council.

She said staff makes no recommendation on the request.

Discussion followed:

- Utility companies not responding to request.

City Engineer Young stated that the general policies in regards to perimeter easements are a 15' width. This would be required for phase 1 of the subdivision.

The public hearing was opened and closed with no feedback.

Deliberations followed:

- Utilities releasing rights.

Commissioner Horsley made a motion to recommend approval of the request as presented. Commissioner Warren seconded the motion.

Commissioner Kelly made a motion to amend the main motion to add the following condition to the request: 1. Subject to the utility companies releasing their rights to this portion of platted easement. Commissioner Warren seconded the motion and roll call vote showed all members present voted in favor of the motion. The motion passed.

Roll call vote on the main motion showed all members present voted in favor of the request as presented. The motion passed.

Item #5 Request of Arnold Machinery Company c/o Ken Koehler for a Special Use Permit to expand by more than 25% an existing large equipment service and/or repair business on property located at 464 Washington Street South.

Mike Snodgrass, representing the applicant, explained the request using overhead projections.

Interim Planning and Zoning Director Carraway explained the request using overhead projections. She stated the site is located in an M-1 zoning district of the City. The applicant wishes to expand his existing large equipment service and repair business adding a 4,100 sq.

ft. building. To operate a large equipment service and repair business in the M-1 zone requires a special use permit.

She said staff recommends the following conditions be placed on this permit, if granted:

1. New or revised signage is not part of this permit.
2. Assure compliance with all City zoning, engineering, building and fire code requirements.

Discussion followed:

§ Future plans for Park Avenue.

City Engineer Young stated that Park Avenue is in the Master Street Plan. There would be a possible extension at some point and time. The south edge of property is reserved adjacent to business and the proposed building is a non-issue.

§ Confirmation that all conditions of a special use permit granted to the applicant on March 30, 1999, are being met.

The public hearing was opened and closed with no input.

Deliberations followed:

- Great example of design.
- Historically proven good faith.

Commissioner Horsley made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion and roll call vote showed all members present voted in favor of the motion. The motion passed.

Item #6

Request of Chris Jones for a Special Use Permit to establish an automobile sales business on property located at 564 Main Avenue South.

Chris Jones, applicant, explained the request using overhead projections.

Discussion followed:

- § Access only alley.
- § Paving of City street.

Chris Jones agreed to both conditions.

Interim Planning and Zoning Director reviewed the request using overhead projections. She stated the property is located in the CB P-1 zoning district. In the district an automobile sales business requires a special use permit. City Code 10-10-4(A)2 states, "no off-street parking is required within the P1 District as designed for outright permitted uses, but may be required through the special use permit required by the Commission or Council. This provision does not exempt any use from the requirements for off-street loading." The site plan shows 3 parking spaces. The applicant has stated in the narrative that the hours of operation would be normal business hours from 9 a.m. to 5 p.m. and should employ 2-3 people full time. The City has received complaints in the past from similar uses in the same area concerning encroachment of the right of way, specifically sidewalks and alleys.

The alley is proposed to be used as the only ingress/egress for the site, and is currently unpaved.

She said staff recommends the following conditions be placed on this permit, if granted:

1. The alley to be paved as required by City Code 10-11-4(B).
2. Assure compliance with all building, fire, engineering and zoning codes.

Discussion followed:

§ Clarification of business hours.

Planning and Zoning Director Carraway stated that the Commission may place operating hours from 7 a.m. to 10 p.m.

The public hearing was opened and closed with no input.

The applicant requested that the hours of operation be extended to 10:00 p.m.

Deliberation followed:

§ Improved landscaping.

City Engineer Young stated that the stormwater calculations are incorrect and would need to be addressed. He also stated that due to inclement weather the paving could be deferred to June 30, 2006.

Commissioner Horsley made a motion to approve the request as presented with staff recommendations and to add the following condition to 1. The alley to be paved as required by City Code 10-11-4(B). ***The paving to be completed by June 30, 2006***, and condition 3. Full compliance with the stormwater retention regulations. Commissioner Kelly seconded the motion and roll call vote showed all members present voted in favor of the request. The motion passed.

Item #7 Request of Brian and Kristi Jacobs for a Special Use Permit to construct a 1700 sq. ft. (+/-) attached accessory building on property located at 2175 Rancho Vista Drive.

Robert Grooms, applicant, explained the request using overhead projections.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. She stated that the property is located in the R-2 zone and in that zoning district an accessory building over 1,000 sq. ft. requires a special use permit. The request is for a 1,478 sq. ft. accessory building. The applicant wishes to construct a new garage to park their personal vehicles and RV.

She said staff recommends the following conditions be placed on this permit, if granted:

1. The building to be used for residential purposes only.

The public hearing was opened and closed with no input.

Deliberation followed:

§ Straightforward.

Commissioner Kelly made a motion to approve the request as presented with staff recommendation. Commissioner Horsley seconded the motion and roll call vote showed all members present voted in favor of the motion. The motion passed.

Item #8 Request of Diamond Towing for a Special Use Permit to expand by more than 25% an existing automobile impound facility on property located at 1805 Osterloh Avenue East.

Gene Graham, applicant, explained the request using overhead projections. He stated that he received a letter from Sam Dey in favor of the request. He stated that he has greatly improved the area and would like to continue \$12,000 to \$15,000 of improvement. He is currently using a trailer house for an office but would eventually build an actual shop.

Interim Planning and Zoning Director reviewed the request using overhead projections. She stated the site is located in an M-2 zoning district of the City. The applicant wishes to expand his existing automobile impound yard by adding 1.9 acres to his existing 3.8 acre yard. To expand by more than 25% an existing automobile impound facility requires a special use permit. A concern with this type of business is the possibility of the business becoming an automobile wrecking/salvage yard. Placing a time limit on how long the impounded vehicles may be stored in the storage yard could help prevent this. Another concern is leaking oils and fuel and keeping them contained within the impound yard. The current site plan shows an 8' slatted chain link fence. A wrecking yard is required to have a minimum 8' high sight obscuring screening fence. The applicant received a special use permit May 13, 2003, to establish an impound yard. Conditions to this permit are still intact.

She said staff recommends the following conditions be placed on this request, if granted:

1. All vehicles associated with the business to be within the impound yard.
2. No vehicle to be in the impound yard for longer than 6 months.
3. There is to be no auto salvage – just storage.
4. Assure that no vehicles associated with the business are parked in the pasture area or at the adjacent residence to the west.
5. Provide a stormwater retention plan based on engineering calculations approved through the City Engineering Department.
6. Execute a deferral agreement for curb and gutter on Osterloh Avenue
7. Assure compliance with all City zoning, engineering, building and fire code requirements.

Discussion followed:

§ Special use permit conditions for salvage yard are still intact.

Jim Thorpe, 1740 - 1750 Osterloh, spoke in favor of the request. He stated that Diamond Towing runs a clean operation and is a great asset to the community.

The public hearing was opened and closed with no input.

Gene Graham stated the following:

- § He is not planning on running a salvage yard.
- § State law requires that a towed vehicle be kept on the property until the vehicle is released. This is basically longer than 6 months. He asked for an 8 month maximum.

Deliberations followed:

- § Clean operation
- § Eight month maximum reasonable for a vehicle to be in the impound yard.

Commissioner Kelly made a motion to approve the request as presented with staff recommendations and to add the following condition to 2. No vehicle to be in the impound yard for longer than 8 months. Commissioner Horsley seconded the motion and roll call vote showed all members present voted in favor of the motion. The motion passed.

Chairman Frank moved up Item #10.

Item #10 Consideration of the preliminary plat of Treasure Meadows Subdivision, 9.9 acres (+/-) located at the North West corner of Elizabeth Blvd and Hankins Road aka 3200 East Road.

Gerald Martens, EHM Engineers, Inc., representing the applicant, explained the request using overhead projections. The plat is for 41 lots, single family subdivision and duplex lots. The "in lieu" contribution for a neighborhood park was approved by the City Council on October 11, 2005.

Interim Planning and Zoning Director Caraway reviewed the request using overhead projections. She stated the property is zoned R-2 and consists of approximately 9.91 acres. The request is to subdivide into 41 residential lots. The R-2 Zone allows a minimum 6,000 sq. ft. lot for single family dwelling and 10,000 for a duplex. The lot sizes meet or exceed the requirements of the R-2 zoning district. A tri-plex or a 4-plex is not allowed in the R-2 zone. This plat is consistent with other residential development in the area. The subdivision is in conformance with the Comprehensive Plan.

She said staff recommends the following condition be placed on the request, if granted.

1. Subject to Engineering Department final technical review.

Discussion followed:

§ Neighbors' water irrigation concerns addressed.

City Engineer Young stated in the affirmative.

The public hearing was opened and closed with no input.

Gerald Martens stated that he is currently working with adjacent property owners on the pump or gravity system to meet the neighbors' satisfaction.

Deliberations followed:

§ Straightforward.

Commissioner Horsley made a motion to approve the request as presented with staff recommendation. Commission Warren seconded the motion and roll call vote showed all members present in favor of the request. The motion passed.

Item #9 Request of The City of Twin Falls for a Zoning Title Amendment that would amend Twin Falls City Code, Title 10; Zoning and Subdivision Regulations.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections.

Discussion followed on:

§ Daycare services.

A packet was received from the State indicating that the term daycare is a recognized term.

The Fire Department safety regulations in regards to the maximum of children in daycare.

State law of ages of children in daycare.

§ Unclear of the intention of the architectural projection height definition.

§ Clarification of detached and attached accessory buildings.

§ Business Park - Limiting the size of an industrial development. (Ratio vs. number.)

§ Task Force #1 Design Committee Proposed Changes

Gateway arterials: Unclear if one size fits all.

Affordability of gateway arterial improvements.

Arterial hardship provisions.

Clarification of National or state Flags on poles.

The public hearing was opened:

Sherry Olson Frank, spokesman for the Task Force #1 Design Committee, explained the recommended proposed changes to the Twin Falls code changes and made the following statements:

§ The term daycare could affect adult daycare clarification.

§ 10-12-2-4: Please add dust control.

§ Detached accessory building – opposes changes.

§ Business Park PUD: Economic development needs areas to allow places for light industrial areas to recruit businesses. Opposes big box retailers. Larger industrial should be in the M-1, M-2, not in a business park. Suggests a ratio of 40% light industrial.

§ Flag poles are not considered a sign. A 35' flag pole would be inappropriate in a residential area.

The public hearing was closed.

Commissioner Horsley made a motion to approve Sections 1-5 as presented. Commissioner Shelton seconded the motion and roll call vote showed all members present voted in favor of the motion. The motion passed.

Commissioner Lanting made a motion to table Section 6. Commissioner Warren seconded the motion. Commissioners Frank, Horsley, Lanting, Shelton, Warren, and Younkin voted in favor of the motion. Commissioners Kelly and Tenney voted against the motion. The motion passed. The motion was tabled.

Commissioner Lanting made a motion to approve Sections 7–19 of the request as presented. Commissioner Warren seconded the motion and roll call vote showed all members present voted in favor of the motion. The motion passed.

Commissioner Lanting made a motion to approve Section 20-22 of the request as presented. Commissioner Warren seconded the motion. Commissioners Frank, Horsley, Lanting, Shelton, Tenney, Warren, and Younkin voted in favor of the request. Commissioner Kelly voted against the motion. The motion passed.

Commissioner Kelly made a motion to table Section 23 of the request. Commissioner Warren seconded the motion and roll call vote showed all members present voted in favor of the motion. The motion was tabled.

OTHER ITEMS:

Item #11 Findings of Fact and Conclusions of Law: None

Item #12 Approve minutes of November 8, 2005, and November 22, 2005, Planning and Zoning Commission Meeting.

The November 8, 2005, minutes were unanimously approved. The November 22, 2005, unavailable.

Item #13 Date of next Planning & Zoning Commission Work Session and Public Hearing.
(*W/S-DECEMBER 6, 2005* *P/H -DECEMBER 13, 2005*)

Item #14 Public input and/or items from the Planning & Zoning Director and Planning & Zoning Commission.

None.

The meeting adjourned at 10: 52 p.m.



Leila Sanchez
Public Works Clerk

CITY COMMISSION MEMBERS:

City Limits:

Tom	Ryan	Kyla	Gregory	Gerardo	Bernice	Cyrus	Carl
Frank	Horsley	Kelly	Lanting	Muñoz	Richardson	Warren	Younkin
Chairman	Vice-Chair			Alt.			

Area Of Impact:

David Kemp
Dusty Tenney, **Alt.**
Joe Shelton,

CITY OF TWIN FALLS
PLANNING AND ZONING COMMISSION MEETING & PUBLIC HEARING
MINUTES

NOVEMBER 8, 2005 * * * 7:00 P.M. * * * * COUNCIL CHAMBERS

Any person(s) needing special accommodations to participate in the above noticed meeting should contact Jody Hall, 735-7287, two working days before the meeting

PLANNING AND ZONING MEMBERS PRESENT: Frank, Horsley, Kelly, Lanting, Richardson, Warren, Younkin

PLANNING AND ZONING MEMBERS ABSENT: Muñoz in audience.

AREA OF IMPACT MEMBERS PRESENT: Kemp, Shelton

AREA OF IMPACT MEMBERS ABSENT: Tenney in audience.

CITY COUNCIL PRESENT: Maughan

CITY STAFF PRESENT: Bates, Bravender, Carraway, Mathis, Sanchez, Wonderlich, Young

Chairman Frank called the meeting to order at 7:00 P.M.

PUBLIC HEARING ITEMS:

Item #1 Request of Gene W. Goold for a Special Use Permit to construct a detached accessory building totaling more than 1500 sq. ft. on property located at 1117 Hankins Road North.

Jim Maughan, contractor, spoke on behalf of the applicant and explained the request using overhead projections. He stated an electrical fire damaged the garage and Mr. Goold would like to rebuild the existing garage and add 680 sq. ft. The garage would be used to hold an RV and a boat.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. The property is a four acre lot located in the SUI zone. In the SUI zoning district an accessory building over 1,500 sq. ft. requires a special use permit. The site plan shows a 520' driveway, in which Mr. Goold stated he planned to pave. The total square footage of the garage will be 2,498 sq. ft.

She said staff has reviewed the request and has recommended the following conditions be placed on the special use permit, if granted:

1. The building to be used for personal residential purposes only.
2. Paving/hard surfacing of the driveway to be deferred until June 30, 2006.

The public hearing was opened and closed with no input.

Deliberations followed:
§ Straightforward.

Commissioner Horsley made a motion to approve the request as presented with staff recommendations. Commissioner Kelly seconded the motion and all those present voted in favor of the request. THE MOTION PASSED.

Item #2 Request of Marv Pierce dba Pioneer Club for a Non-Conforming Building Expansion Permit to allow the expansion to an existing non-conforming building on property located at 1519 Kimberly Road.

Marv Pierce, applicant, explained the request using overhead projections. The addition to the existing building would be 19' x 40'. The new addition, where this room is being built, was previously a deck and horseshoe pit. The plans have been drawn up by a company in Jerome and approved by the City. The addition would be a game room, mainly for dart and pool leagues. The room would be open between 20 to 30 hours per week. The existing building has 120 seats and the seating will remain unchanged. The noise and traffic will be unchanged. There is no longer a kitchen in the establishment. The addition will require no additional employees. Landscaping was placed two years ago. The applicant poured 220 linear feet of concrete and handicap ramp. The concrete encompasses the building.

Interim Planning and Zoning Director Carraway explained the request using overhead projections. The request is to expand a non-conforming building. City Code 10-3-4 defines Non-conforming Building or Uses as: "A building or use made nonconforming but which was lawfully existing or under construction at the time of adoption." The building was built in 1947. The building setback on Kimberly Road is 80' from centerline. The existing building is at 52' from centerline. The building encroaches 28' within the front yard setback. As per City Code 10-3-4 this property is considered a legal non-conforming property. The expansion is greater than 25% and full compliance is required. This would include the following: Paving the parking and maneuvering area, landscaping, storm water retention. These issues shall be reviewed as part of the building permit process.

She said staff has reviewed the request and has recommended the following conditions be placed on the special use permit, if granted:

1. All parking and maneuvering areas to be hard surfaced as per City Code 10-11-4(B)
2. Assure compliance with all zoning, building, and engineering and fire codes.

Discussion followed:

- § Commissioner Warren asked if the paving of the parking and maneuvering area could be deferred and placed in the motion.
- § City Engineer Young stated that June 30, 2006 is the typical standard for deferral because of weather and it is an administrative decision unless the Commission chose to add it to the special use permit as a condition.

The public hearing was opened and closed with no input.

Marv Pierce stated that the paving process has begun in back of the building. The parking lot has 100 yards of road base in it. He asked if the paving would be required for the lot or hard surface.

City Engineer Young stated that hard surfacing is defined as Portland cement concrete or asphalt cement concrete pavement.

Chairman Frank asked City Engineer Young if a combination of tar and rock is called a hard surface.

City Engineer Young stated that the mix is found used in residential areas and said it would be inappropriate for a commercial parking lot due to structural uses.

Marv Pierce confirmed with Chairman Frank that he has until June 30, 2006, if the request is approved to pave the parking and maneuvering areas.

Chairman Frank stated that if the applicant had a difficult time meeting the deferral date he should become proactive and confer with the City to discuss the matter.

Deliberations followed:

- § Straightforward.
- § Commended the applicant for landscaping the area.

Commissioner Horsley made a motion to approve the request as presented with staff recommendations. Commissioner Kemp seconded the motion and all those present voted in favor of the request. THE MOTION PASSED.

Chairman Frank stated that Items Item #3 and Item #4 would be heard concurrently.

Item #3 Request of Kyle Taft, AIA, on behalf of the Church of Jesus Christ of Latter Day Saints for a Special Use Permit to construct a new meeting house and temple for the Church of Jesus Christ of Latter-Day Saints on property located northwest of Candleridge Drive and Eastland Drive North.

Item #4 Request of Kyle Taft, AIA, on behalf of the Church of Jesus Christ of Latter Day Saints for a Variance to allow a building height which exceeds the 35-foot maximum height allowed, on property located northwest of Candleridge Drive and Eastland Drive North.

Kyle Taft, MHTN Architects, Inc., representing the applicant, introduced Brent Nielsen, a church elder, to speak on behalf of the LDS Church.

Brent Nielsen stated the temple is the highest form of worship for members of the church. Members travel throughout the state to attend a temple. The request is for a special use permit for a temple and the meeting house, including a joint parking lot that will be used for both buildings. The variance on the building height is 50', which exceeds the 35 foot height limitation. Two other churches have come before the commission and were granted a variance on a similar type of structure: St. Edward's Catholic Church on May 11, 2004, and the Reform Church on February 29, 1999. The temple being proposed is 30,000 sq. ft. and two stories. The surrounding community benefits greatly economically by having it in the area. There are 42,000 members who travel outside the Magic Valley to attend a temple. The church held neighborhood meetings with positive feedback. Many members in attendance showed support by a raise of hands.

Chad Nielsen, MHTN Architects, explained the request using overhead projections. The project consists of approximately 9.1 acres of property within the Ensign Point Subdivision. Substantial landscaping surrounds the entire 9.1 acres. A double row of trees is proposed to be planted along the right-of-way planting strip. At the temple, generous amounts of trees and shrubs separate it from the parking. The meeting house footprint is 24,199 sq. ft. on a single story. The temple footprint is 12,909 sq. ft.. Approximately 16 residential sites in the subdivision will face the temple and meeting house and their associated parking lots. To lessen possible effects of headlights shining onto residential properties, berming and planting between the sidewalks and parking lots will be designed. The intent is to shield automobile head lights.

Residential lots within the Ensign Point Subdivision will be purchased with full knowledge of the meeting house and temple locations. Entries to parking lots align with City streets leading into the residential cul-de-sacs, thus lessening problems that might occur with offset intersections.

The front of the temple across the properties on Eastland Drive will be 255' from either the north or south sides of the temple to the neighboring properties is 215'.

Two water features are on the temple grounds. Near the front entry to the temple, two raised fountain pools flank the walkway to the front doors. At the west side of the temple, a round reflecting pool enhances the garden areas. The plan is to open the area to the public during operating areas.

The lot size for the temple is 4.9 acres and the meeting house is 4.2 acres. The stake center has no fence; the temple will have a fence around the gardens and after hours will be locked. There are enclosures around the mechanical equipment that are 8 foot high. The interior surfaces of these screening enclosures will have acoustic panels to reduce any sound.

Dumpsters will be fully screened from the street behind a masonry enclosure on three sides, with a gated open fence enclosure facing the meeting house.

He explained that in designing the temple MHTN Architects, Inc., took time to visit different areas of the City and came up with concepts to complement the area with the proposed design. When touring the area they felt a great sense of ruggedness, pureness, and honesty and brought this into the design. The design, as shown, will be simple and straightforward, pure, with simple detailing. The intent was not to make the building overbearing and heavy. The intent for the building is to bring grace and dignity.

The building height at the spire is 159' to the top of the angel. The main parapet, stands at 44' 6". The architectural element stands 50' tall. The building, spire and element are designed to be unimposing and friendly to the surrounding area. At certain times of pre-dawn and evening areas, the temple will be lit. The intent is selectively light the temple with focused fixtures rather than attempt to flood the entire building with light. Selective parts of the architecture will be highlighted. This will reduce the spillage of light into the night sky. It is anticipated that the lighting will be turned off after 11:00 p.m. and remain off until approximately 6:00 a.m.

The heights of the temple and meeting house are such that shadows will be cast primarily in the very early dawn and dusk time frames. The buildings have been located far enough away from the residential lots including lots across Eastland Drive to assure sunlight to these residences during the day. The slender nature of the spire will ensure its shadow does not affect residential lots for extended time periods.

The meeting house has been designed not to compete with the temple but to compliment the temple.

A parking study was done and a total of 390 total parking spaces have been provided which will be shared between the two buildings. The parking spaces will be available to be shared by either facility during their greatest occupancy which does not occur at the same time.

The following was reviewed in regards to the variance request:

1. A special condition and circumstance exists. It is designed to fit and give back to the community.
2. The spire is 6% of the 4.9 acres.
3. There would be 45% landscaping covering the property.
4. The limitation of the 35' would deprive the temple design from accommodating the functions it is designed to house.
5. The need to accommodate the religious and symbolic functions of the facility and to accommodate the neighbors in the community.

There is basalt in a shallow formation under the surface of the project and by going flatter would have a larger basement, creating problems.

Discussion followed:

§ **Lighting.**

Mr. Taft stated that the lighting of the spire is usually determined by the temple president. The applicants would work with the City when the lighting would be on and off. Security lighting is needed but could not be addressed at this time.

§ **Parking on side streets around the temple.**

City Engineer Young recommended eliminating parking on the side of the streets that are next to the meeting house and temple property.

Mr. Taft stated that it would be his desire, as an architect, for people not to be parking on the streets.

§ **Grounds open to the public.**

Mr. Taft stated that the grounds would be open to the public with ground rules and regulations. It would not be a City park. Certain activities would be restricted on the grounds. The temple grounds would be a place for meditation, reflection, contemplation of one's relationship to God during operating hours.

§ **Reducing the height of the spire.**

Mr. Taft: The distance from the ground entry to the spire (top) is 159'. The columns represent a sense of being grounded. The front and height proportions and the mass of the lower elements would terminate awkwardly to the top without a spire. Proportion is critical to the overall look of the facility. Unsure of the spire affecting any FAA regulations.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. The applicant has two requests: One is for a special use permit to allow two religious facilities on the site, and the second request is to allow greater than a 35 foot tall building height for one of the buildings. The property is zoned R-1 variable. A variance is to allow a building height greater than 35' in an R-1 variable. The Ensign Subdivision preliminary plat was approved on October 11, 2005. There has been no final plat submitted. No development can occur until the final plat has been recorded. The applicant did address parking, landscaping, and storm water retention issues. These requirements will be reviewed as part of the building permit process if the request is granted. Within the applicant's narrative he did state that there is proposed an 8' decorative metal fence enclosing the majority of the temple site. There is no fencing proposed around the meeting house. The impacts of the facility will be primarily traffic and noise issues. Additional right of way will be addressed as part of the platting process and will be a requirement prior to the recording the plat of the Ensign Subdivision. There will be two accesses from Eastland Drive North onto two residential streets. The approaches into the site will be from the local streets to the north and to the south. The local streets should not have parking on the streets sides. Signage is not part of this approval of this special use permit. Within the R-1 VAR zone the maximum building height allowed is 35', excluding architectural projections such as steeples. The building height of the meeting house is 31' with a steeple height proposed at 70' which will be placed at the west end of the building. The maximum building height of the temple is 50' with a lighted spire proposed at 159 ½'. The spire is considered an architectural projection. The code does not provide for a height limitation for an architectural projection. Also scheduled for the Commission's consideration is a request for a variance to allow an additional building height of 50' for the temple. The spire is proposed to be lighted. This could impact the night sky. The College of Southern Idaho has been contacted and recommended the church confer with CSI.

She said staff has reviewed the request and has recommended the following conditions be placed on the special use permit, if granted:

1. The Ensign Subdivision plat to be recorded prior to development.
2. Subject to completion of commitments as stated in the narrative and development plans.
3. Full compliance with all building, zoning, engineering and fire codes.
4. No parking on North and South Temple.

As regards to the variance. City code section 10-13-2.1(C) 4 sets forth five (5) criteria, which must be met in order for a variance to be granted. T

The following are:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
2. That a literal interpretation of the provisions of this Title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Title.
3. That special conditions and circumstances do not result from the actions of the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Title to other lands, structures or buildings in the same district.
5. That a literal enforcement of the provisions of this Title would result in unnecessary hardship. For purposes of this Section, where a reasonable conforming use is, or can be, located on a lot or parcel, there is no unnecessary hardship.

The last paragraph of that section states “a variance shall not be granted unless the Commission makes specific Findings of Fact based directly on the particular evidence presented to it which support conclusions that the above mentioned standards and conditions have been met by the applicant.”

The property to the north is undeveloped residential property. Given the location of the building relative to existing, developing and future residential properties, the additional height could have impacts on surrounding properties.

Opened for public hearing.

Thomas Hutchison, SIDCO Corporation, spoke in favor of the request. Several years ago the corporation bought 80 acres of land located north and west of Candleridge Drive between Eastland and Madrona. After purchasing the property, the applicant decided it was economically impractical to develop residences at that time. He sold to the Candleridge Golf Course and developed 40 acres west of the property into a residential area. He stated that property values have increased due to the proposed development.

Linda Dennis, 1350 Clearwater Way, asked for clarification of the lighting of the spire and if a variance covered lighting.

The public hearing was closed.

Mr. Taft stated that the spire is a symbolic expression reaching to deity and is a critical part of the project. Allowing the 50' height above main floor allows creating prominence within the temple and hierarchy over the stake center. The spires do the same thing.

He stated that the lighting issue has been reviewed with CSI.

Deliberations followed:

- § **Lighting.** Overall, the Commissioners' commended the applicant with the design of the lighting.

City Engineer Young stated that there is a code minimum lighting level for parking lots of this size. The levels are not high but have to achieve the one foot candle average lighting density at the surface of the parking lot and must screen their lighting to preclude more than a one foot spillover onto adjacent residential properties. Statutory issue and basically not subject to negotiation.

§ **Architectural projection.**

Commissioner Lanting stated that the overall height of the spire will be obviously noticeable for the neighborhood and is having a difficult time with the 50' building height and total height of building and spire of 159'.

Chairman Frank pointed out that the spire is an architectural projection and City code does not address height limitation

Commissioner Kemp stated that Catholic cathedrals are of the same realm and architecturally he has no problem with the height of the temple. He stated that the commission had no purview to restrict the architectural projection.

Commissioner Kelly stated that the commission should consider evaluating the City code requirements on architectural projections. She questioned the 159' plus height changing the character of the neighborhood. She read City Code Section 10-13-2-2 (3).3. She asked the applicant to consider a shorter spire.

Interim Planning and Zoning Commission Director Carraway stated that City code requires a 4' minimum height on trees. Bushes have no requirements.

Item #3: Commissioner Horsley made a motion to approve the request as presented with staff recommendations. Commissioner Kemp seconded the motion. Commissioners Frank, Horsley, Kemp, Lanting, Richardson, Shelton, Warren, and Younkin voted in favor of the request. Commissioner Kelly voted opposing the request. THE MOTION PASSED.

Item #4: Commissioner Horsley made a motion to approve the request as presented. Commissioner Kemp seconded the motion and all those present voted in favor of the request. THE MOTION PASSED.

OTHER ITEMS:

Item #5 Consideration of the preliminary plat of Canyon Trails Subdivision #5, consisting of 35 lots; residential and commercial, on approximately 54.5 acres, located at the northwest corner of Wendell Street and Pole Line Road West.

Tim Vawser, EHM Engineers, Inc., representing the applicant, explained the request using overhead projections. The planned unit development was approved in the late 1990's and is located north of Pole Line Road. The PUD agreement addresses lighting and landscaping requirements.

Discussion followed:

- § Proposed theatre's causing excessive noise to the residential area.
- § Lighting in residential area.
- § Impact of traffic.

Tim Vawser stated that the theater was not definite. The buyer will be aware of requirements according to the PUD agreement.

Gary Nelson stated that the lots have not been sold.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. She said staff has reviewed the request and has recommended the following conditions be placed on the preliminary plat, if approved:

1. Subject to Engineering Department final technical review.
1. Full compliance with the PUD Agreement.

City Engineer Young stated that he took exception to the storm water retention calculations in regards to predevelopment credit.

Tim Vawser and Gary Nelson stated they would comply with storm water retention calculations.

The public hearing was opened.

Jerry Kemp, 417 Pioneer Path, asked the applicant if access to the commercial property would be on Pole Line Road and Frontier Road rather than Wendell Street.

The public hearing was closed.

Tim Vawser stated that Federation Road and Wendell will intersect with Pole Line Road. Settler's Ridge and Northern Passage would be slated to exit out. There would be limited accesses to Pole Line Road and Wendell.

Gary Nelson stated there would be two walking trails in between the proposed building. They would be between the residential and commercial areas and Blake Street.

Deliberations followed:

- § Commercial close to the residential area.
- § North Pointe and Blake Street access.
- § Lighting in residential area.

City Engineer Young made the following point of clarification. In place is underground conduit for a signal, when warranted. Idaho Transportation Department has committed to the cost.

Commissioner Horsley made a motion to approve the request as presented with staff recommendations and to add the following condition: Full Compliance with the Storm Water Retention regulations. Commissioner Kemp seconded the motion and all those present voted in favor of the request. THE MOTION PASSED.

Item #6 Findings of Fact and Conclusions of Law: None.

OTHER ITEMS: cont.

Item #7 Approve minutes of October 25, 2005, and November 1, 2005, Planning and Zoning Commission Meeting. APPROVED.

Item #8 Date of next Planning & Zoning Commission Work Session and Public Hearing.
(W/S-NOVEMBER 22, 2005 P/H-NOVEMBER 29, 2005)

Item #9 Public input and/or items from the Planning & Zoning Director and Planning & Zoning Commission.
NONE.

The meeting adjourned at 8:56 p.m

Leila Sánchez
Public Works Clerk

CITY COMMISSION MEMBERS:

City Limits:

Tom	Ryan	Kyla	Gregory	Gerardo	Bernice	Cyrus	Carl
Frank	Horsley	Kelly	Lanting	Muñoz	Richardson	Warren	Younkin
Chairman	Vice-Chair			Alt.			

Area Of Impact:

David Kemp
Dusty Tenney, Alt.
Joe Shelton,

CITY OF TWIN FALLS
PLANNING AND ZONING COMMISSION MEETING & PUBLIC HEARING

MINUTES

DECEMBER 13, 2005 * * * 7:00 P.M. * * * CITY COUNCIL CHAMBERS

Any person(s) needing special accommodations to participate in the above noticed meeting should contact Jody Hall, 735-7287, two working days before the meeting

PLANNING AND ZONING MEMBERS PRESENT: Frank, Kelly, Lanting, Muñoz, Richardson, Warren Younkin

PLANNING AND ZONING MEMBERS ABSENT: Horsley

AREA OF IMPACT MEMBERS PRESENT: Kemp, Shelton

AREA OF IMPACT MEMBERS ABSENT: Tenney

CITY COUNCIL MEMBERS PRESENT: None

CITY STAFF PRESENT: Carraway, Mathis, Sanchez, Wonderlich, Young

Chairman Frank called the meeting to order at 7:00 p.m. He then reviewed the public hearing procedures with the audience and introduced the City staff present.

PUBLIC HEARING ITEMS:

Item #1 Request of Shawn Freund for a Special Use Permit to operate a beauty salon as a home occupation on property located at 1935 Canyon Trail Way.

Gary Nelson, Nelson & Co., Inc., representing the applicant, explained the request using overhead projections. He stated the applicant would not have employees, hours will be 9:00 a.m. to 6:00 p.m, and the home would have no exterior signage.

Discussion followed:

- Clarification of the room size. (244 sq. ft.)
- Customer access: Door at side of home.
- Residents will park in garage and customers park in driveway area.
- Hours 9:00 a.m. to 6:00 p.m. (Tuesday – Friday)

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. The request is to operate a beauty salon as a home occupation. The property is zoned C-1 PUD and is located within the Canyon Properties PUD in an area designated to be developed to R-2 standard. She reviewed the PUD Agreement and the requirements of a special use permit to establish a home occupation within the R-2 zone.

She said staff recommends the following condition be placed on this request, if granted:

1. Residents to park in garage during business hours. The driveway is to remain open for customer parking.

The public hearing was opened:

Daryl Grover, 1982 Canyon Trails Way, spoke against the request. He stated the CCR's do not allow home occupations. His concerns include the following: Impact of traffic in a residential area and safety of the neighborhood children.

Benjamin Snarr, 1958 Canyon Trail Way, spoke against the request. His concerns included the following: Impact of traffic in a residential area and safety of the neighborhood children. He asked the Commission to restrict business hours and limit the number of customers at one given time to one, if request is approved.

The public hearing was closed.

Gary Nelson stated that he is the developer of the subdivision and he produced the CCR's.

Deliberations followed:

- More than one customer at one given time would be a rarity.
- Revocation procedures could be initiated if warranted.
- Home being built around business.
- Minimum impact on traffic.
- CCR's are a civil contract.
- Limit the special use permit and revisit in one year.

Commissioner Lanting made a motion to approve the request as presented with staff recommendation and to add the following condition: 2. Special use permit for one year only. Commissioner Kelly seconded the motion and roll call vote showed all members present in favor of the request.

Item #2 Request of Kenneth D. Stevens for a Special Use Permit to operate a truck rental business on property located at 1105 Kimberly Road.

Kenneth Stevens, applicant, explained the request using overhead projections. The request is to operate a truck rental business. He said he would have a maximum of six to eight trucks on the lot at one time.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. She stated the property is located in a C-1 zoning district within the City. The narrative states the applicant wishes to include Budget Truck Rentals, a truck rental business, in addition to the operation of Magic Valley Polycoating. She stated that within the C-1 Zone automobile and truck sales and/or rental business require a special use permit. The site plan submitted with the application shows 12 off-street parking spaces and a proposal for an alternative landscaping plan. The site plan complies with the parking requirement, which is a minimum of 4 off-street parking spaces. As per City Code 10-11-2(A)3 the Commission may approve alternative landscaping plans or designs to allow innovative landscaping. The

alternative landscaping plan shown on the site plan consists of 2 trees and 6 bushes which are located in pots shown at various locations on the site.

She said staff recommends the following condition be placed on this request, if granted.

1. Assure compliance with all City zoning, building, engineering and fire code requirements.

Discussion followed:

- Landscaping.

Kenneth Stevens used overhead projections showing where he planned to place 2 trees and 6 shrubs in planter boxes. He stated that he would agree with the Commission's recommendations on landscaping and would comply. He asked the staff for a deferral for one year. He stated that the pots would be moveable and could be placed in different areas.

Discussion followed:

- Commissioner Kelly referred to the drawing submitted in the application and asked the applicant where he proposed to place the whisky barrel planters and time schedule of placement.

Ken Stevens showed the drawing on the overhead projection showing the placement of the whisky barrel planters. He stated that he would comply with all of the Commission's suggestions or recommendations. He emphasized the fact that the timing of the approval of this request was imperative.

He also stated the following: The area behind the building is an impound area and the trucks currently behind the fence will be placed in storage as the business grows.

- Commissioner Kelly asked how he planned to maintain the planters.

Kenneth Stevens stated that he will maintain all the planters. He again requested that he be given a year deferral for the landscaping.

- Commissioner Kelly asked Interim Planning and Zoning Director Caraway that in past instances how long landscaping was deferred.

Interim Planning and Zoning Carraway stated that landscaping has been deferred until spring (April or May).

The public hearing was opened:

T. J. Lierman spoke in favor of the request. He stated that he would financially assist Mr. Stevens in landscaping the property as required.

The public hearing was closed.

Kenneth Stevens stated the importance of having his request approved and again emphasized that he would meet City's landscaping requirements.

Deliberations followed:

- Point of clarification to Mr. Stevens that the request is ONLY for a truck rental business and would not include repairing of vehicles.
- Commissioner Kelly asked Interim Planning and Zoning Director Carraway if the 10% of landscaping is based on pots or plants.

Planning and Zoning Director Carraway stated that the 10% is based on the size area of the pots.

- Commissioner Muñoz stated that the business is legitimate and emphasized that the applicant complies with all code requirements.
- Commissioner Kelly stated for the record that the parties meet the requirements of the code and the 10% placement of planters.

Commissioner Kemp made a motion to approve the request as presented with staff recommendation and to add the following condition: 2. The alternative landscape plan, as presented, shall be a minimum of 617 sq. ft. and shall be completed by June 1, 2006. Commissioner Muñoz seconded the motion and roll call vote showed all members present voted in favor of the request. The motion passed.

OTHER ITEMS:

Item #3 Consideration of the preliminary plat of Orchard Park PUD Subdivision, 16.2 acres (+/-) located at the Southeast corner of Orchard Drive and Washington Street South

Andrew Swensen, applicant, explained the request using overhead projections. He gave a recap of the project.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. On July 25, 2005 the City Council approved a rezone of this property to a C-1 PUD. In order to sell the lots within the development a plat subdividing the property is required. A preliminary plat is submitted to the Commission. The final plat will be submitted to the City Council. The plat is generally consistent with the approved PUD, but the Council has not approved the PUD Agreement.

She said staff recommends the following conditions be placed on this plat, if granted:

1. Subject to approval of the PUD Agreement.
2. Subject to final technical review by the Engineering Department.

Discussion followed:

- Timeline of the subdivision phases.

Andrew Swensen stated that Phase 1 and 2 would be developed at the same time and Phase 3 is five years out.

- Accesses opened during construction.

Andrew Swensen stated there would be arterial access on Washington and Orchard.

- Left turns made on Washington Street South and Orchard.

Andrew Swensen stated the spacing requirement on Washington Street South is 150'. The proposed spacing is in the 350' - 400' range.

- Signal at Washington and Orchard.

City Engineer Young stated a signal at the location is currently not on the State Transportation plan, but the proposed development may encourage a warrant at the location.

Assistant City Engineer Mathis stated at the current time there are approximately 200 to 400 homes being platted.

The public hearing was opened and closed with no input.

Deliberations followed:

Straightforward.

Councilperson Kelly made a motion to approve the request as presented with staff recommendations and to add the following condition: 3. Idaho Department of Transportation approval of the Washington Street South subject to driveway approaches. Commissioner Warren seconded the motion and roll call vote showed all members in favor of the motion.

Item #4

Consideration of the preliminary plat of Bosero Subdivision, 18.77 acres (+/-), located south of the 900-1000 blocks of Filer Avenue West.

Don Acheson, Riedesel and Associates, Inc., explained the request using overhead projections. He gave a recap of the project from City Council approval on August 29, 2005, of an annexation of this property with an R-2 zoning designation to the present.

He also stated that the developer has committed to the City Council that not more than 65 residential lots will be built.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. She stated the property is zoned R-2 and consists of approximately 18 acres (+/-). The request is to subdivide into 67 residential lots. The R-2 zone allows a minimum of 6,000 sq. ft. lot for single-family dwellings and 10,000 sq. ft. for a duplex. The lot sizes meet or exceed the requirements of the R-2 zone. The plat is consistent with other residential development in the area. The subdivision is in conformance with the Comprehensive Plan. On October 31, 2005, the City Council granted an "in lieu" contribution.

She said staff recommends the following condition be placed on this request, if granted:

1. Subject to Engineering Department final technical review.

Opened for public input:

Kamie Nuthak, 362 Grandview Drive, spoke against the request. She had the following concerns: The time line of development, impact of traffic on Grandview and Filer, verification that 65 residential homes would be developed, the setbacks 80' or 100',

landscaping requirements, plans for the widening of Grandview Drive, irrigation water runoff, and blasting causing damage to well.

Julie Croy, 379 Grandview Drive North, spoke against the request. She had the following concerns: Access on Grandview Drive, plans to fence around the project to prevent debris, dirt, and dust on the lane and for privacy reasons, setbacks, irrigation water runoff, blasting and trenching, and plans for a 3-acre park.

Andrew Jones, 375 Grandview Drive North, spoke against the request. He had the following concerns: Plans of a privacy fence, irrigation water runoff, and traffic access.

Marie Fuller, 374 Grandview Drive North, spoke against the request. She had the following concerns: Impact on Rock Creek, duplexes or townhouses proposed, and plans of a privacy fence during construction.

Craig Nuthak, 362 Grandview Drive North, spoke against the request. He had the following concerns: Proposed park, sidewalks/detached curbing, maintenance of the pump station, odor from pump station, storm drain, pesticides in Rock Creek, and weeds.

The public hearing was closed.

Don Acheson stated the following:

1. Project would not be phased.
2. Start construction in the spring.
3. The project would have townhouses and duplexes.
4. 100' setback – 80' setback for a building.
5. Blasting wells. Rock on the property and not economical to blast rock. If blasting is involved it would require a professional and a study is required.
6. Pressure irrigation would tie into the City system.
7. Landscaping. Park strip along Grandview and would be maintained by the City.

Sam Saltaga, Lezamiz Realty, and speaking on behalf of the applicant, stated that he would not promise a fence would be in place.

City Engineer Young stated that on Grandview, the development is 24' (curb to centerline). A traffic count is not needed in the area. The lift station will be maintained by OMI. The mini park would be maintained by the Parks & Recreation Department. Diverting storm water into parks and recharge of the aquifer is a good system. On Filer and Grandview the widening will not tie up the entire street width. Traffic counts not requested or required. The pond would handle runoff of Filer and Grandview. Fencing around drainage, accessible as open space.

Deliberations followed:

- Agreement is for 65 lots.
- Setback off of Grandview is sufficient.
- Irrigation water.
- Traffic pattern.
- Exceeding minimal requirements.

Commissioner Lanting made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion and roll call vote showed all members present voted in favor of the motion. The motion passed.

Item #5 Preliminary PUD presentation of Todd Ostrom for a rezone from R-4 to R-4 PUD for 1.9 acres (+/-) to develop a residential housing development located on the west side of the 900 block of Morningside Drive.

Darr Moon, Moon and Associates, reviewed the request using overhead projections.

Interim Planning and Zoning Director Carraway reviewed the request using overhead projections. She said this is a proposed rezone to a PUD. The code requires that the applicants make a preliminary PUD presentation to the Commission and to the public. The presentation allows the Commission and the public to become familiar with the project prior to the actual hearing.

Discussion followed:

- § Fire truck access drawn to City standards.
- § Pedestrian access.
- § Storm water requirements.
- Sidewalks.

Darr Moon stated that the subdivision would not have sidewalks.

City Engineer Young stated that a technical review, at this stage, had not been completed. He discussed the possibility of a 4' sidewalk and the roadway widened for on- street parking.

Opened for public input.

Lonnie Renhu, 1842 Spring Lane, spoke against the request. His concerns include the following: Children safety, narrowness of Morningside, fire truck access, low water pressure, and sidewalks.

Duane Pruett, 1852 Spring Lane, spoke against the request. His concerns included the following: unfenced canal, sidewalks, fire truck access, and weeds.

David Brock, 1010 Maurice Street, spoke against the request.

Darr Moon stated that the proposed subdivision would be similar to the Spring Lane Subdivision. The coulee running on the west side of the property would be addressed in future designs.

Item #6

Findings of Fact and Conclusions of Law:

- a. Special Use Permit request of Gene W. Goold
- b. Non-Conforming Building Expansion Permit request of Marv Pierce dba Pioneer Club
- c. Special Use Permit request of Kyle Taft, AIA
- d. Variance request of Kyle Taft, AIA
- e. Preliminary Plat request for Canyon Properties Subdivision, #5
- f. Vacation request of Canyon View Properties c/o Gary Blick
- g. Annexation request of Great N.W. Development, Inc., c/o Paul Bedortha
- h. Vacation request of B&D Money Purchase Pension Plan & B&D Profit Sharing, c/o David Price
- i. Special Use Permit request of Arnold Machinery Company c/o Ken Koehler
- j. Special Use Permit request of Chris Jones

- k. Special Use Permit request of Brian and Kristi Jacobs
- l. Special Use Permit request of Diamond Towing
- m. Preliminary Plat of Treasure Meadows Subdivision

Unanimously approved the Findings of Facts on December 6, 2005, at the Planning and Zoning Commission Meeting Work Session.

Item #7 Approve minutes of November 22, 2005, November 29, 2005, and December 6, 2005, Planning and Zoning Commission Meeting. Unanimously approved.

Item #8 Date of next Planning & Zoning Commission Work Session and Public Hearing.
~~CANCELLED—(W/S DECEMBER 20, 2005—P/H DECEMBER 27, 2005)-- CANCELLED~~
(W/S-JANUARY 3, 2006 P/H -JANUARY 10, 2006)

Item #9 Public input and/or items from the Planning & Zoning Director and Planning & Zoning Commission.

Plaques presented to Kyla Kelly, Gregory Lanting and Joe Shelton for serving on the Planning and Zoning Commission.

Interim Planning and Zoning Director Carraway stated that Planning and Zoning Commission interviews will be held on December 14, 2005.

The meeting adjourned at 9:35 p.m.



Leila Sanchez
Public Works Clerk

CITY COMMISSION MEMBERS:

City Limits:

Tom	Ryan	Kyla	Gregory	Gerardo	Bernice	Cyrus	Carl
Frank	Horsley	Kelly	Lanting	Muñoz	Richardson	Warren	Younkin
Chairman	Vice-Chair			Alt.			

Area Of Impact:

David Kemp
Dusty Tenney, **Alt.**
Joe Shelton,

CITY OF TWIN FALLS
PLANNING AND ZONING COMMISSION MEETING & PUBLIC HEARING

AGENDA

DECEMBER 27, 2005 * * * 7:00 P.M. * * * COUNCIL CHAMBERS

NEW COUNCIL CHAMBERS, 305 THIRD AVENUE EAST.

Any person(s) needing special accommodations to participate in the above noticed meeting should contact Jody Hall, 735-7287, two working days before the meeting

PUBLIC HEARING HAS BEEN CANCELLED.....

PUBLIC HEARING ITEMS:

- Item #1 Request of Kathryn Pierce for a Special Use Permit to operate a beauty salon as a home occupation on property located at 524 Monroe Street.
- Item #2 Request of Todd Ostrom for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PUD to develop a duplex housing development for 1.9 acres on property located on the west side of the 900 block of Morningside Drive.

OTHER ITEMS:

- Item #3
- Item #4
- Item #5

- Item #6 Findings of Fact and Conclusions of Law:
 - a. Special Use Permit request of Shawn Freund.
 - b. Special Use Permit request of Kenneth D. Stevens
 - c. Preliminary Plat request for Orchard Park PUD Subdivision.
 - d. Preliminary Plat request for Bosero Subdivision.

- Item #12 Approve minutes of December 13, 2005, and December 20, 2005, Planning and Zoning Commission Meeting.
- Item #13 Date of next Planning & Zoning Commission Work Session and Public Hearing.
(*W/S-JANUARY 3, 2005 P/H -JANUARY 10, 2005*)
- Item #14 Public input and/or items from the Planning & Zoning Director and Planning & Zoning Commission.

WORK SESSION
TUESDAY - DECEMBER 20, 2005 - NOON
CITY HALL CONFERENCE ROOM

- 1. Agenda
- 2.

**TWIN FALLS CITY PLANNING & ZONING COMMISSION
PUBLIC HEARING PROCEDURE**

FOR THOSE WHO ARE UNFAMILIAR WITH THE PUBLIC HEARING PROCEDURE THESE ARE THE PROCEDURES OF THE CITY OF TWIN FALLS PLANNING & ZONING COMMISSION:

- 1) The Applicant Will Present Their Request.
- 2) City Staff will then present their analysis of the request, discuss any pertinent zoning history and make recommendations, if staff has any.
- 3) The Commission may ask questions of the applicant or staff at this time.
- 4) The Public Hearing Will Then Be Opened. Anyone wishing to speak is invited to step up to the podium, state his or her name & address and state their concerns. When finished you are asked to sign the register with your state his or her name & address.

The Public Hearing Portion Of The Meeting Is The Opportunity For Anyone To Comment On Or To Ask Questions About The Request Being Considered.

- 5) After the public hearing testimony the Commission may again ask questions of the applicant or staff at this time.
- 6) The applicant will then be invited to answer any questions from the public hearing and/or make a closing statement.
- 7) The public hearing will then be **CLOSED**. No Further Testimony Will Be Allowed.
- 8) The Commission will then have an open discussion and take action on the request.

Some Of The Actions Taken By This Commission Are Final. Others Are Recommendations Only And Automatically Go On To The City Council For Their Decision.

Any Appeal Of A Decision Of The Planning and Zoning Commission Must Be Made Within 15 Days From The Action Of The Commission.