CITY OF TWIN FALLS
PLANNING & ZONING COMMISSION
CITY COUNCIL CHAMBERS
305 3RD Avenue East Twin Falls, Idaho
Work Session: JANUARY 2, 2008 12:00P.M.
Public Hearing: JANUARY 8, 2008 6:00 P.M.

MINUTES

PLANNING & ZONING COMMISSION MEMBERS:

City Limits:

Ryan Horsley	Bonnie Lezamiz	Gerardo Muñoz	Bernice Richardson	Karen Stroder	Cyrus Warren	Carl Younkin
Chairman						**Vice-Chairman**

Area of Impact:

R. Erick Mikesell Dusty Tenney

ATTENDANCE

PLANNING AND ZONING MEMBERS:

Present	Absent
Horsley	Richardson
Lezamiz	Stroder
Munoz	
Warren	
Younkin	

AREA OF IMPACT MEMBERS:

Present	Absent
Mikesell	
Tenney	

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Collins, Jones, Weeks, Westenskow, Wonderlich

AGENDA ITEMS FOR PUBLIC HEARING AND CONSIDERATION

I. CALL MEETING TO ORDER:

A. PUBLIC HEARING ITEMS:

1. Request for a Special Use Permit to operate a retail business outside the permitted hours of operation of 7:00 a.m. to 10:00 p.m., to operate a drive-through facility, and to operate a 32 sq. ft. message center sign on property located at the northeast corner of Washington Street North and Pole Line Road by Hawkins Company. (app. 2176)
2. Request for a Special Use Permit to operate a beauty shop as a home occupation on property located at 2552 Joshua Way by Tanille Olsen. (app. 2183)
3. Commission's recommendation on a request for a zoning district change and zoning map amendment for 1.08 (+/-) acres of land from AG to M-2 for property located at 3249 East 3700 North, aka Orchard Drive, by Dell P. Smith. (app. 2185)
4. Commission's recommendation on a request on the zoning designation for 80(+/-) acres of land proposed to be annexed with a zoning designation of R-2, currently zoned R-2 and SUI, for property located at the southwest corner of Grandview Drive North and Falls Avenue West by Grandview Farms, LLC. (app. 2186)
5. Request for a Special Use Permit to operate a 30 sq. ft. message center sign on property located at 490 Washington Street South by Blue Lakes Auto Repair c/o Kevin Powers. (app. 2187)
6. Request for a Special Use Permit to expand a legal non-conforming building on property located at 260 4th Avenue North by Twin Falls County. (app. 2188)
7. Request for a Special Use Permit to expand a legal non-conforming building on property located at 2623 Kimberly Road by TMCO, Inc c/o Robertson Supply. (app. 2189)

8. Request for a Special Use Permit to construct a transient hotel at the northeast corner of Pole Line Road East and Bridgeview Drive, aka 1771 Pole Line Road East by Kevin Bradshaw. (app. 2191)
9. Request for a Special Use Permit for the purpose of expanding a legal non-conforming building on property located at 1519 Kimberly Road by The Pioneer Club c/o Marvin Pierce. (app. 2192) **WITHDRAWN**

B. CONSIDERATION ITEMS:

1. Preliminary PUD presentation for annexation of 29 (+/-) acres of land with a zoning designation of R-4 PUD currently zoned R-4, for property located southwest of 2850 East 3600 North, by Bos'ero Development, LLC. (app. 2193)

MINUTES

I. CALL MEETING TO ORDER:

Chairman Horsley called the meeting to order at 6:00 P.M. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

A: PUBLIC HEARING ITEMS:

1. Request for a Special Use Permit to operate a retail business outside the permitted hours of operation of 7:00 a.m. to 10:00 p.m., to operate a drive-through facility, and to operate a 32 sq. ft. message center sign on property located at the northeast corner of Washington Street North and Pole Line Road by Hawkins Company. (app. 2176)

APPLICANT PRESENTATION:
Brandon Whallon, representing Hawkins Companies, stated he is here to seek approval of their request to operate a retail business outside the permitted hours of operation of 7:00 a.m. to 10:00 p.m., to operate a drive-through facility, and to operate a 32 sq. ft. message center sign on property located at the northeast corner of Washington Street North and Pole Line Road. Previously this property was approved for a PUD Amendment to allow the rezone of this piece of property from R-4 PRO to C-1. He stated they are anticipating a Walgreens will be going in at this site similar to the one located on Blue Lakes Boulevard. Currently the Walgreens has not indicated that they want to operate 24 hours a day but the request has included the extended hours so that they would have the ability to do so without having to come through this process again in the future. The site of the drive through has been placed on the east side of the building to shield the residential area to the west; the message center sign it will be approximately 32 sq. ft. and the impacts to the surrounding area should be minimal. The Walgreens on Blue Lakes Boulevard has had minimal impacts to the neighbors and they hope to have the same success at this location.

QUESTIONS/COMMENTS:

- Commissioner Warren asked about the other pads associated with this property.
- Mr. Whallon stated that these pads are speculative retail spaces that are not spoken for at this time. He stated that Hawkins Companies does the development portion and leases out the space. Walgreens will be leasing this space and the remaining sites will eventually be leased as well.
- Commissioner Munoz asked about the developments to the east and the traffic flow through the Hawkins Companies property.

- Mr. Whallon stated that Hawkins Companies is aware that a larger commercial development is planned for the land to the east of their property and that cross-use agreements will be necessary to assist with the traffic flow through the site.

STAFF REVIEW:
Planner I Westenskow stated that this is a request to operate a retail business outside the permitted hours of operation of 7:00 a.m. to 10:00 p.m., to operate a drive-through facility, and to operate a 32 sq. ft. message center sign on property located at the northeast corner of Washington Street North and Pole Line Road. This property recently came through for a zoning request to change this property from R-4 PRO to a C-1 designation. The property is currently vacant; the zone change was made to assist with the development of the property. The request shows a 14,820 sq. ft Walgreens Store and Pharmacy with a possible 24 hour operation should the market support the extended hours with a drive-through and a message center sign. The drive-through area has been designed to accommodate at least 6 cars which meets the codes requirement for stacking. The message center sign will be located along Pole Line Road and will be approximately 32 sq. ft. as part of a free standing sign for the Walgreens. The sign would operate in conjunction with the store hours and will likely be single color. City code does not permit animation or flashing. The sign as presented meets the code requirements for a message center sign and the applicant doesn't anticipate that the sign will have a negative impact on the surrounding areas.
Planner I Westenskow stated upon conclusion staff has reviewed this request and recommends the following condition(s) be placed on this request, if granted:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Hours of operating being permitted as 24 hours a day, 7 days a week for the store and drive-through window.
3. Subject to a minimum of six (6) vehicles stacking spaces, as per City Code 10-7-13.
4. Assure compliance with all requirements of Twin Falls City Code 10-9-2 (L) and 10-9-2(Q) regarding free standing signage and message center signs.
5. Message Center sign approved as presented; hours of operation to be consistent with the operation of the store, 32 sq. ft. in size, LED sign as part of a new freestanding sign with no animation or flashing.
6. Subject to full compliance with the Northbridge PUD Agreement and Northbridge PUD Amendment.

QUESTIONS/COMMENTS:

- Commissioner Tenney asked if this request is just for Walgreens or if some other business would like to go in at this site if they would have to come through this process. He asked about the flashing requirements related to the sign and how high the sign message center sign will be placed because he is concerned is the impact on the residential area.
- Planner I Westenskow stated that this request is specific to Walgreens. As for the location of the message center sign it will be placed approximately 8 feet above the base of the sign.

PUBLIC HEARING: Public hearing was opened and closed without any public input.

DELIBERATION FOLLOWS:

- Commissioner Tenney stated his only concern with this is the location of the sign and where the housing is located, however with the height of the sign it may or may not have an impact on the residential area.
- Commissioner Horsley stated that he would be concerned as well but if you look at the lighting and everything else that is going in along Pole Line Road it has become a super highway. The impact that this message center sign will have will be minimal especially if it is anything like the one located at the Walgreens on Blue Lakes Boulevard.
- Commissioner Munoz stated that the neighbors in this area are very vocal and the fact that they are not here tonight, makes him lean towards approving the request. The concern he had was the light from the message center sign shining into the residential area however with the height of the message center sign he feels it won't have much of an impact.

MOTION:
Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner Munoz seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Hours of operating being permitted as 24 hours a day, 7 days a week for the store and drive-through window.
3. Subject to a minimum of six (6) vehicles stacking spaces, as per City Code 10-7-13.
4. Assure compliance with all requirements of Twin Falls City Code 10-9-2 (L) and 10-9-2(Q) regarding free standing signage and message center signs.
5. Message Center sign approved as presented; hours of operation to be consistent with the operation of the store, 32 sq. ft. in size, LED sign as part of a new freestanding sign with no animation or flashing.
6. Subject to full compliance with the Northbridge PUD Agreement and Northbridge PUD Amendment.

2. Request for a Special Use Permit to operate a beauty shop as a home occupation on property located at 2552 Joshua Way by Tanille Olsen. (app. 2183)

APPLICANT PRESENTATION:
Tanille Olsen, the applicant, stated that she is here to seek approval to operate a beauty salon in her home. The reason for the request is so that she can stay at home with her son and generate some income at the same time. The impact to the surrounding property that may be a concern is parking and traffic. The business will be operated by her only, and the customers will be by appointment only. She stated she will have the customer's park in her driveway to eliminate any parking along the street. The business will be very low key and should have minimal impact on the surrounding area.

QUESTIONS/COMMENTS:

- Commissioner Warren stated that he noticed the home is being built with this use in mind and asked what the applicant would use this space for if the Special Use Permit was not approved this evening.
- Mrs. Olsen stated that she would use the space as a mud room.

STAFF REVIEW:

Planner I Westenskow stated this is a request to operate a salon as a home occupation on property located at 2552 Joshua Way. The property is currently zoned R-2 PUD, which requires a Special Use Permit to operate a home business. The services would be offered from the home with the hours of operation varying with no customers after 8:00 p.m. The driveway will accommodate up to 3 vehicles and the space allotted for the salon meets the code regulations for the amount of area an in-home occupation can occupy.

Planner I Westenskow stated upon conclusion staff has reviewed this request and recommends the following conditions be placed on this request, if granted:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. The driveway is to be used for client parking only during the operation of the business.

QUESTIONS/COMMENTS:

- Commissioner Warren asked what the square footage of the room is for the salon.
- Planner I Westenskow stated it is approximately 120 sq. ft and the maximum space allowed for an in-home occupation is 400 sq. ft.
- Commissioner Munoz asked if the full drive-way would be required to be left open for customers or if the applicant will just be required to provide off-street parking for the customers.
- Planner I Westenskow stated that the requirement will be that there is off-street parking provided for the customers.

PUBLIC HEARING:

- John Kopsky, 2563 Joshua Way said that he had no objections but asked what the applicant anticipated would be the earliest appointments time customers would be coming.
- Steven Olsen, 3470 E 4000 N, stated that he is in favor of this request because these types of home occupations allow mothers to spend time with their families and have an income as well. These home-occupations can also be of benefit to the neighbors by providing services that the neighbors can use as well.

CLOSING STATEMENTS:

- Mrs. Olsen stated that she would not anticipate having customers scheduled before 9:00 a.m.

DELIBERATIONS:

- Commissioner Horsley stated that this is kind of an ideal situation, because if it is approved the business will be established before the neighborhood. Usually there

are concerns from neighbors with regards to traffic and parking. With the traffic patterns already established before the neighborhood is complete there should be very minimal impacts to the area.

- Commissioner Tenney stated the other positive is that the Special Use Permit does not transfer from one owner to another if someone else were to purchase the home later they would have to come through this same process to continue with the same use.
- Commissioner Munoz stated that he has never considered asking when the first customer would be expected to arrive. He stated that is a very valid question, but the best part is that the home is being built with this use in mind which means it is not an afterthought that is coming after the neighborhood is already established. He doesn't see any problems with this request.

MOTION:
Commissioner Tenney made a motion to approve the request as presented with staff recommendations. Commissioner Lezamiz seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. The driveway is to be used for client parking only during the operation of the business.

3. Commission's recommendation on a request for a zoning district change and zoning map amendment for 1.08 (+/-) acres of land from AG to M-2 for property located at 3249 East 3700 North, aka Orchard Drive, by Dell P. Smith. (app. 2185)

APPLICANT PRESENTATION:
Dell Smith the applicant stated that approximately 2 years ago he purchased a 55 acre farm that has an existing home on the property. There is a family renting the home currently. He stated he has no desire to be a landlord, so he is requesting that the 1.08 acres be rezoned to M-2 so that he can subdivide the farmland from the home to enable him to sell the home without selling the rest of the land. The neighbor to the east of this property had a similar request for a rezone to M-2 so that he could separate the home from his farmland and it was approved. He stated that there would be no additional impacts to the area if this were approved.

STAFF REVIEW:
Planner I Westenskow stated that this is a request for the Commission's recommendation on the rezone of 1.08 (+/-) acres from AG to M-2 for property located at 3249 East 3700 North, aka Orchard Drive. This current zoning designation is AG-Agricultural which requires a minimum lot size of 20 acres. The property is adjacent to an M-2 zoning district to the north and to the east. The properties surrounding this area are zoned M-2 but the residential use of this property is consistent with what is in the area. Existing residences are permitted uses in the M-2 zone. The rezone would be consistent with the comprehensive plan and zoning requirements. By changing the zoning there is not a minimum lot size requirement in the M-2 district which in turn would allow the applicant to subdivide the home from the farmland.

Planner I Westenskow stated upon conclusion staff has reviewed this request and recommends the following conditions be placed on this request; if granted:

1. Subject to amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.

QUESTIONS/COMMENTS:

- Commissioner Munoz asked when the condition related to street development would apply.
- Planner I Westenskow state that the street development condition would apply if the larger piece of property or the piece with the residents were ever converted to a different use or subdivided for development.

PUBLIC HEARING: Opened and closed without any public input.

DELIBERATIONS:

- Commissioner Horsley stated that his only concern is zoning a residential use to industrial. There could be some implications related to taxes for the home owner, but there doesn't seem to be another way to accomplish this task.
- Commissioner Tenney stated that he doesn't know of any other way to do this; there needs to be another way but at the same time the applicant should also be able to sell the home.
- Commissioner Munoz stated that he wished there was another means of accomplishing this as well, but the only other option would be to do a spot zone.

MOTION:

Commissioner Tenney made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor or the motion.

RECOMMENDED FOR APPROVAL AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING FEBRUARY 4, 2008

4. Commission's recommendation on a request on the zoning designation for 80(+/-) acres of land proposed to be annexed with a zoning designation of R-2, currently zoned R-2 and SUI, for property located at the southwest corner of Grandview Drive North and Falls Avenue West by Grandview Farms, LLC. (app. 2186)

APPLICANT PRESENTATION:

Don Acheson, Riedesel Engineering, representing the applicant, stated that he is here to request a rezone for this 80 acre parcel. This property came through last year for a

rezone and as it turns out there was a clerical error which required this property to come back through again for the annexation request. In the previous hearing the request for the 80 acres to be rezoned to R-2 was approved. He stated they are here again tonight for the same zoning designation request.

QUESTIONS/COMMENTS:

- Commissioner Tenney asked when this request came through previously if the R-2 zoning was recommended for all of the property zoned SUI that sits next to a subdivision with larger lots.
- Mr. Acheson stated that it was approved to rezone the entire 80 acres to an R-2 designation.
- Commissioner Munoz asked if there are any plans for larger lots along the west side of the 80 acres.
- Mr. Acheson stated that at this current time he can only state that they will be back later with the plans for the property.

STAFF REVIEW:

Planner I Westenskow stated that this is a request for the Commission's recommendation on the zoning designation of 80 (+/-) acres proposed to be annexed with an R-2 designation, currently zoned SUI and R-2 for property located at the southwest corner of Grandview Drive North and Falls Avenue West. As indicated by the applicant this property did come through before for approval of a rezone, however this request has been required to be reprocessed. Currently the R-2 zoning designation allows for single household dwellings or duplexes. This designation requires city services for development. Therefore the applicant is requesting that the property be annexed as well. The comprehensive plan designates this area as urban residential with a neighborhood commercial designation as well. This development would be compatible with the area. There is another development to the north of this property that has been approved for residential and neighborhood commercial zoning and an application for a planned unit development zone would be required for that type of commercial development.

Planner I Westenskow stated upon conclusion staff has reviewed this request and recommends the following conditions be placed on this request if recommended for approval to the City Council.

1. Subject to amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.

PUBLIC HEARING:

- Dennis Crawford, 681 Creekside Way, stated that he lives in the subdivision south of this property. He stated he has been serving on the Comprehensive Plan Committee for a few months now and one of the responsibilities of this plan is to maintain the integrity of the neighborhoods that are already established and to assist in providing guidance for the new neighborhoods that are being proposed. His concern is that the property to the west of this parcel consists of one acre lots and the property to the south has smaller lots, however there is some transition from small to large and the smaller lots are not "slammed" up against the large one acre lots. He would request that the Commission recommend some

transition between the R-2 zoned area and the SUI zoned area. He stated that the Commission needs to maintain the integrity of the Comprehensive Plan.

- Lamar Orton, 867 Filer Avenue West submitted a letter to be read into the record; the letter has been filed with the application.

CLOSING STATEMENTS:

- Mr. Acheson stated that he noticed that the residents located along the western border of this property have not come here tonight to contest this request. He stated that there is a very good reason for this which has to do with some additional plans for this property. A lot of these concerns will be addressed and brought forward to the Commission at a later date. The R-2 zoning has been approved previously for this property and it is felt that this request is reasonable.

DELIBERATIONS:

- Commissioner Tenney stated he has a real problem with R-2 size lots butting up against the larger lots. He feels that part of the zoning process is to insure that there is some type of transitioning provided for when this situation occurs. He would recommend that the SUI zoned area be designated as R-1 VAR. The problem he sees is that the applicant may have reasonable plans for this property that address some of these concerns but currently he has no idea what those plans are; in the past we have approved things that we thought were going to be one way and when the plat comes back for approval they are another way. Once it has come through for the plat approval and the plat meets the minimum requirements there is no way to fix the problem.
- Commissioner Mikesell stated that he agrees- we have seen this type of thing over and over again where the lot sizes meet requirements and we are stuck having to approve the plat. There may be plans in the process to address these concerns however that could change; as it stands now he would like to see the transition.
- Commissioner Munoz stated that the biggest issue is that we have to have some kind of transition in place. He stated there may be other places where there is not a transition; however our job is to look at these situations and to make some progress in preventing these types of situations from occurring. Without a buffer or transition between these two zones it creates some inconsistencies.
- Commissioner Lezamiz stated that she would agree that this makes for some inconsistencies however there were not any neighbors here tonight to dispute the request. She stated that she understands that there may be something in the works but the Commission doesn't know what it is. If the Commission just knew what arrangements were made this might not be an issue.
- Commissioner Tenney stated that if the applicant can't say what the arrangements are then the plan is obviously not a done deal and to zone it R-2 would be negligent on the Commission's part. The other thing to consider is that this is just a recommendation to the City Council and that committee would have the final decision.
- Commissioner Horsley stated that the majority of the property however is surrounded by R-2. He asked what the buffering requirements are for the R-2 and the R-1 VAR designations.
- Planner I Westenskow stated that the R-1 VAR zone is the only zone that has a buffering requirement which states that if the property is adjacent to SUI or AG designated property the maximum lot size that would be required is 20,000 sq. ft.

and the minimum lot size requirement would be 10, 000 sq. ft. next to SUI designated property.

- Commissioner Horsley stated that he doesn't have a problem with the R-2 zoning for the entire 80 acres. The last time we recommended the R-1 VAR designation the property sat for a long time without development.
- Commissioner Munoz stated he still agrees with Commissioner Tenney that the R-1 VAR allows for a better transition and the lots are still able to be developed. The other thing to consider in this situation is that the SUI development is already there and a transition buffer needs to be considered. If the SUI zone was not already developed the transition buffer probably would not be as big an issue.
- Commissioner Horsley stated that he understands the issue however that is why he relies on the platting process.
- Commissioner Tenney stated he has a problem with that concept because once it is R-2 and they bring the plat in with all the lots at the minimum size you can't deny the plat at that point because the lots sizes meet all of the zoning requirements.
- Commissioner Munoz stated that even if we do deny the plat it can be appealed and if the plat meets all of the zoning requirements the denial will be overturned because the Commission was not complying with the regulations.

MOTION:
Commissioner Tenney made a motion to recommend that the zoning designation for the portion of the 80 acres currently zoned SUI be rezoned to R-1 VAR and the portion of the 80 acres currently zoned R-2 remain R-2 for property located at the southeast corner of Falls Avenue West and Grandview Drive North with staff recommendations. Commissioner Mikesell seconded the motion. Roll call vote showed a voting outcome of 6-1 with Commissioners Mikesell, Tenney, Lezamiz, Younkin, Warren, & Munoz voting in favor and Commissioner Horsley voting against the motion.

RECOMMENDED FOR APPROVAL WITH AN R-1 VAR AND AN R-2 ZONING DESIGNATION WITH STAFF RECOMMENDATIONS

1. Subject to amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING FEBRUARY 4, 2008

5. Request for a Special Use Permit to operate a 30 sq. ft. message center sign on property located at 490 Washington Street South by Blue Lakes Auto Repair c/o Kevin Powers. (app. 2187)

APPLICANT PRESENTATION:
Floyd Drown, Goldenwest Sign Company, representing the applicant, stated he is here tonight to request the commission's approval for a message center sign. He stated that currently at this site there is a reader board that requires that the lettering be changed manually. The owner of the business would like to update the sign by replacing the current sign with an electronic message center. The sign being proposed would just replace the existing sign using the same dimensions. As for

negative impacts the sign currently sits perpendicular to the residents across the street so the glare from the sign should be minimal and the sign is only 12 feet tall.

QUESTIONS/COMMENTS:

- Commissioner Younkin asked if the sign would be multi-color or single color.
- Mr. Brown stated the sign will have 4 colors available for use.

STAFF REVIEW:

Planner I Westenskow stated this is a request to operate a 30 sq. ft. message center sign on property located at 490 Washington Street South. The property in question is zoned M-1 which is a manufacturing zone. The property use is an auto repair and service business that was established through a Special Use Permit process. The building came through in April of 2005 for an expansion approval. The existing sign is located along the property's Washington Street frontage, to the south side of the property access. The proposal is for a new free-standing sign to replace the existing free-standing sign.

Planner I Westenskow stated that upon conclusion staff has reviewed this request and recommends the following conditions be placed on this request if granted:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Assure compliance with all requirements of Twin Falls City Code 10-9-2(L) and 10-9-2(Q)
3. Message Center sign may be installed and operated as presented, a 31 sq. ft., LED sign as part of a new freestanding sign with no animation or flashing.
4. The hours of operation of the message center sign to be consistent with the operation of the business.
5. Assure compliance with conditions of approval of SUP #0562 & SUP #0918

PUBLIC HEARING: Opened and closed without any public input.

DELIBERATIONS:

- Commissioner Munoz stated that his concern was that the light from the sign could be an issue for the residential area. He stated that if the sign is operating in conjunction with the hours of the business then his concerns have been addressed in the conditions.
- Commissioner Horsley stated that he doesn't have any concerns with the sign and with this being a more industrial area the sign should fit in with the surrounding area.

MOTION:

Commissioner Younkin made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Assure compliance with all requirements of Twin Falls City Code 10-9-2(L) and 10-9-2(Q)
3. Message Center sign may be installed and operated as presented, a 31 sq. ft., LED sign as part of a new freestanding sign with no animation or flashing.
4. The hours of operation of the message center sign to be consistent with the operation of the business.
5. Assure compliance with conditions of approval of SUP #0562 & SUP #0918.

6. Request for a Special Use Permit to expand a legal non-conforming building on property located at 260 4th Avenue North by Twin Falls County. (app. 2188)

APPLICANT PRESENTATION:
Tom Neiwirth, Hummel Architects, representing the applicant, stated he is here tonight to request the approval of the Commission for a Special Use Permit to expand a non-conforming building. He stated this building currently contains the DMV and the County Coroners Office. The building is considered non-conforming because of the setback requirements that have changed since the building was originally constructed. Along Fairfield Street North there is a 20'ft property line setback requirement. Along 4th Avenue North there is a 20 ft. property line setback plus a 62 ft. centerline setback requirement. The area that they would like to expand is adjacent to the alley with a 5 ft. setback requirement. The addition would be built without encroaching into the setback area. The purpose of the expansion is to provide more office space and a parking area for vehicles. There should be little impact to the area; there will not be any additional traffic or additional employees due to this expansion.

STAFF REVIEW:
Planner I Westenskow stated that this is a request to expand a legal non-conforming building on property located at 260 4th Avenue North. The building is currently being used for the Department of Motor Vehicles and the County Coroners Office. The property is zoned R-6 with a professional office overlay and the building has operated as a government office since the 1970's. A building that is non-conforming or has a non-conforming use requires a Special Use Permit be approved prior to an expansion occurring. The setback requirements for this area make this building non-conforming. The expansion is not greater than 25% of the existing square footage so full compliance with property improvements would not be required.
Planner I Westenskow stated upon conclusion staff has reviewed this request and recommends the following conditions be placed on this request if granted:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. No new building construction to encroach into required building setback area.

PUBLIC HEARING:

- Tom Mikesell stated he is in support of this project and this will help consolidate county services making it more convenient to the public.

DELIBERATION FOLLOWS:

- Commissioner Horsley stated that he doesn't have any issues with approving this request.

MOTION:
Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner Munoz seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. No new building construction to encroach into required building setback area.

7. Request for a Special Use Permit to expand a legal non-conforming building on property located at 2623 Kimberly Road by TMCO, Inc c/o Robertson Supply. (app. 2189)

APPLICANT PRESENTATION:
Rex Harding, JUB Engineering, representing the applicant stated the reason for this request is to be able to expand an existing 5000 sq. ft. building by adding 7500 sq. ft. The building is located at 2623 Kimberly Road. The addition is needed to provide additional storage. The addition will be single story and match the exterior of the existing building.

QUESTIONS/COMMENTS:

- Commissioner Tenney asked what the space to the north of this expansion will be use for.
- Mr. Harding stated that it will be used for storage like it is currently and some will be used for storm-water retention.

STAFF REVIEW:
Planner I Westenskow stated this is a request to expand a legal non-conforming building on property located at 2623 Kimberly Road. The property is zoned C-1, and is part of a larger parcel. The property is considered non-conforming with a legal non-conforming use. In the C-1 zone a Special Use Permit is required for wholesale warehousing. The building has had remodeling permits previously, because this is an expansion this requires the building to be brought into conformance by acquiring a Special Use Permit. The applicant wishes to expand the existing warehouse 7500 sq. ft. There should be very minimal impact to the area; there will not be an increase in traffic or employees, and the hours of operation will not change due to this expansion. As the expansion is over 25% of the existing building square footage, full compliance with development standards would be required and reviewed as part of the building permitting process.

Planner I Westenskow stated, upon conclusion staff has reviewed this request and recommends the following conditions be placed on this request if granted:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

QUESTIONS/COMMENTS:

- Commissioner Tenney asked if anything has been decided about Carriage Lane and the possible extension of it through to Kimberly Rd.
- Planner I Westenskow stated that the building permit process will review this as part of the development standards, but currently nothing has been discussed.

PUBLIC HEARING:

- Carl Pittman, 219 Paintbrush Circle, stated he lives adjacent to this property and that this business has always been a good neighbor. He asked that the Commission approve this Special Use Permit.

DELIBERATION FOLLOWS:

- Commissioner Horsley stated that he is in favor of this request and it is nice to hear that someone is being a good neighbor. As for the street issues he is confident that this will be reviewed during the permitting process.

MOTION:

Commissioner Munoz made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

8. Request for a Special Use Permit to construct a transient hotel at the northeast corner of Pole Line Road East and Bridgeview Drive, aka 1771 Pole Line Road East by Kevin Bradshaw. (app. 2191)

APPLICANT PRESENTATION:

Kevin Bradshaw, the applicant, stated he is here tonight to request a Special Use Permit to construct a 76 room hotel at the corner of Pole Line Road East and Bridgeview Drive. The hotel would operate 24 hours with the main activities occurring between 2:00 pm-6:00 pm and 7:00 am-9:00 pm. The number of employees would be approximately 6-13 employees during the day and 1-2 people at night. The building will have a 900 sq. ft meeting room and an enclosed spa and pool area. There will be additional traffic brought to this intersection which will have some impact. Currently the building is designed to be approximately 42 ft high, however the ground drops about 8 feet from the top of the corner so it would be approximately 35 feet from the top of the curb. This request is only for a Special Use Permit.

QUESTIONS/COMMENTS:

- Commissioner Mikesell asked if there will be any additional services such as a restaurant.

- Mr. Bradshaw stated there will be a breakfast area for guests but no other type of restaurant or retail business will be included.

STAFF REVIEW:
Planner I Westenskow stated this is a request to construct a hotel at the northeast corner of Pole Line Road East and Bridgeview Drive. This property is zoned C-1 PUD and is part of the Magic Valley Mall PUD. This property is currently vacant with Bridgeview Estates to the north and Magic Valley Mall to the west. The parking on the site will be placed on the south side of the hotel along Pole Line Road East. The hotel is proposed to be 3 stories with 76 rooms, along with a meeting room and an enclosed pool and spa area. The maximum height for a building in this zone is 35' and additional height must be approved by City Council. Currently the site plan does not show all of the necessary development requirements such as landscaping. The development requirements will be reviewed as part of the building permit process.

Planner I Westenskow stated upon conclusion staff has reviewed this request and recommends the following conditions be placed on this request, if granted:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to full compliance with the C-1 Magic Valley Mall C-1873 PUD Agreement.

PUBLIC HEARING: Opened and closed without any public input.

DELIBERATION FOLLOWS:
- Commissioner Horsley stated he thinks this will be complementary to the area and with the parking located south of the hotel there should be minimal impact to the Bridgeview facility and it is a pretty good use for this location.

MOTION:
Commissioner Lezamiz made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to full compliance with the C-1 Magic Valley Mall C-1873 PUD Agreement.

9. Request for a Special Use Permit for the purpose of expanding a legal non-conforming building on property located at 1519 Kimberly Road by The Pioneer Club c/o Marvin Pierce. (app. 2192) ******WITHDRAWN******

B: CONSIDERATION ITEMS:

1. Preliminary PUD presentation for annexation of 29 (+/-) acres of land with a zoning designation of R-4 PUD currently zoned R-4, for property located southwest of 2850 East 3600 North, by Bos'ero Development, LLC. (app. 2193)

APPLICANT PRESENTATION:
Deven Elison, Harper Leavitt, representing the applicant stated as a brief history this item has been seen previously. The item went to City Council for final approval and the decision was tabled because of concerns raised by a cattle and feedlot area that operates southwest of this property. Since then they have contacted the owner of the cattle operation, Mr. Billington, to find out what they could do to address his concerns. The platting would meet the R-4 specifications but PUD zoning requires the development to be presented prior to platting and enables the developer to show the City how they plan to work with Mr. Billington.

Planner I Westenskow stated that this item will have a full review presented on January 29, 2008. The property is currently zoned R-4 in the area of impact. The City Council did table this request previously because of the concerns raised by Mr. Billington regarding his cattle operation. This is a preliminary PUD presentation so staff makes no recommendations at this time.

SCHEDULED FOR PUBLIC HEARING JANUARY 29, 2008

QUESTIONS/COMMENTS:
- Commissioner Tenney asked if there is any kind of development around this piece of property currently.
- Planner I Westenskow showed the aerial map of this location and stated currently there is not any development. The property to the north of this development is in the platting stages currently.
- Commissioner Tenney asked what will be done with Parcel 1 on the plat map presented tonight.
- Mr. Elison stated this is a portion of the plat that will be left undeveloped to provide a buffer between the subdivision and the cattle operation. This parcel will be maintained by an individual as agricultural land until such time that the cattle operation ceases to exist. This is where the PUD agreement comes into play for the development.
- Commissioner Tenney stated that he would like to see a nuisance waiver be attached to the property because it helps the farmer a lot. This makes the home owner aware that they are purchasing land that is close to a cattle operation.
- Mr. Elison stated the developer had no problem with adding a nuisance waiver to the deeds.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW: (APPROVED AT 01-02-08 WORK SESSION)

VICTOR POZDNYAKOV- SUP (DENIAL)
PREMIER WOODWORKING-SUP
DOUG VOLLMER-SUP
SOUTHERN COMFORT-PRE-PLAT

III. APPROVAL OF MINUTES:

A. DECEMBER 11, 2007 PH & DECEMBER 4, 2007 WS

IV. DATES OF UPCOMING PLANNING & ZONING COMMISSION MEETINGS:

A. WORK SESSION- JANUARY 22, 2008

B. PUBLIC HEARING- JANUARY 29, 2008

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

Planner I Westenskow made the Commission aware that at the January 22, 2008, work session that there would also be some time spent reviewing the draft sign code that the City's Sign Code Revision Committee has been working on.

VI. ADJOURN MEETING: Chairman Horsley adjourned the meeting at **8:00 P.M.**

CITY OF TWIN FALLS
PLANNING & ZONING COMMISSION
CITY COUNCIL CHAMBERS
305 3RD Avenue East Twin Falls, Idaho
Work Session: January 22, 2008 12:00P.M.
Public Hearing: January 29, 2008 6:00 P.M.

MINUTES

PLANNING & ZONING COMMISSION MEMBERS:

City Limits:
Ryan Horsley Chairman, Bonnie Lezamiz, Gerardo Muñoz, Bernice Richardson, Karen Stroder, Cyrus Warren, Carl Younkin Vice-Chairman

Area of Impact:
R. Erick Mikesell, Dusty Tenney

ATTENDANCE

PLANNING AND ZONING MEMBERS:

Present	Absent
Horsley	Richardson
Lezamiz	Stroder
Munoz	
Richardson	
Warren	
Younkin	

AREA OF IMPACT MEMBERS:

Present	Absent
Mikesell	
Tenney	

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Carraway, Jones, Westenskow, Wonderlich

AGENDA ITEMS FOR PUBLIC HEARING AND CONSIDERATION

I. CALL MEETING TO ORDER:

A. PUBLIC HEARING ITEMS:

1. Request for a Special Use Permit for alcoholic beverages when consumed on premises where sold if located less than three hundred feet (300') from residential property, for uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M., and for the purpose of expanding a legal non-conforming building on property located at 1519 Kimberly Road, c/o Marv Pierce, dba Pioneer Club. (app. 2192)

2. Commission's recommendation on a request on the zoning designation for 29 (+/-) acres of land proposed to be annexed with a zoning designation of R-4 PUD, currently zoned R-4, for property located southwest of 2850 East 3600 North by Bosero Development, LLC. (app. 2193)

B. CONSIDERATION ITEMS: NONE

MINUTES

I. CALL MEETING TO ORDER:

Chairman Horsley called the meeting to order at 6:05 P.M. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

A: PUBLIC HEARING ITEMS:

1. Request for a Special Use Permit for alcoholic beverages when consumed on premises where sold if located less than three hundred feet (300') from residential property, for uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M., and for the purpose of expanding a legal non-conforming building on property located at 1519 Kimberly Road, c/o Marv Pierce, dba Pioneer Club. (app. 2192)

APPLICANT PRESENTATION:
Marvin Pierce stated he is here to request the Commission's approval for a legal non-conforming building expansion. He stated the addition will be approximately 7 ½ feet wide and 21 feet long. It will be constructed with a cinder blocks filled with concrete and will be located along the east side of the building. The compressor will be located 3 ½ feet off the ground, ventilated and completely enclosed and locked. There will be no loss of parking due to the expansion and there should be minimal impact to the surrounding area.

STAFF REVIEW:
Zoning & Development Manager Carraway state this is a request for a Special Use Permit for alcoholic beverages when consumed on premises where sold if located less than three hundred feet (300') from residential property, for uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M., and for the purpose of expanding a legal non-conforming building on property located at 1519 Kimberly Road. The property is zoned C-1; Commercial/Retail. The building at 1519 Kimberly road has been operating as a bar for over 60 years. The applicant is requesting to be allowed to expand this bar with a 160 sq ft addition. City Code 10-3-4 defines a non-conforming building or use as: "a building or use made nonconforming but which was lawfully existing or under construction at the time of adoption of this code." As per City Code 10-4-8.3 and 10-7-6 the building setback on Kimberly Road is required to be either 35' from property line or 80' from center line whichever is greater. The existing building is (5') from the front property line and (52') from the center line of Kimberly Road. The expansion is located at the southeast corner of the existing building within the front yard setback. The proposed expansion does not encroach farther into the front yard setback area. As per City Code 10-3-4 this property is considered a legal non-conforming property. In order to add to an existing legal non-conforming building it requires a public hearing before the Planning & Zoning Commission. The commission may approve this request as presented, deny this request or approve the request with conditions. The C-1 zone requires a Special Use Permit for alcoholic beverages when consumed on the premises where sold if located less than (300') from residential property and for retail uses operating outside the permitted hours of (7:00) a.m. to (10:00) p.m. Upon researching the history of this property no Special Use Permit has ever been granted at this location. The use of this property as a bar with extended hours of operation is considered legal non-conforming. The Pioneer Club operates from 7:00 a.m. to 1:30 a.m., seven days a week. The bar has operated for a number of years without complaint in regards to alcohol consumption on the site or the extended hours. If the Special Use Permit is approved this evening it will bring this property into compliance with the current City Code with regards to land uses. Approval of this request will require a complete review by the building inspection department for full compliance with minimum development standards prior to issuance of a Certificate of Occupancy. There should be minimal impacts to surrounding properties if this request is approved.

Zoning & Development Manager Carraway stated upon conclusion staff has reviewed this request and recommends the following condition(s) be placed on this request, if granted:

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject To Site Plan Amendments As Required By Building, Engineering, Fire, And Zoning Officials To Ensure Compliance With All Applicable City Code Requirements And Standards.

PUBLIC HEARING: OPENED

- Terry Green 1535 Kimberly Road asked if one of the conditions will be that he has to meet parking requirements.
- Planning & Zoning Manager Carraway stated there will be a review of the site plan during the building permit process but currently he meets parking requirements.

PUBLIC HEARING: CLOSED

DELIBERATIONS:

- Commissioner Munoz stated he doesn't have any issues with this request and by approving the Special Use Permit request it will bring the property into compliance with land uses.

MOTION:

Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner Munoz seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject To Site Plan Amendments As Required By Building, Engineering, Fire, And Zoning Officials To Ensure Compliance With All Applicable City Code Requirements And Standards.

2. Request for the Commission's recommendation on the zoning designation for 29 (+/-) acres of land proposed to be annexed with a zoning designation of R-4 PUD, currently zoned R-4, for property located southwest of 2850 East 3600 North by Bosero Development, LLC. (app. 2193)

APPLICANT PRESENTATION:

Deven Elison, Harper Leavitt Engineering, representing the applicant stated he is here tonight to request a recommendation for a zoning designation of R-4 PUD for property they are requesting to have annexed. The reason for the PUD is so that we can show the Commission the design intentions for the property. The reason for this is because of a concern raised by the owner of a cattle operation located southwest of this property. In 2007 the City Council tabled this request because of these concerns. Since this time the developers have met with Mr. Billington to see what they could do to help him feel comfortable with the project moving forward. The plan is to provide a buffer between the development and the cattle operation as well as attach nuisance waivers to the property deeds. The buffer area is noted as Parcel 1 on the development plan.

STAFF REVIEW:

Zoning & Development Manager Carraway stated this is a request for the Commission's recommendation on the zoning designation for 29 (+/-) acres of land proposed to be

annexed with a zoning designation of R-4 PUD, currently zoned R-4, for property located southwest of 2850 East 3600 North. This request is to annex 29.04 (+/-) acres with zoning designation of R-4 PUD. Currently the property is zoned R-4 in the City's Area of Impact and is located southwest of 2850 East 3600 North; the applicant intends to develop the property under the R-4 development standards. The applicant is requesting annexation to be able to develop the property as a new, single-family residential subdivision with City water, sewer, and pressurized irrigation. Annexation is required to access City services but does not guarantee that they will be available at this location at the time of development. The property is contiguous to City Limits on its northern boundary which allows them to request annexation. A will-serve letter will be issued by the City Engineer upon review and approval for a final plat and/or a phase of a final plat. The property is currently located within R-4 zone, which is a residential; medium density designation that allows for single family and duplex dwellings. Tri-plexes and four-plexes may be allowed by Special Use Permit. The minimum lot sizes in an R-4 zone are 4,000 sq ft for a single family dwelling and 7,000 sq ft for a duplex. The Comprehensive Plan designates this area as rural residential. R-4 development is in compliance with Comprehensive Plan. The Master Development Plan indicates the project will include 52 residential lots and 1 retention lot. The residential lots vary in size from (7400 sq ft) to (14,375 sq ft) with 4lots that are about a 21,000 sq ft in size. The lots sizes are in conformance with the minimum lot size requirements for the R-4 zoning district. The draft PUD agreement limits the residential uses for this project to single family and duplex residential dwellings. Tri-plexes or four-plexes shall not be permitted. The two roadways within this development, Kenyon Road and Shoshoni Heights Road both dead end in temporary cul-de-sacs about 750' from the western boundary of the development. This area is designated as Parcel 1 on the Master Development Plan. To the west of Parcel 1 there is an existing agricultural/cattle business. On May 21, 2007 the City Council tabled a request for annexation of this property as there was concern that homes close to the existing agricultural cattle business would generate complaints. The applicants resubmitted their request for annexation to include a Planned Unit Development. Part of the reason to resubmit as a Planned Unit Development is to have a Master Development Plan that will ensure the property be developed as indicated and alleviate concern of the residential development being too close to the adjacent agricultural / cattle use. A nuisance waiver attached to each lot could be included in the PUD agreement and shown as a note on the final plat. Parcel 1 should be designated as a "buffer zone" on the Master Development Plan to remain undeveloped until such time the existing agricultural cattle business is no longer in operation. A description of the landscape plan for Parcel 1/buffer zone should be included in the PUD agreement. The draft PUD agreement also states there will be a minimum 10' landscaped buffer on the perimeter of the development but the master development plan does not show it. The PUD agreement states there shall be no outside storage allowed and requires all property owners to make provision for storage of RV, boats etc…. City Code 10-12-5.3d states: storage areas shall be provided for the anticipated needs of boats, campers and trailers.

Zoning & Development Manager Carraway stated upon conclusion staff has reviewed this request and recommends the following condition(s) be placed on this request, if recommended for approval to the City Council:

RECOMMENDED FOR APPROVAL AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. The PUD agreement be amended to include:

a. Attachment of nuisance waivers to the sale of lots in the development.
b. The undeveloped buffer area, parcel 1, shown on the west side of the property shall remain as a buffer until the adjacent cattle operation ceases to operate
c. The 10' perimeter buffer zone to be designated on the Master Development Plan and to require the 10' perimeter buffer comply with minimum landscaping requirements.
d. Upon development of the subdivision, parcel 1 shall be developed with a berm and trees along the west side of the property to meet or exceed minimum landscaping requirements.
e. Full compliance with City Code 10-12-5.3; Planned Unit Development Subdivision.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT ANY PUBLIC INPUT.

CLOSING STATEMENTS:
Mr. Elison asked to address some of the concerns raised in the staff presentation. He stated that the map shows the section line and what is shown on the drawing is the half of Kenyon Road that the development will be required to build. He stated in listening to the staff presentation that he will need to review the CCR's with the developer to find out what the intention was for the buffer. He stated that in the future if Parcel 1 is developed that there would be a 50-100 ft. buffer put into place along the west edge of Parcel 1.

DELIBERATIONS:
- Commissioner Younkin asked if Kenyon Road is already built and if the entrance to the development will be from this street.
- Mr. Elison stated that Kenyon Road has not been built; the development will have to build a portion of it as part of the platting requirements and the entrance into this subdivision will be from Kenyon Road.
- Commissioner Munoz stated his biggest concern was a nuisance waiver, because existing operations shouldn't be impacted by development.
- Commissioner Horsley stated he doesn't have any concerns with this request and having the PUD agreement does address the nuisance issues.

MOTION:
Commissioner Lezamiz made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor or the motion.

RECOMMENDED FOR APPROVAL AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS
1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. The PUD agreement be amended to include:
    a. Attachment of nuisance waivers to the sale of lots in the development.
    b. The undeveloped buffer area, parcel 1, shown on the west side of the property shall remain as a buffer until the adjacent cattle operation ceases to operate
    c. The 10' perimeter buffer zone to be designated on the Master Development Plan and to require the 10' perimeter buffer complies with minimum landscaping requirements.

d. Upon development of the subdivision, parcel 1 shall be developed with a berm and trees along the west side of the property to meet or exceed minimum landscaping requirements.
e. Full compliance with City Code 10-12-5.3; Planned Unit Development Subdivision.

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING FEBRUARY 25, 2008

B: CONSIDERATION ITEMS: NONE

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW:

HAWKINS COMPANY-SUP **BLUE LAKES AUTO-SUP** **TMCO-SUP**
TANILLE OLSEN-SUP **TWIN FALLS COUNTY-SUP** **KEVIN BRADSHAW-SUP**

III. APPROVAL OF MINUTES:

A. JANUARY 2, 2008-WORK SESSION
B. JANUARY 8, 2008-PUBLIC HEARING

UNANIMOUSLY APPROVED

IV. DATES OF UPCOMING PLANNING & ZONING COMMISSION MEETINGS:

A. FEBRUARY 5, 2008-WORK SESSION
B. FEBRUARY 12, 2008-PUBLIC HEARING

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING AND DEVELOPMENT MANAGER AND THE PLANNING ZONING COMMISSION: NONE

VI. ADJOURN MEETING:

Chairman Horsley adjourned the meeting at 6: 30 p.m.

CITY OF TWIN FALLS
PLANNING & ZONING COMMISSION
CITY COUNCIL CHAMBERS
305 3RD Avenue East Twin Falls, Idaho
Work Session: February 5, 2008 12:00P.M.
Public Hearing: February 12, 2008 6:00 P.M.

MINUTES

PLANNING & ZONING COMMISSION MEMBERS:

City Limits:
Ryan Horsley Chairman, Bonnie Lezamiz, Gerardo Muñoz, Bernice Richardson, Karen Stroder, Cyrus Warren, Carl Younkin Vice-Chairman

Area of Impact:
R. Erick Mikesell, Dusty Tenney

ATTENDANCE

PLANNING AND ZONING MEMBERS:

Present	Absent
Lezamiz	Horsley
Munoz	Stroder
Richardson	
Warren	
Youkin	

AREA OF IMPACT MEMBERS:

Present	Absent
Mikesell	
Tenney	

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Carraway, Collins, Jones, Weeks, Westenskow, Wonderlich

AGENDA ITEMS FOR PUBLIC HEARING AND CONSIDERATION

I. CALL MEETING TO ORDER:

A. PUBLIC HEARING ITEMS:

1. Request for a Special Use Permit to operate a vehicle service and repair business in conjunction with an existing towing business and impound yard on property located at 252 Hankins Road c/o Canyonside Towing and Recovery, Inc. (app. 2194) **WITHDRAWN**

2. Request for a Special Use Permit to operate an in-home daycare on property located at 1963 Elizabeth Boulevard c/o Gloria Galan. (app. 2195)

3. Request for a Special Use Permit to operate an indoor recreation facility, serve alcohol for consumption on the premises, and to extend the hours of operation beyond 7:00 am to 10:00 pm on property located at 233 and 243 5th Ave South c/o Dave Woodhead on behalf of Sidewinders Saloon (app. 2196)

4. Request for a Special Use Permit to serve alcohol for consumption on-site on property located at 539 Pole Line Road c/o Ameritel Inns, Inc. (app. 2167)

5. Request for a Special Use Permit to operate a 15 (+/-) sq. ft. electronic message center sign on property located at 2096 Kimberly Road c/o Young Electric Sign Co. on behalf of the Mazatlan Grill. (app. 2198)

6. Request for a Non-Conforming Building Expansion Permit to expand an existing non-conforming building on property located at 2192 Floral Avenue c/o Russ Lively on behalf of United Oil. (app. 2199)

7. Request for a Special Use Permit to operate a gasoline service station in conjunction with a retail store on property located at 2259 Addison Avenue East c/o Stinker Station. (app. 2200)

B. CONSIDERATION ITEMS:

1. Preliminary PUD presentation for a Zoning District Change and Zoning Map Amendment from R-4 to R-6 PUD for property located at 1354 Washington Street South c/o Boise Housing Corporation. (app. 2205)

2. Commission's consideration for initiation of the revocation of Special Use Permit #0974 granted to Mr. Andrew Stephens to operate a used vehicle business on property located at 405 Main Avenue East c/o City of Twin Falls.

WORK SESSION

I. CALL MEETING TO ORDER: 6:00P.M.

Vice Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

A: PUBLIC HEARING ITEMS:

1. Request for a Special Use Permit to operate a vehicle service and repair business in conjunction with an existing towing business and impound yard on property located at 252 Hankins Road c/o Canyonside Towing and Recovery, Inc. (app. 2194) **WITHDRAWN**

2. Request for a Special Use Permit to operate an in-home daycare on property located at 1963 Elizabeth Boulevard c/o Gloria Galan. (app. 2195)

APPLICANT PRESENTATION:
Gloria Galan, applicant stated that she is here to request a special use permit to operate an in-home daycare for up to 12 children ages newborn to six years of age; she is willing to answer any questions the commission may have.

STAFF REVIEW:
Zoning & Development Manager Carraway stated this is a request for a Special Use Permit to operate an in-home daycare on property located at 1963 Elizabeth Boulevard the property is Zoned R-2, residential single household or duplex district. A Special Use Permit is required to operate an in-home daycare service in this zone. The home is approximately 2200 square feet and fenced along the sides and rear yard City Code 10-2-1 defines an in-home daycare as Daycare service in a home in which the provider lives full time and is the main on site caregiver of the service. The applicant is the resident of the home and would be the main caregiver. The hours of operation have been stated to be 6:00 am to 6:00 pm, Monday through Friday. She anticipates the peak traffic times would be in the morning from 6:30 am to 7:30 am and in the afternoon from 3:30 pm to 5:00 pm. She would like to provide services for ten (10) to twelve (12) children ages newborn to six (6) years old. The site plan shows a fence along the perimeter; there is a 16' wide circular driveway off of Elizabeth Boulevard which would adequately hold up to two vehicles if not more. The driveway configuration will allow the parents to drop off and pick up their children without traffic backing out onto Elizabeth Boulevard. There are no negative impacts anticipated to impact the neighborhood due to the operation of this daycare facility. If this request for a special use permit for an in-home day care is granted this evening it shall only apply to this applicant at this residence and is not transferable.

Zoning & Development Manager Carraway stated should the Commission grant this request as presented it should be subject to the following conditions:

1. The driveway to be used for customer parking only during day-care operating hours.
2. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
3. Comply with all State and Local requirements to establish a day care facility.

QUESTIONS/COMMENTS:
Commissioner Munoz asked what type of surface the driveway and if there is surfacing going to the garage.
Ms. Galan stated that the entire area is asphalted.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT ANY PUBLIC INPUT.

DELIBERATIONS:

- Commissioner Warren stated he has seen several of these requests in the past and she has already gone a step further by getting a temporary license so he has no problems with this request.
- Commissioner Munoz stated he likes the circular driveway for picking up and dropping off children; no backing out onto Elizabeth Boulevard
- Commissioner Younkin stated he agrees, it is very important that they don't have people backing out onto the street and people have a place to park other than on the road.

MOTION:
Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner Lezamiz seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. The driveway to be used for customer parking only during day-care operating hours.
1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Comply with all State and Local requirements to establish a day care facility.

3. Request for a Special Use Permit to operate an indoor recreation facility, serve alcohol for consumption on the premises, and to extend the hours of operation beyond 7:00 am to 10:00 pm on property located at 233 and 243 5th Ave South c/o Dave Woodhead on behalf of Sidewinders Saloon (app. 2196)

APPLICANT PRESENTATION:
Dave Woodhead stated essentially this is not much more than an extension of the Woody's floor plan. Previously he had several tenants in this building and now it has been combined to be one big building with three different themes. Woody's received its Special Use Permit approximately five years ago, and the Lamphouse Theater received its Special Use Permit approximately eight years ago. He stated that about a year ago it found out through Alcohol & Beverage Control it would be possible to extend the floor

plan of the building to include this section of the building under their current liquor license. He stated approximately one year ago the Special Use Permit that was approved for this section of the building under the name of Phat Eddy's had a one year expiration date;this establishment is no long in this section of the building. Sidewinder Saloon is the name of this portion of the bar and is also owned by the applicant. He stated he is here now to request that the Special Use Permit be granted without an expiration date for this location.

QUESTIONS/COMMENTS:

- Commissioner Tenney asked if there have been any issue related to the business.
- Mr. Woodhead stated that this is kind of a new concept for this area where you can bar hop without leaving the building. Business could be better but he stated they have not had a lot of problems or complaints.
- Commissioner Tenney asked about under age patrons.
- Mr. Woodhead stated this is not going to be a facility that allows for under age patrons. He stated that when Phat Eddy's was established they tried to have an under age group and a 21 and older group of patrons. He stated that was the reason for the expiration date on the Special Use Permit. This is a bar and there are not going to be any under age patrons allowed in this building.
- Commissioner Lezamiz asked if all three of these bars connected.
- Mr. Woodhead stated he operates all three business and the patrons can travel between the three bars. The building is one big bar with three different themes.
- Commissioner Munoz asked about security cameras
- Mr. Woodhead stated that there are cameras located inside the building and they have security at the doors. On weekends and busy nights the patrons are directed to enter at one door so that identification can be verified easily. As for the parking area it is owned by the City and is lit by streetlights.
- Commissioner Younkin asked about the capacity of each bar.
- Mr. Woodhead stated the capacity for Woody's is 170, the capacity of the Lamphouse Theater is 88 and the capacity for Sidewinders Saloon is 270. The building has a sprinkler system throughout and meets all of the fire code requirements.
- Commissioner Munoz asked about activities on the deck outside.
- Mr. Woodhead stated that at Woody's in the summer tables are provided outside but there is not any music or entertainment outside.

STAFF REVIEW:

Zoning & Development Manager Carraway stated this is a request for a Special Use Permit to operate an indoor recreation facility, serve alcohol for consumption on the premises, and to extend the hours of operation beyond 7:00 am to 10:00 pm on property located at 233 and 243 5th Ave South. This property is located within the Old Town Zoning District with a Warehouse Historic Overlay with a P-3 Parking Overlay. In this zone to serve alcohol for consumption on site a Special Use Permit is required. On January 9, 2007 the commission unanimously granted a special use permit to serve alcohol for consumption on the premises in conjunction with a restaurant/night club and to extend the operating hours beyond the permitted hours of operation for this property subject to the following six (6) conditions:

1. Noise level is not to exceed 78 decibels at any point ten (10) feet from the exterior walls of the building.
2. No one under 21 within the facility beyond the time permitted under the current City Ordinance 6-6-6.4 regarding curfews for minors.
3. Litter surrounding the building is to be picked up at the end of each business night.
4. Security plan to be as presented.

5. Conformance with current building and fire codes for the type of occupancy requested.
6. The special use permit is to expire in one year.

The Special Use Permit expired as of January 9, 2008 and the applicant wishes to continue with the operation of a restaurant and bar with extended operating hours from 11:00 am to 1:30 am. They plan to continue to sell food, beer, wine, and alcohol. The facility operates as part of one bar with three (3) themes. The complex includes Woody's, Dramas (formerly the Lamphouse), and Sidewinders Saloon. The applicant does not anticipate any changes to the current operation and does not anticipate problems or negative impacts to the surrounding property. In the previous application there had been 4 main concerns: noise, customer parking, security, and litter. The conditions placed on the previous permit were to mitigate those concerns. If the commission grants a Special Use Permit this evening they may wish to consider either some or all of the initial conditions being retained.

Zoning & Development Manager Carraway stated should the Commission grant this request as presented it should be subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Noise level is not to exceed 78 decibels at any point ten (10) feet from the exterior walls of the building.
3. No one under 21 within the facility beyond the time permitted under the current city curfew ordinance 6-6-6.4.
4. Litter surrounding the building is to be picked up at the end of each business night.

PUBLIC HEARING: OPENED

- Sgt. John Wilson with the Twin Falls City Police Department stated that in discussing this request with the police department the department would like to request that the hours be specific to this Special Use Permit. He asked also that there be a security plan written to address emergency situations due to the size of the building.
- Commissioner Tenney asked about the calls related to this business.
- Sgt. Wilson stated there were less than 100 calls over the past year and that they were typical calls related to this type of business such as DUI's and fighting. He stated that with the elimination of the minors this is not as big a concern.
- Commissioner Tenney asked staff if this Special Use Permit request is going to extend to the teen enterprises like the last request associated with Phat Eddy's
- Zoning & Development Manager Carraway stated no; the hours of operation are going to be the same as any other establishment of this type and the previous Special Use Permit has expired.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

- Mr. Woodhead stated with regards to the evacuation plans there are three exits along the front and the back of the building all of this was required when each of these places came into being. It has also been required that lights be set to come on if the power goes out so that people can be guided out of the building.
- Commissioner Tenney stated that what the officer was referring to was that a plan to handle such situations is in writing and that staff be trained accordingly.

- Mr. Woodhead stated that the plan currently is that if the situation can not be mitigated then the police department is called for assistance. We don't have anything in writing at this moment.
- Officer Wilson stated that the police department would be willing to assist Mr. Woodhead in writing a plan.
- Mr. Woodhead stated that recently there has been less conflict since he is in control of each establishment and the after hours allowance associated with Phat Eddy's is no longer an option.

DELIBERATION FOLLOWED:

- Commissioner Tenney stated his concern was the minors and with that not being an issue he has no concerns. He would like to see a security plan in place.
- Commissioner Munoz stated that he would like to see a plan approved by the police department and possibly adding it to the conditions. Location in mind this area is a much better area for this type of establishments.
- Commissioner Lezamiz stated that a security plan and evacuation plan should be included in the conditions.
- Commissioner Younkin stated that there should be some kind of monitoring in place regarding the capacity of the building and the number of people the staff can keep a handle on. If the environment presents a situation where 350 instead of 528 can be controlled better then management needs to make that decision and staff would control the crowd even if it required turning people away. This provides for a much more stable atmosphere.

MOTION:

Commissioner Lezamiz made a motion to approve the request as presented with staff recommendations and the addition that there be a security and evacuation plan completed and implemented no later than June 1, 2008. Commissioner Munoz seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Noise level is not to exceed 78 decibels at any point ten (10) feet from the exterior walls of the building.
3. No one under 21 within the facility beyond the time permitted under the current City Curfew Ordinance 6-6-6.4.
4. Litter surrounding the building is to be picked up at the end of each business night.
5. Subject to a security and evacuation plan being completed and implemented no later than June 1, 2008

4. Request for a Special Use Permit to serve alcohol for consumption on-site on property located at 539 Pole Line Road c/o Ameritel Inns, Inc. (app. 2167)

APPLICANT PRESENTATION:

Scott Ableman, the applicant stated he is requesting a special use permit to be able to offer beer and wine to guests and to meeting groups. He stated that they have never had any issues with other properties that have special use permits to allow consumption on premises. The company policy is to not allow anyone under the age of 21 to reserve a room and there is no allowance for parties in the rooms.

QUESTIONS/COMMENTS:
Commissioner Munoz asked if they had a Special Use Permit for the previous facility that was located here in Twin Falls.
Mr. Ableman stated that it did not have a Special Use Permit because there was no sale for alcohol. If there was an event when alcohol was served it would have been catered in by someone licensed to do so.
Commission Warren asked if any progress has been made regarding a fence between this property and the residential property to the north.
Mr. Ableman stated yes and no. There was a recommendation made by the City that they will follow. The recommendation was a 6 foot high fence with an opening that would allow people to access a trail that leads to the canyon rim.

STAFF REVIEW:
Zoning & Development Manager Carraway stated this is a request for a Special Use Permit to serve alcohol for consumption on site on property located at 539 Pole Line Road c/o AmeriTel Inn. The property is zoned C-1 PUD. Within the C-1 Zone a Special Use Permit is required to sell alcoholic beverages when consumed on the premises where sold if located less than three hundred feet (300') from residential property. There is residentially zoned property located directly to the north of this site. As you have just heard the applicant they would like to be able to serve alcoholic beverages for on-site consumption in the facility's meeting rooms. The hotel is a 60'4" three (3) story building with 103 rooms. It plans to operate 24-hours a day, seven (7) days a week with a total staff of thirty (30) people. The overall impacts of this hotel serving alcoholic beverages should be minimal as it is along a major commercial roadway and near other hotels and restaurants that currently serve alcoholic beverages on-site.

Zoning and Development Manager Carraway stated should the Commission grant this request as presented it should be subject to the following conditions:

1. Subject to city, county, and state alcohol license approval.
2. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS:

- Commissioner Munoz asked staff if Ameritel were to put a restaurant that they own on this site would the Special Use Permit apply to that site as well.
- Zoning & Development Manager Carraway stated that if this were to occur the restaurant would have to come back through for a Special Use Permit to serve alcohol for consumption on premises.

MOTION:
Commissioner Munoz made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to approval of City, County, and State Alcohol License approval.
2. Subject To Site Plan Amendments As Required By Building, Engineering, Fire, and Zoning Officials to Ensure Compliance with All Applicable City Code Requirements and Standards.

5. Request for a Special Use Permit to operate a 15 (+/-) sq. ft. electronic message center sign on property located at 2096 Kimberly Road c/o Young Electric Sign Co. on behalf of the Mazatlan Grill. (app. 2198)

APPLICANT PRESENTATION:

- Jose Sanchez, the applicant, stated he is here to request approval of the Special Use Permit to operate a message center sign.
- Angelina Bunnell, Young Electric Sign Co. representing the applicant stated that the applicant would like to remove the two reader boards that on their freestanding sign and install an electronic message centers sign in the same location. The sign will be used for the Mazatlan Grill only to advertise the specials, parking availability, and hours of operation. The sign will only allow for static messages with no animation or flashing and measure approximately 15 sq. ft meeting the code requirements.

QUESTIONS/COMMENTS:

- Commissioner Munoz asked if there were plans to change out the sign in the cabinet.
- Ms. Bunnell stated that there will be no changes made to the sign in the cabinet this sign will just replace the reader boards.
-

STAFF REVIEW:

Zoning & Development Manager Carraway stated this is a request for a Special Use Permit to operate a message center sign on property located at 2096 Kimberly Road. This property is located within the C-1 zoning district. The request is to add a 15 sq ft electronic message center sign to an existing free-standing sign at this site. Within the C-1 zone a Special Use Permit is required to operate an electronic message center sign. There has been a restaurant operating from this location for several years. They currently operate daily from 11:00 am to 9:00 pm and do not anticipate any change to the use of the property. The sign is proposed to operate 24 hours a day. Other electronic message center signs that have been permitted in the C-1 zone recently conditioned the hours of operation to be consistent with the hours of operation of the permitted retail use. The commission may wish to place this condition on the permit. If approved there shall be a complete review to assure compliance with minimum code requirements prior to a sign permit being issued by city staff.

Zoning & Development Manager Carraway stated should the Commission grant this request as presented it should be subject to the following conditions:

1. Assure compliance with all requirements of twin falls city code §10-9-2(L) and §10-9-2(Q) – free-standing and message center.
2. Electronic message center sign approved as indicated, 15 sq ft in size, 16mm full color electronics with static images only with no animation or flashing
3. Permitted hours of operation of the electronic message center sign to be consistent with the operation of the restaurant.
4. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable city code requirements and standards.

PUBLIC HEARING: **OPENED AND CLOSED WITHOUT ANY PUBLIC INPUT**

DELIBERATIONS: None

MOTION:
Commissioner Mikesell made a motion to approve the request as presented with staff recommendations. Commissioner Lezamiz seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Assure compliance with all requirements of twin falls city code §10-9-2(l) and §10-9-2(q) – free-standing and message center.
2. Electronic message center sign approved as indicated, 15 sq ft in size, 16mm full color electronics with static images only with no animation or flashing.
3. Permitted hours of operation of the electronic message center sign to be consistent with the operation of the restaurant.
4. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.

6. Request for a Non-Conforming Building Expansion Permit to expand an existing non-conforming building on property located at 2192 Floral Avenue c/o Russ Lively on behalf of United Oil. (app. 2199)

APPLICANT PRESENTATION:
Russ Lively, Lively Architect, representing the applicant, stated this application is for two existing buildings one fronting on Floral Avenue and the other fronting on Eastland Drive. Each of these building sit in the current setback areas of the streets they face. He stated they would like to redo the house and the existing building so that they can retrofit the buildings for more office space. He showed several photos of the existing property stating that this should be an improvement to the property. The two building will be attached to one another eliminating the mother-in-law quarters and courtyard.

STAFF REVIEW:
Zoning & Development Manager Carraway stated this is a request for a Non-Conforming Building Expansion Permit to expand an existing non-conforming building on property located at 2192 Floral Avenue. The property is zoned M-2; Heavy Industrial. The existing residence on the property was built in 1950 and has been considered legal non-conforming for decades. The manufacturing and commercial building on the property has been operating for a number of years. The applicant is requesting to be permitted to construct an addition for the purpose of joining the two buildings and converting a residence into office space. City Code 10-3-4 defines a non-conforming building or use as: "a building or use made nonconforming but which was lawfully existing or under construction at the time of adoption of this code." As per City Code 10-4-10.3 and 10-7-6 the building setback on Eastland Drive South is required to be either 35' from the property line or 80' from the centerline whichever is greater and the building setback on Floral Avenue is 15' from property line. Both of the existing buildings are within the setback areas making them legal non-conforming buildings. In order to add to an existing legal non-conforming building it requires a public hearing before the Planning & Zoning Commission. Approval of this request will require a complete review by the building inspection department for full compliance with minimum development standards prior to issuance of the Certificate of Occupancy. There should be minimal impacts to surrounding properties if this request is approved.

Zoning & Development Manager Carraway stated should the Commission grant this request as presented it should be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. No new building construction to encroach further than the existing building line into the required setback of 35' from the property line and/or 80' from the centerline of Eastland Drive South whichever is greater or 15' from the property line along Floral Avenue.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT ANY PUBLIC INPUT.

DELIBERATIONS:

- Commissioner Warren stated he has no issues with the request and this should be an improvement the property.
- Commissioner Munoz stated he has no problem with the request.

MOTION:
Commissioner Tenney made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. No new building construction to encroach further than the existing building line into the required setback of 35' from the property line and/or 80' from the centerline of Eastland Drive South or 15' from the property line along Floral Avenue.

7. Request for a Special Use Permit to operate a gasoline service station in conjunction with a retail store on property located at 2259 Addison Avenue East c/o Stinker Station. (app. 2200)

APPLICANT PRESENTATION;
Stan Cole, Steed Construction and representing the applicant, stated they are requesting a Special Use Permit to operate a gas station on property located at 2259 Addison Avenue East. One recommendation he would like to address is the hours of operation. The store associated with the gas station would like to operate from 5:30 am to Midnight. The building will be a one story building with a stucco veneer and the above ground tanks will be moved below ground.

STAFF REVIEW:
Zoning & Development Manager Carraway stated this is a request for a Special Use Permit to operate a gasoline service station in conjunction with a retail store on property located at 2259 Addison Avenue East. The site is zoned C-1. The request is to operate a gasoline service station in conjunction with a retail store. A Special Use Permit is required to operate a gasoline service station in the C-1 zone. Although there is an existing gasoline service station and retail store currently operating at this location you have just heard by the applicant they wish to remove the existing building and gas pumps and construct a new convenience store and a four (4) pump fuel island with canopy. This requires a Special Use Permit as they will be starting from bare ground. The site plan shows improvements to the site such as the installation of curb, gutter, sidewalks, paving

of parking and maneuvering areas, and gateway landscaping. The proposed convenience store would like to operate from 6:00 am to 10:00 pm daily with the fuel pumps available on a 24-hour basis. Upon review of the site plan they appear to be in compliance with minimum code requirements for development to the site but a full review shall be required as part of the building permit process. The comprehensive plan indicates that this area is appropriate for commercial/retail uses; as the use of the property is not changing there should be little impact to the surrounding properties. The applicant did indicate in the application that they would like to operate from 5:30 am to Midnight. To change the hours of operation would require the applicant to come back through for an addition Special Use Permit. The hours indicated for this request are from 6:00 am to 10:00 pm.

Zoning & Development Manager Carraway stated upon conclusion staff has reviewed this request and recommends the following condition(s) be placed on this request, if granted:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. The store hours to be 6:00 am to 10:00 pm. Fuel Pumps available on a 24-hour basis.

PUBLIC HEARING: OPENED

- Jim Vickers, 1954 Candleridge Drive, he stated he has a concern about the curb gutter and sidewalk in that area. He purchased the property at 2309 Addison Avenue East which is next door to Richard Kelly's property. He stated his understanding is that Mr. Kelly and the Stinker Station plan to install curb gutter and sidewalks which will leave his property protruding into the road by approximately 10 feet. He doesn't know what can be done about this and at one point he thought maybe the state was going to come through to widen Addison to four lanes. He is willing to consider giving a portion of his property up if someone will make the improvements.
- Commissioner Younkin directed Mr. Vickers to speak with the Engineering Department. Assistant City Engineer Collins stated the City would certainly welcome a discussion with Mr. Vickers to improve his frontage as his neighbors are planning but the approach to his property will not change and the traffic pattern will not change.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:
Sean Davis, representing Stinker Stores stated that they intend to close at 10:00pm but foresee that sometime in the future they will want to extend their hours. If this comes to pass then we understand that we will need to reapply for a Special Use Permit to extend the hours. They will comply with the hours that were presented tonight.

DELIBERATIONS:
Commissioner Munoz stated that it will be a nice improvement to the area and doesn't foresee any issues with the request.

MOTION:
Commissioner Lezamiz made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. The store hours to be 6:00 am to 10:00 pm. Fuel Pumps available on a 24-hour basis.

B: CONSIDERATION ITEMS: NONE

1. Preliminary PUD presentation for a Zoning District Change and Zoning Map Amendment from R-4 to R-6 PUD for property located at 1354 Washington Street South c/o Boise Housing Corporation. (app. 2205)

APPLICANT PRESENTATION:
Chris Band, representing the applicant, stated that this is an Idaho non-profit corporation. They purchase properties that no longer make money for the for-profit owner. They have begun to remodel the units adding air-conditioning and new windows. By adding a community room it helps to form a since of neighborhood. The current zoning of the property does not allow for the addition of a community room therefore they are requesting a zone change from R-4 to R-6 PUD. The community room will be located in the middle of the property and will provide a place for tenants to congregate for special events.

STAFF REVIEW:
Zoning & Development Manager Carraway reviewed the location of the property and stated that currently this is a legal non-conforming community. The request is to rezone to an R-6 PUD allowing them to bring the property into compliance so that they can add a community room.

Zoning & Development Manager Carraway stated this is a preliminary presentation that does not require any action from the Commission and staff makes no recommendation at this time.

PUBLIC COMMENT: OPENED AND CLOSED WITH OUT PUBLIC INPUT.

COMMISSION DISCUSSION:
Commissioner Munoz stated that the Commission is very concerned with parking to ensure the project meets minimum parking requirements. He asked the applicant to supply a parking analysis.

SCHEDULED FOR PUBLIC HEARING FEBRUARY 26, 2008

2. Commission's consideration for initiation of the revocation of Special Use Permit #0974 granted to Mr. Andrew Stephens to operate a used vehicle business on property located at 405 Main Avenue East c/o City of Twin Falls.

STAFF REVIEW:
Zoning & Development Manager Carraway stated on March 31, 2006, Mr. Andrew Stephens submitted a Special Use Permit application to operate a vehicle sales business at 405 Main Avenue East. In Mr. Stephens' application he included a letter of request stating that his goal was to "run a small, low profile dealership, operated by myself and no other employees or partners." Also included was a site plan which indicated an existing 4200 sq ft building of which Mr. Stephens would only be renting 1400 sq ft. Also on the site plan it was indicated that from the back of the sidewalk along Main Avenue

East there was a total of five (5) parking spaces indicated as "parked inventory", Main Avenue East was shown as being "blocked" and there was a one-way traffic flow area indicated off of Jerome Street East. The public hearing was held on April 25, 2006. In Mr. Stephens' presentation to the Planning & Zoning Commission he stated the five stalls shown on the site plan as "parked inventory" would be his total inventory. The commission questioned that if the permit was approved as presented would the applicant be able to increase inventory on site. Staff stated to do so it would require an amendment to the permit. In the staff presentation and staff report it was indicated that this request was a change of use for the building from a service business to a retail business which would call for full compliance with minimum required improvements and development standards which would be part of the building department review for a Certificate of Occupancy. Because there was not any landscaping shown on site, compliance with landscaping requirements would also be reviewed. The commission was made aware that the property was located within the CB zone, with a P-1 Parking Overlay. City Code 10-10-4(a), states, within the P-1 Parking Overlay "there is no off-street parking required for outright permitted uses, but may be required through the Special Use Permit process." Staff also stated that there was no curb, gutter or sidewalk along Jerome Street East and that a deferral agreement for future development of the curb, gutter, and sidewalk would be appropriate. A discussion ensued by the commission regarding an alternative landscape plan - that may include potted or permanent plantings, and the cost of improvements on a small project like this. Upon conclusion of the public hearing the Commission unanimously approved the request for a Special Use Permit, as presented subject to three conditions:

1) Property used in business is to comply with all Building, Engineering, Fire and Zoning requirements.
2) Block the access to Main Avenue East.
3) Approval of an alternative landscaping plan as presented.

On August 9, 2006 Mr. Stephens was sent a letter which included Special Use Permit #0974 and the approved Findings of Fact, Conclusions of Law and Decisions. There is no indication that the building department has been contacted about the change of use of the building. In April of 2007 the City of Twin Falls received complaints that the sidewalk was being blocked by cars at 405 Main Avenue South. Stephens' auto group was contacted and informed that cars can't be pulled up over the sidewalk and the cars would need to be moved immediately. The cars were moved within (2) two days. This property was again brought to the City's attention when a Special Use Permit application was made in November 2007 to establish an automobile sales business on the vacant lot directly across the street of Stephens Auto - on the northwest side of Jerome Street. The applicant involved in this request had questions on site development requirements and referenced the Stephens Auto Group site because it didn't appear that they had to meet the same requirements that he was being told he needed to do, such as landscaping. The Stephens' application, SUP #0974 and the history of the site was reviewed at that time. Mr. Stephens was contacted by a Code Enforcement Officer on January 4, 2008 regarding the parking issues on the property, the number of vehicles on site and the lack of landscaping. Mr. Stephens and one of the other tenants in the building contacted the Planning and Zoning Office and inquired about the current violations and process to amend his Special Use Permit. They were informed that a Special Use Permit application would need to be submitted to the Planning and Zoning Department by Tuesday, January 22, 2008 or action to consider revocation would be taken. As of today's date an application has not been submitted. The violations still pending at this time include:

1. A change of use process was not completed with the building department (as per sup no. 0974 condition #1)

2. No alternative landscaping plan has been submitted for review by staff (as per sup no. 0974 condition #3)
3. More than five (5) inventory vehicles are on site (as per approved site plan and applicant's testimony)

City code section 10-13-2.3 provides a procedure for revocation of permits specifically, 10-13-2.3(a)2 that a permit can be revoked "for violation of supplementary conditions, safeguards and/or restrictions imposed by the City Council or the Planning & Zoning Commission at the time the permit was granted." A petition for revocation may be initiated by adoption of a motion by the Commission, City Council or by the filing of a petition by an aggrieved person. If the Commission passes a motion this evening to initiate revocation proceedings, a public hearing will be scheduled before the Planning & Zoning Commission. At that hearing the commission would decide whether or not to revoke the permit. The commission's action may be appealed to the City Council.

Zoning & Development Manager Carraway stated upon conclusion staff recommends that the Commission proceed with the revocation process.

PUBLIC COMMENT: OPENED
Andrew Stephens, owner of Stephens Auto Group, stated that all he got before January 28, 2008 was a vague phone call stating that there were too many cars on sight and that he needs to remove them; that was about it. He stated he went in to the Planning & Zoning Office to speak to Ms. Carraway about this and asked what he needed to do to conform. He stated the first official notice he received was on January 28, 2008 with just about 15 days to comply. Since then he stated he has removed as many inventory vehicles as he felt he could in that time frame. The three points listed like landscaping doesn't conform to City Code or an alternative landscaping plan. He stated that when he met with the Commission almost two years ago it was the consciences that potted plants would work. He stated he had two potted saplings near the front door and brought them in about October so they wouldn't freeze if that wasn't enough at the time he wished someone would have told him he would have gladly doubled or tripled that or done whatever he need to do to make the City happy and nothing was ever mentioned. When the weather permits he will gladly put those back out or do what he needs to do to improve that. The more than 5 inventory vehicles on site state law requires that he have a minimum of 5 cars for him to retain his dealer's license and he is sure the commission can understand that with only a maximum of 5 cars there is no way he can operate a vehicle sales business with all the competition on Main Street. He believes there was a consciences of the Commission at the time that there would be no point in limiting how many cars he could have because it would limit how much business he could do and would create an unfair advantage for him cause there's no other car lot that is limited to only 5 cars. There is just no way to operate a vehicle sales business with being limited to a maximum of 5 cars it's impossible. Really he feels that he didn't agree to a minimum of 5 cars, and so this is about the best he can do.

QUESTIONS/COMMENTS:
- Commissioner Tenney asked if the site plan presented on the overhead is his original site plan.
- Mr. Stephens stated yes and that when he was doing his site plan he had a minimum of 5 parking stall and he didn't want to exceed that because as a vehicle sales business to continuously appeal to the public the vehicles have to constantly be moving and changing and there is no-way he can put five cars in the five same places and keep the look of the lot fresh. Actually he did have a couple more parking stalls on his original site plan which was being continuously rejected when he

was trying to turn it into Renee Carraway; the reason was she kept saying the Commission would reject it and he had to keep redoing it. He stated he has several witnesses that were helping him to complete his first application that will say that he really wasn't given a fair hearing to begin with because his site plan kept being changed.

- Commissioner Tenney stated that based on the pictures shown previously and the way the lot was set up if that would have been your site plan we probably wouldn't have been approved.
- Mr. Stephens stated that the cars park over the sidewalk as she mentioned I took care of in 3 days. The cars parked on the side don't belong to him they belong to the person renting the back room and the vehicles on the other side belong to Joe Glasset he is renting the back room and runs an auto shipping business. Since he received this notice he has told him that they need to be moved, so since he received this notice he has been doing the best he could to comply, but it's a pretty short official notice. As he stated before he doesn't feel he agreed to a maximum of 5 cars.
- Commissioner Younkin stated the intention at the time the Special Use Permit was that he would keep that corner looking reasonably pleasant and from the pictures and the history it hasn't turned out to look very pleasant to often. He stated the purpose of tonight is to decide whether or not the Commission should move forward to a public hearing where we can have all aspects of the presentation made and people can have there say. He appreciated Mr. Stephens' testimony.
- Mr. Stephens stated that currently he has less than 5 inventory vehicles on the lot and once he was given this notice he did what he could in the time frame he was given.
- Commissioner Lezamiz asked where the other people in the building park.
- Mr. Stephens stated that since this has come up the tenant in the side room will be leaving and that space won't be rented out.
- He stated his biggest concern is that he is being targeted.
- Commissioner Warren asked staff if all of the vehicles on this lot are required to be in operating condition.
- Zoning & Development Manager Carraway stated that this is a vehicle sales lot so the vehicles that he would have in his business would need to be operational vehicles.

PUBLIC COMMENT: CLOSED

MOTION:
Commissioner Warren made a motion to proceed with the initiation of the public hearing. Commissioner Lezamiz seconded the motion. Roll call vote showed a 6-1 vote with Commissioners Mikesell, Lezamiz, Warren, Younkin, Richardson, & Munoz voting in favor or the motion and Commissioner Tenney voting against the motion.

SCHEDULED FOR PUBLIC HEARING MARCH 11, 2008

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW:
NONE

III. APPROVAL OF MINUTES:
NONE

IV. DATES OF UPCOMING PLANNING & ZONING COMMISSION MEETINGS:
A. WORK SESSION- February 19, 2008
B. PUBLIC HEARING- February 26, 2008

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING AND DEVELOPMENT MANAGER AND THE PLANNING ZONING COMMISSION: NONE

VI. **ADJOURN MEETING: 8:15 pm**

CITY OF TWIN FALLS
PLANNING & ZONING COMMISSION
CITY COUNCIL CHAMBERS
305 3RD Avenue East Twin Falls, Idaho
Work Session: February 19, 2008 12:00P.M.
Public Hearing: February 26, 2008 6:00 P.M.

MINUTES

PLANNING & ZONING COMMISSION MEMBERS:

City Limits:

Ryan Horsley, Bonnie Lezamiz, Gerardo Muñoz, Bernice Richardson, Karen Stroder, Cyrus Warren, Carl Younkin

Chairman **Vice-Chairman**

Area of Impact:

R. Erick Mikesell, Dusty Tenney

ATTENDANCE

PLANNING AND ZONING MEMBERS:

Present	Absent
Horsley	Lezamiz
Munoz	
Richardson	
Stroder	
Warren	
Younkin	

AREA OF IMPACT MEMBERS:

Present	Absent
Mikesell	
Tenney	

CITY COUNCIL MEMBERS PRESENT:

CITY STAFF PRESENT: Carraway, Fields, Humble, Jones, Wonderlich

AGENDA ITEMS FOR PUBLIC HEARING AND CONSIDERATION

I. CALL MEETING TO ORDER:

A. PUBLIC HEARING ITEMS:

1. Request for the Commission's recommendation on a Zoning District Change and Zoning Map Amendment from R-4 to R-6 PUD for property located at 1354 Washington Street South c/o Boise Housing Corporation. (app. 2205)
2. Request for a Special Use Permit to construct a transient hotel on property located at 1552, 1578 and 1598 Fillmore Street c/o Scott L. Allen on behalf of Summit Hospitality. (app. 2201)
3. Commission's recommendation on the zoning designation for 37 (+/-) acres of land proposed to be annexed, currently C-1 and M-2, for property located southwest of 3250 Kimberly Road, c/o Gerald Martens on behalf of Kimberly Road Partners, LLC. (app. 2202)
4. Request for a Special Use Permit to operate an electronic message center sign as part of an existing free-standing sign on property located at 797 Pole Line Road c/o Lytle Signs on behalf of Wilson Bates. (app. 2203)
5. Request for the Commission's recommendation on a Comprehensive Plan Amendment to amend the Land Use Map from Urban Residential to Commercial/Retail for property located on the east side of the 500 block of Grandview Drive c/o Gregg Olsen. (app. 2204)

B. CONSIDERATION ITEMS: **NONE**

I. CALL MEETING TO ORDER:

Chairman Horsley called the meeting to order at 6:00 P.M. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

Mayor Clow stated that he wanted to thank Ryan Horsley and Dusty Tenney for the time that they have put into serving on this Committee. He stated that they he and the City Council appreciate their volunteering for the job.

Chairman Horsley stated that this has been a great opportunity and would like to thank the Mayor and City Staff for making it a good experience.

A: PUBLIC HEARING ITEMS:

1. Request for the Commission's recommendation on a Zoning District Change and Zoning Map Amendment from R-4 to R-6 PUD for property located at 1354 Washington Street South c/o Boise Housing Corporation. (app. 2205)

APPLICANT PRESENTATION:

Chris Bent, representing the Boise Housing Corporation, they are currently working on a project here in Twin Falls. They are a 501C-3 government subsidized organization that provides affordable housing. They have several developments throughout the north-west. The project they are in the process of reconstructing is located here in Twin Falls on south Washington Street it is know as Washington Park Apartments it is an 80 unit rural development subsidized by rural development. When the property was built there was no zoning. When zoning came to be it was R-4 and unfortunately it is not a single-family development. The apartments are 30 years old and aren't allowed in the R-4 zone. This is why they are requesting a rezone to R-6 so that it will be brought into compliance and so that a Community Room can be constructed on the property. The Community Center will be approximately 1747 sq. ft and will include a new ADA compliant new office and meeting room for the residents. They have found that when these have been added to the property it has helped to create a community feeling for the residents. The parking ratio for this type of development requires a minimum of 2 parking spaces per unit; currently this 80 unit development had 160 parking spaces. So the development meets the requirements, because of the economical demographics only about 10 residents have more than one car so there are approximately 90 vehicles on sight. As the proposed change involves only adding a Community Center to the property the impact should be minimal to the surrounding area.

P&Z QUESTIONS/COMMENTS: NONE

STAFF REVIEW:

Zoning & Development Manager Carraway stated this is a request for the Commission's recommendation on a Zoning District Change and Zoning Map Amendment from R-4 to R-6 PUD for property located at 1354 Washington Street South. This request is to rezone 7.62 (+/-) acres with zoning designation of R-6 PUD. The property is currently developed as a 12-unit apartment complex – known as the Washington Park Apartments. The Washington Park Apartments were constructed in 1974. The property is zoned R-4, which is a medium density residential designation. R-4 zoning allows for single family and duplex dwellings -- the minimum lot size for a single family is 4,000 sq ft and the minimum lot size for a duplex is 7,000 sq ft. Tri-plexes or four-plexes may only be permitted by Special Use Permit. This property is classified as legal non-conforming as the R-4 zone does not allow for multi-family housing units or for multiple buildings on one lot. The applicants are requesting the rezoning to bring the property into conformance with the

zoning code and be allowed to construction a 1,747 sq ft Community Center in the center of the property. The R-6 zone is a multi-household residential designation. This zoning allows for residential apartment buildings of 5 units or more as a permitted use. Through the PUD process multiple buildings on a single lot are permitted if under one ownership as long as the density meets minimum code requirements. In the R-6 zone the minimum lot size for an 8-unit apartment building is 14,500 sq ft. It appears density standards meet the minimum code requirements for this development. Atlantic Street is located along the west side of the property but does not fully connect through to the south. The completion of Atlantic Street and the status of right-of-way on Pheasant Road West and Washington Street South will need to be discussed with the engineering department. The existence and condition of curb, gutter, and sidewalk in these roadways will also need to be coordinated with the engineering department. On February 12, 2008 the applicants made a preliminary PUD presentation to the Planning and Zoning Commission. One of the concerns the commission expressed was that a parking analysis had not been provided. Parking ratios for this type of development are a minimum of 2 parking spaces per residential unit. Submittal of a full parking analysis should be a condition of approval. The property is surrounded by R-4 zoning on all four sides. The majority of the existing development in this area was developed either before or around the same time the Washington Park Apartments were built. There is a new residential subdivision to the south. Approval of this request and the addition of a community center should cause very little impacts to the surrounding development. The Comprehensive Plan designates this area as urban residential. The urban residential designation is consistent with multi-family housing as it exists at this location.

Zoning & Development Manager Carraway stated upon conclusion staff has reviewed this request and if the Commission finds the R-6 PUD zoning designation, as presented, appropriate, staff recommends that approval should be subject to the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to a parking analysis being submitted prior to final approval.
3. Subject to approval of a PUD agreement.
4. Atlantic Street adjacent to the property being rebuilt or built to current City standards upon future development or redevelopment of the property.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC INPUT

CLOSING STATEMENT:

- Ms. Brent asked if the amendments required and compliance required only apply to the new building because it would be very costly to bring a 30 year old apartment complex up to current standards.
- Zoning & Development Manager Carraway stated that the Community Center will have to meet today's standards. Engineering may take a look at right-of-way issues along Pheasant and Washington and require more right of way be deeded, curb, gutter and sidewalk my require a deferral.
- Ms. Brent stated the other question is about the completion of Atlantic Street. There is really no reasonable relationship between the current request and the resulting impact to the surrounding area. We are putting a new building in the center of a 30 year old development and Atlantic has never been a consideration. If any pouching is occurring along Atlantic it is from the Town homes and that is due to their lack of parking. Also the subdivision to the side of the Townhomes was build and Atlantic runs right along that development as well and Atlantic Street was not requested to be

completed then. This is a government subsided project that is owned by a non-profit company; there is not funding for the street development. They feel that this is an unfair request when there are other entities involved it will essential do their project in. It doesn't seem proportionate to the project and they asked that this be reconsidered.

DELIBERATION FOLLOWS:

- Commissioner Younkin asked what type of development to the west and if Atlantic Street was a question at that time.
- Zoning & Development Manager Carraway stated that the development to the west is a Townhouse Development and at the time it was developed there was not a lot of growth so that may explain why development of Atlantic Street was deferred.
- Commissioner Lezamiz asked for clarification on the Atlantic Street portion of the review.
- Zoning & Development Manager Carraway stated Atlantic Street is designed to go through to Pheasant Road. When the development to the west occurred Atlantic Street was not required to be developed at that time. Because this applicant is requesting to expand the uses within their development the City is proposing that Atlantic Street be completed through to Pheasant Road.
- Commissioner Munoz asked about the parking study and if the addition of the Community Center will be taken into account when making parking requirements.
- Zoning & Development Manager Carraway stated that because this is a building that will be used by the residents that additional parking will not be a requirement.
- Commissioner Munoz stated he doesn't have any concerns and he does see both sides of the issue regarding Atlantic Street but it probably can be worked out between the applicant and the Engineering Department
- Zoning & Development Manager Carraway stated this will continue forward to the City Council and there may be a way to defer the improvements.
- Commissioner Tenney stated the Commission can make a recommendation on the zoning but the street development issues will have to be resolved by the City Council.

MOTION:

Commissioner Lezamiz made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Younkin seconded the motion. Roll call vote showed all members present voted in favor or the motion.

RECOMMENDED FOR APPROVAL AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to a parking analysis being submitted prior to final approval.
3. Subject to approval of a PUD agreement.
4. Atlantic Street adjacent to the property being rebuilt or built to current City standards upon future development or redevelopment of the property.

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING MARCH 24, 2008

2. Request for a Special Use Permit to construct a transient hotel on property located at 1552, 1578 and 1598 Fillmore Street c/o Scott L. Allen on behalf of Summit Hospitality. (app. 2201)

APPLICANT PRESENTATION:
Scott Allen, The Land Group, representing the applicant stated they are here tonight to request the approval of a Special Use Permit for construction of a hotel. This will be a Holiday Inn Express and will be located on the northeast corner of Cheney Drive and Fillmore Street with an open lot to the south of the site. This will block the back of the big box businesses to the east. It will be 3 stories tall with approximately 93 rooms. The parking is adequate for the development the amenities will include a small fitness area, in-door pool, and an outside terrace. This building will create an esthetically pleasing site along Fillmore Street as opposed to what is located there currently. They are anticipating about 13 staff members at their peak hours and back down to two or three during non-peak hours. They request that the Commission approve the Special Use Permit.

P&Z QUESTIONS/COMMENTS:
- Commissioner Munoz asked if there is going to be a restaurant included with the terrace on the back.
- Mr. Allen stated no it will just be an area that guests can sit and relax.
- Commissioner Warren asked about the lot to the south.
- Mr. Allen stated there are people looking at the lot but it has not been disclosed at this time what will go in there.

STAFF REVIEW:
Zoning & Development Manager Carraway reviewed the request using overhead projections. The lots are zoned C-1 PUD and this zone requires a Special Use Permit to operate a transient hotel in the C-1 Zone. In the City Code a transient facility means that 75% or more of the tenants of this facility will be there 30 days or less. The property is 2.2 (+/-) acres and encompasses 3 lots. To develop the site as presented the lots will have to be combined and the interior lot lines removed; this has been discussed with the developer and they are well aware of this requirement and they will proceed with combining these lots if this is approved this evening. The hotel is proposed to have 93 rooms, be 3-stories with a maximum height of 35'. Signs are indicated on the site plan but not approved as part of a Special Use Permit process. All signage will require a sign permit application to be reviewed and approved before construction or placement. Full compliance with the PUD Agreement and or City Code development standards will be which ever is greater of the two will be reviewed as part of the building permitting process. The applicant states that the building style, color and landscaping will be harmonious with the neighboring hotel and properties. The development of this hotel should cause minimal impacts to the surrounding properties.

Zoning & Development Manager Carraway stated upon conclusion staff has reviewed this request and recommends the following condition(s) be placed on this request, if granted:
1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. The lots 12, 13, & 14 are legally combined.
3. A landscape plan is submitted as part of the building permit application.
4. Full compliance with the PUD agreement.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT ANY PUBLIC INPUT.

DELIBERATION FOLLOWS:

- Commissioner Horsley stated he has no concerns with this request and thinks this would be a great use for this property because even though the zoning is C-1 the hotel will not generate as much traffic as other C-1 types of use.
- Commissioner Muñoz stated that there could be other C-1 type of uses that could generate much more traffic along this area and the landscaping would be a great addition to the area.

MOTION:
Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner Muñoz seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. The lots 12, 13, & 14 are legally combined.
3. A landscape plan is submitted as part of the building permit application.
4. Full compliance with the PUD Agreement.

3. Request for the Commission's recommendation on the zoning designation for 37 (+/-) acres of land proposed to be annexed, currently C-1 and M-2, for property located southwest of 3250 Kimberly Road, c/o Gerald Martens on behalf of Kimberly Road Partners, LLC. (app. 2202)

APPLICANT PRESENTATION:
Trent McBride, EHM Engineering, representing the applicant stated they are here tonight to request the annexation of approximately 37 acres located along Kimberly Road. If this request is approved the plan is for the area to be a light commercial subdivision. The uses would be similar to the surrounding businesses. The zoning is C-1 & M-2 currently so they are not requesting a zone change and are just looking to annex the property so that development can occur.

P&Z QUESTIONS/COMMENTS: NONE

STAFF REVIEW:
Zoning & Development Manager Carraway stated this is a request for the Commission's recommendation on the zoning designation for 37 (+/-) acres of land proposed to be annexed with a zoning designation of C-1 & M-2, currently C-1 and M-2, for property located southwest of 3250 Kimberly Road. This request is to annex 37 (+/-) acres with zoning designation of C-1 and M-2; which is the current zoning of the property. As you have just heard, the applicant intends to develop the property under the C-1and M-2 development standards. To annex property into the City it is required to be contiguous to city limits. This site is contiguous to city limits at its eastern, southern and the majority of its western boundaries and therefore is able to request annexation. Annexation is required to access City Services but does not guarantee that they will be available at this location. A will-serve letter will be issued upon review and approval for a final plat and/or a phase of a final plat. The property is located directly along Kimberly Road (U.S. Highway 30). The 17 (+/-) acres fronting Kimberly Road (660' deep) - is zoned C-1 and the remaining 20 acres - the southerly 20 (+/-) acres – is zoned M-2. This is consistent with the surrounding zoning. Kimberly Road is a major arterial of the City of Twin Falls. The C-1 and M-2 zoning designations are appropriate.

Zoning & Development Manager Carraway stated upon conclusion staff has reviewed this request and if the Commission finds the C-1 and M-2 zoning designation appropriate and if the City Council approves the annexation, staff recommends that annexation be subject to the following conditions:

1. Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current city standards upon development of the property.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATION FOLLOWS:

- Commissioner Horsley stated that there is no zoning change being requested and he has no issues related to this request.

MOTION:
Commissioner Muñoz made a motion to recommend a C-1 & M-2 Zoning Designation to the City Council as presented, subject to staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor or the motion.

RECOMMENDED C-1 & M-2, AS PRESENTED, AS APPROPRIATE ZONING DESIGNATIONS TO THE CITY COUNCIL, SUBJECT TO THE FOLLOWING CONDITIONS:

1. Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current city standards upon development of the property.

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING MARCH 24, 2008

4. Request for a Special Use Permit to operate an electronic message center sign as part of an existing free-standing sign on property located at 797 Pole Line Road c/o Lytle Signs on behalf of Wilson Bates. (app. 2203)

APPLICANT PRESENTATION:
Nathan Fuller, Lytle Signs representing the applicant stated they are here to request the approval of a Special Use Permit for an LED message center sign to be part of an existing free standing sign located at 797 Pole Line Road. The request will include updating the current free standing sign and the applicant is requesting to operate the sign from 5 am to 1 am. The nearest message center sign is 608 feet at Lithia and the Mall at 1700 feet.

P&Z QUESTIONS/COMMENTS:

- Commissioner Tenney asked who will be using the sign.
- Mr. Fuller stated Wilson Bates is requesting the sign so they will be the user.
- Commissioner Richardson asked about the 4 remaining spaces on the free standing sign.
- Mr. Fuller stated the other tenants of the complex will have updated signs posted on the free standing sign.
- Commissioner Warren asked if there will be any right-of way issues involved.
- Zoning & Development Manager Carraway stated the sign is far enough back but that will be addressed during the sign review process.

STAFF REVIEW:
Zoning & Development Manager Carraway stated this is a request for a Special Use Permit to operate an electronic message center sign as part of an existing free-standing sign on property, located at 797 Pole Line Road. This property is zoned C-1 PUD. This is the location of the Concept 91 shopping complex which includes a Wilson Bates Store, Dell Service Center, Welch's Music, McDonalds, Imagination Station, the parking area, and landscaping. This is a request for approval of an electronic message center sign as part of an existing freestanding sign along Blue Lakes Boulevard North. An electronic message center sign requires a Special Use Permit in this zone. The existing free-standing sign was developed in 1997 as part of a multi-tenant shopping complex free-standing sign. The proposed electronic message center sign is 48 sq ft. Message center signs can be a maximum of fifty (50) square feet and can be part of other allowed freestanding signage. The sign is proposed to operate daily from 5:00 am to 1:00 am. As with similar requests to include an electronic message center as part of permitted signage the Commission has placed a condition the operation of the electronic message center be consistent with the operation of the retail business or as in this case with the retail businesses within the shopping complex. The commission may wish to place this condition on this permit if granted this evening. Twin Falls City Code §10-9-2(q) states that no message center sign may be erected or moved to within four hundred feet (400') in any direction of another such sign on the same street or within two hundred feet (200') of another such sign on intersecting streets. The nearest sign is at Lithia Motors, 608' away to the south and the Magic Valley Mall, located 1700' to the north. The sign is proposed to be a full color LED message center sign and if granted shall be required to operate in compliance with Twin Falls City Code §10-9-2(l) and §10-9-2(q) – free-standing and message center signage requirements. The sign will advertise retailers within the complex. The surrounding uses are commercial in nature and similarly zoned. There are not likely to be any impacts to traffic or from noise, glare, odor, fumes, or vibrations. If approved there shall be a complete review to assure compliance with minimum code requirements prior to a sign permit being issued by City Staff.

Zoning & Development Manager Carraway stated upon conclusion staff has reviewed this request and recommends the following condition(s) be placed on this request, if granted:

1. Assure compliance with all requirements of Twin Falls City Code §10-9-2(l) and §10-9-2(q) – free-standing and message center signage requirements.
2. Electronic message center sign approved as indicated, 48 sq ft in size, full color with no animation or flashing.
3. Permitted hours of operation of the electronic message center sign to be consistent with the operation of the retail businesses within the shopping complex.
4. Subject to site plan amendments as required By Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT ANY PUBLIC INPUT

DELIBERATION FOLLOWS:

- Commissioner Munoz stated his concern was the hours of operation but the staff recommendation addresses his concerns.
- Commissioner Horsley stated as long as there are not any compliance issues he doesn't have any concerns.

MOTION:
Commissioner Tenney made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Assure compliance with all requirements of twin falls city code §10-9-2(l) and §10-9-2(q) – free-standing and message center signage requirements
2. Electronic message center sign approved as indicated, 48 sq ft in size, full color with no animation or flashing.
3. Permitted hours of operation of the electronic message center sign to be consistent with the operation of the retail businesses within the shopping complex.
4. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.

5. Request for the Commission's recommendation on a Comprehensive Plan Amendment to amend the Land Use Map from Urban Residential to Commercial/Retail for property located on the east side of the 500 block of Grandview Drive c/o Gregg Olsen. (app. 2204)

APPLICANT PRESENTATION:
Greg Olsen the applicant stated the purpose of this request is for the development of a new storage facility. The parcel is currently urban residential which is intended to support a variety of residential categories for the purpose of providing the city with a wide range of housing opportunities. The zoning being requested is a C-1 with a PUD. This was the best zoning he could come up with the attached PUD for the purpose of building mini storage units only with no other uses. He believes this would be a positive addition to the area and many of the homes in this area do not have storage or garages at their residents being that they are mostly mobile homes. Currently the land is surrounded by other mixed/commercial uses and what he is trying to do will parallel or accommodate the uses in the surrounding area. Some of those parcels are ARGO Company, Wholesale Carpet, Grandview Drive-In, Twin Falls Municipal Golf Course and other small businesses as shown in the attachments of the staff report. Another parcel close by is part of the Triple C concrete expansion specific to their business. The project would take into account that it is located on a major arterial and will have a decorative style exterior. He stated that everything on the east side of Grandview along this area is commercial or supports that type of use and this type of structure would provide a means of conserving resources. What this area is currently intended for is R-4 zoning which would allow for approximately 96 residential units which uses quite a bit of water and sewer. The construction of storage units would use far less water and this would be positive for this area. As Twin Falls grows along the west it would complement residential development along this pathway.

P&Z QUESTIONS/COMMENTS:

- Commissioner Tenney asked what the current completion date is for the Comprehensive Plan revisions.
- Zoning & Development Manager Carraway stated that a final draft has been reviewed by staff and returned to the consultants and once that is returned the public hearing process will begin. Optimistically we anticipate this process to begin within the next month or so
- Mr. Olsen asked when the changes would be finalized.

- Zoning & Development Manager Carraway stated if we had the documents in hand that we would be looking at approximately a 3 -4 month process, currently we don't have the document so she can't say for sure when it will be finalized.
- Commissioner Munoz asked if changes made to the current Comprehensive Plan would be overridden by the adoption of a new Comprehensive Plan.
- Zoning & Development Manager Carraway stated yes that would be correct.

STAFF REVIEW:

Zoning & Development Manager Carraway state this is a request for the Commission's recommendation on a Comprehensive Plan Amendment to amend the Land Use Map from Urban Residential to Commercial/Retail for property located on the east side of the 500 block of Grandview Drive. The request is to change the Twin Falls City Comprehensive Plan Land Use Map from urban residential to commercial/retail for an area located east of Grandview Drive and north of the Municipal Golf Course. The comprehensive Plan Land Use Map recognizes an existing and future land use pattern of residential uses within this area. The property is located on a major arterial and is located near existing commercial development. The applicant would like to amend the Comprehensive Plan to allow him to develop a mini storage facility on this property. If this change is approved it will allow him to proceed with rezoning the property to a commercial designation under a Planned Unit Development specific to building a mini storage unit facility on the property. The site is surrounded by a variety of uses:

- To the south is the City's Golf Course – currently zoned OS- Open Space and designated as open space on the Comprehensive Plan Land Use Map.
- To the west includes residential development – currently zoned R-4 and designated as urban residential on the Comprehensive Plan Land Use Map.
- Both to the north and east contains legal non-conforming commercial uses – Grandview Drive-in Theater and various industrial/commercial uses.

These areas are zoned R-4 and are designated as urban residential on the Comprehensive Plan Land Use Map. Neither area is consistent with the current zoning or the Comprehensive Plan Land Use Map.

Idaho state law is specific in how changes are made to a comprehensive plan. A recommendation from the Planning and Zoning Commission is required at a public hearing before the City Council can take action on the request at an additional public hearing.

As you are aware the City is currently in the process of updating its Comprehensive Plan Document and Maps. We should be receiving a final draft and will be initiating the public hearing process within the next month or so. It is unknown at this time what changes if any are proposed for this area. Until a new document is adopted staff is not supportive of making changes to the Comprehensive Plan Land Use Map. Staff would suggest the applicant work with the Comprehensive Plan Steering Committee to suggest this land use designation be considered.

Zoning & Development Manager Carraway stated upon conclusion staff recommends the Commission recommend denial of this request at this time.

PUBLIC HEARING:

- Ernie Hall, 350 Grandview Drive, a resident of Mobile Manor stated he is in support of the request. The construction of storage units would help to limit more industrial type uses in the area and would be a nice addition to the area.
- Floyd Miller, 1050 Welch Lane, stated his property is directly across from this land. He is opposed to any kind of commercial going in on this property. Within the past year

a 12 inch water main was put in to accommodate residential development on both sides of the road. He has had to be part of the group that paid for this water line and the cost is unbelievable. He stated he is opposed to commercial zoning for this area but would not be opposed to housing.

CLOSING STATEMENT:

Mr. Olsen stated he can understand the gentleman's concerns and would possibly like some compensation for the expenses on the water main; however he is not proposing something that will expand the use of the resources. He stated that the City has been working on the new Comprehensive Plan Amendments for a year. It was reviewed and sent back to the consultants in December and the City doesn't have a copy of the recommended changes. He has not been able to see what was proposed in the first draft and he would be interested in seeing the recommendations. He stated he doesn't believe that he should bare the burden of waiting on a third party to complete a Comprehensive Plan. He understands if this project doesn't fit or make sense in this area but he doesn't understand why the City can't explain what was proposed for this area in the first draft. The benefit to the City if you look at taxes on storage facilities ranges from $7,000 to $22,000 a year with no water use and no increase in sewer capacity. As for the surrounding area a multi-family development, doesn't make since for this area either because of the location of the property and the proximity to the theater. The mini-storage makes more sense.

DELIBERATION FOLLOWS:

- Commissioner Tenney stated he can see the applicant's point of view when it comes to waiting for the comprehensive plan to develop property he owns.
- Commissioner Horsley stated he would have no issue with this request had it occurred at a different time. The Comprehensive Plan takes a lot of work and changing something now, knowing that the change could be superseded by the new plan just doesn't make since.
- Commissioner Munoz stated that he understands what the gentleman earlier mentioned in his testimony about having storage units across from his residential property is not what he wants to see. He stated that he would not want that if it were his home. The other concern he has is that if this development is not underway before the Comprehensive Plan is complete then this process will start again to revise the newly adopted Comprehensive Plan, but there is a reason for the Comprehensive Plan and we need to wait regardless of whether or not it makes since. He has issues with making changes to a Comprehensive Plan anytime.
- Commissioner Younkin stated he can see the area staying what it is now. He stated the gentleman that spoke owning the 20 acres across the street is probably thinking he is going to be part of the next development like Fairway Estates. The Drive-in Theater has probably outlived it service and probably has a limited lifetime. The property being close to the golf course notoriously draws housing development. The idea of the new Comprehensive Plan superseding the old plan is a concern and what should probably happen is a motion should be made and the request move forward from there.

MOTION:

Commissioner Tenney made a motion to recommend approval of the request as presented. Commissioner Munoz seconded the motion. Roll call vote showed Commissioners Horsley, Younkin, Warren, Richardson, Munoz, Mikesell, and Lezamiz voted against the motion and Commissioner Tenney voted in favor.

RECOMMENDED DENIAL OF THE REQUEST

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING MARCH 24, 2008

B: CONSIDERATION ITEMS: NONE

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW: NONE

III. APPROVAL OF MINUTES: NONE

IV. DATES OF UPCOMING PLANNING & ZONING COMMISSION MEETINGS:

A. MARCH 4, 2008 -WORK SESSION
B. MARCH 11, 2008 -PUBLIC HEARING

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

- Commissioner Younkin presented a gavel to Chairman Horsley.
- Commissioner Tenney stated he appreciated the experience and he has learned a lot.
- Commissioner Horsley stated he appreciated the experience as well and thanked the staff for being a great resource.
- Zoning & Development Manager Carraway thanked Commissioners Horsley and Tenney for their dedicated years of service on the Planning & Zoning Commission and she further stated that their input would be missed. She wished them well and invited to attend any P&Z meeting as a citizen.

VI. ADJOURN MEETING:

Chairman Horsley adjourned the meeting at 7:30 p.m.

CITY OF TWIN FALLS
PLANNING & ZONING COMMISSION
CITY COUNCIL CHAMBERS
305 3RD Avenue East Twin Falls, Idaho
Work Session: MARCH 4, 2008 12:00P.M.
Public Hearing: MARCH 11, 2008 6:00 P.M.

MINUTES

PLANNING & ZONING COMMISSION MEMBERS:

City Limits:
Wayne Bohrn, Bonnie Lezamiz, Gerardo Muñoz, Bernice Richardson, Karen Stroder, Cyrus Warren **Vice-Chairman**, Carl Younkin **Chairman**

Area of Impact:
Lee DeVore, R. Erick Mikesell

ATTENDANCE

PLANNING AND ZONING MEMBERS:

Present	Absent
Bohrn	
Lezamiz	
Munoz	
Richardson	
Stroder	
Warren	
Younkin	

AREA OF IMPACT MEMBERS:

Present	Absent
Mikesell	
DeVore	

CITY COUNCIL MEMBERS PRESENT: Heider, Kezele
CITY STAFF PRESENT: Carraway, Collins, Jones, Weeks, Westenskow, Wonderlich

AGENDA ITEMS FOR PUBLIC HEARING AND CONSIDERATION

I. CALL MEETING TO ORDER:

ELECTION OF OFFICERS

A. PUBLIC HEARING ITEMS:

1. Request for a Special Use Permit to operate a professional office on property located at the southwest corner of Shoup Avenue West and Cherry Lane c/o Susan Bergen on behalf of Positive Connections. (app. 2206)

2. Request for a Special Use Permit to construct a four-plex on property located at 1969 Shoup Avenue East c/o Kevin Bradshaw on behalf of Bradshaw Homes.Net (app. 2208)

3. Request for a Special Use Permit to operate an equipment rental business on property located at 1703 Addison Avenue East c/o Party Center (app. 2209)

4. Request for a non-conforming building expansion to allow the addition of a multi-purpose building to the existing Bickel Elementary School on property located at 607 2nd Avenue East c/o Hummel Architects on behalf of the Twin Falls School District #411. (app. 2210)

5. Consideration of the revocation of Special Use Permit #0974 granted on April 26, 2006 to Andrew Stephens Auto Group, for auto sales on property located at 405 Main Avenue East c/o the City of Twin Falls (app. 2207)

B. CONSIDERATION ITEMS:

1. Consideration of the request for an extension of the preliminary plat of the North Pointe Park PUD Subdivision, 15.40 (+/-) acres with 9 lots, located north of Cheney Drive West, south of Pole Line Road and west of Parkview Drive, extended, c/o Gerald Martens/EHM Engineers, Inc. on behalf of Pole Line Properties, LLC. **TO BE RESCHEDULED**

I. CALL MEETING TO ORDER:

Acting Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public hearing procedures with the audience and introduced the City Staff present

ELECTION OF OFFICERS

Commissioner Warren made a motion to nominate Carl Younkin as Chairman for the Planning & Zoning Commission, Commissioner Mikesell seconded the motion. Roll call vote showed all members called voted in favor.

Commissioner Bohrn made a motion to nominate Commissioner Warren as Vice-chairman, Commissioner Stroder seconded the motion. Roll call vote showed all members called voted in favor.

Chairman Younkin introduced the two new commission members, Commissioner Bohrn representing the City and Commissioner DeVore representing the area of impact.

A: PUBLIC HEARING ITEMS:

1. Request for a Special Use Permit to operate a professional office on property located at the southwest corner of Shoup Avenue West and Cherry Lane c/o Susan Bergen on behalf of Positive Connections. (app. 2206)

APPLICANT PRESENTATION:
Tony Hughes, representing the applicant, stated he is here to request approval of a special use permit to operate a professional office along the 400 block of Shoup Avenue West at the corner of Cherry Lane. This is an undeveloped piece of property and it sits in an R-6 PRO zone. The zoning requires a Special Use Permit. One minor change to the original request is that this will be a personal investment and Positive Connections will not be the tenant. The applicant wishes to continue with the request and plans to continue with the project as a personal investment and will be seeking tenants for the building. The land to the east is vacant the land to the north is a professional office, residential to the west, and commercial to the south. The applicant intends to enter the property off of Shoup Avenue and not to use Cherry Lane. In order to get the building that she wants on the property she is going to work towards a lot line adjustment negotiation with the neighbors. Customers and employee parking will be towards the front. The building will be approximately 7700 sq. ft. and is subject to meeting all of the city code requirements.

P&Z QUESTIONS/COMMENTS:

- Commissioner Warren ask if there are plans to vacate Cherry Lane
- Mr. Hughes stated that staff has recommended that the applicant submit a request to vacate Cherry Lane. They are currently trying to locate existing utilities. The only challenge is that the adjacent property owners are not thrilled about the vacation of the property due to having to maintain the easement and because it falls into a commercial zoning that may be of some value in the future for access, however the vacation would not be essential for the project to move forward.

STAFF REVIEW:
Zoning & Development Manager Carraway reviewed the request using overhead projections. She explained this is a request for a Special Use Permit to operate a professional office on property zoned R-6 PRO located at the southwest corner of Shoup Avenue West and Cherry Lane. To establish a professional office in the R-6 PRO zone requires a Special Use Permit. The previous discussion on this request did have a specific

use identified however this is not imperative to approval of this request; a professional office has certain development guidelines that would apply to this property regardless of the professional services provided. As a reminder she reviewed the uses surrounding this property. To the north of this property is a professional dental office to the north across Shoup Avenue West. There are residential properties to the west and northwest of the professional office. To the east is Cherry Lane an undeveloped right-of-way, and an undeveloped parcel. The area to the south has been used commercially and is accessed from Addison Avenue West. The site is currently undeveloped. The building, as proposed, is to be a 7700 (+/-) sq ft single story building. Traffic will have access from Shoup Avenue West. Professional office uses in this zone require one (1) parking space per 300 sq ft of building area, landscaping equal to a minimum of 10% of the total lot area, on-site storm water retention, and screening between any residential use and the professional office. Approval of this request will require a complete review by the building inspection department for full compliance with development standards

Zoning & Development Manager Carraway stated upon conclusion staff has reviewed this request and recommends the following condition(s) be placed on this request, if granted:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.

P&Z QUESTIONS/COMMENTS:

- Commission Munoz asked about the property line adjustment. If this lot line adjustment doesn't happen to continue development will the applicant need to re-apply for another Special Use Permit
- Zoning & Development Manager Carraway stated that If the applicant proceeds with the building in this configuration the applicant will need to follow through with the lot line adjustment. If this building is not developed and the extra property is not acquired the property could still be approved for a professional office use the building would just have to be constructed to fit within the lot requirements.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT ANY PUBLIC INPUT

CLOSING STATEMENTS:

- Mr. Hughes asked if the hours of operation limitation listed on the staff report would still be restricted now that Positive Connections is not going to be a tenant.
- Zoning & Development Manager Carraway stated that in the professional office zone there are not restricted hours. The reason for this restriction was because previous to the meeting the tenant listed on the application had plans for evening activities. At this time staff has removed this condition but the Commission may add this condition if it finds it to be necessary.

DELIBERATIONS FOLLOWED:

- Commissioner Munoz stated that professional office is fairly restrictive on what types of use qualify and that this is an appropriate use for this area.

MOTION:

Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner Stroder seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.

2. Request for a Special Use Permit to construct a four-plex on property located at 1969 Shoup Avenue East c/o Kevin Bradshaw on behalf of Bradshaw Homes.Net (app. 2208)

APPLICANT PRESENTATION:
Kevin Bradshaw, the applicant stated he is here tonight to request approval of a Special Use Permit to construct a four-plex on property located at 1969 Shoup Avenue East. The four-plex will be a rental unit. Each unit will have a single car garage with a parking space in front of that. There is an existing apartment complex to the east and a residence to the west of the parcel. In designing the four-plex he put the units closer to the apartment units to provide a little buffer for the residence and there will be a driveway running in front of each unit. There will be a storm-water retention area along the front and back of the property. He stated he is also looking to construct a storage unit in the back area for his business, which will come through at a later date.

P&Z QUESTIONS/COMMENTS:
Commissioner Munoz asked why the storage unit is not being included in this request. Mr. Bradshaw stated because the building is approximately 1200 sq. ft. it requires a Special Use Permit and it wasn't part of this application.

STAFF REVIEW:
Zoning & Development Manager Carraway reviewed the request. She explained this is a request for a Special Use Permit to construct a four-plex on property located at 1969 Shoup Avenue East. The site is located in an R-4 zoning district. In this zoning district, four-plexes require a Special Use Permit. The request is to construct one (1) new four-plex each unit will have a one (1) car attached garage. if approved the building would have to meet lot occupancy, building height, parking and property line setbacks. The setbacks in the R-4 zoning district are 20' from both the front and rear property line and 5' on the sides. A 4-plex is required to provide a minimum of 2 parking spaces per dwelling unit, provide on-site storm water retention and the site is to provide landscaping equal to a minimum of 10% of the total lot area. The site plan appears to meet these requirements. There is a 1216 sq ft detached accessory building shown on this site plan. Within the R-4 zone a detached accessory building larger than 1,000 sq ft requires a special use permit. This was not a part of this request therefore if the applicant wishes the building to be larger than 1,000 sq ft a sup is required. Approval of this request will require a complete review by the building inspection department for full compliance with required improvements, as per city code 10-11-2 thru 9 and for development standards, as per 10-4-5.3 prior to issuance of a certificate of occupancy and may require other site improvements. The request is in compliance with the comprehensive plan which designates this area as urban residential.

Zoning & Development Manager Carraway stated upon conclusion staff has reviewed this request and recommends the following condition(s) be placed on this request, if granted:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

P&Z QUESTIONS/COMMENTS:
Commissioner Stroder asked where visitors would park and if there is any other place on the property that he could accommodate some visitor parking.
Mr. Bradshaw stated that they would have to park on the street and this is probably the only drawback with this project. The green space to the back he was trying to save for a green area for kids to play in. They could possibly park in front of the storage unit area because it is not going to be something that is going to be use a lot. The apartment units to the east park along Sunrise.
Commissioner Munoz asked if the building could be used for the applicants business.
Zoning & Development Manager Carraway stated that the storage could be used for storage of lawn equipment and things used to maintain the property but not for off premise business storage, it would have to be used for tenants only.
Commissioner Munoz asked about recreational vehicles.
Mr. Bradshaw stated if the tenant has something like a boat or camper they would have to store it somewhere else.

PUBLIC HEARING: OPENED
Joe Robinson, 255 Sunrise North, stated that the units on the east have created quite a problem parking on the road. His concern is the parking area for the four-plex. The traffic is a real concern.

DELIBERATIONS FOLLOWED:
Commissioner Warren stated he is concerned about the parking for the tenants as well as the visitors, this 20 foot lane coming in and people parking along there a fire truck wouldn't be able to get in there and it is over crowded.
Commissioner Stroder stated she could see the need for at least 10 spots just for the residents and adequate parking is a big concern.
Commissioner Younkin stated he has the same concerns for what appears to be lack of parking. The size of the units may indicate that you have a number of cars. The fire lane will have to be addressed in the building review process. He doesn't see any other solution for parking then what the applicant suggested. It is essential squeezing a lot of bedrooms on a small lot with limited parking.
Commissioner Munoz stated he agrees 100% his concern is that when you leave it for people to decide where to park they are not always going to decide to park in the safest place but most likely the closest place. Creating traffic and parking problems for the tenants and the residents is a big concern. The other concern he stated was the accessory building, if the applicant decides to construct a building that doesn't require a Special Use Permit process then the Commission won't ever see the plans for the building that may need access for loading and unloading to be addressed. He stated that even a 1000 sq. ft. building is quite large for this property and even though this is not part of tonight's request it is still a concern with relation to the parking issues. Parking is a big concern.

MOTION:
Commissioner Stroder made a motion to approve the request as presented with staff recommendations. Commissioner Lezamiz seconded the motion. Roll call vote showed all members against the motion with Commissioner Bohrn abstaining

THE MOTION FAILED

Commissioner Mikesell stepped down.
Commissioner Munoz stepped down.

3. Request for a Special Use Permit to operate an equipment rental business on property located at 1703 Addison Avenue East c/o Party Center (app. 2209)

APPLICANT PRESENTATION:
Darci Mason, the applicant stated that they are requesting the approval of a Special Use Permit to operate a business that rents equipment out for parties and events. The property has been several restaurants and it will be a display area with storage for linens, chairs and tables. It will be a drop off and pick up as well for this type of equipment. The equipment will be stored on-site in an enclosed storage nothing will be out and visible to the surrounding properties.

STAFF REVIEW:
Zoning & Development Manager Carraway reviewed the request. She explained this is a request for a Special Use Permit to operate an equipment rental business on property located at 1703 Addison Avenue East. The subject property is located in the C-1 Commercial Zone. An equipment rental business requires a Special Use Permit in the C-1 zone. There are commercial uses to the east, south, and west. There is residential property north of this site but it is separated and screened by a six foot (6') solid wood fence. As you have just heard from the applicants they are proposing to operate a party center facility at the site. Party Center is a division of the renter center, currently located on Main Ave E & Blue Lakes Boulevard, but would have different items for sale and/or rent such as event tents, tables, chairs, linens, and dishes. The facility caters to the party, convention, and meeting industry. The property has an existing 1,560 sq ft building and an outside seating area. The use on this site has most recently been a restaurant. The change from a restaurant to an equipment rental business is not considered a change of use as both a restaurant and an equipment rental business are classified as a retail use. The narrative states they anticipate operating the business from 9:00 am to 5:30 pm Monday thru Friday and from 9:00 am to 4:00 pm on Saturday. an equipment rental business requires one (1) parking space per 300 sq ft of building, which would equate to 6 parking spaces – there are currently over twenty (20) provided on site. The concern with this type of business would be the storage of the merchandise for rent outside. If this request is approved the commission may wish to place a condition that any outside storage be kept within an area completely enclosed by a screening fence so that the property enclosed is not visible to the public and to the neighboring property owners. The request is in compliance with the comprehensive plan which designates this area as appropriate as commercial/retail uses.

Zoning & Development Manager Carraway stated upon conclusion staff has reviewed this request and recommends the following condition(s) be placed on this request if granted:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Any outside storage is kept within an area completely enclosed by a screening fence so that the property enclosed is not visible to the public and to the neighboring property owners.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT ANY PUBLIC INPUT.

DELIBERATIONS FOLLOWED:
Commissioner Warren stated it will be a good use for an empty building and hope it will work.

Commissioner Younkin stated this is a different type of use than what has been tried in this location and that is should probably work. The displaying and storage of the equipment shouldn't be an issue either.

MOTION:
Commissioner Lezamiz made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Any outside storage is kept within an area completely enclosed by a screening fence so that the property enclosed is not visible to the public and to the neighboring property owners.

Commissioner Munoz returned to his seat.
Commissioner Lezamiz stepped down.

4. Request for a non-conforming building expansion to allow the addition of a multi-purpose building to the existing Bickel Elementary School on property located at 607 2nd Avenue East c/o Hummel Architects on behalf of the Twin Falls School District #411. (app. 2210)

APPLICANT PRESENTATION:
Tom Neiworth, Hummel Architects, representing the Twin Falls School District #411 stated they are requesting a non-conforming building expansion permit to expand Bickel Elementary by adding a multi-purpose room. The addition is approximately 4,000 sq. ft and will be used as a multi-purpose room with an ADA compliant elevator. The addition complies with current setback requirements however the old portion of the building sits within the setback area which makes the building non-conforming. Any impacts to the adjoining property owners should be minimal it won't require any additional parking or employees.

P&Z QUESTIONS/COMMENTS:
Commissioner Stroder asked if they were anticipating turning this addition into classrooms later down the road.
Mr. Neiworth stated it is a physical education space with basketball hoops and a gym floor. It is a tall one story building to accommodate the ADA elevator.

STAFF REVIEW:
Zoning & Development Manager Carraway reviewed the request. She explained this is a request for a non-conforming building expansion to allow the addition of a multi-purpose building to the existing Bickel Elementary School on property located at 607 2nd Avenue East. The property is 2.4 (+/-) acres and is zoned R-6; multi-family residential designation. Bickel Elementary School has been at this location since 1905. City Code 10-3-4 defines non-conforming buildings or uses as: "a building or use made nonconforming but which was lawfully existing or under construction at the time of adoption." In order to add to an existing legal non-conforming building it requires a public hearing before the Planning & Zoning Commission. The front yard building setback requirement in the R-6 zone is (20') from the property line on each street that the building is adjacent to. The current building

encroaches 4 ½ feet into the setback on 2nd Avenue East and 10+feet along Liberty Street East.
As per City Code 10-3-4 this property is considered a legal non-conforming property as the current building encroaches into the front yard setback along both 2nd Avenue East and Liberty Street and existed prior to adoption of this code. The proposed new addition is 4,165 sq ft and is stated to be a multi-purpose building for indoor physical education uses. The site plan shows the addition does not encroach farther into the front yard setback area. Approval of this request will require a complete review by the building inspection department for full compliance with minimum development standards prior to issuance of a certificate of occupancy there should be minimal impacts to surrounding properties if this request is approved.

Zoning & Development Manager Carraway stated upon conclusion staff has reviewed this request and recommends the following condition(s) be placed on this request, if granted:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. No new building construction to encroach further than the existing building line into the required front yard building setback of (20') from the property line along 2nd Avenue East.

PUBLIC HEARING: OPENED
Linda Bancroft, 561 3rd Ave E, stated she has lived at this residence for more than 20 years. Throughout this time there has been a problem with parking. Her concern is if this building will be open to the public. Liberty Street East already has an issue with parking because the residents along this area have to park on the street because they have no driveways. The other issue is that the police officers use this street as a thoroughfare for responding to calls so speeding is also a concern.

CLOSING STATEMENTS:
Mr. Neiworth stated there is a possibility that the gym could be used for recreation after hours however the gym doesn't have any bleachers and could not accommodate a crowd of people.

DELIBERATIONS FOLLOWED:
Commissioner Stroder asked if there were any provisions that could be made for this situation such as limiting parking during certain hours.
Assistant City Engineer Collins stated this could be reviewed however this is an old town-site and there is not really any way to expand parking on the street. It is an old part of town and what could be made available is already there.
Commissioner Munoz stated he thinks this is going have a minimal impact and it the space is used after hours there won't be any more parking used than what is used during the day. If it doesn't have bleachers then it won't accommodate a crowd.
Commissioner Bohrn stated that the school has needed a place for indoor recreation for the kids. This project is absolutely necessary.
Commissioner Stroder stated that the use of the space will most likely be used when school is out and it will be a trade off on the parking; she doesn't have any issue with the request.

MOTION:
Commissioner Bohrn made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. No new building construction to encroach further than the existing building line into the required front yard building setback of (20') from the property line along 2nd Avenue East.

Commissioner Mikesell returned to his seat.
Commissioner Lezamiz returned to her seat.

5. Consideration of the revocation of Special Use Permit #0974 granted on April 26, 2006 to Andrew Stephens Auto Group, for auto sales on property located at 405 Main Avenue East c/o the City of Twin Falls (app. 2207)

APPLICANT PRESENTATION:
Zoning & Development Manager Carraway stated on March 31, 2006, Mr. Andrew Stephens submitted a Special Use Permit application to operate a vehicle sales business at 405 Main Avenue East. In Mr. Stephens' application he included a letter of request stating that his goal was to "Run a small, low profile dealership, operated by myself and no other employees or partners." Also included was a site plan which indicated an existing 4200 sq ft building of which Mr. Stephens would only be renting 1400 sq ft. Also on the site plan it was indicated that from the back of the sidewalk along main avenue east there was a total of five (5) parking spaces indicated as "parked inventory", Main Avenue East was shown as being "blocked" and there was a one-way traffic flow area indicated off of Jerome Street East.

The public hearing was held on April 25, 2006. In Mr. Stephens' presentation to the Planning & Zoning Commission he stated the five stalls shown on the site plan as "parked inventory" would be his total inventory. The commission questioned that if the permit was approved as presented would the applicant be able to increase inventory on site. Staff stated to do so would require an amendment to the permit if the applicant wished to increase to more than five vehicles.

In the staff presentation and staff report it was indicated that this request was a change of use of the building from a service business to a retail business and full compliance with minimum required improvements and development standards would be required as part of the building department review for a Certificate of Occupancy. As there was not any landscaping shown on site, compliance with landscaping requirements would also be reviewed. The commission was made aware that the property was located within the CB zone with a P-1 parking overlay. City code 10-10-4(a), states, within the P-1 parking overlay "there is no off-street parking required for outright permitted uses, but may be required through the Special Use Permit process." Staff also stated that there was no curb, gutter or sidewalk along Jerome Street East and that a deferral agreement for future development of curb, gutter, and sidewalk would be appropriate. A discussion ensued by the commission regarding an alternative landscape plan that may include potted or permanent plantings, and the cost of improvements on a small project like this.

Upon conclusion of the March 31, 2006 public hearing the commission unanimously approved the request for a Special Use Permit, as presented subject to three conditions:

1) Property used in business is to comply with all Building, Engineering, Fire and Zoning requirements.
2) Block the access to Main Avenue East.
3) Approval of an alternative landscaping plan as presented.

On August 9, 2006 Mr. Stephens was sent a letter which included Special Use Permit #0974 and the approved Findings of Fact, Conclusions of Law and Decisions. There is no indication that the building department has been contacted about the change of use for the building. In April of 2007 the City of Twin Falls received complaints that the sidewalk was being blocked by cars at 405 Main Avenue South. Stephens Auto Group was contacted and informed that cars can't be pulled up over the sidewalk and the cars would need to be moved immediately. The cars were moved within (2) two days. This property was again brought to the City's attention when a Special Use Permit application was made in November 2007 to establish an automobile sales business on the vacant lot directly across the street from Stephens Auto - on the northwest side of Jerome Street. That applicant had questions on site development requirements and referenced the Stephens Auto Group site because it didn't appear that they had to meet the same requirements that he was being told he needed to meet, such as landscaping. The Stephens application, SUP #0974 and the history of the site was reviewed at that time. Mr. Stephens was contacted by a Code Enforcement Officer regarding the parking issues on the property, the number of vehicles on site and the lack of landscaping. Mr. Stephens and one of the other tenants in the building have contacted the Planning and Zoning Office and inquired about the current violations and process to amend his Special Use Permit. They were informed that a Special Use Permit application would need to be submitted to the Planning and Zoning Department by Tuesday, January 22, 2008 or action to consider revocation would be taken.

City code section 10-13-2.3 provides a procedure for revocation of permits. Specifically, 10-13-2.3(a) 2 provides that a permit can be revoked "for violation of supplementary conditions, safeguards and/or restrictions imposed by the City Council or the Planning & Zoning Commission at the time the permit was granted." A petition for revocation may be initiated by adoption of a motion by the Commission, City Council or by the filing of a petition by an aggrieved person. On February 12, 2008 the Commission approved a motion to proceed with a public hearing for revocation of Special Use Permit #0974. As of today's date it appears the Stephens Auto business has discontinued, however, staff would like to proceed with the revocation of the Special Use Permit. If the Commission does approve the revocation this evening the Commission's action may be appealed to the City Council.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT ANY PUBLIC INPUT.

DELIBERATION FOLLOWS:
Commissioner Munoz stated the request makes sense and seems straight forward.

MOTION:
Commissioner Bohn made a motion to approve the request as presented. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED

B: CONSIDERATION ITEMS:

1. Consideration of the request for an extension of the preliminary plat of the North Pointe Park PUD Subdivision, 15.40 (+/-) acres with 9 lots, located north of Cheney Drive West, south of Pole Line Road and west of Parkview Drive, extended, c/o Gerald Martens/EHM Engineers, Inc. on behalf of Pole Line Properties, LLC. **WITHDRAWN TO BE RESCHEDULED**

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW: NONE

III. APPROVAL OF MINUTES: NONE

IV. DATES OF UPCOMING PLANNING & ZONING COMMISSION MEETINGS:

A. WORK SESSION- MARCH 18, 2008
B. PUBLIC HEARING- MARCH 25, 2008

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING AND DEVELOPMENT MANAGER AND THE PLANNING ZONING COMMISSION: NONE

VI. ADJOURN MEETING:

Chairman Younkin adjourned the meeting at 7:10 p.m.

CITY OF TWIN FALLS
PLANNING & ZONING COMMISSION
CITY COUNCIL CHAMBERS
305 3RD Avenue East Twin Falls, Idaho
Work Session: March 18, 2008 12:00P.M.
Public Hearing: March 25, 2008 6:00 P.M.

MINUTES

PLANNING & ZONING COMMISSION MEMBERS:

City Limits:
Wayne Bohrn, Bonnie Lezamiz, Gerardo Muñoz, Bernice Richardson, Karen Stroder, Cyrus Warren **Vice-Chairman**, Carl Younkin **Chairman**

Area of Impact:
Lee DeVore, R. Erick Mikesell

ATTENDANCE

PLANNING AND ZONING MEMBERS:

Present	Absent
Bohrn	Lezamiz
Lezamiz	
Munoz	
Richardson	
Stroder	
Warren	
Youkin	

AREA OF IMPACT MEMBERS:

Present	Absent
Devore	
Mikesell	

CITY COUNCIL MEMBERS PRESENT: Heider, Kezele

CITY STAFF PRESENT: Carraway, Collins, Jones, Weeks, Wonderlich

AGENDA ITEMS FOR PUBLIC HEARING AND CONSIDERATION

I. CALL MEETING TO ORDER:

A. PUBLIC HEARING ITEMS:

1. Request for a Non-Conforming Building Expansion to allow for the expansion of a warehouse to an existing Non-Conforming Building and also request for a Variance to allow less than the required number of parking spaces and less than the required square footage of landscaping on property located at 3785 North 3200 East a/k/a Hankins Road South within the City's Area of Impact, c/o Cary D Moser dba Moser Machine Shop. (app. 2190)

2. Request for a Special Use Permit to operate an automobile sales business in conjunction with an existing automobile service and repair business on property located at 712 Main Avenue South, c/o Anything Auto Sales, LLC. (app. 2211) **RESCHEDULED FOR THE APRIL 22, 2008 PUBLIC HEARING**

B. CONSIDERATION ITEMS:

1. Preliminary presentation for a PUD Modification of the Lighthouse Christian Fellowship PUD to allow for a PA system to be used for all outside home football games and outside events and to allow outside lighting to be utilized for night games, parking lots and storage area on property located at 960 Eastland Drive, c/o Lighthouse Christian Church. (app 2212)

2. Consideration for initiation of the revocation of Special Use Permit #0364, granted to Gary Nelson on January 25, 1994 for the purpose of operating an auto sales and repair shop on property located at 404 Shoshone Street West, c/o City of Twin Falls. **WITHDRAWN**

I. CALL MEETING TO ORDER:

A: PUBLIC HEARING ITEMS:

1. Request for a Non-Conforming Building Expansion to allow for the expansion of a warehouse to an existing Non-Conforming Building and also request for a Variance to allow less than the required number of parking spaces and less than the required square footage of landscaping on property located at 3785 North 3200 East a/k/a Hankins Road South within the City's Area of Impact, c/o Cary D Moser dba Moser Machine Shop. (app. 2190)

APPLICANT PRESENTATION:

Carey Moser, the applicant stated he is here tonight to request the approval of a non-conforming building expansion and for the approval of a variance as it relates to landscaping and parking requirements. He stated that there are currently 15 parking spaces on the site now. He stated he went out on Hankins Road where they have been parking since the original owners; there is parking just like this at Agri-service. He stated that there is not much landscaping along this piece of property but he also has seen that Agri-service has a fair amount of landscaping along the Kimberly Road frontage however along the Hankins Road there is not anymore landscaping then Moser's Machine Shop. He has tried to expand any way possible without success. Currently he has a new machine that is sitting outside that cost him $40,000 and it is waiting for a place to go. This is not a retail business it is a metal fabrication shop that employs 8 people and is asking for this variance in order for him to expand and grow his business.

P&Z QUESTIONS/COMMENTS:

- Commissioner Munoz asked if the total number of employees includes management.
- Mr. Moser stated that with management there are 9 employees.
- Commissioner Lezamiz asked if the total number of spaces on the site plan include the spaces shown in the photos.
- Mr. Moser stated that the site plan doesn't show the additional eight spaces on the front along the street in the photo.

STAFF REVIEW:

Zoning & Development Manager Carraway reviewed the request using overhead projections. The property in question is zone M-2; heavy manufacturing and is within the City's area of impact. The site is located at 3785 North 3200 East (a/k/a Hankins Road South). The applicant explained that he operates Moser Machine Shop a metal fabrication shop; to operate a metal fabrication shop in the M-2 zone is a permitted use. The applicant is requesting two separate zoning approvals. Each request will require a separate motion. The zoning requests this evening are for a non-conforming building expansion permit and for a variance permit.

The first part of the request is for a nonconforming building expansion permit;
City Code 10-3-4 defines non-conforming buildings or uses as: "a building or use made nonconforming but which was lawfully existing or under construction at the time of adoption." In order to add to an existing legal non-conforming building it requires a public hearing before the Planning & Zoning Commission. The applicant wishes to add 1800 sq ft to an existing 6,311 sq ft building. The building setback requirements in the M-2 zone are (35') from the front property line or (93') from the centerline for arterial streets – whichever is greater. Hankins Road South is considered a major arterial. The existing building is at 15' from the property line which means it encroaches (20') into the 35' front yard building setback and is at 40' from the centerline of Hankins Road South which means it encroaches 53' into the 93' from centerline building setback on Hankins Road South. The site plan shows that the proposed addition will

not encroach any further into the 35' front yard building setback however, the proposed addition will encroach 21' into the 93'centerline building setback on Hankins Road South.

The second part of the request is for a variance;
City Code 10-13-2.1(a) defines a variance as: "a modification of the requirements of this title as to lot size, lot coverage, width, depth, setbacks- front yard, side yard or rear yard, parking space, height of buildings or other title provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots and public ways." As per city code 10-13-2.1(b) the Commission may authorize in specific cases such variance from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship. No nonconforming use or neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this title would result in unnecessary hardship or the loss of a building or site that is on a national, state or local register of historic places or sites. The addition, as proposed, will be a 28.5% expansion. As per city code 10-11-1 any addition greater than 25% shall be required to comply with improvements as per City Code 10-11-2 thru 5. Those improvements include landscaping, parking, screening and streets. The applicant is requesting a variance to allow less than the required number of parking spaces and to allow for less than the required percentage of landscaping on the property. City Code 10-10-3 states parking requirements for a manufacturing use is to be determined by the administrator. The highest ratio's for parking is warehousing which is 1 space per 400 sq ft or retail uses for large equipment which is 1 space per 600 sq ft. The city has historically required no less than 1 parking space per 400 sq. ft. for a manufacturing use. The existing building is 6311 sq. feet which requires16 parking spaces + 1800 sq. ft. addition for a total of 8,111 sq ft requiring which would require 20 parking spaces under the warehousing ratios. The site plan currently shows 10 parking spaces. City Code 10-4-10.3(f) M-2 zoning district - requires a minimum of 2 sq ft per lineal foot of frontage for landscaping. This property has 157 lineal feet of frontage for a minimum landscaping requirement of 314 sq ft. The site plan shows an area of landscaping that does not appear to meet the minimum requirement. City Code section 10-13-2.1(c) 4 sets forth five (5) standards which must be met in order for a variance to be granted. The Commission must find that the requested variance conforms to all five of the following standards in order for the commission to approve a request for a variance.

The five (5) standards are as follows:

A. 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.

B. 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.

C. That special conditions and circumstances do not result from the actions of the applicant.

D. 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.

E. 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.

Zoning & Development Manager Carraway stated upon conclusion on the request for a non-conforming building expansion permit:
Should the Commission grant the request for a non-conforming building expansion, as presented, approval should be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. No new building construction to encroach further into the required centerline building setback than the proposed expansion, as indicated on the site plan, and shown as 72' from the centerline of Hankins Road South.
3. Subject to additional right-of-way on Hankins Road South dedicated to the City.
4. Subject to approval of the requested variance to meet or exceed conditions of approval.

Zoning & Development Manager Carraway stated upon conclusion on the request for a variance staff does not believe the application meets the criteria for a variance, but should the commission grant the request for a variance, as presented, approval should be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to ten (10) parking spaces, 8 employee spaces, 2 customer (1 of which would be handicapped), being provided on site and in compliance with minimum standards as per City Code10-10-1 thru 3.
3. Subject to a landscaping plan submitted with building plans that is in compliance with minimum standards as per City Code 10-4-10.3(f) and 10-11-2.

P&Z QUESTIONS/COMMENTS:

- Commissioner Lezamiz asked it the recommendation was for an additional 10 spaces or if 10 was the total number of spaces.
- Zoning & Development Manager Carraway stated 10 would be the minimum number of spaces required.
- Commissioner Stroder asked if that total includes the parking on Hankins Road.
- Zoning & Development Manager Carraway stated it does not include the illegal parking area along Hankins Road.
- Zoning & Development Manager Carraway stated it does not include the illegal parking area along Hankins Road.
- Commissioner Munoz asked if the landscaping could be placed in the location shown in the photos as parking.
- Zoning & Development Manager Carraway stated yes this could be a possible location for additional landscaping.

PUBLIC HEARING: OPENED

Jack Miller stated the applicant has invested $40,000 on a piece of equipment that needs to be moved into the proposed building. As you have heard it has been impossible for him to expand his property but he needs to expand his business. He stated as an employer Mr. Moser needs to do the best that he can with the equipment available and the machine he has purchased will help. He asked that the Commission approve the request.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:
Carey Moser stated that he would like to state that he does try to keep up with the Machine Industry and he doesn't have any intent in letting any employees go. His intent is to expand the amount of business. He doesn't understand why with this request he has to give up the parking he need that space, if he needs to provide on site parking he will. He wasn't aware making this building small would have prevented this process.

DELIBERATIONS FOLLOWED:

- Zoning & Development Manager Carraway stated for clarification this building is a non-conforming building any kind of expansion would require a minimum standard be met regardless of whether of not is was greater or less than 25%. The parking on Hankins Road South is not legal. A change to a property use located along this arterial would trigger the property being brought into compliance.
- Commissioner Munoz stated that the non-conforming building is not the biggest issue for him and the addition is further back than most of the other buildings.
- Commissioner Stroder stated that the encroachment is not as big a deal to her and that she would hate to cause financial hardship because his other building encroaches further than this addition.
- Commissioner Younkin stated that it sounds as though the applicant has made efforts to expand and purchase more land to accommodate his growth and that his inability to do this should be taken into account. He stated he understands the points made by the applicant and doesn't have a problem with this request.
- Commissioner Warren stated that he agrees that it is not easy for him to expand on the property he has and that he has a piece of equipment that needs to be housed.

MOTION:
Commissioner Warren made a motion to approve the request for a non-conforming building expansion permit as presented with staff recommendations. Commissioner Lezamiz seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. No new building construction to encroach further into the required centerline building setback than the proposed expansion, as indicated on the site plan, and shown as 72' from the centerline of Hankins Road South.
3. Subject to additional right-of-way on Hankins Road South dedicated to the City.
4. Subject to approval of the requested variance to meet or exceed conditions of approval.

DELIBERATIONS FOLLOWED:
Commissioner Warren stated that he has heard many requests for variance over the past few years and that this request is the closest to meeting the requirements he has seen.
Commissioner Munoz stated he has no issue with the variance either and agrees with the staff recommendations. He stated that requesting 20 parking spaces would create a hardship but 10 spaces are reasonable.

MOTION:

Commissioner Munoz made a motion to approve the request for a Variance as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to ten (10) parking spaces, 8 employee spaces, 2 customer (1 of which would be handicapped), being provided on site and in compliance with minimum standards as per City Code 10-10-1 thru 3.
3. Subject to a landscaping plan submitted with building plans that is in compliance with minimum standards as per City Code 10-4-10.3(f) and 10-11-2.

2. Request for a Special Use Permit to operate an automobile sales business in conjunction with an existing automobile service and repair business on property located at 712 Main Avenue South, c/o Anything Auto Sales, LLC. (app. 2211)

RESCHEDULED FOR THE APRIL 22, 2008 PUBLIC HEARING

B: CONSIDERATION ITEMS:

1. Preliminary presentation for a PUD Modification of the Lighthouse Christian Fellowship PUD to allow for a PA system to be used for all outside home football games and outside events and to allow outside lighting to be utilized for night games, parking lots and storage area on property located at 960 Eastland Drive, c/o Lighthouse Christian Church. (app 2212)

APPLICANT PRESENTATION:

Brent Whallen, electrical engineer, representing the applicant, stated he is here to request that the Commission recommend approval of their PUD Modification request. He reviewed the PUD Agreement item related to outside lighting, and sound systems. They would like to allow for a sound system for football games and outside events, and to have exterior lighting for these events, for the parking areas and for storage areas. He stated they would like to be able to have evening games and have a PA system that would assist the fans in knowing what is going on. The black area shown on the exhibit is a 300 person stand that will provide for sound directed at the audience. The location of the stand will be around the base of the PA system it would be directed at the stands and will not be used to project across the field. The lighting that will go in for the field is a minimum lighting system required for high school events. Four 60' high poles with 6 lights mounted at the top of the pole that project downward. The lights would not be like flood lights, they are specific to sports lighting with hoods that prevent the light from spreading out beyond the property.

P&Z QUESTIONS/COMMENTS:

- Commissioner Warren asked how many football games would occur in the evening.
- Nick Karavedas, Athletic Director, stated that in a typical season there are approximately 5 evening games.
- Commissioner Lezamiz asked if this field will be used by other schools.
- Mr. Karavedas stated that there could possibly be an increase in use. The games would be in the evening starting at 7:00 pm and would be over by10:00 pm; any other uses would not go past 10:00 pm.
- Commissioner Munoz stated that the concerns that are going to be brought up at the public hearing will be related to the sound projection and the light projecting on adjacent properties. To be prepared for the public hearing and to make the recommendation for approval easier he would like to see something that shows how

the sound will travel under normal circumstances and if there are any concerns with fall allowances in the City Code related to the 60' high poles. He knows that with antenna there are special requirements for them to fall but would like staff to see if this would apply to the light poles as well.

- Mr. Whallen stated that he could present an exhibit that can show the projection of sound over the field and can show how the light will project. He stated that he understands the concerns that the Commission may have related to this request and that the applicant wants to be a good neighbor.
- Commissioner Munoz stated that the recommendation would be easier to make if there are enforceable conditions related to decibel restrictions.
- Zoning & Development Carraway stated that if the applicant can submit a reasonable recommendation staff will consider this in their conditions submitted to the Commission.
- Commissioner Warren asked if there will be any room for bleachers to be on the other side of the field.
- Mr. Whallen stated that the property is very limited in size along the other side of the field and that the chance of putting bleachers on that side of the field is minimal.
- Commissioner Munoz stated this preliminary presentation is to help the applicant prepare for questions that may arise at the public hearing and these may be concerns that will come up at the hearing.

Zoning & Development Manager Carraway stated this is a preliminary presentation staff makes no recommendations' at this time.

PUBLIC HEARING IS SCHEDULED FOR APRIL 8, 2008

2. Consideration for initiation of the revocation of Special Use Permit #0364, granted to Gary Nelson on January 25, 1994 for the purpose of operating an auto sales and repair shop on property located at 404 Shoshone Street West, c/o City of Twin Falls. **WITHDRAWN**

Zoning & Development she wanted to explain the reason this item was withdrawn. The staff reviewed the property and met with the owners; and the property has been brought into compliance with the conditions listed on the Special Use Permit. She stated as the Commission is aware this is still a property with a Special Use Permit and the owner is aware that if there are any other issues that come up in the future this Special Use Permit will be reviewed again. The property owners work hard with the staff to bring the property back into compliance with the conditions therefore the request for revocation was withdrawn.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW: NONE

III. APPROVAL OF MINUTES: NONE

IV. DATES OF UPCOMING PLANNING & ZONING COMMISSION MEETINGS:

A. WORK SESSION- APRIL 1, 2008
B. PUBLIC HEARING-APRIL 8, 2008

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

Zoning & Development Manager reviewed the items that were presented to the City Council March 24, 2008 that were reviewed by the Commission on February 26, 2008.

The request by the Boise Housing Corporation for a rezone to an R-6 PUD; was approved subject to the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to a parking analysis being submitted prior to final approval.
3. Subject to approval of a PUD agreement.
4. Atlantic Street adjacent to the property being rebuilt or built to current City standards upon future development or redevelopment of the property.

The second request for the annexation of 37 (+/-) acres located at 3250 Kimberly road was approved.

The third request for a Comprehensive Plan Amendment to from Urban Residential to Commercial/Retail was approved. Councilperson Hall made the motion to approve as presented with the statement that the Council strongly encourages the applicant to submit a PUD rezoning request. The motion passed with a vote of 6 to 1.

Zoning & Development Manager Carraway stated that prior to the public hearing on March 24, 2008 with the City Council staff acquired a draft of the recommended Comprehensive Plan Land Use Map changes and it did show that this area was being recommended for a mixed use.

VI. ADJOURN MEETING:

Chairman Younkin adjourned the meeting at 7:10 P.M.

CITY OF TWINF FALLS PLANNING & ZONING COMMISSION
CITY COUNCIL CHAMBERS
305 3RD Avenue East Twin Falls, Idaho
Work Session: APRIL 1, 2008 12:00P.M.
Public Hearing: APRIL 8, 2008 6:00 P.M.

MINUTES

PLANNING & ZONING COMMISSION MEMBERS:

City Limits:
Wayne Bohrn, Bonnie Lezamiz, Gerardo Muñoz, Bernice Richardson, Karen Stroder, Cyrus Warren **Vice-Chairman**, Carl Younkin **Chairman**

Area of Impact:
Lee DeVore, R. Erick Mikesell

ATTENDANCE

PLANNING AND ZONING MEMBERS:

Present	Absent
Bohrn	Muñoz
Lezamiz	
Richardson	
Stroder	
Warren	
Younkin	

AREA OF IMPACT MEMBERS:

Present	Absent
Mikesell	DeVore

CITY COUNCIL MEMBERS PRESENT: Heider, Kezele
CITY STAFF PRESENT: Collins, Jones, Weeks, Westenskow, Wonderlich

AGENDA ITEMS FOR PUBLIC HEARING AND CONSIDERATION

I. CALL MEETING TO ORDER:

A. PUBLIC HEARING ITEMS:

1. Request for a PUD Modification to allow a PA system to be used for home football games and outside field events and to allow outside lighting to be used to illuminate night games, parking lots and storage areas on property located at 960 Eastland Drive c/o Lighthouse Christian Fellowship (app. 2212)

2. Request for a Special Use Permit to construct and operate a professional office on property located west of the 450 block of Locust Street North c/o Mike Ajeti (app. 2214)

3. Request a Special Use Permit to construct a residential four-plex on property located at 1969 Shoup Avenue East c/o Kevin Bradshaw –Bradshaw Homes.net (app. 2215)

4. Request for a Special Use Permit to expand an existing daycare facility on property located at 1122 Washington Street South c/o Community Council of Idaho, MSHS (app. 2216)

5. Request for an amendment to Special Use Permit #0898, granted to the Twin Falls Urban Renewal Agency on November 9, 2004 by deleting condition #3 for property located at 621 Washington Street South c/o Twin Falls Urban Renewal Agency (app. 2217)

B. CONSIDERATION ITEMS:

1. Consideration of the request for a 1-year extension of the approval of the preliminary plat of North Point Park PUD Subdivision consisting of 15.40 acres (+/-) with 9 Commercial lots located west of Park View Drive, North of Cheney Drive and West of Pole Line Road c/o EHM Engineering on behalf of Pole Line Properties.

2. Preliminary PUD presentation requesting the Commission's recommendation for a Zoning District Change and Zoning Map Amendment from R-4 to CSI PUD, currently zoned R-4, for a proposed annexation of 71 (+/-) acres located on the north side of the 100-400 blocks of North College Road. c/o College of Southern Idaho (app. 2213)

3. Preliminary PUD presentation requesting the Commission's recommendation for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 PUD, currently zoned R-4, for a proposed annexation of 6.44 (+/-) acres located on the east side of the 500 block of Grandview Drive. c/o Gregg Olsen (app. 2220)

I. CALL MEETING TO ORDER:

A: PUBLIC HEARING ITEMS:

1. Request for a PUD Modification to allow a PA system to be used for home football games and outside field events and to allow outside lighting to be used to illuminate night games, parking lots and storage areas on property located at 960 Eastland Drive c/o Lighthouse Christian Fellowship (app. 2212)

Applicant Presentation:
Kevin Newbry, Lighthouse Christian Fellowship Superintendent, stated he is here to night to request a recommendation from the Commission for a PUD modification that will allow them to use their athletic ball field at night which will involve illuminating the field with 4 lights as well as a PA system for the games. The lighting system will consist of 4 (60') lights being placed at the 15 yard lines at each end and side of the field. The 15 yard line puts the lights at 75' away from the end zone and more than double the distance away from any structure other than their own fence line. The illumination at the south fence line the lights will have about 7 lumens and on the east fence line on the east where there are homes the lighting is down to about 4 lumens. They will also be covering the fence all the way across with siding as agreed in the previous PUD modification request so that it is solid. They are looking at the lighting to be necessary for approximately 8-12 nights a year the average number of home games is 5 a year plus there may be some miscellaneous events that would require lighting. In comparison to lighted fields, at the Frontier Fields there are approximately 130 nights that the lights are used so they feel 8-12 is a very minimal amount of use. As for the PA system the speakers are maxed out at 93 decibels as a comparison a conversation between two people is equal to 60 decibels, 3 people is 70 decibels, traffic along Eastland Drive averages about 80 decibels, and a heavy truck is 90 decibels. The goal is not to run the system at 93 decibels the last thing they want is distortion this decibel level does not include long range penetration. They want to be able to articulate what they are saying about a ball game. The speakers will be located by the stands and aimed towards the spectators so they can hear. They want to be a good neighbor but there has to be give and take. This property is going to be used all the time as a school and a church starting next year and there are going to be kids playing on the field throughout the year. He asked that the Commission make a positive recommendation to the City Council.

P&Z QUESTIONS/COMMENTS:

- Commissioner Warren asked if they could provide any comparison data for the lighting of the field as they did with the PA system.
- Mr. Newbry stated it is kind of that simple 4 lumens 4 candle power it's like lighting 4 candles there at the fence line and that would be the brightness of the light. Now in the field its 30-40 candle power spread across the field to light the field.
- Commissioner Richardson asked if the fixtures will be cast downward.
- Mr. Newbry stated yes they will be cast downward and there again the lights at the Frontier field are cast in every different direction but they are old. These will be using new technology and cast downward so that there isn't a lot of spray and

there will be very little bleed over because the lights dissipate as you go off the field.

- Commissioner Stroder asked as a comparison to the high school what will the lighting system look like.
- Mr. Newbry stated it is not going to be as complex as the high school that system is pretty massive and they have used that field for the last 3 years there won't be as much lighting. They will be using 4 lights with half the amount of lighting that is at the high school field.
- Commissioner Bohrn asked if the lighting was going to be a mercury vapor, a white light or an orange light because there is a great deal of difference in diffusion.
- Mr. Newbry stated he doesn't have that information but they can get that information.
- Commissioner Bohrn stated he didn't think it would be absolutely necessary he was just curious.
- Commissioner Richardson asked how far the sound will carry.
- Mr. Newbry stated the high school speakers are directed outwardly and the ones we want to install will be directed toward the crowd they are not meant to be used for the players on the field to hear.
- Commissioner Bohrn asked if there will be any bleachers along 9th Avenue East.
- Mr. Newbry stated to have bleachers on the other side of the field would require the removal of the fence and they would have to be temporary.

STAFF REVIEW:

Planner I Westenskow stated that this a request for PUD modification to allow a PA system to be used for home football games and outside field events and to allow outside lighting to be to illuminate night games, parking lots and storage areas on the property located at 960 Eastland Drive. She reviewed the request using overhead projections. The property is zoned C-1 PUD the property was initially rezoned through a process in 1994 to be rezoned to a C-1 PUD to allow for a lumber yard for Anderson Lumber. In 2003 the property was also reviewed for a PUD modification for a project that wasn't completed. In 2007 Lighthouse Christian Fellowship came through for PUD modification request to allow for a religious and educational facility. The modification that was approved a year ago had a condition that no open air public address systems or lighting be allowed for athletic football fields at that time and if this was something they wanted to do later they would have to come back through the process for a PUD modification request. Since the time of approval they have been working with the building department on development of the property. There was a preliminary presentation that was held on March 25, 2008. They are requesting to modify the wording of the PUD Agreement to allow outside lighting to be used to illuminate all outside night games, parking lots, and storage areas lighting shall be directed to the interior of this PUD thereby decreasing glare to adjacent properties. The applicant presentation explained the specifics related to the lighting and the PA system. City Code 3-6-9 does state no sound or noise shall commence earlier than 10:00 am and shall not continue later than 10:00 pm. There is not a specification in City Code regarding pole heights and restrictions.

Planner I Westenskow stated upon conclusion staff has reviewed this request and recommends the following condition(s) be placed on this request

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. During outside events noise level is not to exceed 78 decibels at any point outside property lines.

3. No Public Address System shall commence earlier than ten o'clock (10:00) A.M. or continue later than ten o'clock (10:00) P.M. on any day of the week.
4. Field lighting to be turned-off no later than 10:00 P.M. and all outside lighting to be positioned so that it eliminates glare to adjacent properties.

Commissioner Stroder read into the record a letter from Eric & Maggie Watt regarding this request filed with the application.

PUBLIC HEARING: OPENED

- Marline Burnet, 2195 Alta Vista Drive, stated that she has concerns about lighting, noise and traffic as well as enforcement related to these issues. She asked if an impact study could be done before there is any kind of approval of this request.
- Christine Hernandez, 2314 9th Ave E, stated she is concerned with traffic that parks along 9th Avenue East to watch the games from their car, the lighting and the noise. She stated they have so much noise from the property now that interferes with the neighborhood. She asks that the Commission not approve this request.
- Brad Williams, 790 Hollyann Court, stated he is concerned with the distance that the sound will carry. Aiming the sound north will echo, aiming them at the residential area would not work and he asked that the sound be directed downward. The lighting will be difficult to control and he doesn't see reassurance that this will be addressed. The other concern is the events that are held on the field are being observed from cars that are parked along 9th Ave East which makes it a safety concern for making a turn from 9th Ave East. There should also be a limit to the number of events that can be held there at night as well.
- Travis Pierce, 878 Hollyanne Court, he stated the lights located at the 15 yard line will be shining onto his property. He is concerned about the other field events. His experience is that when football is in season the practices done on the field and lighting is used later into the evening. The concern he has with other events is the use of the PA system and asked that there be some restrictions on the use of the system. The lights used by Anderson lighting were aimed down and still lit the houses and yard of the residents. He asked that an impact study be done and that the use of the field be limited to sports only.
- David Mead, 2045 Hillcrest Drive between Eastland and Sunrise, he has lived here in Twin Falls 50 years. He stated that he use to live close to Harmon Park and the sound and light carried from that field approximately 5 blocks. He then moved to Grant Avenue and could hear the High School. Then they moved to Hillcrest ¾ of mile from the High School and can still hear things. City Park down town when there are activities going on he can still hear things going on in the City Park. K-mart use to have a PA system that would carry all the way through the parking area and the City finally made them take the system down because of the disturbance to the neighbors. The problem is that the City will not enforce the laws. The only way to get things to change is to call constantly. In the past the Police Station has stated that they will not address the noise because the City Council has approved the event. He is disturbed with even having a field there and is concerned with how often the field will be used. He wonders why they can't use the football field at the High School. The concerns that have been brought up tonight are a real concern; there is not going to be anyone around to measure the decibels of the lights, enforce the restrictions and the field is not necessary.
- Ron Heath, 668 Cento Court, stated he appreciates the valid concerns that have been brought up tonight. He stated he is the administrator for the school and would like to make it clear that change occurs. He wants to refer to the positive changes that are taking place at this facility. They desire to have the neighbors come and be welcome and don't want to create animosity amongst the neighbors. They plan to

use today's technology to provide lighting and sound to the field. The light poles are not designed to project over a huge space and the sound system is going to be used to address the crowd in the stands. The funding that they have may or may not allow for more than two speakers. The lighting is for a concentrated area and in order to use the PA system for a special event that would require a Special Use Permit for which they would go through the proper channels. The intent is to eliminate intrusive issues that are a concern. The parking along 9th Ave E shouldn't be occurring and he wouldn't be opposed to having a no parking sign along this street. This is the home for the school and to have to go to another field to play a home game would be very disappointing. If there has to be a change in the fence, they will follow meet the set conditions however the plan is to be a good neighbor.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:
Mr. Newbry stated that while the parking lot was being paved people could have been using 9th Avenue to park and watch the games and he apologized if that is what happened. As for the lighting there have not been any additional lights added to the property and in fact they have removed a couple of lights since they started using the building so he is not sure what additional impacts the lights have made.

DELIBERATION FOLLOWS:

- Commissioner Richardson stated she is concerned as to what the neighbors have for recourse if the lighting and noise becomes an issue.
- Commissioner Stroder stated that this request is going to have an impact on the surrounding neighbors and it is going to be negative. . She feels the reason this was no part of the original request is because the applicant knew it might not pass. She stated she has to give a real consideration to the neighbors that were there before the school and church
- Commissioner Warren stated that with today's lighting technology the lights can be projected to where the light can spread across the property and not onto adjacent areas. He has a problem with denying the request because there are going to be other schools that will be asking for lighting and speakers as well.
- Commissioner Bohrn stated he does know the history of the property and he thinks that the lighting will still impact the neighbors as for the PA systems there are drop of decibel systems that can keep the noise from traveling beyond where it is directed. The specs don't indicate that this is the type of system that is going to be used and he would have a difficult time recommending approval for this request.
- Commissioner Mikesell stated he could be in support of this request if there were a limit to the number of events per year and have the lights set on a timer to go off at a certain time. If they want to have more than the specified numbers of events require a Special Use Permit or Special Events Process. Twin Falls is growing and these are going to be some of the same concerns for the residents in other areas of town and allowing one school to have a similar set up and not allowing another to have the same thing is not reasonable.
- Commissioner Lezamiz stated it is a shame that we can't test or see the effects form the lighting and the speakers. She does think that limitations on events should be restricted. She sympathizes with the neighbors but that Twin Falls is growing and the growing pains are going to be felt by everyone.
- Commissioner Younkin stated his concern is that a field was put into a place that was not designed for a field and the reason there are no bleachers on the other side of the field is because there is no space. As Commissioner Stroder stated earlier this was not part of the PUD Amendment request last year because it may have prevented

the request from passing. He is sure that the school will assign someone to monitor the PA system and that the lights can be funneled. This building was not designed to be a school or to have a football field so it is going to impact the area. He thinks that they will do a good a job and be a good neighbor. He also agrees that it would be difficult to deny this school something that other schools already have. He does agree with the neighbors and the other commissioners but he would be willing to vote in favor of the request to give them the opportunity to be a good neighbor.

- Commissioner Warren asked about the no parking signs being put on 9th Ave E
- Planner I Westenskow stated they would have to request this change and it would have to be approved by Council.

MOTION:
Commissioner Warren made the motion to approve the request with staff recommendation with an additional condition, that the number of outside night events be limited to 12. Commissioner Stroder seconded the motion. Roll call vote showed a voting outcome of 4-3 with Commissioners Warren, Younkin, Lezamiz and Mikesell voting in favor and Commissioners Richardson, Stroder and Bohrn voting against the motion.

RECOMMENDED FOR APPROVAL AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS WITH AND ADDITIONAL CONDITION AS STATED IN THE MOTION

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. During outside events noise level is not to exceed 78 decibels at any point outside property lines.
3. No Public Address System shall commence earlier than ten o'clock (10:00) A.M. or continue later than ten o'clock (10:00) P.M. on any day of the week.
4. Field lighting to be turned-off no later than 10:00 P.M. and all outside lighting to be positioned so that it eliminates glare to adjacent properties.
5. Subject to the number of outside night events being limited to 12 per year.

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING MAY 12TH, 2008

2. Request for a Special Use Permit to construct and operate a professional office on property located west of the 450 block of Locust Street North c/o Mike Ajeti (app. 2214)

APPLICANT PRESENTATION:
Gerald Martens, EHM Engineering, representing the applicant stated Mr. Ajeti has a piece of property for which he would like to build a professional office building on. At the previous hearings the plan was presented and this request is for the building to be constructed. He would like clarification for the on-sight personal storage and the restrictions for staffing requirements listed in condition number 4. He stated he doesn't understand the intent and is asking for some clarification.

STAFF REVIEW:
Planning Technician Weeks reviewed the request using overhead projections. She stated the site is located in an R-6 PRO zoning district. In this zoning district, a professional office requires a special use permit. The request is to construct and operate a professional office. The applicant does not have confirmed tenants for the proposed office building. There are several services permitted by special use permit in the professional office overlay zone such as beauty salons/barber shops and commercial daycares and preschools that may require further review. If the commission grants this request this evening they may wish to limit the permitted uses to professional services as defined in

City Code 10-2-1 whom are persons engaged in the legal, engineering, architectural design, planning, accounting, banking and/or auditing businesses. If approved the building would have to meet lot occupancy, building height, parking and property line setbacks. The setbacks in the R-6 PRO zoning district are 20' from the front, 15' from the rear property line and 5' on the sides. A professional office is required to provide a minimum of 1 parking space per 300 sq ft, provide on-site storm water retention and the site is to provide landscaping equal to a minimum of 10% of the total lot area. The site plan appears to meet these requirements. The narrative states the facility will operate during normal business hours. The code does not limit hours of operation in the professional office overlay. The commission may wish to place a condition that limits the hours of operation for professional services at this site. Approval of this request will require a complete review by the building inspection department for full compliance with required improvements, as per City Code 10-11-2 thru 9 and for development standards, as per 10-4-6.3 prior to issuance of a Certificate of Occupancy and may require other site improvements. The request is in compliance with the comprehensive plan which designates this area as commercial/retail.

Planner Technician Weeks stated upon conclusion staff has reviewed this request and recommends the following condition(s) be placed on this request:

1. Subject to professional services only, as defined in City Code 10-2-1
2. Construction of curb, gutter and sidewalk on Locust Street North
3. Dedicate an additional 12' of right-of-way on Locust Street North
4. Hours of operation shall be 7 am to 9 pm. Each tenant to have on-site staff a minimum of 4 hours per business day
5. No personal storage allowed on-site
6. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

P&Z QUESTIONS/COMMENTS:

- Commissioner Stroder asked what the intent was for requiring on-site staff for a minimum of 4 hours per business day.
- Planner Technician Weeks stated that in the past there have been requests for businesses approved through this process and the site have just become a personal storage area with no staff on-site and there is not actually a business occurring on the property.
- Commissioner Warren asked if the no personal storage was referring to a person bringing their own personal items on-site and storing them. He would like some clarification.
- Planner I Westenskow stated that there is an allowance for storage related to the business but not an allowance to use the professional or commercially zoned property for personal storage of items. As for the 4 hour minimum requirement was to ensure that a business is being performed from the property.
- Commissioner Younkin asked if there could be clarification related to storage that the condition could state no outside storage of personal property.
- Planner I Westenskow stated that these are staff recommendations and the Commission can amend them if they choose.

PUBLIC HEARING: OPENED

Eric Anderson, 1586 Filer Avenue East, resides across from the High School parking lot and stadium. He stated the noise related to the school is the sound of life. He stated that he

would like state that a professional office would be an excellent us of this site boarded by an accounting firm now and a livestock trucking facility. He is in support of this request.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:
Mr. Martens stated that he would agree to the condition related to storage of personal items worded as no outside storage. He would also like clarification of the professional services restriction and stated that this is a very narrow allowance. He stated that there are quite a few other professions that are not listed that would consider themselves professional that may find a use for this facility and would ask that the Commission consider expanding the allowed uses to include other types of professional services beyond what is listed in the staff recommendations.

DELIBERATIONS:
- Commissioner Bohrn asked for clarification if we do set this at defined by 10-2-1 then any other uses would have to be applied for under a Special Use Permit request.
- Planner I Westenskow stated yes and explained that the way that the professional office overlay is a listing of uses that require a Special Use Permit. The staff recommendation is specific to professional services as defined in 10-2-1 and there are other uses that are allowed by Special Use Permit in the professional office overlay. The way this condition reads is that anything outside of professional services would require a Special Use Permit but there have been cases where the Commission has approved Special Use Permits that cover all of the uses listed under the professional office overlay.
- Commissioner Mikesell stated he has passed this lot for many years and this is a great use for this area.
- Commissioner Stroder stated that this would be an improvement to what is there now. She would like to see them have some stipulation about making sure there are businesses occurring on the property. She thinks that this would be limiting.
- Commissioner Lezamiz stated that she agrees and she hates to see people come for a Special Use Permit because there is a delay involved.
- Commissioner Younkin asked for clarification from the City Attorney.
- City Attorney Wonderlich stated that he was reviewing the Special Uses listed under the professional overlay. These uses are divided into medical services and then services that include Beauty Salons/barbershops, consumer credit collection, employment agency, finance and investment office, insurance and related business, professional services, real estate and related business, and commercial daycare facilities and preschools. The additional uses listed are residential and retail trade so the Commission may want to restrict it to medical facilities and services listed as special uses in the professional office overlay district which would exclude the residential and retail trade.

MOTION:
Commissioner Lezamiz made a motion to approve the request as presented with staff recommendations with the exception to condition #1 that it be subject to professional services, medical facilities and all services listed as special uses in the professional office overlay district. Commissioner Bohrn seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS WITH CONDITION #1 AMENDED AS STATED IN THE MOTION

1. Subject to professional services, medical facilities and all services listed as special uses in the professional office overlay district.
2. Construction of curb, gutter and sidewalk on Locust Street North
3. Dedicate an additional 12' of right-of-way on Locust Street North
4. Hours of operation shall be 7 am to 9 pm. Each tenant to have on-site staff a minimum of 4 hours per business day
5. No personal storage allowed on-site
6. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

3. Request a Special Use Permit to construct a residential four-plex on property located at 1969 Shoup Avenue East c/o Kevin Bradshaw –Bradshaw Homes.net (app. 2215)

APPLICANT PRESENTATION:
Kevin Bradshaw requesting a SUP at 1969 Shoup Avenue East stated he presented this previously and it was denied. He has made some changes to the plan to alleviate the concerns of the neighbors. He stated the building design is the same however the storage building shown on the site previously has been removed. There will be storage for lawn and maintenance equipment and some space for tenants to store some additional items. Since the last meeting he stated he has added more parking spaces to address the concerns of the Commission. He is here to ask for approval of his request.

STAFF REVIEW:
Planning Technician Weeks stated this site is located in an R-4 zoning district. In this zoning district, four-plexes require a Special Use Permit. The request is to construct one (1) new four-plex. Each unit will have a one (1) car attached garage. If approved the building would have to meet lot occupancy, building height, parking and property line setbacks. The setbacks in the R-4 zoning district are 20' from both the front and rear property line and 5' on the sides. A four-plex is required to provide a minimum of 2 parking spaces per dwelling unit, provide on-site storm water retention and the site is to provide landscaping equal to a minimum of 10% of the total lot area. The site plan appears to meet these requirements. Approval of this request will require a complete review by the building inspection department for full compliance with required improvements, as per City Code 10-11-2 thru 9 and for development standards, as per 10-4-5.3 prior to issuance of a Certificate Of Occupancy and may require other site improvements. The request is in compliance with the comprehensive plan which designates this area as urban residential.

Planning Technician Weeks stated upon conclusion staff has reviewed this request and recommends the following condition(s) be placed on this request

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. No personal storage allowed on-site, including but not limited to campers, boats, travel trailers, motorcycles, etc.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC COMMENT

DELIBERATION FOLLOWS:

- Commissioner Stroder stated she appreciates the effort the applicant made to provide more parking and he has done as much as he could do with the property he has.
- Commissioner Younkin state he agrees and that the application has done a good job

MOTION:
Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner Stroder seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. No personal storage allowed on-site, including but not limited to campers, boats, travel trailers, motorcycles, etc.

4. Request for a Special Use Permit to expand an existing daycare facility on property located at 1122 Washington Street South c/o Community Council of Idaho, MSHS (app. 2216)

APPLICANT PRESENTATION:
Maria Fuentes, representing the applicant stated the Community Council of Idaho is a strong private, non-profit corporation whose mission is to provide families with resources and opportunities in education, housing, health and employment. She proceeded to review the request on overhead and stated the purpose of this request is to a new 28' x 64' classroom modular unit at the MSHS site locate at 1122 Washington Street South for the purpose of housing the additional 19 pre-school children funded through their expansion project.

STAFF REVIEW:
Planner I stated that this is a request for a special use permit to install a new modular unit on property located at 1122 Washington Street South. She stated the property is zoned R-4 PUD and the property has been used by this organization for this purpose since 1979. There have been other Special Use Permits associated with this property to allow for changes to occur as the Head-start program has grown. City Code does require that if there is an expansion greater than 25% on a property a special use permit process is required. The site plan shown on the overhead displayed the location of the current building and where the new modular unit will be placed. The expansion is approximately 28%. There will be some trees and sheds removed in order to accommodate the modular unit and there should be minimal impact to the surrounding area.

Planner I Westenskow stated upon conclusion staff has reviewed this request and recommends the following condition(s) be placed on this request:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and Standards.
2. Full compliance with all City, County and State daycare licensing regulations.

P&Z QUESTIONS/COMMENTS:

- Commissioner Stroder asked about the parking and the need for off-site parking.
- Planner I Westenskow stated the parking for a daycare is based on the number of teachers and from the site plan shown it meets the requirements.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC COMMENT

DELIBERATION FOLLOWS:

- Commissioner Bohrn stated this facility does a great job and it looks like there is plenty of parking.
- Commissioner Younkin stated he appreciated the presentation and he doesn't see any problem wit this request.
- Commissioner Stroder stated that the presentation help explained why they were requesting to expand and she doesn't see any issues with the request.

MOTION:
Commissioner Stroder made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and Standards.
2. Full compliance with all City, County and State daycare licensing regulations.

5. Request for an amendment to Special Use Permit #0898, granted to the Twin Falls Urban Renewal Agency on November 9, 2004 by deleting condition #3 for property located at 621 Washington Street South c/o Twin Falls Urban Renewal Agency (app. 2217)

APPLICANT PRESENTATION:
Melinda Anderson representing the applicant stated she is here tonight to City of Twin Falls Urban Renewal Agency, Economic Director, and BID. She is here to request an amendment to the SUP #898. Jayco is operating at this location and the reason for the Urban Renewals request for the SUP so that they may operate at this location. Last year it was brought to the Urban Renewals attention that there was a requirement to put in curb, gutter, and arterial approaches. The City Engineer requested that an Engineering Firm design this project and posted the project out for bid. There was no interest at this time in the bid. The estimate when this request went through was an estimate at 60, 000 and at this time it will cost 250,000. The other issue related to this amendment is that Washington Street South will be widened in the future and a left turn lane will be installed by the state at some point. The current tenant of the building stated that they have not had any issues related to curb, gutter and arterial expansion not occurring.

STAFF REVIEW:
Planner I Westenskow stated this is a request to amend Special Use Permit #0898 granted to the Twin Falls Urban Renewal Agency on November 9, 2008 by deleting condition #3 for property located at 621 Washington Street South. Condition three on the permit states that the approval of the permit is subject to construction of curb, gutter, arterial approaches, and street widening to 37' from centerline on Washington Street South by September 30, 2006. In August of 2006 the Special Use Permit came back for approval of an extension regarding this condition; this was granted. This requirement has not been met to date because the City did not receive a bid for the project and the funding is not available at this time to compete the requirement.

Planner I Westenskow stated upon conclusion staff has reviewed this request and recommends that the Commission remove condition #3 from Special Use Permit #0898.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC COMMENT

DELIBERATION FOLLOWS:
Commissioner Younkin sees no reason not to approve this request.

MOTION:
Commissioner Bohrn made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED AS PRESENTED

B: CONSIDERATION ITEMS:

1. Consideration of the request for a 1-year extension of the approval of the preliminary plat of North Point Park PUD Subdivision consisting of 15.40 acres (+/-) with 9 Commercial lots located west of Park View Drive, North of Cheney Drive and West of Pole Line Road c/o EHM Engineering on behalf of Pole Line Properties.

APPLICANT PRESENTATION:
Gerald Martens, EHM, representing the applicant stated he is here to request a one-year extension. The property is between the North Haven project and St. Luke's. This piece connects these two projects and is dependent upon the other project to be built. They are requesting a one-year extension to effectively develop this property. If they move forward to the final plat they would have to bond and have to predict the completion or projects which at this point has not been determined, that is why they are requesting the extension.

STAFF REVIEW:
Planning Technician Weeks stated this is a request for an extension of the preliminary plat of the North Pointe Park PUD Subdivision, 15.40 (+/-) acres with 9 lots, located north of Cheney Drive West, south of Pole Line Road and west of Parkview Drive, extended. The Planning & Zoning Commission approved the North Pointe Park PUD preliminary plat on July 24, 2007 - subject to four (4) conditions. Twin falls City Code 10-12-2.3(i) states, "failure to file and obtain the certification of the acceptance of the final plat application by the administrator within one year after action by the commission shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for by the sub-divider and granted by the commission." On February 19, 2008 the applicant

submitted a letter requesting a one year extension for submission of a final plat. The property is zoned C-1 PUD Business Park and is within the city limits. The subdivision consists of 15.40 (+/-) acres with 9 commercial lots. At the time of approval the plat was considered consistent with other development in the area and in conformance with the comprehensive plan. There have not been any substantial changes to the code or nature of the development that would necessitate a resubmittal of the North Pointe PUD subdivision preliminary plat. The original conditions of approval should be reapplied to the request for an extension if granted this evening.

Planning Technician Weeks stated upon conclusion staff has reviewed this request and recommends the original 4 condition(s) be placed on this request:

1. Subject to arterials and collector streets adjacent to and on the property being built or rebuilt to current City standards upon development of the property.
2. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
3. Subject to final approval of the PUD agreement.
4. Subject to Park View Drive being developed to its full width either by obtaining off-site right-of-way or by relocating Park View Drive onto the North Pointe Park plat so it can be constructed to its full width without the off-site right-of-way having to be acquired.

PUBLIC HEARING: OPENED

Carl Essey, 1424 North Point Drive, stated they have experienced the growth of Twin Falls more than most. The property is adjacent to this project the hospital has promised a 4' berm to prevent light pollution, they asked that these properties do the same. They would request that the 250' restriction for business types be outlined and provided for in this request. He asked that there not be any additional curb cuts. He asked that a wooden fence be replaced with vinyl. He would like the promises that have been made be documented.

CLOSING STATEMENTS:

Mr. Martens stated the purpose their being here this evening is to request an extension and the restrictions for uses that Mr. Clark mentions were outlined in the preliminary proceedings. He is not trying to get out of any of the obligations and they are only here to get an extension. The current plan is for professional uses but they have not come into fruition. As for the fence issue it is not related to this request however he been working with the property owner on this issue.

DELIBERATIONS:

Commissioner Bohrn stated the presentation Mr. Martens gave explained why the extension was being requested and he has no problem with the request.

MOTION:

Commissioner Mikesell made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED A 1-YEAR EXTENSION, TO JULY 24, 2009, AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to arterials and collector streets adjacent to and on the property being built or rebuilt to current City standards upon development of the property.
2. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

3. Subject to final approval of the PUD agreement.
4. Subject to Park View Drive being developed to its full width either by obtaining off-site right-of-way or by relocating Park View Drive onto the North Pointe Park plat so it can be constructed to its full width without the off-site right-of-way having to be acquired.

2. Preliminary PUD presentation requesting the Commission's recommendation for a Zoning District Change and Zoning Map Amendment from R-4 to CSI PUD, currently zoned R-4, for a proposed annexation of 71 (+/-) acres located on the north side of the 100-400 blocks of North College Road c/o College of Southern Idaho (app. 2213)

APPLICANT PRESENTATION:
Mike Mason, representing the applicant stated this is a request for annexation and rezone because the college would like to expand to construct a new building. The property is just north of the college; in the first phase they plan to construct a single building, complete the first loop of the road from and put in approximately 300 parking spaces. The new building will be approximately 72,400 sq. ft and house about 12 of the health science and human services program. The parking entry to the new campus area will be accessed from a turn off lane from North College Road. The concerns were the traffic and plan to discourage pedestrian traffic. The second phase will be the completion of Cheney bypass road with hopes to have a speed limit of about 25 miles per hour still allowing for traffic and pedestrians to cross on North College Rd. He also stated the plan is not to complete any additional buildings until the Cheney Road section is complete.

P&Z QUESTIONS/COMMENTS:
- Commissioner Younkin asked if the campus security has any power when it comes to handling j-walkers on a public street.
- Mr. Mason stated that on campus they have some means of handling things but for public right-of-ways they do not. He did plan to put some type of island system to slow traffic and assist pedestrians.
- Commissioner Warren asked if an elevated cross-walk has been considered.
- Mr. Mason stated that they have considered this but slowing the traffic down to 25 miles per hour should help. The bypass road will have 4 lanes and be 45 miles per hour which is what the through traffic will travel.

STAFF REVIEW:
Planner I Westenskow stated that this is a preliminary presentation and staff makes no recommendations at this time.

PUBLIC HEARING SCHEDULED FOR APRIL 22, 2008

3. Preliminary PUD presentation requesting the Commission's recommendation for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 PUD, currently zoned R-4, for a proposed annexation of 6.44 (+/-) acres located on the east side of the 500 block of Grandview Drive. c/o Gregg Olsen (app. 2220)

APPLICANT PRESENTATION:
Gregg Olsen, the applicant, 790 Academic Drive stated he would like a rezone and annexation of the 6.44 acres along Grandview Drive. The plan it to construct storage facilities on the property, that will have stamped tilt up concrete face along the exterior of the property to make the appearance more appealing. The interior buildings will be corrugated metal that are not visible from the street. The intent is to be an extremely good neighbor with lighting attached to the buildings to avoid having the light spill into the surrounding properties. The buildings on the exterior of the property will not have a

garage door opening they will be located so that they open to the interior of the property. There will be an on-site working security person during the hours of operation.

STAFF REVIEW:
Planner Technician Weeks stated that this is a preliminary presentation and staff makes no recommendations at this time.

PUBLIC HEARING SCHEDULED FOR APRIL 22, 2008

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW: NONE

III. APPROVAL OF MINUTES: NONE

IV. DATES OF UPCOMING PLANNING & ZONING COMMISSION MEETINGS: NONE

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING AND DEVELOPMENT MANAGER AND THE PLANNING ZONING COMMISSION: NONE

VI. ADJOURN MEETING:

Chairman Younkin adjourned the meeting at 8:50 p.m.

CITY OF TWINF FALLS PLANNING & ZONING COMMISSION
CITY COUNCIL CHAMBERS
305 3RD Avenue East Twin Falls, Idaho
Work Session: April 15, 2008, 2008 12:00P.M.
Public Hearing: April 22, 2008 6:00 P.M.

MINUTES

PLANNING & ZONING COMMISSION MEMBERS:

City Limits:
Wayne Bohrn Bonnie Lezamiz Gerardo Muñoz Bernice Richardson Karen Stroder Cyrus Warren Vice-Chairman Carl Younkin Chairman

Area of Impact:
Lee DeVore R. Erick Mikesell

ATTENDANCE

PLANNING AND ZONING MEMBERS:

Present	Absent
Bohrn	Lezamiz
Munoz	
Richardson	
Stroder	
Warren	
Youkin	

AREA OF IMPACT MEMBERS:

Present	Absent
Devore	
Mikesell	

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Carraway, Fields, Humble, Jones, Weeks, Westenskow, Wonderlich

AGENDA ITEMS FOR PUBLIC HEARING AND CONSIDERATION

I. CALL MEETING TO ORDER:

A. PUBLIC HEARING ITEMS:

1. Request for the Commission's recommendation for a Zoning District Change and Zoning Map Amendment for 71 (+/-) acres proposed to be annexed from R-4 to CSI PUD to allow for the expansion of the College of Southern Idaho on property located on the north side of the 100-400 blocks of North College Road, c/o College of Southern Idaho. (app. 2213)
2. Request for the Commission's recommendation on a Zoning District Change and Zoning Map Amendment from R-2 to R-2 PRO for property located at 2133 Addison Avenue East, c/o Jim Fort. (app. 2218)
3. Request for a Special Use Permit to operate an automobile sales business on property located at 529 Addison Avenue West, c/o Larry Burton. (app. 2219)
4. Request for the Commission's recommendation for a Zoning District Change and Zoning Map Amendment for 6 (+/-) acres proposed to be annexed from R-4 to C-1 PUD to develop a mini-storage facility on property located east of the 500 block of Grandview Drive, c/o Greg Olsen. (app. 2220)
5. Request for a Special Use Permit to operate an automobile sales business in conjunction with an existing automobile service and repair business on property located at 712 Main Avenue South, c/o Anything Auto Sales, LLC. (app. 2211) WITHDRAWN

B. CONSIDERATION ITEMS: NONE

I. CALL MEETING TO ORDER:

Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

A: PUBLIC HEARING ITEMS:

1. Request for the Commission's recommendation for a Zoning District Change and Zoning Map Amendment for 71 (+/-) acres proposed to be annexed from R-4 to CSI PUD to allow for the expansion of the College of Southern Idaho on property located on the north side of the 100-400 blocks of North College Road, c/o College of Southern Idaho. (app. 2213)

APPLICANT PRESENTATION:
Mike Mason, representing the applicant stated that he is here tonight to request the approval of a request to annex 71acres. The property is not currently in the City Limits and the request tonight is to discuss the rezoning of the property from R-4 to CSI. The plan is to build a 72,400 sq. ft building on the property to house the Health Sciences Departments. In Phase 1 the plan is to develop the first building covering the 1000 ft of the lateral and they have been working with the City on water and sewer line development for the property. At the preliminary presentation there was some discussion was about sidewalks and pedestrians. Since the preliminary presentation it has been decided that CSI will be constructing sidewalks to assist in leading people from our existing buildings to the new building. In working with the City it was suggested that we have and entry way off of North College Road to allow traffic to flow through in a turn lane so they have developed that on the site plan. There will be 2 exit lanes from the parking area allowing a free turn to the right and one to allow for left turns as well as to cross North College Road. The development of Phase 2 will be the completion of the campus circle and the construction of the bypass road prior to the second building. They have no issues with the staff recommendations and ask that the Commission make a positive recommendation to the City Council.

P&Z QUESTIONS/COMMENTS:
- Commissioner DeVore asked about pedestrian traffic with the Phase 1 part of the project he doesn't find any provisions being made for this change in pedestrian traffic pattern such as crosswalks and slowing of traffic.
- Mr. Mason stated that there is no plan to encourage pedestrians travel across North College Road because of the amount of traffic along this road; the college can request a crosswalk. Commissioner Stroder stated she understands that they will be discouraging pedestrian traffic crossing North College Road but people do have a tendency to travel along the shortest point from A-B and she asked if there has been any consideration to an overhead crosswalk.
- Mr. Mason stated that most of the students will be in these buildings most of the day and they will be using their cars to travel to other locations.
- Commissioner DeVore asked about the events at the Expo Center and the use of the parking across the way for those types of events.
- Mr. Mason stated they have had a difficult time preventing people from parking along North College Road during events at the Expo Center but they have provided busses to help with this issue and they will continue to work on discouraging this during the events.

STAFF REVIEW:
Zoning and Development Manager Carraway stated this is a request for annexation of 71.09(+/-) acres with a zoning district change and zoning map amendment from R-4 to CSI PUD to allow for the expansion of the College Of Southern Idaho Campus. The site is located

on the north side of the 100-400 blocks of North College Road and is directly north of the existing CSI Campus. They are requesting annexation to be able to develop the property with city water, sewer, and pressurized irrigation. The property is contiguous to city limits on a portion of its northern boundary, on the southern and western boundaries and thus is able to request annexation. Annexation is required to access city services but does not guarantee that they will be available at this location. A will-serve letter will be issued by the City Engineer after the engineering department's review and approval of the project. The first phase of the project is comprised of a Health Sciences and Human Services Building including parking on the south eastern portion of the property. The $21 million-dollar facility will be two-stories and approximately 72,400 square feet. The parking area will provide approximately 300 parking spaces. Pedestrian connections between this area and the existing campus will not be developed in this phase; however the applicant stated that they will be constructing a sidewalk system within the existing campus to try and make it easier to cross North College Road. The landscaping is designed to be low impact in terms of water usage. Signage is proposed to be consistent with the main campus. The second phase of the project would include a bypass of North College Road to connect along the eastern and northern side of the project to align with the future Cheney Drive. At that time North College Road would become more like a local street and speeds may be reduced to 25 mph. During the preliminary PUD presentation held before the Planning and Zoning Commission on April 8, 2008 the applicant stated the plan is to not complete any additional buildings until the Cheney Road bypass is complete. There was also discussion of including pedestrian connections including refuge islands in medians on North College Road that could funnel and slow traffic. Each of these items were discussed and confirmed again in the applicant's presentation this evening. The property is surrounded by R-4 zoning; to the north there is a portion of undeveloped property within the area of impact. The Lazy J Estates- mobile home park is within the city limits. To the east is the CSI-Owned Breckenridge Endowment farm is within the area of impact and to the south is the existing CSI campus an apartment complex that are also within the city limits. The applicant's narrative states that the proposed health sciences and human services building will be 37' tall. The maximum height allowed in the CSI zone is 35'. If the commission feels the additional height is necessary for this project a maximum height of 37' may be included in the PUD agreement. The applicant also stated at the preliminary PUD presentation that no additional buildings would be constructed until the Cheney Road bypass has been completed. This should also be included in the PUD agreement. Development and phasing of utilities and infrastructure should be clearly addressed within the PUD agreement. The comprehensive plan designates this area as the CSI district. The project, as presented, is in compliance with the comprehensive plan.

Zoning and Development Manager Carraway stated upon conclusion if the Commission finds the CSI PUD zoning designation appropriate and if the City Council approves the annexation, staff recommends that approval should be subject to the following conditions:

1. Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. Subject to an approved PUD Agreement.
4. Subject to the PUD Agreement to include:
    a. Development Criteria including a "Height" section that indicates that the height of development within the project may be a maximum thirty-seven feet (37') tall.
    b. Development Criteria indicating there may be multiple buildings on lots and the development of utilities and roadways.

c. Phasing of the project may be allowed and also a statement the Cheney Road/North College Road bypass be completed prior to a second phase being approved.
d. Development criteria regarding utility/infrastructure

PUBLIC HEARING: OPENED

- Linda Wills, 450 Pole Line Road stated she submitted a letter to the Commission and she is representing her sister, her brother and herself tonight. They own property between CSI and Pole Line Road; they are in support of CSI expanding. The college has always been a good neighbor, but they do have concerns regarding the development of this property and the property they own that is contiguous to this site. The development needs related to their property and the CSI property is similar. She stated they are concerned about Cheney Drive and the development of Harrison Street. She stated they have set aside land for Harrison Street to be developed all the way through to North College Road at the request of the City.
- Gerald Martens stated he has been assisting Ms. Wills regarding the development of her property. He is here tonight to make sure there are some things on the record. The one item of concern is the dedication of right-of-way for the development of the Cheney Drive; they are a partner in the construction of that road and would like to have some coordination occur at the time of development. He stated that they understand the funding for colleges and they want to be flexible when considering development. The other concern is the Harrison Street connection, what he is showing on the overhead is about 2000 feet along Pole Line Road and the access has been limited to one therefore the development of Harrison Street is essential in the development of Ms. Wills property. Their plans are not in stone but they don't want to close any doors of opportunity and they are in support of this request.

P&Z QUESTIONS/COMMENTS:

- Geraldo Munoz , 410 Aspen Wood Drive stated the he has a couple of questions about the pedestrian access and if there are going to be any dining facilities for the students and staff in the new building or will they have to use the facilities on the main campus. His other question is if there will be any kind of traffic study performed and how to discourage people from crossing North College Road and what the possibilities are for a light.
- Mr. Mason stated that the property at Harrison Street is under a 5013C and is not owned directly by the College of Southern Idaho he could not address those concerns. As for dining there will not be a full service dining area available in the new building but some break areas will be provided. As for the traffic there has not been a traffic study but in his experience it takes a lot of traffic to generate a street light.
- Commissioner Younkin asked how many parking spaces would be used when the building is being used at full capacity.
- Mr. Mason stated that it would be possible to have approximately 200 spaces used at full capacity. It should free up parking on the main campus once this building is up and running.
- Commissioner Stroder asked if the section of North College shown on the site plan will be a public road.
- Zoning & Development manager stated it will be public and she does not foresee it being vacated in the future.
- Commissioner Bohrn stated that the concern is the high amount of traffic and the number of vehicles planning to enter the property. The additional traffic from the High School the Hospital and the Wal-mart is going to make it difficult if this road is designated as 25 miles per hour.

- Mr. Mason stated he does feel that there is adequate parking available to the campus and numerous entrances with the new building however the speed along the public road is not something they can regulate.

PUBLIC HEARING: CLOSED

DELIBERATIONS:

- Commissioner Bohrn stated he understands we are going to dead end Cheney and that a light at Cheney and Washington and if North College continues to be a public street slow the speed down to 25 miles per hour; he agrees that the development of Harrison Street should be included in at least Phase 2.
- Commissioner Stroder stated she has some traffic concerns as well and the applicant can't address the development of Harrison Street because they don't have control of that property.
- Commissioner DeVore stated that his concern is the pedestrian traffic and the safety of the people and what actions are being taken to protect the pedestrians.
- Commissioner Warren stated he agrees the pedestrian traffic is going to be there and he is concerned about safety and would like to have them consider an above ground cross-walk
- Commissioner Stroder stated she would like to see an above or below ground cross-walk.
- Commissioner Younkin asked if the City Engineer could see that North College portion that runs through the campus would ever be vacated.
- City Engineer Fields stated that she doesn't see North College Road ever being vacated and the City has chosen to keep North College Road in place and to encourage traffic to travel Cheney Drive and to reduce the North College Road. They will consider the loads on the road and if Cheney is a faster smoother road than it will send the majority of the traffic that direction. Cheney will be extended west of Washington Street North. The light that was agreed upon with the North Haven property will be at North College and Washington.
- Commissioner Warren asked about the building height limitations and the power lines.
- City Engineer Fields stated that the power lines goes from Harrison Street and travels north across the canyon.
- Commissioner Younkin stated that he doesn't think that the College will create an unsafe environment. He likes the project and the growth of the College is great. He doesn't look forward to the traffic congestion but he is sure that they will try to take care of the concerns of the community.

MOTION:
Commissioner Warren made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Bohrn seconded the motion.

DISCUSSION OF THE MOTION:
Commissioner Stroder stated she would like to amend the motion to include an overhead cross-wall in Phase 2 Commissioner Warren seconded
DISCUSSION OF THE AMENDMENT:
Commissioner DeVore stated that he is concerned with that as a requirement because of cost and there other things that can be used to reduce these concerns.
ROLL CALL VOTE TO APPROVE THE AMENDMENT
The amendment to the motion was approved with Commissioners Mikesell, Richardson, Warren and Stroder voting in favor and Commissioners Younkin and DeVore voting against.
ROLL CALL VOTE FOR THE AMENDED MOTION:

The amended motion was approved with all members present voting in favor of the motion.

AMENDED MOTION WAS RECOMMENDED FOR APPROVAL WITH STAFF RECOMMENDATIONS AND THE ADDITION OF A COMMISSION RECOMMENDATION

1. Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. Subject to an approved PUD Agreement.
4. Subject to the PUD Agreement to include:
    a. Development Criteria including a "Height" section that indicates that the height of development within the project may be a maximum thirty-seven feet (37') tall.
    b. Development Criteria indicating there may be multiple buildings on lots and the development of utilities and roadways.
    c. Phasing of the project may be allowed and also a statement the Cheney Road/North College Road bypass be completed prior to a second phase being approved.
    d. Development criteria regarding utility/infrastructure
5. Subject to an overhead cross-walk being constructed as part of Phase 2

COMMISSIONER MUNOZ RETURNED TO HIS SEAT

2. Request for the Commission's recommendation on a Zoning District Change and Zoning Map Amendment from R-2 to R-2 PRO for property located at 2133 Addison Avenue East, c/o Jim Fort. (app. 2218)

APPLICANT PRESENTATION:
Jim Fort state he is requesting a zoning change from R-2 to R-2 PRO and they would like to be able to expand. With the addition of the professional office overlay they would be able to have a sign advertising the business. He does understand that he will have to request an amendment be made to the professional office overlay district in order for him to expand and operate the photo studio.

STAFF REVIEW:
Zoning & Development Manager Carraway stated this is a request is for a zoning district change and a zoning map amendment from R-2 to R-2 PRO to allow for the operation of a photography studio as a business allowed by Special Use Permit. This property is located on the north side of Addison Avenue East between Sunrise Boulevard North and Eastland Drive. The site is 3.79 (+/-) acres and has an existing residence on the southerly 0.29 (+/-) acres. The residence was granted a special use permit on February 12, 2002 to allow the operation of photography studio as a home occupation. The comprehensive plan map designates this corridor – between Eastland and Sunrise on both the north & south side of Addison Ave East as professional office. The surrounding properties are zoned R-2 & R-2 PRO. Areas to the south along Addison Avenue East have had several residences converted to professional offices by SUP over the last 10 years or so. As you have just heard by the applicant, they currently reside in the home and operate a photography studio as a home occupation. They would like to convert this residence into a business – they also would like to continue to live at the location. The current land uses allowed by SUP in the professional office overlay do not include a photography studio nor does it allow residency within an allowed use in the professional office overlay. The applicants are aware if this request is approved a zoning title amendment will also be required that would amend the code; specifically Title 10; Chapter 4; Section 18 –professional office overlay district – that could allow a photography studio by SUP and could allow a residential unit in the same building as an

allowed use by SUP. If this rezone request is approved the applicants would still be limited to operation of the photography studio as a home occupation with no signage.

Zoning & Development Manger Carraway stated upon conclusion if the Commission finds the R-2 PRO zoning designation appropriate and recommends approval to the City Council, staff recommends the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development of the property.

P&Z QUESTIONS/COMMENTS:

- Commissioner Munoz asked if they want to be able to put signage they have to come through for a Zoning Title Amendment and if they would still have to come back through for a Special Use Permit.
- Zoning & Development Manager stated yes if all of the requests were approved they would still have to make a request for a Special Use Permit.
- Mr. Fort stated he is aware of the steps that need to be taken.

PUBLIC HEARING: OPENED

- Curtis Webb, 2158 Addison Avenue East stated he lives across the street southeast of the property. He is asking about the specifics of the sign and what the sign will look like.
- Zoning Development Manager Carraway stated that it would have to meet the requirement of the professional office overlay sign requirements.
- Mr. Fort stated that he has a sign design that is 80 sq. ft to meet the code requirement and he can provide Mr. Webb with the design.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Munoz stated that this is a use that is in place and that it is not going to change traffic and it fits the location. He has no problem with the request.
- Commissioner Younkin stated that he has no issues with the request.

MOTION:

Commissioner Bohrn made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Devore seconded the motion. Roll call vote showed all members present voted in favor or the motion.

RECOMMENDED FOR APPROVAL AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING XXXX

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development of the property.

3. Request for a Special Use Permit to operate an automobile sales business on property located at 529 Addison Avenue West, c/o Larry Burton. (app. 2219)

APPLICANT PRESENTATION:
Larry Burton stated he is representing Gold Key Auto and he is requesting a special use permit for a new location to operate a care lot. He stated they have been at their present location for approximately 17 years and are now having to relocate.

P&Z QUESTIONS/COMMENTS:
- Commissioner Warren asked how wide the property is and if the building they plan to use for an office is an existing building.
- Mr. Burton stated the office space they plan to use is an existing building and the property is approximately 114' wide and he plans to provide a 50' easement for access to the back portion of the property.

STAFF REVIEW:
Zoning & Development Manager Carraway stated this property is located in the C-1 zone along Addison Avenue West. This property is split by two zones; the southerly 450' +/- is zoned R-4 with the southerly 200' within the canyon rim overlay and the northerly 300' +/- is zoned C-1 and has an existing residence. If the Special Use Permit is approved it shall require converting the property/building from residential to commercial use. Upon review of the site plan Addison Avenue West is to the north. The plan shows the existing residence and one access coming into the property which is approximately 30'wide which will have a circular pattern. The plan also shows a fence built approximately a couple hundred feet south on the property. The applicant is only planning on using the C-1 zoned property for the business. Within the C-1 Zone it does require certain property improvements be completed before business can be conducted on the property. One is that all parking and maneuvering areas be hard surfaces, the property is located along a gateway arterial so a minimum of 10'landscaping will be required along the front of the property. It is difficult to see on the site plan if it meets minimum required improvements for development however; a full review shall be required as part of the building permit process when he applies for his change of use. The staff has concerns with the large amount of property to the south that is residentially zoned. There will need to be fencing between the commercial and residential portions so that it does not get used as part of the business. Staff recommends a fence be put in along the line where the separation of the two zones is located. All of the commercial zoned area that is going to be used should be hard surfaces, storm water retention is also part of the review process and all of this should be reviewed during the building permit process.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the request, staff recommends the following condition(s):
1. Subject to site plan amendments as required by Building, Engineering, Fire, And Zoning Officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to installation of a site obscuring fence to separate the different zoning districts on the property located at 529 Addison Avenue West.
3. Subject to full compliance with City Code 10-8-1 thru 3; C-1 zone, City Code 10-7-12; gateway arterial landscaping and City Code and 10-11-1 thru 9; required improvements.
4. Business is limited to use on the C-1 zoned property only. A screening fence to be installed separating the R-4 zone from the C-1 zone.
5. No personal storage allowed on site.

P&Z QUESTIONS/COMMENTS:

- Commissioner Younkin asked if the fence depicted on the site plan is where the commercial portion of the property ends and the residential property begins.
- Zoning & Development Manager stated no it is not there is approximately 350 feet of commercial property and 400 feet of residential the concern is that the property is use appropriately and separated so that it is clear.
- Commissioner Munoz asked if the applicant is aware of the number of cars and employee parking.
- Zoning & Development Manager stated that at this time the spaces indicated on the site plan are the only ones designated for employees and customers however this will be reviewed during the building permit process.
- Commissioner Stroder stated that we can't determine at this time how many cars can fit on this property. Her concern is that in the past they have conditioned previous approvals that have limited the number of cars; she asked if the applicant had an estimate.
- Mr. Burton stated the way this property is laid out on the drawing it could accommodate 25-35 cars.

PUBLIC HEARING: OPENED

- Jane George stated she has worked with this applicant on moving his car sales lot. She stated they tried to choose a lot that is surrounded by similar uses. She feels that this is appropriate for this location; the applicant has been in business for 17 years. She requests that the Commission approve this request.

PUBLIC HEARING: CLOSED

DELIBERATION FOLLOWED:

- Commissioner Munoz stated his only concern is that the residential property not be used as commercial property and that it not be used for storage at this location.
- Commissioner Younkin stated he feels this would be an improvement to the property and he has no issues.
- Commissioner Bohrn stated that he has some experience with car sales and that he feels the applicant will do a good job.

MOTION:

Commissioner Munoz made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, And Zoning Officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to installation of a site obscuring fence to separate the different zoning districts on the property located at 529 Addison Avenue West.
3. Subject to full compliance with City Code 10-8-1 thru 3; C-1 zone, City Code 10-7-12; gateway arterial landscaping and City Code and 10-11-1 thru 9; required improvements.
4. Business is limited to use on the C-1 zoned property only. A screening fence to be installed separating the R-4 zone from the C-1 zone.

5. No personal storage allowed on site.

4. Request for the Commission's recommendation for a Zoning District Change and Zoning Map Amendment for 6 (+/-) acres proposed to be annexed from R-4 to C-1 PUD to develop a mini-storage facility on property located east of the 500 block of Grandview Drive, c/o Greg Olsen. (app. 2220)

APPLICANT PRESENTATION:
Mr. Olsen stated he is here to request a zoning change for annexation of 6.44 acres. This request is so that he can be allowed to construct storage units on this property. This property will comply with the current standard and esthetics. On all of the street sides it will be stamped tilt up concrete with landscaping. He would like to do a deferral for development of the sidewalks curb, gutter and sidewalks until development occurs out in this location. The Planned Unit Development restricts the use allowance for the property to storage units.

STAFF REVIEW:
Zoning & Development Manager Carraway stated this request is for annexation of 6.44 (+/-) acres and a zoning district change and zoning map amendment from R-4 to C-1 PUD to allow for the development of a mini-storage facility. This property recently came to the commission as a request to amend the comprehensive plan land use map from an urban residential land use designation to a commercial/retail land use designation for this site. The city council approved a comp plan amendment on March 24, 2008 requesting development of the site come through as a planned unit development. The property is contiguous to city limits on its southern and western boundaries and thus is able to request annexation. The property is surrounded by R-4 zoning on the north, east, and west. There is OS, open space zoning to the south. The property to the north is the grand vu drive inn. The properties to the east are commercial and industrial uses. The property to the south is the twin falls municipal golf course. There are residential properties on the west side of this project. The applicant feels there is a need for storage units in this area. Annexation is required to access city services but does not guarantee that they will be available at this location at the time of development. One of the things the applicant expressed was that a benefit for this type of development is that it would not require the amount of city services that a residential development would. The C-1 zoning allows for storage unit rentals through the special use permit process. If this request is approved as presented the PUD would eliminate the special use permit process as the whole property is proposed to be developed as a mini-storage facility. Any other use would require a public hearing to amend the PUD. Grandview drive borders the property on the west side. Grandview drive is considered a major arterial. The proposed development will involve the developer providing additional road right-of-way. city code requires curb, gutter and sidewalk be installed at the time of development, however, the applicant is requesting a deferral of street improvements due to the fact that there is no existing curb, gutter or sidewalk in the area at this time. This request will be reviewed by the engineering department at the time of the building permit is being reviewed. The master development plan indicates the project will include storage units with the required landscaping and storm water retention. The proposed project will be fenced for security. There are 25' access easements along the north and south boundaries of the property. These easements will not be inside the proposed fencing. The landscape plan on the master development plan indicates 36' between the back of the sidewalk and the building setback along the Grandview frontage will contain a combination landscaping and storm water retention. The landscape area contains some bermed areas, with plantings to reduce the visibility of the buildings. The

proposed buffer area will also comply with city codes 10-4-8.3 and 10-11-2. The landscape plan appears to indicate adequate landscaping is provided, however, the landscaping will be evaluated for compliance during the building permit process. The C-1 zone requires all parking and maneuvering areas to be hard surfaced. There will be security lighting throughout the project. These lights will be strategically placed so as not to produce glare on the surrounding properties. The PUD agreement should address the lighting to be shielded to ensure protection for the adjacent neighbors. Twin Falls City Code sections 10-15-1 and 10-15-2 requires a hearing and recommendations from the commission on planning and zoning designations for areas proposed to be annexed. After the council has received the commission's recommendation an additional public hearing will he held by the council to determine whether the designated area should be annexed and if so what the zoning designation shall be.

Zoning & Development Manager Carraway stated upon conclusion should the Commission Find the C-1 PUD Zoning Designation, As Presented, Appropriate and If the City Council Approves the Annexation, Staff Recommends that approval should be subject to the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property

P&Z QUESTIONS/COMMENTS:

- Commissioner Bohrn asked about mounting of lights and if there was going to be a shed roof.
- Mr. Olsen stated the lights would be building mounted with a metal roof which should help with the reduction of light onto the adjacent properties.
- Commissioner Munoz asked if this request goes to City Council and it is approved will the project come back through for a Special Use Permit.
- Zoning & Development Manager Carraway stated the project will not come back through for a Special Use Permit because the PUD Agreement allows for this use.
- Commissioner Munoz asked the applicant if he plans to landscape with more mature plants to help obstruct the building from the residences; because this is going to be one long concrete wall the neighbors will have to look at, if the trees were more mature it might help.
- Mr. Olsen stated that the project is going to be very nice and he had not considered trying to obstruct the building from site however he does understand the commissioner's point of trying to use a little more mature plants. He did state that he plants to meet and even exceed the minimum requirements because he does want the property to look attractive.
- Zoning & Development Manager Carraway stated that a berm would also assist in shielding the building from the neighbors and allows the landscaping to be seen at different levels.

PUBLIC HEARING: OPENED

Mr. Floyd Miller, 1050 Welch Lane owns the property west of this project. He stated he was opposed to this request earlier because the are is zoned for residential along this location. He stated the concerns that he has are the lighting, building height and not making it any worse with a zoning change that allows commercial across from residential property.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

Mr. Olsen stated that he understands Mr. Miller is opposed and that previously he attempted to put storage units on his property and it was not approved approximately 15 years earlier. He plans to make site plan adjustments and he will take into consideration the neighbors concerns.

DELIBERATIONS:

- Commissioner Bohrn asked if there was going to be 24 hour access.
- Mr. Olsen stated they will have someone on the property during business hours and possibly swipe key entry.
- Commissioner Munoz asked if a live in is allowed
- Zoning & Development Manager Carraway stated if he is considering this he needs to include it in the PUD agreement so that it would be allowed as an option.
    - Commissioner Munoz stated the change was a concern and currently there is some seniority by the neighbors and asked that there be some consideration for this and that some suggestion be made.
    - Commissioner Stroder stated we do hear the neighbors concerns and this is probably a good use of this property.
    - Commissioner Bohrn stated that the applicant has gone to great links to address the concerns but the landscaping and berming ideas would be great at obscuring the wall; and if he used more mature landscaping that would even be better.
    - Commissioner Munoz asked how we could state the motion and define the landscaping.
    - Mr. Olsen stated that the motion could state for every 30 lineal feet of the building along Grandview Drive there shall be a 6 foot tree.

MOTION:
Commissioner Munoz made a motion to recommend approval of the request as presented with staff recommendations and a condition that requires the applicant to plant 6 foot trees for every 30 lineal foot of the building wall along Grandview Drive. Commissioner Stroder seconded the motion. Roll call vote showed all members present voted in favor or the motion.

RECOMMENDED FOR APPROVAL AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS
SCHEDULED FOR CITY COUNCIL PUBLIC HEARING MAY 19, 2008

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development of the property.
3. Subject to the planting of a 6 foot tree for every 30 lineal foot of the building wall along Grandview Drive.

5. Request for a Special Use Permit to operate an automobile sales business in conjunction with an existing automobile service and repair business on property located at 712 Main Avenue South, c/o Anything Auto Sales, LLC. (app. 2211) WITHDRAWN

B: CONSIDERATION ITEMS: **NONE**

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW: **NONE**

III. APPROVAL OF MINUTES:

A. APRIL 8, 2008 MINUTES

IV. DATES OF UPCOMING PLANNING & ZONING COMMISSION MEETINGS:

A. WORK SESSION- May 6, 2008

B. PUBLIC HEARING-May 13, 2008

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

- Zoning & Development Manager Carraway wanted to congratulate Commissioner Bohrn and his wife for being awarded as volunteers of the year.

VI. ADJOURN MEETING:

Chairman Younkin adjourned the meeting at 7:49 pm

CITY OF TWINF FALLS PLANNING & ZONING COMMISSION
CITY COUNCIL CHAMBERS
305 3RD Avenue East Twin Falls, Idaho
Work Session: May 6, 2008, 2008 12:00P.M.
Public Hearing: May 13, 2008 6:00 P.M.

MINUTES--CORRECTED

PLANNING & ZONING COMMISSION MEMBERS:

CITY LIMITS

Wayn Bohrn, Bonnie Lezamiz, Gerardo Muñoz, Bernice Richardson, Karen Stroder, Cyrus Warren (Vice Chairman), Carl Younkin (Chairman)

AREA OF IMPACT

Lee DeVore, R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS		AREA OF IMPACT MEMBERS	
Present	Absent	Present	Absent
Bohrn	Stroder	DeVore	
Lezamiz	Muñoz	Mikesell	
Richardson			
Warren			
Younkin			

CITY COUNCIL MEMBERS PRESENT: None

CITY STAFF PRESENT: Carraway, Collins, Jones, Weeks, Westenskow, Wonderlich, Bowyer

AGENDA ITEMS FOR PUBLIC HEARING AND CONSIDERATION

I. CALL TO ORDER

A. PUBLIC HEARING ITEMS:

1. Request for the Commission's recommendation on a Comprehensive Plan Amendment to amend the land use map from rural residential to mixed use; commercial/residential for property located on the south side of the 900-1100 block of Pole Line Road West c/o Gary Nelson/Gary Slette (app. 2222)
2. Request for a Special Use Permit to construct a tri-plex on property located at 588 ½ Jackson Street c/o Bradshaw Homes.Net/Kevin Bradshaw (app. 2223)
3. Request for the Commission's recommendation for a Zoning Title Amendment which would amend Twin Falls City Code 10-4-18.2 (b) by adding the use of residential household units in the same building as a permitted use and occupied by the owner or an employee of the permitted use by the Special Use Permit process and by adding the use of a photography studio by the Special Use Permit process c/o Jim & Mary Fort (app. 2224)
4. Request for the Commission's recommendation on the Zoning Designation for property proposed to be annexed located at 717 Lee Court c/o Steve and Kathy Sayers (app. 2226)
5. Request for the Commission's recommendation for a Zoning Title Amendment which would amend Twin Falls City Code 10-7-8 by deleting the allowance to separate ownership of units in duplexes and by amending Twin Falls City Code 10-9-2 (t) by adding a length of time allowed for placement of a political sign c/o City of Twin Falls (app. 2225)

B. CONSIDERATION ITEMS:

1. Consideration of a request for a special sign for the Sunway Soccer Complex located at the southeast corner of North College Road, extended, and 2700 East Road aka Sunway Drive North c/o City of Twin Falls Parks and Recreation Department (app 2231
2. Consideration of the approval of the preliminary plat for Parkwood Subdivision #4, consisting of 1.7 (+/-) acres with 6 residential lots on property located east of Washington Street South and south of Park Avenue c/o Garry Wolverton

3. Consideration of the approval of the preliminary plat of Eagle Pointe Subdivision, consisting of 5 (+/-) acres with 4 lots on property located on the south side of the 400 block of Falls Avenue c/o Gerald Martens/EHM Engineers, Inc.
4. Preliminary presentation for a PUD Modification of the Northbridge PUD to rezone a 1.5 (+/-) acre parcel located at the northeast corner of Washington Street North and Pole Line Road from R-4 PRO to C-1 to allow for commercial development. c/o Hawkins Companies (app. 2221)

MINUTES

I. CALL TO ORDER

Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

A. PUBLIC HEARING ITEMS:

1. Request for the Commission's recommendation on a Comprehensive Plan Amendment to amend the land use map from rural residential to mixed use; commercial/residential for property located on the south side of the 900-1100 block of Pole Line Road West c/o Gary Nelson/Gary Slette (app. 2222)

WITHDRAWN

2. Request for a Special Use Permit to construct a tri-plex on property located at 592 Jackson Street c/o Bradshaw Homes.Net/Kevin Bradshaw (app. 2223)

APPLICANT PRESENTATION
Kevin Bradshaw, the applicant stated he is here tonight to request the approval of a Special Use Permit for the construction of a tri-plex on property located at 592 Jackson Street. The total project includes a tri-plex and a duplex. He reviewed the property on the overhead projector. The property backs up to the houses on Jackson Street. The two existing homes face Jackson Street, there is an easement for a common driveway of 20' and there is an accommodation for a fire lane that allows 24'. Each unit has an enclosed garage and there are 5 additional parking spaces. There is a possibility for 12 cars to park on the rendering presented. The homes will be low income home buyers instead of rentals. In the back there will be a fence, landscaping and a play area for kids.

P&Z QUESTIONS/COMMENTS:
Commissioner Warren asked if both buildings will be constructed at the same time
Commissioner Lezamiz asked if they will be sold as townhomes
Mr. Bradshaw stated yes to both questions.

STAFF REVIEW:
Zoning & Development Manager Carraway stated this is a request for a Special Use Permit to construct one tri-plex on property located at 592 Jackson Street. The site is located in an R-4 zoning district. The applicant wishes to build a duplex and a tri-plex at this location. To construct a duplex is outright permitted in the R-4 zone; however, to construct a tri-plex in the R-4 zone requires a Special Use Permit. The building would have to meet or exceed development standards for the R-4 zone. The minimum building setbacks in the R-4 zone are twenty feet (20') from both the front and rear property line and five feet (5') on each side. Dwellings shall not occupy more than 60% of a lot according to code. The maximum building height allowed is 35' tall. The submitted site plan appears to meet these requirements. This site is vacant at this time. The applicant will have to provide required improvements such as access, parking areas, and storm water retention as per city code 10-4-5.3, 10-10-1 thru 3 and 10-11-1 thru -9. These items will be reviewed for full compliance at the time the applicant applies for a building permit. There were some issues previous to tonight's site plan regarding the fire lane he does show some additional width of 24' however it will still require a fire and building review. The tri-plex

includes one (1) two-bedroom unit and two (2) three-bedroom units. The code requires there be a minimum of 2 on-site parking spaces per residential unit which would equal six (6) parking spaces required. The site plan indicates there is a one-car garage provided per unit and an additional seven (5) parking spaces, for a total of 8 on-site. Quite often garages are used for storage purposes. As the 3 single car garages are designated as on-site parking spaces the commission may wish to condition the 3 single car garages to be used for parking only. The landscaped area to the east of the tri-plex will also serve as a water retention area. There is no space allotted for storage of personal items such as recreational vehicles, boats and/or trailers. The commission may wish to prohibit any outside storage including but not limited to campers, boats, travel trailers, motorcycles, etc.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the request, staff recommends the following condition(s):

1. Subject to site plan amendments as required by building, engineering, fire and zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. The 3 single car garages shall be used for on-site parking spaces only
3. No personal outside storage allowed on-site, including but not limited to campers, boats, travel trailers, motorcycles, etc.
4. Subject to the fire lane being stripped and signed.

P&Z QUESTIONS/COMMENTS:
Zoning & Development Manager Carraway stated just for clarification the applicant would not be able to sell these as individual units; that would require platting and that each units would have to be on a minimum 4000 sq. ft. lot. At this point in time he can build them but may rent them only.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT ANY PUBLIC INPUT.

CLOSING STATEMENTS:
Mr. Bradshaw stated there are two four plexes to the south with one car garage and the driveway for parking allowance with no additional parking.

DELIBERATIONS:

- Commissioner Mikesell stated that from his calculations it doesn't appear that the applicant would be able to sell the property. He stated he also has some concerns about storage of restricting people from using their garage for storage.
- Commissioner Younkin stated he agrees with the analysis.
- Zoning & Development Manager Carraway stated they need to meet or exceed the minimum 6 on-site parking space requirement if they don't want the properties to be restricted from storing things in their garage.
- Commissioner Bohrn stated that the tri-plex meets the criteria set forward for approval.

MOTION:
Commissioner Bohrn made a motion to approve the request as presented with staff recommendations. Commissioner DeVore seconded the motion. Roll call vote showed a 6-1 outcome with Commissioners Richardson, Warren, Younkin, Bohrn, Devore, Lezamiz voting in favor of the motion and Commissioner Mikesell voting against the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by building, engineering, fire and zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. The 3 single car garages shall be used for on-site parking spaces only
3. No personal outside storage allowed on-site, including but not limited to campers, boats, travel trailers, motorcycles, etc.
4. Subject to the fire lane being stripped and signed.

3. Request for the Commission's recommendation for a Zoning Title Amendment which would amend Twin Falls City Code 10-4-18.2 (b) by adding the use of residential household units in the same building as a permitted use and occupied by the owner or an employee of the permitted use by the Special Use Permit process and by adding the use of a photography studio by the Special Use Permit process c/o Jim & Mary Fort (app. 2224)

APPLICANT PRESENTATION:
Jim Fort stated he is here to request a change to the Zoning Title 10-4-18.2(b) section of the code. He would like to add residential household units in the same building as a permitted use and occupied by the owner or an employee of the permitted use by the Special Use Permit and by adding the use of a photography studio by the Special Use Permit. He stated a photo studio is by appointment only specific to the clients, the daily appointment schedules are a few per day. This would affect approximately 15 properties if the change is approved.

STAFF PRESENTATION:
Zoning & Development Manager Carraway stated this is a request for the Commission's recommendation on a Zoning Title Amendment which would amend Twin Falls City Code 10-4-18.2 (b). The applicants currently operate a photography studio as a home occupation within their residence. Their residence is zoned R-2 however there is a request going through to add the professional office overlay to this site. The applicants would like to expand their business beyond the home occupation standards and they would also like to place a sign on site. The current zoning does not permit either use therefore they would like to amend the code to permit an additional residential and an additional service use in the professional office overlay district by the special use permit process. The proposed additional residential use would be as follows: "household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use" by special use permit and the additional service use would allow the operation of a photography studio as a professional business by special use permit. City Code 10-4-18.1 states the purpose of the professional office overlay district is intended to provide for professional office uses along or near specifically designated major arterials where increased traffic has impacted residential uses. This corridor fits this criteria and the current comprehensive plan does designate this area as professional office. The location of the applicant's residence is on the north side of the 2100 block of Addison Ave East. Addison avenue east is designated as a major arterial street. The applicants believe that the use of a photography studio is consistent with general professional office use as it operates very similar to other uses permitted in the professional overlay zone such as a bank, insurance business and a real estate office. The PRO zone currently allows for a beauty/barber shop and a commercial day care/pre-school facility with a Special Use Permit. Professional office areas often serve as a transition zone to buffer residential areas from higher impact uses such as busy roadways and commercial/retail areas. Frequently professional office areas include converted residences and so it may be appropriate to include the allowance for an owner or employee to live in the same building as an allowed use. Approval of a Special Use Permit would be required and the commission and staff would be able to review that the use is appropriate for the area and that landscaping, parking, and other development standards and/or requirements are met on the site. She reviewed the public hearing process.

Zoning & Development Manger Carraway stated upon conclusion if the commission finds The Zoning Title Amendment appropriate and if the City Council approves the request, staff recommends that approval should be subject to the following conditions:

1. The change(s) shall be limited to the corridor on Addison Avenue East between Eastland Drive and Sunrise Boulevard.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT ANY PUBLIC INPUT.

DELIBERATIONS:

- Commissioner Bohrn stated he was surprised that a photography studio was missed.
- Commissioner Younkin stated that this has a narrow restriction.
- Zoning & Development Manager Carraway stated that there is a restriction like what was recommended in the condition along the historic areas of Addison Avenue and Blue Lakes Boulevard and felt this was an appropriate restriction for this request.
- Commissioner Younkin stated he agrees that the restriction is appropriate

MOTION:
Commissioner Warren made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Mikesell seconded the motion. Roll call vote showed all members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. The change(s) shall be limited to the corridor on Addison Avenue East between Eastland Drive and Sunrise Boulevard.

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING JUNE 9, 2008

4. Request for the Commission's recommendation on the Zoning Designation for property proposed to be annexed located at 717 Lee Court c/o Steve and Kathy Sayers (app. 2226)

APPLICANT PRESENTATION:
Kathy Sayer stated she is requesting to be annexed into the city limits out of necessity to hook up to city services due to her septic tank failing and the property being within 100 feet of existing city services.

STAFF REVIEW:
Zoning & Development Manager stated this is a request to annex .42 (+/-) acres with a zoning designation of R-2. Currently the property is zoned R-2 in the City's Area of Impact. The property is contiguous to city limits on its southern boundary and thus able to request annexation. The property has an existing residence with a well and septic system. The applicant's septic system has recently failed. City Code Section 10-4-4.1; R-2 zoning district; states that centralized water and sewer facilities are required the property is within (100') of City Sewer off Stadium Blvd; therefore it is required to hook into the City Utility System at this time. Annexation is required to access City Services. The property is surrounded by R-2 zoning on the north, south, east, and west. To the south is Stadium Blvd, which is within City Limits. The area surrounding the property has been developed as single family households. The comprehensive plan designates this area as urban residential. The R-2 zone allows for single family or duplex dwellings. The minimum lot size for a single family home in the R-2 zone is 6,000 sq ft and the minimum lot size for a duplex is 10,000 sq ft. This lot is in compliance as it is approximately 18,300 (+/-) sq ft. This is not a request generated due to a desire to develop but due to the fact the existing septic system has failed and City Code requires they now connect to city utilities. In order to do this they must first be annexed into the city limits. She reviewed the public hearing process.

Zoning & Development Manger Carraway stated upon conclusion if the Commission finds the R-2 zoning designation appropriate and if City Council, approves the annexation staff recommends the following conditions:

1. Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current city standards upon development of the property.

P&Z QUESTION/COMMENTS:

- Commissioner Warren asked what happens if the other properties have septic tanks that fail.
- Zoning & Development Manager Carraway stated that they would be required to connect to City Services upon annexation.
- Commissioner Lezamiz asked about how involved the development of the streets would be for the applicant.
- Zoning & Development Manager Carraway stated that these properties are already developed and there could be a deferral attached to the properties.

PUBLIC HEARING: OPENED AND CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Lezamiz made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor of the motion.

RECOMMENDED R-2 ZONING DESIGNATION AS APPROPRIATED FOR APPROVAL AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current city standards upon development of the property.

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING JUNE 9, 2008

5. Request for the Commission's recommendation for a Zoning Title Amendment which would amend Twin Falls City Code 10-7-8 by deleting the allowance to separate ownership of units in duplexes and by amending Twin Falls City Code 10-9-2 (t) by adding a length of time allowed for placement of a political sign c/o City of Twin Falls (app. 2225)

STAFF REVIEW:
Zoning & Development Manager Carraway stated this request is to modify two (2) sections within Title 10; Zoning & Subdivision Regulations of City of Twin Falls. The first request is to delete Title 10; Chapter 7; Zoning Supplementary Regulations; Section 8: which allows separate ownership of units in duplexes by administrator approval by administrator approval. This code section has conflicting verbiage within the code. On April 16, 2007 the city council approved ordinance #2901, which amended the definition of a subdivision by requiring the platting process in order to separate a parcel into two (2) or more parts. Previously a subdivision was defined as "the result of an act of dividing an original lot, tract or parcel of land into more than two (2) parts. At this point in time a lot with a duplex on it being split by an administrative approval it contradicts the City Code definition of subdivision which would require this to occur through a platting process which allows for lots to be split into two. Within the same ordinance was the addition of a new code section; Title 10; Chapter 12; Subdivision Regulations; Section 2.5 by providing for Conveyance Plats. A Conveyance Plat allows an individual to take a single lot and divide it into two parcels for the purpose of ownership separation only. Deleting the allowance to separate a duplex lot into two parcels by administrative approve will prohibit the separation of a single lot into two separate lots without going through the platting process or conveyance platting process whichever is most appropriate. This would be consistent with the current definition of subdivision which requires the platting process for the purpose of transfer of ownership or development of an original lot, tract or parcel of land into two (2) or more parts.

The second part of the request is to amend Title 10; Chapter 9 Sign Regulations; Section 2; political signs by adding a section that is specific on the length of time a political sign may be posted. City code section 10-9-2(t) states that political signs can be posted for sixty (60) days. It does not specify which sixty (60) days. This verbiage makes it nearly impossible to enforce the time limit section for the placement of political signs. The request is to amend City Code 10-9-2(t) 7 to read as follows: "time limit: cannot be posted for more than sixty (60) days prior to the election date for which a candidate is running or the cause. Signs must be removed within two (2) days after the election". This will allow for placement of signage and would put a limitation on when they can be posted prior to the election.

Zoning & Development Manger Carraway stated upon conclusion staff recommends that the Commission recommend approval of the code changes to the city council as presented.

PUBLIC HEARING: OPENED
Gerald Martens stated he is not necessarily for or against the change. He does understand that there is a potential conflict in the code. However he would like to make the Commission aware that they should be cautious of the fact that there are many lots out there that were platted, marketed and developed with the potential that they could be split. The conveyance plat is more cumbersome and requires a request to go to the City Council but he wants to be sure this will accomplish the task of splitting the lots without creating other issues to arise.
PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:
Zoning & Development Manager Carraway stated a conveyance plat allows for a property split for ownership only. Plats that have been designed for this would meet the requirement. She showed the ordinance on the overhead and stated the criterion that Mr. Martens is talking about lists the specific lots sizes and the fire code requirements. This should not be an issue if the property is developed because all of the code requirements would have to be met with a property split. If a property was already designated and split it would be allowed. The developers that had property lots to meet size requirements and want to split this later they would have to go through a conveyance plat process to do this. She also stated that there were a couple of other developers concerned with having to go through conveyances platting process as well that were not able to be here tonight. The requirements for a conveyance plat are minimal; it is a very simplified version of a plat. The policy is to bring a conveyance plat to City Council within 10 days from submittal but she is not aware of the Engineering cost. Assist City Engineer Collins stated that the City review of a conveyance plat is $50 dollars plus $10 per lot.

DELIBERATIONS:
Commissioner Younkin stated he thought this was a housekeeping issue and he can see what the City is doing, and as long as there is a way for someone to accomplish the objective of splitting lots that he would be in favor of the change.

MOTION:
Commissioner Warren made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Lezamiz seconded the motion. Roll call vote showed a 3 to 4 outcome with Commissioners Warren, Younkin and Richardson voting for the motion and Commissioners DeVore, Lezamiz, Mikesell and Bohrn voting against the motion.

RECOMMENDED FOR DENIAL AS PRESENTED

TO BE SCHEDULED FOR CITY COUNCIL PUBLIC HEARING

B. CONSIDERATION ITEMS:

1. Consideration of a request for a special sign for the Sunway Soccer Complex located at the southeast corner of North College Road, extended, and 2700 East Road aka Sunway Drive North c/o City of Twin Falls Parks and Recreation Department (app 2231)

APPLICANT PRESENTATION
Dennis Bowyer stated he is here to request the approval of a special sign. They are really proud of the complex. Everything is complete at the complex and expects to have heavy use of these fields. The Parks and Recreation Department are in the process of adding signs to the parks that don't have signs already and they would like to add one to this property.

PUBLIC COMMENT: OPENED
Zoning & Development Manager Carraway read into the record a letter from the School District which will be filed with the request.
PUBLIC COMMEND: CLOSED

STAFF REVIEW:
Zoning & Development Manager Carraway stated that on May 21, 2001the City Council approved the Special Use Permit to build the soccer complex. The subject property is located in the Sui and R-1 VAR Zones within the City's Area of Impact. To place a sign for the soccer complex in this zone requires commission approval. This process does not require legal notice be made in the Times News, however, letters are sent to the surrounding property owners so they are aware of the request and should be allowed to address this issue if they wish. City code 10-9-2(o) defines special signs as follows: " A sign which may be illuminated, which may be allowed by special approval of the Commission and which designates emergency facilities or which designates separate buildings and building offices in multiple building complexes, or provides historical or other special information of public interest." There is no limitation as to the number, size or height of a "special sign" - these standards are to be determined by the Commission and shall be the minimum to adequately serve the basic purpose. The request is for one (1) 24 sq ft free-standing sign – the sign will be located in the northwest corner of the soccer complex - fronting Sunway Drive (2700 road east) and North College Road, extended. The sign structure appears to be located out of the vision triangle. If the commission grants this request a complete review to assure compliance with minimum standards will be required prior to a sign permit being issued.

Zoning & Development Manager Carraway stated If the commission approves this request for a special sign, staff recommends that approval should be subject to the following conditions:
1. Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to full compliance with city code 10-9-2(o) - special signs.
3. Subject to full compliance with site triangle placement.

MOTION:
Commissioner Bohrn made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to full compliance with city code 10-9-2(o) - special signs.

3. Subject to full compliance with site triangle placement.

2. Consideration of the approval of the preliminary plat for Parkwood Subdivision #4, consisting of 1.7(+/-) acres with 6 residential lots on property located east of Washington Street South and south of Park Avenue c/o Garry Wolverton

APPLICANT PRESENTATION:
David Thibault, EHM Engineering, representing the applicant state, he is here to request approval of the preliminary plat for Parkwood Subdivision #4 which consists of 1.7 acres and 9 residential lots.

STAFF REVIEW:
Zoning & Development Manager Carraway stated this request is for approval of the preliminary plat of Parkwood Subdivision #4. The property is zoned R-4; residential-medium density district. The subdivision consists of 1.7 acres (+/-) and includes 9 residential lots. The preliminary plat, final plat, and construction plans have been reviewed by the Engineering staff and have met all the necessary requirements to date. The R-4 Zoning allows for single family and duplex dwellings and may allow a tri-plex or 4-plex by special use permit. The minimum lot size for a single family is 4,000 sq ft and the minimum lot size for a duplex is 7,000 sq ft. The lot sizes are consistent with lot sizes both to the north of the property in the High Plains Estates and Parkwood #2 Subdivisions and to the east and south in Parkwood #3. The Clinton Earl Subdivision to the west was recorded in 1962 and is currently zoned R-2. It includes lots that are about 22,000 sq ft or ½ acre in size. The City Council approved a parks-in lieu application for Parkwood Subdivision #4 on April 28, 2008. The preliminary plat specifies there shall only be single family residential development within this subdivision. The plat was submitted as a combined preliminary/final plat. Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. A guarantee of services comes when the city engineer signs a will-serve letter after final and construction plans are reviewed and approved. The plat is consistent with other development in the area and in conformance with the comprehensive plan which designates this area as appropriate for urban residential development.

Zoning & Development Managar Carraway stated if the commission approves the preliminary plat, as presented, staff recommends approval be subject to the following conditions:

1. Subject to final technical review by the city engineering department and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current city standards upon development of the property.
3. Subject to single family residential development only.

PUBLIC COMMENT: OPENED AND CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Bohrn made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to final technical review by the city engineering department and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current city standards upon development of the property.
3. Subject to single family residential development only.

3. Consideration of the approval of the preliminary plat of Eagle Pointe Subdivision, consisting of 5 (+/-) acres with 4 lots on property located on the south side of the 400 block of Falls Avenue c/o Gerald Martens/EHM Engineers, Inc.

APPLICANT PRESENTATION:
Gerald Martens, EHM Engineering, representing the applicant stated this is a request for the division of 5 acres into 4 lots for property located on the south side of the 400 block of Falls Avenue across from CSI. The Special Use Permit is in place with the plat and as market demands a fourth building will be constructed.

STAFF REVIEW:
Zoning & Development Manager Carraway stated this request is for approval of the preliminary plat of Eagle Pointe Subdivision. The subdivision consists of 5 acres (+/-) and 4 lots. The property is zoned R-4; residential-medium density with a professional office overlay. The plat was submitted as a combined preliminary and final plat. Both the preliminary and final plat have been reviewed by the Engineering staff and have met all the necessary requirements to date. The subdivision has two existing Professional Office Buildings and a third has been approved by Special Use Permit. Platting of the property was a requirement of the Special Use Permit as the zoning requires that each building be on a separate lot. Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. A guarantee of services comes when the city engineer signs a will-serve letter after final and construction plans are reviewed. A full review of required improvements will be made by the Building, Planning, and Engineering Departments for full compliance with minimum development standards prior to issuance of a building permit. The plat is consistent with other development in the area and in conformance with the comprehensive plan which designates this area as appropriate for professional office development.

Zoning & Development Manager Carraway stated if the Commission approves the preliminary plat, as presented, staff recommends approval be subject to the following conditions:

1. Subject to final technical review by the city engineering department and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current city standards upon development of the property.

PUBLIC COMMENT: OPENED AND CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Lezamiz made a motion to approve the request as presented with staff recommendations. Commissioner DeVore seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current city standards upon development of the property.

4. Preliminary presentation for a PUD Modification of the Northbridge PUD to rezone a 1.5 (+/-) acre parcel located at the northeast corner of Washington Street North and Pole Line Road from R-4 PRO to C-1 to allow for commercial development. c/o Hawkins Companies (app. 2221)

APPLICANT PRESENTATION:
Brad Whallen stated he is here to request a modification to the Northbridge PUD from R-4 to C-1for the remaining 1.5 acre parcel to allow for commercial development. There were approximately 4. 5 acres at this location with an R-4 PRO zoning 3 acres of the parcel was rezoned and amended to C-1 for a Walgreens to be developed. Subsequent to this approval the parcel that was adjacent became available and the 1.5 acres would need to change to C-1 to make all of the property the same zoning.

STAFF REVIEW:
Zoning & Development Manager Carraway stated the applicant is required to do a preliminary presentation prior to the public hearing which allows the commission and the public to address any issue in preparation for the public hearing. Staff makes no recommendations at this time.

SCHEDULED FOR PLANNING & ZONING PUBLIC HEARING MAY 28, 2008

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW:

United Oil	Wilson Bates	Twin Falls School District
Stinker Station	Summit Hospitality	Susan Bergen
Mazatlan Grill	Andrew Stephens	
Gloria Galan	Party Center	
Dave Woodhead	Bradshaw Homes	
Ameritel Inn	Moser Machine Shop	

III. APPROVAL OF MINUTES FROM THE FOLLOWING MEETINGS:

- February 5, 2008 February 12, 2008
- February 19, 2008 February 26, 2008
- March 4, 2008 March 11, 2008
- March 19, 2008 March 26, 2008

IV. DATES OF UPCOMING PLANNING & ZONING COMMISSION MEETINGS:

~~A. WORK SESSION- MAY 20, 2008~~
B. PUBLIC HEARING- MAY 28, 2008 (WEDNESDAY)

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

Zoning & Development Manager Carraway asked if the Commission would like to discuss the elimination of the work session meetings. The reasons for this suggestion are that the packets discussed at the work session are mailed to the Commissioners and the Commissioners are allowed to call if there have questions. She stated that the packet would be available no later than the Thursday before the public hearing. She stated several years ago the City Council chose to eliminate the work session that they use to have. If at some point there is a need to have a meeting that would be an option and if there seems to be a need to start having work sessions again this would be an option as well.

DISCUSSION:

- Chairman Younkin stated he would like to discontinue the work session and he finds that the packets are very adequate.
- Commissioner Bohrn stated that he would like to eliminate the meetings because he would hate to have something jeopardized because something was discussed out of turn.

- Commissioner Richardson stated she doesn't see a problem with asking questions and does like the discussion.
- Commissioner Lezamiz stated it might be best to discontinue the work sessions and the packets are useful.

MOTION:
Commissioner Mikesell made a motion to discontinue the work sessions. Commissioner Lezamiz seconded the motion Roll call vote showed a 5-1 outcome with Commissioners Lezamiz, Mikesell, Bohrn, Younkin, DeVore voting in favor of the motion and Commissioners Warren voted against the motion and Commissioner Richardson abstaining.

MOTION APPROVED – THE WORK SESSIONS HAVE BEEN DISCONTINUED

Reorganization of the Agenda

The agenda for the June 10, 2008 public hearing will be reorganized to follow the same order as the City Council Agenda; consent items first, consideration items second and public hearings third.

Comprehensive Plan Steering Committee

On May 15, 2008 the Comprehensive Plan Steering Committee will meet to discuss the recommended amendments made regarding the City's Comprehensive Plan.

Review of City Council Decisions

Zoning & Development Manager Carraway reviewed the decisions that the City Council made regarding request that had been previously heard by the Planning & Zoning Commission.

May 19, 2008 the City Council will reconsider the Twin Falls Urban Renewal request to amend the Special Use Permit by deleting condition #3.

May 12, 2008 the City Council approved the Perrine Point PUD Agreement and the project will move forward and include the City's first Neighborhood Commercial Overlay. They also approved the rezone of the 142.50 (+/-) acres from SUI to OS by a vote of 6-0. The Lighthouse Christian Fellowship was denied for the lights and PA system by a vote of 3-3

VI. ADJOURN MEETING:

Chairman Younkin adjourned the meeting at 7:45 pm.

CITY OF TWINF FALLS PLANNING & ZONING COMMISSION
CITY COUNCIL CHAMBERS
305 3RD Avenue East Twin Falls, Idaho
Public Hearing: May 28, 2008 6:00 P.M.

MINUTES

PLANNING & ZONING COMMISSION MEMBERS:

CITY LIMITS

Wayn Bohrn, Bonnie Lezamiz, Gerardo Muñoz, Bernice Richardson, Karen Stroder, Cyrus Warren (Vice Chairman), Carl Younkin (Chairman)

AREA OF IMPACT

Lee DeVore, R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS		AREA OF IMPACT MEMBERS	
Present	Absent	Present	Absent
Bohrn	Lezamiz	Mikesell	DeVore
Stroder	Muñoz		
Warren	Richardson		
Younkin			

CITY COUNCIL MEMBERS PRESENT: Heider, Kezele

CITY STAFF PRESENT: Carraway, Collins, Jones, Weeks, Westenskow, Wonderlich

AGENDA ITEMS FOR PUBLIC HEARING AND CONSIDERATION

III. ITEMS FOR CONSIDERATION:

1. Consideration of the Preliminary Plat of Farnham Subdivision, No. 2 consisting of 1.4 (+/-) acres and 1 lot on property located on the west side of Carriage Lane North and north of Thompson Park, c/o Gerald Martens/EHM Engineers, Inc.

IV. PUBLIC HEARINGS:

1. Request for the Commission's recommendation of PUD Modification of the Northbridge PUD for a Zoning District Change and Zoning Map Amendment for 1.5 acres (+/-) located at the northeast corner of Washington Street North and Pole Line Road from R-4 PRO to C-1 to allow for commercial development. c/o Hawkins Companies (app 2221)
2. Request for a Variance to allow less than the required building setback on a property located at 3138 Boehm Estates. c/o Timothy J. Norris (app. 2227)
3. Request for a Special Use Permit to construct a 60' monopole-wireless communication tower on property located at 269 Washington Street North. c/o T-Mobile (app. 2228)
4. Request for the vacation of the public utilities, irrigation and drainage easement along the northern boundary of Lots 1 through 4 Block 3 of the Ripley Subdivision, located at 2311-2387 Eldridge Avenue. c/o Rydan Investments, LLC (app. 2229)

I. CALL MEETING TO ORDER:

Chairman Younkin called the meeting to order at 6:25 P.M. once a quorum was met. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s)
   - May 6, 2008 & May 13, 2008

UNANIMOUSLY APPROVED

2. Approval of Findings of Facts and Conclusions of Law
   - Mike Ajeti-SUP
   - Bradshaw Homes-SUP
   - Community Council of Idaho-SUP
   - Parkwood Subdivision #4-Pre-plat
   - Eagle Point Subdivision-Pre-Plat
   - Larry Burton-SUP
   - Bradshaw Homes-SUP

III. ITEMS FOR CONSIDERATION:

1. Consideration of the Preliminary Plat of Farnham Subdivision No. 2 consisting of 1.4 (+/-) acres and 1 lot on property located on the west side of Carriage Lane north and north of Thompson Park c/o Gerald Martens/EHM Engineers, Inc.

APPLICANT PRESENTATION:

Gerald Martens, EHM Engineering, representing the applicant Chardonnay Homes stated this is parcel from a conveyance plat that requires a one lot plat. The parcel is approximately 1.4 acres and is will be used for the purpose of constructing an assisted living facility. They staff report has been reviewed and they find the recommended conditions agreeable.

P&Z QUESTIONS/COMMENTS:

Commissioner Stroder asked how many residents they are planning to have in the assisted living facility.

Mr. Martens stated the building will be approximately 10,000 sq. feet and will house 15 – 17 beds.

STAFF ANALYSIS:

Zoning & Development Manger Carraway stated that on August 20, 2007 the City Council approved this property with a Conveyance Plat and on September 14, 2007 the Farnham Conveyance Plat was recorded. A conveyance plat allows for the conveyance or sale of property to separate owners. A building permit application has been submitted for development of a retirement center on lot 1. To develop parcels within a conveyance plat a preliminary and final plat must be recorded.

The vicinity and zoning map was reviewed on the overhead.

This is a request for approval of the preliminary plat for the Farnham #2 subdivision. The site includes 1.39 (+/-) acres and is zoned C-1. The request is to plat one (1) lot for the development of a retirement center. The site is located southwest of the intersection of Carriage Lane and Addison Avenue East. The operation of a retirement center is a permitted use within the C-1 zone.

To develop parcels within a conveyance plat a preliminary and final plat must be approved and recorded. The first owner to develop a parcel within a conveyance plat is responsible for the improvements such as curb, gutter, and sidewalk installation and widening or improving the adjacent roadways of the entire site. This would include the frontage along Carriage Lane and Addison Avenue East. The owner of the northerly parcel of the Farnham Subdivision has requested a deferral be granted for the development of their portion of the improvements and staff is willing to support this request, subject to City Council approval. The developer of the retirement center will be responsible for improvements on their property at the time that they develop the site. Engineering also has reviewed the water line on Carriage Lane and water models indicate that the line between Trotter Drive and 9th Avenue East may need to be replaced with a larger line in the

future. Staff recommends a condition that would include a deferral of the replacement line at this time but would require the property owners' participation in putting in the line on their portion of their frontage at the time that it is necessary. This is the first step of the plat approval process. A preliminary plat is presented to the planning and zoning commission as a consideration item. The commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the commission may have required, is then presented to the city council. Only after a final plat has been approved by the city council may the plat be recorded and lots sold for development. Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed. A full review of required improvements will be made by the Building, Planning, and Engineering Departments for full compliance with minimum development standards prior to issuance of a building permit. The plat, as presented, is consistent with other subdivision development in the area and is in conformance with the Comprehensive Plan which designates this area as appropriate for commercial/retail uses.

Zoning & Development manager stated upon conclusion should the Commission approve the preliminary plat, as presented, staff recommends approval be subject to the following conditions:

1. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
2. Subject to a deferral agreement approved by the City Council for improvements on Addison Avenue East and Carriage Lane for frontage along Lot 2, Block 1 of the Farnham Subdivision, until such time that parcel is platted and developed.
3. Subject to a deferral agreement approved by City Council, for Lot 1, Block 1 of the Farnham Subdivision No 2, to install a 10" replacement water main on the property's Carriage Lane frontage until such time the existing 6" water main line in Carriage Lane is replaced from 9th Avenue East to Trotter Drive.
4. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

P&Z QUESTIONS/COMMENTS:

- Commissioner Stroder asked if the water main needed to be replaced prior to the assisted living facility being constructed.
- Assistant City Engineer Collins stated there is an existing 12" line from Addison Avenue down to Trotter Drive
- A water model has been run which shows very high pressure at the sight. Therefore replacement of the existing line is not necessary at this time and in his opinion there will never be a need to upsize the line.

PUBLIC COMMENT/QUESTIONS:

- Robert Lowe, 1018 Carriage Lane, asked where the sewer lines were located on this property, he also stated his other concern is the traffic overload at this intersection.
- Assistant City Engineer showed on the overhead the location of the current sewer lines and state they will have to extend the sewer to the northern boundary. He stated that perhaps Mr. Martens could address what improvements have been discussed along Addison at the time the northerly lot is developed.

CLOSING STATEMENTS:

Mr. Martens stated as part of the project there will be reconstruction in the front of this property and there will be additional road-way width in the future. As for a signal at the intersection that would not be something this project would probably warrant and is beyond this project.

DELIBERATIONS FOLLOWED:
Commissioner Stroder was concerned with how this may impact the surrounding properties and their water lines however the small number of beds planned for this facility eliminated her concern.

MOTION:
Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner Stroder seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
2. Subject to a deferral agreement approved by the City Council for improvements on Addison Avenue East and Carriage Lane for frontage along Lot 2, Block 1 of the Farnham Subdivision, until such time that parcel is platted and developed.
3. Subject to a deferral agreement approved by City Council, for Lot 1, Block 1 of the Farnham Subdivision No 2, to install a 10" replacement water main on the property's Carriage Lane frontage until such time the existing 6" water main line in Carriage Lane is replaced from 9th Avenue East to Trotter Drive.
4. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

IV. PUBLIC HEARING:

1. Request for the Commission's recommendation of a PUD Modification of the Northbridge PUD for a Zoning District Change and Zoning Map Amendment for 1.5 acres (+/-) located at the northeast corner c/o Brandon Whallen on behalf of Hawkins Companies (app. 2221)

APPLICANT PRESENTATION:
Brandon Whallen, Hawkins Companies, stated they first gained interest in the 3 acre parcel that is on the northeast corner of Pole Line Road and Washington Street North. The Northbridge PUD had established a 4.5 acre parcel as an R-4 PRO zoned parcel. The 3 acre parcel was purchased and a PUD Modification with a rezone of the parcel from R-4 PRO to C-1was approved. Subsequently the 1.5 acre parcel became available and that is the reason for the request tonight. They would like to rezone the 1.5 acre parcel from R-4 PRO to C-1 to allow for a uniform commercial development.

P&Z QUESTIONS/COMMENTS: NONE

STAFF ANALYSIS:
Zoning & Development Manager Carraway reviewed the vicinity and zoning map on the overhead. She stated that this is a request for a modification of the Northbridge PUD to rezone 1.5 (+/-) acres at the northeast corner of Washington Street North and Pole Line Road West. The applicant is requesting to amend the PUD agreement to change the zoning in this area from R-4 PRO to C-1. On September 24, 2007 the City Council approved an amendment to the Northbridge PUD to rezone 3 acres of a 4.5 acre parcel from R-4 PRO to C-1 just south of the subject property. At the time the applicants only owned the 3 acre platted lot, known as Lot 6, Westpark Commercial Subdivision No 3, leaving the remaining 1.5 acre parcel to the north zoned R-4 PRO. They have

since purchased the entire Westpark Commercial Subdivision, No. 3 and are asking that this parcel be rezoned so that they can be it can be consistent with the proposed use. The proposed development plan was displayed on the overhead and the 1.5 acre parcels is in the middle of the proposed parking area.

Zoning and Development Manager Carraway reviewed the PUD modification procedure and stated upon conclusion if the Commissioner recommends approval of this request to the City Council staff would recommend the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to omitting any reference to the R-4 PRO parcel within the Northbridge C-1 PUD.

P&Z QUESTIONS/COMMENTS:
Commissioner Stroder asked about the resident in this area and the location of her drive-way. Assistant City Engineer Collins stated that the drive-ways are offset from one another and unfortunately when the residents parcel was developed her drive-way was built along an arterial street.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

CLOSING STATEMENTS: NONE

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Stroder made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to omitting any reference to the R-4 PRO parcel within the Northbridge C-1 PUD.

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING JUNE 30, 2008

2. Request for a Variance to allow less than the required building setback on a property located at 3138 Boehm Estates c/o Timothy J. Norris (app. 2227)

APPLICANT PRESENTATION:
Evan Robertson, Attorney and representing the applicant, stated that this application is centered on the language of the 10-4-2.3 E 1(d) where it says no accessory buildings shall be constructed in the front yard nor closer than thirty feet (30') to other street frontages, except when the accessory building is more than one hundred feet (100') from any public access road or to the front property line, whichever is further. It is his opinion that this detached accessory building is not in the front yard and the measurement has been taken from the street frontage not from the property line at 30 feet. The second item is that they would like to reserve the right to object if need be to the application of the City's ordinance.

Timothy Norris, the applicant, stated he has resided at his residence for approximately 20 years built the house and plans to hopefully build a detached accessory building on his property and live there another 30 years. This location is along a cul-de-sac and there are three homes at the end of the cul-de-sac with no through streets. The request is for a 9 foot variance from the 30 foot setback from the property line. He stated that he reviewed the regulations and the information he used to design the footprint of the garage was that the setback should be no closer that 30' from the street frontage. The street frontage was measured from his mailbox. The location of the detached garage was discussed with the neighbors and none of them had any concerns. The location is critical is because it enables him to maintain the mature landscaping on the property and maintain one access from the road to the property. He started construction on the building and found there was a misunderstanding of the setback requirement; so he is asking for the variance.

P&Z QUESTIONS/COMMENTS:

- Chairman Younkin asked about the height of the building.
- Mr. Norris stated the building is a little shorter than the existing home, the intent is to make this as unobtrusive as possible.
- Chairman Younkin asked if his mailbox is outside of the property line.
- Mr. Norris stated that is correct and that is what lead him to conclude that the blacktop was the street frontage.

STAFF ANALYSIS:

Zoning & Development Manager stated this is a request for a variance of the required building setback within Twin Falls City Code Title 10. This property is zoned SUI -- Suburban Urban Interface within the City's Area of Impact. The property is located on a lot with a double frontage. The applicant submitted a building permit with a site plan which shows the future detached accessory building setback at 30' from property line. The footings were laid out and when the inspectors went out to inspect it was discovered the building was set at twenty one feet (21') from the east property line. This request is for the variance of 9' from the property line setback. The vicinity and zoning map was reviewed on the overhead along with the plat map and site plan. She reviewed the definition of a front yard along with the definition and criteria for the approval of a variance. The staff is aware that the subdivision has been in existence more than thirty years and many of the properties have had development along the street frontage.

Zoning & Development Manager stated should the commission determine all 5 criteria have been met and approves this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required By Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to placement and development of detached accessory structure, as presented, and as approved by the Commission.

P&Z QUESTIONS:

- Commissioner Stroder stated that obviously the mailboxes were not where they are supposed to be and asked how that could occur. Her other question was regarding a property, mentioned in the applicant's narrative, in this same location that has a detached accessory building without a permit.
- Zoning & Development Manager Carraway stated this is an older rural subdivision that was not originally part of the City's jurisdiction and the mailboxes were posted along the street under the county's regulations at that time. The staff did do some research on the other property with regards to the detached accessory building and there is no record of a permit

being issued either thru the county or the city. You could assume the property was under the counties jurisdiction at that time and there are probably several properties that are non-conforming because they were built under county standards. This would normally be addressed when there is a change being made to the property.

- Chairman Younkin asked if a property survey was required at the time the site plan was submitted.
- Zoning & Development Manager Carraway stated that the survey was required to determine the location of the property line but it was not required initially when the plans were submitted.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

CLOSING STATEMENTS:
Mr. Robertson stated that the building does not have to be built or the building could be made smaller. The building could go away but the hardship in this case was that the section that has been sighted is very confusing and the misinterpretation of the ordinance resulted in a hardship. The applicant tried to meet the requirements and the verbiage created this unfortunate event. Perhaps this may have been avoided had a survey of the property been required to obtain the building permit this could have been avoided. The State Land Use Planning Act also states that a variance can be issued by the applicant showing an undo hardship because of the characteristics of the sight. The characteristics of the sight would indicate the sight now; the applicant has spent a great deal of money installing the footings for the building, moving the utilities and has worked very hard to maintain the mature landscaping. These characteristics should be taken into consideration. The state code also says that a variance shall not be in conflict with public interest; if the Commission focuses on this the surrounding property owners have consented to the location and removing the landscaping would not be in the best interest of the property owners. With this being a unique situation along with the confusion in the ordinance the applicant is requesting approval of the variance.

P&Z QUESTIONS:
Chairman Younkin asked what the intended use is for the garage.
Mr. Norris stated the intent is to house a utility trailer currently being stored outside and for other personal items.

DELIBERATIONS FOLLOWED:
Commissioner Mikesell stated he agrees the circumstances of the lot are as they exist today. There is 20 years of landscaping on the property, and this is a unique variance request.
Commissioner Bohrn stated that we are trying very hard to allow for this variance however based on the 5 criteria it is very difficult.
Commissioner Stroder stated that there are probably quite a few homes that are not in compliance with City Code because they were built before they were incorporated into the City. However, with this in mind she still is having a difficult time allowing for a variance based on the 5 criteria.
Commissioner Younkin stated this is a request for a 9' variance; he has mature landscaping, and a list of signatures from the surrounding property owners that have no issue with the placement of the garage. In this case he thinks it is in the interest of the neighborhood and the applicant to vote in favor of the variance.

MOTION:
Commissioner Mikesell made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed a 3-2

outcome with Commissioners Mikesell, Warren & Younkin voting for the motion and Commissioner Stroder and Bohrn voting against.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required By Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to placement and development of detached accessory structure, as presented, and as approved by the Commission.

3. Request for a Special Use Permit to construct a 60' monopole-wireless communication tower on property located at 269 Washington Street North c/o Terry Cox on behalf of T-Mobile (app. 2228)

APPLICANT PRESENTATION:
Terry Cox, representing T-Mobile , stated he stood before this Commission back in November 2007 and had a special use permit approved to construction a 60' monopole approximately 2 feet from this proposed site. Since the approval they have had landlord issues and decided to seek a new landlord. In order to do so we need move to 2 feet from the original location over to the other side of the fence; that is the purpose of this request.

STAFF ANALYSIS:
Zoning & Development Manager Carraway stated this is a request to place a new 60' free-standing wireless communications monopole and supporting facility at 269 Washington Street North. The vicinity and zoning map was reviewed on the overhead. The property is zoned C-1. A special use permit is required to operate free-standing wireless communications facilities in the C-1 zone. The elevation shows the tower to be a 60' monopole type tower. On November 27, 2007 the applicant was approved for a special use permit to construct a tower at 125 Heyburn Avenue West. The approval of this request should initiate the revocation of the previous special use permit for a wireless communication facility located at 125 Heyburn Avenue West. The reason for this is that the previously approved special use permit was attached to the property located at 125 Heyburn Avenue West if it is not revoked there would be an allowance for an additional tower in this location. The proposed location is 176' deep and 155' wide. There is a building on the property and the applicants are proposing to place the tower along the northern boundary of the property. The tower would be a free-standing tower in a 10' by 20' enclosure. The uses directly adjacent to where the tower is proposed include a vacant commercial building, commercial sewer drain service business, a vacant residential property and a residence to the south. The tower is required to have a setback of 125% of the height of the tower from any residence or residentially zoned property. The 60' height (60' x 125%= 75') provides for this setback T-mobile currently has two existing towers. The existing sites are at 171 Canyon Avenue and 601 Pole Line Road. This site is located centrally between the two existing towers. T-mobile is looking for possible sites east and west of their current sites to expand their service coverage. Facilities and landscaping must be maintained and only lighting required by federal aviation administration (FAA) guidelines is allowed.

Zoning & Development Manager Carraway reviewed the proposed site plan and stated should the commission approve the request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards, otherwise site plan and elevation as presented.
2. Assure compliance with all requirements of Twin Falls City Code §10-7-17.

3. Subject to the applicant receiving a building permit for freestanding tower and final inspection approval of the construction and placement.
4. Color to be neutral color, simulate a standard utility pole, or otherwise be camouflaged or disguised so as to make the tower as unobtrusive as possible.
5. Subject to the applicant initiating revocation of the special use permit #1062 for a wireless communication facility located at 125 Heyburn Avenue West.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

CLOSING STATEMENTS: NONE

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Bohrn made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards, otherwise site plan and elevation as presented.
2. Assure compliance with all requirements of Twin Falls City Code §10-7-17.
3. Subject to the applicant receiving a building permit for freestanding tower and final inspection approval of the construction and placement.
4. Color to be neutral color, simulate a standard utility pole, or otherwise be camouflaged or disguised so as to make the tower as unobtrusive as possible.
5. Subject to the applicant initiating revocation of the special use permit #1062 for a wireless communication facility located at 125 Heyburn Avenue West.

4. Request for the vacation of the public utilities, irrigation and drainage easement along the northern boundary of Lot s1 through 4 Block 3 of the Ripley Subdivision, located at 2311-2387 Eldridge Avenue c/o Scott Allen/The Land Group on behalf of Rydan Investments, LLC (app. 2229)

APPLICANT PRESENTATION:
Scott Allen/The Land Group, representing the applicant, stated the applicant is requesting that a utilities, irrigation and drainage easement be vacated. It is a 15 ' wide easement, the applicant is the manager of Rydan Investments, LLC and has purchased these four lots that were part of the Ripley Subdivision and as part of City Code when the subdivision was platted a utility easement was reserved. This area has not been developed; they have received approval from surrounding properties and the utility companies for the vacation of the easement. These four lots are comprised of approximately 4 acres and the property to the north is owned by the applicant and it is comprised of approximately 5 acres. This land has been consolidated into one parcel creating approximately 9 acres of land for possibly a new development.

P&Z QUESTIONS/COMMENTS: NONE

STAFF ANALYSIS:
Zoning & Development Manager Carraway reviewed the vicinity and zoning map on the overhead. She stated this is a request to vacate a fifteen foot (15') wide easement along the northerly lot lines

of four (4) lots of the Ripley Subdivision. Lots 1, 2, 3, and 4 of block 3 contain the easement for public utilities, irrigation, and drainage. The applicant owns these lots and a remnant parcel to the north. The applicant would like to consolidate the five (5) parcels into a single lot so that it can be master planned and developed. An easement area does not allow permanent buildings to be placed over it and this easement runs through the middle of the four (4) lots. The owners of adjacent properties were contacted and none had any objections to the vacation of the easements. The utility companies were also notified and had no objections. All have agreed to abandon and release their rights to the subject easements. The applicant will record easements for utilities, irrigation, and drainage as the property develops. The procedure for a vacation was reviewed.

Zoning & Development Manager Carraway stated should the Commission recommend approval of the vacation, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the remnant parcel and lots 1, 2, 3, and 4 of block 3, Ripley Subdivision being combined into one lot, to include dedication of rights-of-way on Eldridge and easements as required or subject to platting of the property.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

CLOSING STATEMENTS:
Scott Allen requested that the second staff recommendation regarding dedication of right-of-way include verbiage that it be required at the time of development or platting of the property.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Stroder made a motion to recommend approval of the request as presented with staff recommendations including the verbiage that the easement be dedicated at the time of development. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

3. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
4. Subject to the remnant parcel and lots 1, 2, 3, and 4 of block 3, Ripley Subdivision being combined into one lot, to include dedication of rights-of-way on Eldridge and easements as required at the time of development or platting of the property.

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING JUNE 30, 2008

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

Zoning & Development Manager Carraway gave a review of City Council decisions.

May 19, 2008 City Council Meeting:

- The ordinance for the Grandview Farms, LLC "Village West" was adopted a PUD application has been submitted for review and will be scheduled in the near future.
- A final plat for Eagle Park Subdivision was approved.
- A final plat for Eagle Point Subdivision was approved.

- A final plat for Parkwood Subdivision #4 was approved.
- Annexation for the CSI property was approved with the limitation that this be approved as Phase 1 and any additional development on the site would require a PUD Modification.
- The rezone request from Jim Fort was approved.
- Annexation with rezone to C-1 PUD from Gregg Olsen was approved with the additional condition that the buildings along the west and south side of the property be constructed with decorative tilt wall concrete.
- The condition for the Urban Renewal request was added back to the special use permit but allowed for a deferral agreement.

May 27, 2008 City Council Meeting:

- The Council decided to reconsider the Lighthouse Christian request for a PA system and additional lighting with additional conditions:
  A.-Prior to scheduling a public hearing with the following conditions:
  1. Subject to contacting property owners within 1,000 feet.
  2. Subject to two town hall type meetings for surrounding property owners.
  3. Subject to contacting Idaho Home & Hospice as well as Twin Falls Care Center.
- The Greg Olsen annexation ordinance was approved
- A final plat extension was approved for Robbins PUD Subdivision.
- A final plat extension was approved for Americana Subdivision.

VI. UPCOMING MEETINGS:

- June 10, 2008 Planning & Zoning Public Hearing
- Comprehensive Plan Update meeting is scheduled for June 18, 2008

VII. ADJOURNMENT MEETING:

Chairman Younkin adjourned the meeting at 7:45 p.m.

Lisa A. Jones

Lisa Jones
Administrative Assistant
Community Development Department

CITY OF TWINF FALLS PLANNING & ZONING COMMISSION
CITY COUNCIL CHAMBERS
305 3RD Avenue East Twin Falls, Idaho
Public Hearing: June 10, 2008 6:00 P.M.

MINUTES

PLANNING & ZONING COMMISSION MEMBERS:

CITY LIMITS

Wayn Bohrn, Bonnie Lezamiz, Gerardo Muñoz, Bernice Richardson, Karen Stroder, Cyrus Warren (Vice Chairman), Carl Younkin (Chairman)

AREA OF IMPACT

Lee DeVore, R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS		AREA OF IMPACT MEMBERS	
Present	Absent	Present	Absent
Bohrn		DeVore	
Lezamiz		Mikesell	
Muñoz			
Richardson			
Stroder			
Warren			
Younkin			

CITY COUNCIL MEMBERS PRESENT: None

CITY STAFF PRESENT: Carraway, Collins, Jones, Weeks, Westenskow, Wonderlich

AGENDA ITEMS FOR PUBLIC HEARING AND CONSIDERATION

III. ITEMS FOR CONSIDERATION:

1. Consideration of the preliminary plat of Pioneer Estates Subdivision consisting of 13.10 (+/-) acres with 44 single family residential lots on property located at the northwest corner of File Avenue East and Meadowview Lane North c/o The Land Group
2. Consideration of the preliminary plat of Ameritel Subdivision consisting of 3.64 (+/-) acres with 2 commercial lots on property located at the northeast corner of Pole Line Road and Harrison Street c/o EHM Engineering
3. Consideration of an extension of the approval of the preliminary plat of The Preserve PUD Subdivision, Phase 1, consisting of 118.80 (+/-) acres with 151 residential lots located at east of Eastland Drive North and south of Pole Line Road c/o EHM Engineering

IV. PUBLIC HEARINGS:

1. Request for a special use permit to allow a drive-through window operating outside the permitted hours of operation of 7:00 am to 10 pm on property located at 1970, 1980, 1990 Addison Avenue East c/o Todd & Kim Ostrom (app. 2233)
2. Request for a special use permit to operate a wholesale distribution and warehouse facility on property located at 1708 Kimberly Road c/o EHM Engineering & White, White & Lawley (app. 2232)

I. CALL MEETING TO ORDER:

Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s)
   - May 28, 2008

     UNANIMOUSLY APPROVED
2. Approval of Findings of Facts and Conclusions of Law
   - Tim Norris-Variance
   - T-Mobile-SUP
   - Farnham Subd. No.2-Pre-plat

III. ITEMS FOR CONSIDERATION:

1. Consideration of the preliminary plat of Pioneer Estates Subdivision consisting of 13.10(+/-) acres with 44 single family residential lots on property located at the northwest corner of Filer Avenue East and Meadowview Lane North c/o The Land Group

APPLICANT PRESENTATION:

Kristi Fehringer, The Land Group, representing the applicant The Group, LLC (Doug Strand and Larry Fairbanks). This project is located on the northeast corner of Filer Avenue and Carriage Lane the request tonight is for the approval of the preliminary plat for Pioneer Estates Subdivision. This subdivision consists of approximately 13 (+/-) acres with 42 residential lots and 2 open space lots. Phase 1 will consist of 8 lots which are on the west side of the coulee. Phase 2 will consist of 34 lots including a pathway and landscaped open space. Open space landscaping will consist of geographically specific plant material designed with water conservation in mind; these pathways and open space areas will be deeded to the City of Twin Falls. The highlight of this project is the continuation of the pathways from the Morningsun development on the northside this connection will provide a continuous pathway from Filer Avenue clear to Falls Avenue. The developer intends to plat the entire project and develop in two phases. Lots in Phase 2 will be placed into a trust agreement, this project fits well with the area an conforms to the City of Twin Falls ordinances and zoning. They have read the staff report and concur with the staff recommendations and ask that the Commission approve the Pioneer Estates plat.

STAFF ANALYSIS:

Planning Technician Weeks stated this is a request for the approval of the preliminary plat for Pioneer Estates Subdivision. The plat consists of approximately 13 (+/-) acres with 42 residential lots and 2 open space lots. The property is zoned R-1 VAR upon review of the proposed lot sizes it appears there may be some lots that do not meet the minimum lot size requirements for the R-1 VAR zoning. A condition that full compliance with City Code 10-4-3.3 (B) should be placed on this plat if approved. The subdivision was un-platted land between the Morningsun Subdivision on the north and east, the Woodland Hills Subdivision to the west, and Our Savior Lutheran Church to the south. Meadowview Lane and Filer Avenue East are both collector streets which require detached sidewalk. The preliminary plat indicates detached sidewalks along Filer Avenue East and Meadowview Lane except the northern most lot. The subdivision has two lots to be used as common open spaces. As part of the agreement the developer will develop a linear mini-park and

walking path along the coulee the runs through the property. The preliminary and final plat approval process was reviewed. The plat is consistent with other development in the area and consistent with the Comprehensive Plan which designates this area as appropriate for residential development.

Planning Technician Weeks stated upon conclusion should the Commission approve the Pioneer Estates Subdivision preliminary plat request, staff recommends the following condition(s):

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. Subject to Department of Parks and Recreation approval of the landscaping plans and open fencing required for lots located adjacent to the proposed walking paths.
4. Subject to compliance with minimum lot sizes as per City Code 10-4-3.3(B).

P&Z QUESTIONS/COMMENTS:NONE

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

CLOSING STATEMENTS: NONE

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Stroder made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. Subject to Department of Parks and Recreation approval of the landscaping plans and open fencing required for lots located adjacent to the proposed walking paths.
4. Subject to compliance with minimum lot sizes as per City Code 10-4-3.3(B).

2. Consideration of the preliminary plat of Ameritel Subdivision consisting of 3.64(+/-) acres with 2 commercial lots on property located at the northeast corner of Pole Line Road and Harrison Street c/o EHM Engineering

APPLICANT PRESENTATION:
Scott Abelman, Ameritel Inns, Vice President and CFO, representing the applicant stated this is a request for the approval of the subdivision of a parcel located along Pole Line Road to include two lots. One lot has the hotel on it and one that is approximately .75 of an acre for a restaurant. This plat was brought before the Commission on October 23, 2007 and was tabled at that time because there was a problem with the screening between the hotel and the residential property owner to the north. What he understood was that Ameritel had not had any correspondence with the owner of the property to the north of the project; this was not the case at the time however the person representing Ameritel that evening was not aware of the correspondence that had take place.

Since this time a screening wall has been constructed which he displayed on the overhead. One of the other problems discussed was where the trash receptacle was going to be screened. He stated they have a trash compactor in the screened area shown on the overhead. The request was that the fence match the colors of the building which it does, the fence is constructed with Trex material. The back of the building was also displayed on the overhead to show the landscaping, which was one of the other concerns presented at the previous meeting. The owner to the north had suggested a cinder block fence and Ameritel felt the Trex material was a much better quality and more attractive material to use because it is the same color on both sides. He would like to request that the Commission approve the preliminary plat.

P&Z QUESTIONS/COMMENTS:

- Commissioner Stroder asked about the correspondence the applicant had with the neighbor Ms. Breckinridge to the north with the regards to the screening plan and materials.
- Mr. Abelman stated a letter was sent to Ms. Breckridges attorney Mr. Golesby on April 6, 2007 with no response. There were several phone calls made with no response as well. A copy of the letter was sent to the City for the files. The letter invited Ms. Breckridge to come to Boise to look at some of the Ameritel Inns to see what type of materials they use to screen their properties and the type of landscaping they typically use; from this there was never a response.
- Commissioner Munoz asked if the final type of material was agreed upon by Ms. Breckinridge and how they understood she wanted a cinder block fence.
- Mr. Abelman stated the cinder block fence was a request from Ms. Breckinridge to the Commission at the previous meeting; there has not been any correspondence with Ms. Breckinridge about the materials that were chosen for the fence that is currently in place.

STAFF ANALYSIS:

Planner I Westenskow stated this is a request for the approval of the Ameritel preliminary plat. This plat consists of 3.64 (+/-) acres where the new Ameritel Inn has just been constructed and it is zoned C-1. To the north of the property is R-1 VAR zoned property within the area of impact, to the south is R-4 zoned property the Lazy J Mobile Home Village, to the east is the Department of Health and Welfare a C-1 PUD zoned property and to the west is C-1 zoned property for a proposed hotel. This plat includes 2 lots one is 2.8 acres for the hotel and .75 acres for the proposed restaurant pad. This item was tabled by the Planning & Zoning Commission on October 23, 2007 until the issue of screening between the Ameritel property and the residentially zoned property to the north was resolved. The preliminary and final plat approval process was reviewed. The Ameritel decided not to pursue the platting process after the issue was tabled and since then in order to gain a certificate of occupancy for the hotel screening of the property was required. A 6 foot fence was installed with coloring to match the building and meets City Code screening requirements. The plat is consistent with other development in the area and is consistent with the Comprehensive Plan which designates this area as Mixed Use (Commercial Retail)

Planner I Westenskow stated upon conclusion should the Commission approve the Ameritel Inn preliminary plat request, staff recommends the following condition(s):

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.

P&Z QUESTIONS/COMMENTS:

- Commissioner Stroder read a letter from a citizen into the record that is filed with the application.

- Commissioner Munoz asked if the City has a copy of the letter sent to Ms. Breckinridge and if the City is aware of any correspondence between the two parties.
- Zoning & Development Manager Carraway stated we did receive the letter and Community Development Director Humble did communicate with the Breckinridge Family. The screening was built according to code and is not in violation of any code requirements.
- Commissioner Younkin asked if the certificate of occupancy has been approved.
- Zoning & Development Manager Carraway stated that a permanent certificate of occupancy has been approved.
- Commissioner Stroder asked the applicant why the fence was build before the issue had been resolved with the neighbor to the north. It seems as though an agreement had not been reached on the type of screening to be used.
- Mr. Abelman stated that he spoke to the Community Development Director Humble about code requirements for the screening. Mr. Humble explained the requirements necessary to meet code and Ameritel proceeded with the fencing. Mr. Abelman displayed the letter that was sent to Ms. Breckinridge's attorney dated April 6, 2007.
- Commissioner Stroder noted that the letter displayed was previous to the tabling of the preliminary plat by approximately 6 months and asked why after the preliminary plat approval was tabled wasn't there more current attempts to resolve this issue.
- Mr. Abelman stated there were several attempts made and there was never any correspondence from Ms. Breckenridge or her attorney regarding this issue.
- Commissioner Munoz stated that the item was tabled because there was not any resolution to the screening issue, because the original presentation showed a 15 foot berm with landscaping changed to 3 feet of landscaping because the building had to be moved. Therefore, in order for us to approve the subdivision we asked that a plan for the 3 foot space and fencing be presented that is agreeable to both parties.
- Zoning & Development Manager Carraway stated that what transpired with Ameritel is the fact that the condition that you tabled this on was for a subdivision plat and Ameritel proceeded to develop the piece of property as one parcel which is why they were able to move forward. They have built the hotel and are in compliance with City Code the screening meets the City Code requirements and at this point what they are asking to do is to split this lot into two parcels.
- Commissioner Munoz stated he understood; however he still would like to see a fence that is agreeable. It feels as though the applicant built the hotel installed the fence to gain occupancy and now they are trying to get the plat approved without meeting the original conditions for the plat approval.
- Commissioner Stroder stated that she doesn't see that the condition placed on the preliminary plat was met. The part that is being disputed is that the original landscaping area presented was lost because building had to be moved back because of miscalculations. This issue could have been resolved by reconfiguring the building and leaving the landscaping in place. Ms. Breckenridge was agreeable to the original landscaping design but when the building had to be moved and the landscaping was significantly reduced the issue of screening between the properties arose which is why the preliminary plat approval was tabled.
- Mr. Abelman would request a reason for tabling this request if that is what the Commission chooses to do. He doesn't understand how Ameritel can be held hostage for not constructing a block fence, the material that was used for the fence is much nicer and nowhere in the code requires a block fence.
- Commissioner Munoz stated that the Commission can make special conditions.

- Mr. Abelman stated that he contacted the Community Development Director Humble and told him to get the certificate of occupancy for the hotel they need to put up a fence and asked for the code requirements.
- City Attorney Wonderlich stated he understands that the Commission is angry because of what has happened and in his opinion there is absolutely no connection between the fencing issue and the splitting off of a lot. The issue currently is a request for the splitting of a piece of property. He stated that he has spoken to Ms. Breckenridge and she would like to address the Commission.

PUBLIC COMMENT: OPENED
Ms. Breckenridge stated she wanted to thank the Commission for their integrity and trying to fix this situation. She stated she could dispute what has been said about her but she doesn't see how we are going to move forward if we stay hung up on this issues. She stated this is the first group that has stood up for the Breckenridge Family. There is a fence in place and landscaping, not what she would have chosen but it is there. The comment made before as to why Ameritel had to meet these requirements and no one else did; it's because no one else has stood up for the Breckenridge Family before. She stated that the Community Development Director Humble did a good job at mediating and informing them of what the fence was going to be made of and what it was going to look like. She stated they are okay with it and this needs to move forward and she appreciates what the Commission has done. She does however have one other concern. On the overhead she displayed pictures of her property and the Ameritel property showing a significant height difference. She stated she is concerned with the erosion that is going to take place because of this and asked that the Commission require a retaining wall be placed along the west side of the Ameritel property to reduce the erosion.
PUBLIC COMMENT: CLOSED

CLOSING STATEMENTS:
Mr. Abelman stated he knows exactly what Ms. Breckenridge is talking about and he absolutely agrees with her that this is a concern. He stated however they don't want to install a retaining wall until there has been a determination as to what is going to happen with the plat and the proposed restaurant pad. Across the street at the Hilton Garden Inn is an example of the retaining wall that will be installed. The retaining wall will be required to build.

DELIBERATIONS FOLLOWED:
- Commissioner Munoz stated that the condition has been met and this was verified by Ms. Breckenridge's testimony. It didn't occur the way that I would have liked but it did get done. As for the retaining wall there may be a need to add this as a condition, because changes in the future may prevent them from finishing the project.
- Commissioner Stroder stated that she agrees the retaining wall needs to be a condition.
- Commissioner Bohrn stated that the material that was used for the fence is a long-term material.
- Commissioner Younkin stated this is a durable and nice looking fence and meets code so he would be willing to move forward.

MOTION:
Commissioner Bohrn made a motion to approve the request as presented with staff recommendations with an additional condition that a retaining wall being constructed on the west property line to retain any and all land products from falling onto the adjacent property. Commissioner Warren seconded the motion. Roll call vote showed an 8-0

outcome with Commissioners Munoz, Richardson, Stroder, Warren, Younkin, Devore, Bohrn, and Lezamiz in favor of the motion and Commissioner Mikesell abstaining.

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to a retaining wall being constructed on the west property line to retain any and all land products from falling onto the adjacent property.

3. Consideration of an extension of the approval of the preliminary plat of The Preserve PUD Subdivision, Phase 1, consisting of 118.80(+/-) acres with 151 residential lots located at east of Eastland Drive North and south of Pole Line Road c/o EHM Engineering

APPLICANT PRESENTATION:
Gerald Martens, EHM Engineering, representing the applicant stated in June of 2007 there was a preliminary plat approval for The Preserve PUD Subdivision. Extensive work has been done to prepare this sight for development and the majority of the infrastructure is in place. The preliminary plat is soon to expire and they are requesting an extension for one-year

P&Z QUESTIONS/COMMENTS:

STAFF ANALYSIS:
Planner I Westenskow stated this is a request for the extension of a preliminary plat for The Preserve PUD Subdivision Phase 1. This plat consists of 118 acres and 151residential lots. This property was annexed and rezoned in 2005 and 2006 and the preliminary plat was approved in June of 2007 with three conditions. At that time the plat was considered consistent with the development in the area and consistent with the comprehensive plan. There have not been any substantial changes to the code to indicate the need for re-submittal.

Planner I Westenskow stated upon conclusion should the Commission approve the extension for The Preserve preliminary plat request, staff recommends the following condition(s):

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. Full compliance with the PUD Agreement.

PUBLIC COMMENT: OPENED
Mark Martin, 2273 Candleridge East Circle, stated he is concerned with the water that is currently in this area. There are quite a few ponds on this property and he would like to know how the developer is addressing this issue.
PUBLIC COMMENT: CLOSED

CLOSING STATEMENTS:
Mr. Martens stated there is ground and spring water on this property and the developer has hired a hydrologist to address this issue and to accommodate the water. There is a major Twin Falls Canal company drain in this area and he invited the gentleman to come by the engineering office to review the plans.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner DeVore seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED THE EXTENSION OF THE APPROVED PRELIMINARY PLAT OF THE PRESEVE PUD SUBDIVISION, PHASE 1 UNTIL JUNE 12, 2009 AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. Full compliance with the PUD Agreement.

IV. PUBLIC HEARING:

1. Request for a special use permit to allow a drive-through window operating outside the permitted hours of operation of 7:00 am to 10:00 pm on property located at 1970, 1980, 1990 Addison Avenue East c/o Todd & Kim Ostrom (app. 2233)

APPLICANT PRESENTATION:
Kim Ostrom, the applicant, stated she is here to request a special use permit for a drive-through window. Currently the 1970 Addison Avenue East address is the Java Jungle that they own and opened in 2002. There is a special use permit in place for this address to operate the drive-through window and to operate outside the permitted hours. Since opening their second shop on Washington Street they realized they have reached capacity at the Addison Avenue location and decided to expand. They have purchased the two houses to the east of the Java Jungle on Addison Avenue and have plans to put in a new building at this location to include the Java Jungle and several other retail shops. The proposed building is about 6500 sq. feet and will be situated on the three lots. The hours of operation will be 5:00 am to 9:00 pm Monday-Saturday and 7am to 3 pm on Sundays. The store will have approximately 4-5 employees and the peak hours are between 8:00am and 2:00pm with peak drive-through hours from 8:00am to 10:00am with approximately 20-25 cars an hour. New construction on the gateway arterial requires a 30 foot landscape buffer and she is requesting approval of a hardship 10-7-12 that would allow the Commission to alter this requirement. The set up for this location will be similar to the Washington Street facility. The Java Jungle has been operating on Addison Avenue for six years and they have had no complaints.

P&Z QUESTIONS/COMMENTS:

- Commissioner Stroder asked if the hours at this location will change.
- Mrs. Ostrom stated that the hours at this location are currently 6:00am to 6:00pm and will probably open at 5:00am. The baking will take place at the Washington Street store and transported to the Addison Avenue store.
- Commissioner Munoz asked if they plan to have a fence located behind the building to shield the residential area from the drive-through speaker.
- Mrs. Ostrom stated that a fence is not required because there is an alley behind the building; they will not be allowed to use the alley for stacking so the drive through will be where the

current fence is located. We have not had any complaints about the drive-through system in place now.

STAFF ANALYSIS:
Planner I Westenskow reviewed the vicinity and zoning map on the overhead. The property is located on the corner of Addison Avenue East and Sunrise. The plan is to consolidate the three lots into one and construct a new development. The properties consolidated will be approximately ½ acre. The development will consist of the Java Jungle and Zulu Bagel with some other retail space available. The zoning for this property allows for commercial and professional office uses. A drive-through requires a special use permit request and must provide for a minimum stacking of six (6) vehicles which is shown on the site plan. Another part of the request is related to the gateway arterial landscaping and the applicant has shown that if the 30 foot landscaping is required it will reduce their parking space to 85% of their requirement and qualifies them for a modification due to a hardship. City Code 10-7-12(C) states that in the case of the expansion of existing commercial developments, these requirements may be modified by the commission if it can be shown by the developer that strict compliance with these requirements will result in the removal of existing and proposed parking spaces below eighty five percent (85%) of the number of spaces required to serve the existing and proposed development. This was shown in the applicant's site plan. As part of the operation the proposal includes hours of operation that are outside of the 7am to 10pm allowance; the plan is to operate from 5am to 9pm. After review of the site plan city staff has recommended changes to allow for one access from Addison Avenue East and an exit onto Sunrise Boulevard to provide for a safer intersection.

Planner I Westenskow stated upon conclusion should the Commission approve the request, staff recommends the following condition(s):

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards, otherwise site plan and elevation as presented.
2. Lots 8, 9, & 10, Block 1 East Addison Subdivision are legally combined as 1 lot before development.
3. Development may have one access onto Addison Avenue East, located as far to the west end of the property as possible.
4. Access off of Addison Avenue East to be built to arterial approach standards.
5. Pave alley south of property along property frontage.

P&Z QUESTIONS/COMMENTS:

- Commissioner Stroder asked if the exit through the alley onto Sunrise Boulvard forces traffic into a residential area.
- Planner I Westenskow stated the residential properties are located to the south and east of the proposed exit.
- Commissioner Munoz asked it the additional access was removed from Addison Avenue if that would allow for more landscaping.
- Planner I Westenskow stated that there may be other alterations to the site plan that requires the spaces shown at the end of the building to be relocated where the additional Addison Avenue access has been removed.
- Assistant City Engineer Collins stated the one access from Addison would be expanded to meet arterial standards. If there is an exit onto the alley it would take the traffic away from the corner.

- Commissioner Stroder asked if the building could be reduced in size to reduce the number of required spaces.
- Mrs. Ostrom stated that they were trying to optimize on the space to make it more economically feasible.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

CLOSING STATEMENTS: NONE

DELIBERATIONS FOLLOWED:

- Commissioner Munoz stated he brought up the fencing issue; however the neighbors haven't brought forth any concerns. If there are complaints later it can be addressed.
- Commissioner Stroder asked if there is a limit to one access along Addison Avenue will the applicant be able to recoup enough land to meet the parking requirements.
- Assistant City Engineer Collins stated yes.
- Commissioner Younkin stated he thinks this would be a great improvement to the property.
- Commissioner Lezamiz stated she doesn't have an issue with the cars exiting through the alley and this will be an improvement.

MOTION:
Commissioner Lezamiz made a motion to approve the request as presented with staff recommendations and approval of landscape plan as presented. Commissioner Warren seconded the motion. Roll call vote showed an 8-1 outcome with Commissioners Warren, Younkin, DeVore, Lezamiz, Mikesell, Bohrn, Munoz, & Richardson voting in favor and Commissioner Stroder voting against the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards, otherwise site plan and elevation as presented.
2. Lots 8, 9, & 10, Block 1 East Addison Subdivision are legally combined as 1 lot before development.
3. Development may have one access onto Addison Avenue East, located as far to the west end of the property as possible.
4. Access off of Addison Avenue East to be built to arterial approach standards.
5. Pave alley south of property along property frontage.

2. Request for as special use permit to operate a wholesale distribution and warehouse facility on property located at 1708 Kimberly Road c/o EHM Engineering (app. 2232)

APPLICANT PRESENTATION:
Gerald Martens, EHM Engineering, representing the applicant stated he is here tonight to request a special use permit to take an existing property and operate a wholesale distribution and warehouse facility located at 1708 Kimberly Road. This was originally a grocery facility that was later converted to a furniture retail store. The appearance of Kimberly Road is more warehousing and service so the applicant has chosen to remodel the existing building to construct a furniture warehouse with rack storage for his stores throughout the valley; which enables him to buy in bulk and be competitive. The warehousing requires a special use permit. The site plan was reviewed on the overhead showing the receiving and loading areas. There will be a reconfiguration of the site to accommodate storm water retention, a reconstructed shared approach on the easterly property line

and new landscaping. The shipping and receiving hours will be between 6am to 8pm. There is an operation in the existing facility that is a repair and maintenance business that provides service for the applicant's furniture business.

P&Z QUESTIONS/COMMENTS:

- Commissioner Stroder asked how many delivery trucks there will be throughout the day.
- Mr. White stated it would be an average of 3-6 per day.
- Commissioner Younkin asked about the height of the shipping and receiving doors.
- Mr. White stated there are two receiving doors built for semi's, 3 doors built at 24'' height, and one door at ground level.
- Commissioner asked if the roof height will be greater than 35' high and if there are any intentions for retail sales.
- Mr. Marten stated that the building will be a flat roof less than 35' high and there are no intentions for retail at this site it will be used strictly for warehousing.

STAFF ANALYSIS:

Planning Technician Weeks stated this is a request for a special use permit operate a wholesale distribution and warehouse facility on property located at 1708 Kimberly Road. In May of 1972 a building permit was issued for a grocery sales facility. There were two other permits issued for additions to the building in 1984 and 1985. In April 1998 there was a permit for a remodel issued for Pro-tech Service; the Certificate of Occupancy was issued August 1999. In the C-1 zone an appliance repair business requires a special use permit; there is no record of Pro-tech Services being granted a special use permit. In March 2000 a building permit was issued for tenant improvements to construct interior walls. In October 2003 a special use permit was granted for the operation of a coffee shop to be located at 1708 Kimberly Road with the only condition being that the drive-through window approach and stacking area be striped. The subject property is located in the C-1 zone, to establish a wholesale and warehouse facility in this district requires a special use permit. The applicant is requesting the special use permit to allow for the warehousing of furniture and appliances for distribution to several regional furniture retail stores. The applicant is proposing the addition of approximately 10,000 sq. ft to the existing building and remodeling 21,325 sq. ft of the existing building. An incidental use will be the continued appliance repair business Pro-tech to remain in the current location of the existing building; this repair business requires a special use permit. The development plan indicates that the coffee shop will be relocated to the east side of the parking lot. The warehouse distribution facility will operate between the hour of 6am and 8pm the warehouse will have approximately 6 employees and onsite administrative staff will include 6-8 employees and will operate from 7am to 6pm. The traffic will be limited to delivery and receiving trucks, employees and occasionally customers picking up items. The change of use on this property initiates City Codes 10-11-1 through 9 which are required improvements. As per City Code 10-7-12 Kimberly Road is considered a major arterial and gateway arterial landscaping is required. The property has two approaches along the front of the property and the proposal is to construct one arterial approach that will be shared by the applicant and the property to the east; this will require a cross-use agreement.

Planning Technician Weeks stated upon conclusion should the Commission approve the request, staff recommends the following condition(s):

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards, otherwise site plan and elevation as presented.

2. Subject to full compliance with City Code 10-4-8.3; Development Standards, 10-7-12; Gateway Arterial Landscaping and City Code 10-11-1 thru 9; Required Improvements.
3. Subject to full compliance of the appliance repair business located in a portion of the existing building by Special Use Permit application.

PUBLIC HEARING: OPENED
Deloris Jones, 1701 Kimberly Road has a concern with the noise, truck traffic and her ability to get into and out of her driveway.
PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:
- Mr. Martens stated that the actual total amount of traffic will be less than when it was retail and fewer trucks than when it was a grocery store. The work that will be done to combine approaches will make for smoother traffic entrances onto the property. The trucks will not have to cross the centerline to turn into the property so there should not be any issues for the property owner to the north when it comes to accessing her driveway. The other item he asked to be addresses is the special use application for Pro-tech and asked that this condition not have to be complete before the construction of the warehouse can begin. The building is contiguous and you can walk around the entire space, so that equipment and stock can be moved easily throughout the building.
- Commissioner Bohrn asked if the Pro-tech business was under the same ownership.
- Mr. White stated yes it has the same owner, and he stated he would have to plead ignorance about the special use permit for the repair business and he is willing to submit the application as soon as tomorrow.
- Commissioner Munoz asked if a time limit can be placed on the submittal of the special use permit application for the existing repair business.
- Zoning & Development Manager Carraway stated yes if the condition is worded as such.
- Commissioner Bohrn asked if this business is under the same business ownership would a special use permit be required.
- Zoning & Development Manager Carraway stated that this business has been operating for approximately 10 years separately regardless of having the same ownership and it should have had a special use permit to operate.
- Commissioner Lezamiz asked if they provide service to other entities or individuals.
- Mr. White stated the business has always been a dba of Wilson Bates and does provide service to other individuals but 95% of the business is for Wilson Bates.

DELIBERATIONS FOLLOWED:
Commissioner Munoz stated a time limit for submitting the special use permit application should be sufficient for the third condition.

MOTION:
Commissioner Munoz made a motion to approve the request as presented with staff recommendations with the amendment that the applicant must submit a special use permit application for the repair business within 30 days. Commissioner Stroder seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards, otherwise site plan and elevation as presented.

2. Subject to full compliance with City Code 10-4-8.3; Development Standards, 10-7-12; Gateway Arterial Landscaping and City Code 10-11-1 thru 9; Required Improvements.
3. Subject to full compliance of the appliance repair business located in a portion of the existing building submitting a Special Use Permit application within 30 days.

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

Zoning & Development Manager Carraway presented a review of recent City Council decisions.

VI. UPCOMING MEETINGS:

- June 24, 2008 Planning & Zoning Public Hearing
- Other meetings of interest: Comprehensive Plan Public Review is June 18, 2008

VII. ADJOURNMENT MEETING:

Chairman Younkin adjourned the meeting at 8:01 p.m.

Lisa A Jones

Lisa Jones
Administrative Assistant
Community Development Department

CITY OF TWINF FALLS PLANNING & ZONING COMMISSION
CITY COUNCIL CHAMBERS
305 3RD Avenue East Twin Falls, Idaho
Public Hearing: June 24, 2008 6:00 P.M.

MINUTES

PLANNING & ZONING COMMISSION MEMBERS:

CITY LIMITS

Wayne Bohrn, Bonnie Lezamiz, Gerardo Muñoz, Bernice Richardson, Karen Stroder, Cyrus Warren (Vice Chairman), Carl Younkin (Chairman)

AREA OF IMPACT

Lee DeVore, R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS		AREA OF IMPACT MEMBERS	
Present	Absent	Present	Absent
Bohrn	Richardson	DeVore	
Lezamiz		Mikesell	
Muñoz			
Stroder			
Warren			
Younkin			

CITY COUNCIL MEMBERS PRESENT: Heider, Kezele

CITY STAFF PRESENT: Carraway, Collins, Jones, Weeks, Westenskow, Wonderlich

AGENDA ITEMS FOR PUBLIC HEARING AND CONSIDERATION

III. ITEMS FOR CONSIDERATION:

1. Consideration of the preliminary plat of Pioneer Estates Subdivision consisting of 13.10 (+/-) acres with 44 single family residential lots on property located at the northwest corner of File Avenue East and Meadowview Lane North c/o The Land Group
2. Consideration of the preliminary plat of Ameritel Subdivision consisting of 3.64 (+/-) acres with 2 commercial lots on property located at the northeast corner of Pole Line Road and Harrison Street c/o EHM Engineering
3. Consideration of an extension of the approval of the preliminary plat of The Preserve PUD Subdivision, Phase 1, consisting of 118.80 (+/-) acres with 151 residential lots located at east of Eastland Drive North and south of Pole Line Road c/o EHM Engineering

IV. PUBLIC HEARINGS:

1. Request for a special use permit to allow a drive-through window operating outside the permitted hours of operation of 7:00 am to 10 pm on property located at 1970, 1980, 1990 Addison Avenue East c/o Todd & Kim Ostrom (app. 2233)
2. Request for a special use permit to operate a wholesale distribution and warehouse facility on property located at 1708 Kimberly Road c/o EHM Engineering & White, White & Lawley (app. 2232)

I. CALL MEETING TO ORDER:

Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s)
   - June 10, 2008

     UNANIMOUSLY APPROVED
2. Approval of Findings of Facts and Conclusions of Law
   - Kim & Todd Ostrom-SUP
   - White, White, Lawley-SUP
   - Ameritel PUD Subdivision-Pre-plat
   - Pioneer Estates Subdivision-Pre-plat

III. ITEMS FOR CONSIDERATION:

1. Preliminary PUD presentation for a Zoning District Change and Zoning Map Amendment from R-2 to R-2, R-4, R-6 & NCO PUD for 80(+/-) acres located at the southwest corner of Grandview Drive North and Falls Avenue West c/o Gerald Martens/EHM Engineering on behalf of Grandview Farms, LLC/Gary Wolverton (app. 2247)

APPLICANT PRESENTATION:

Gerald Martens, EHM Engineering, representing the applicant stated tonight he is here to provide a preliminary presentation for a Grandview Farms, LLC "Village West Estates PUD". The Commission is familiar with the project and as of May 2008 the annexation was approved. The PUD Agreement is now ready to move forward which relates to special uses in the project.
The property is located at Grandview Drive North and Falls Avenue West. It is approximately 80 acres and a mixed use zoning is what is being requested. The property was shown on the overhead with an explanation of what zoning type is being requested for portions of the property. The area with depicted in yellow is the R-2 PUD which will be developed in accordance with R-2 City Code requirements with the deed restriction that no lot will be less than 16, 000 sq. ft attached to the west portion of the property. The area depicted in orange would be R-4 and will be developed in accordance with R-4 City Code with the exception of some changes defined in the Village West Estates PUD. The southeast corner of the project is designated with an R-6 zoning that will be developed under the R-6 City Code to accommodate a senior living complex, which will include 66 long term care unit, 20 memory care unit, 102 assisted living and 12independent living units. The goal is to have a theater, beauty salon and several amenities depicted in the exhibit submitted. A rendering was shown on this overhead with the building that will be a maximum of 3 stories and significant architectural features to appear to look residential in nature. A photograph of a similar project by the same developer was shown on the overhead. The last piece of the puzzle is the neighborhood commercial that will be developed in accordance to the NCO City Code. A preliminary plan is in progress with approximately 8 acres at the northwest corner reserved for the neighborhood commercial project. Submitted with the application was the draft PUD Agreement along with a preliminary draft of the master plan that was shown on the overhead. Mr. Martens introduced the applicant to answer any further questions.

Gary Wolverton, the applicant stated he represents the development group. He stated that this project is approximately 80 acres and has been designed to mirror the Perrine Point project to the north. The development will include a new concept of village homes that will be accessed from the

alley. A walking trail will connect this neighborhood to the project to the north and Rock Creek Park. There will also be a greenbelt between the commercial and residential area to provide a buffer. The Comprehensive Plan suggests this type of development and they feel that this will be compatible to the area.

P&Z QUESTIONS/COMMENTS:

- Commissioner Stroder asked if the residential design is geared toward rentals or ownership.
- Mr. Wolverton stated that with the market it is difficult to say, there are not any plans to have four-plexes and the majority of the plan is designated as single-family. The request for the R-4 is to address the setback requirements to construct the village homes. A 10% rental limitation will be defined in the home owner's agreement.
- Commissioner Munoz stated his concern is parking for the Village Homes and the layout of the senior living center development.
- Mr. Wolverton stated that these homes will have driveways and the plan will take parking into consideration. As for the senior living center development there is a site plan for this.
- Mr. Martens displayed the site plan on the overhead projection showing the main building layout and the individual living unit.

STAFF ANALYSIS:
Zoning & Development Manager Carraway stated this is a request for a zoning district change and zoning map amendment for a planned unit development project. Staff does not make any recommendations at this time and this project will be heard as a public hearing item on July 8, 2008.

P&Z QUESTIONS/COMMENTS:NONE

PUBLIC HEARING: OPENED
Russ Lively, 2065 Addison Avenue East, stated that he would like to commend the developers for an excellent job in designing this project.
PUBLIC HEARING: CLOSED

CLOSING STATEMENTS: NONE

SCHEDULED FOR PUBLIC HEARING JULY 8, 2008

IV. PUBLIC HEARING:

1. Request for a Special Use Permit to allow for a more than 25% expansion of an existing religious facility on property located at 929 Hankins Road c/o Bethel Temple Apostolic Church / John Collins, Jr. (app. 2230) RESCHDULED FOR JULY 8, 2008

2. Request for a Comprehensive Plan and Land Use Map Amendment from Professional/Office to Commercial/Retail for 5 (+/-) acres of land located at the northwest corner of Eastland Drive and Addison Avenue East c/o Maverik, Inc / Don Lilyquist (app. 2234)

APPLICANT PRESENTATION:
Brad McDougal stated they have 5 acres under contract for approximately a year. The draft Comprehensive Plan Amendments shows this area as commercial and they were hoping to get this request approved based on this information. The goal is to have a gas station/retail store

will be on 1 ¼ acre and development on the remaining property could possibly be professional office space or possibly an assisted living facility. There will be 5 pumping stalls and a retail store. The request tonight is to ask that the Commission recommend approval of this request.

P&Z QUESTIONS/COMMENTS:NONE

STAFF ANALYSIS:
Zoning & Development Manager stated this is a request to amend the City's current Comprehensive Plan Map. The site under discussion this evening is approximately 5 acres and is located at the northwest corner of Addison Avenue East and Eastland Drive North it consists of (3) residences and pasture. The comprehensive plan land use map shows this site as appropriate for professional office and urban residential development. The applicant wishes to amend this designation to commercial/retail to develop a convenience store/gas station on the north corner and build a commercial/professional complex or restaurant on the remainder of the site. If the comprehensive plan amendment is approved rezoning the property to a commercial zoning designation will be required prior to any commercial development. The Comprehensive Plan Land Use Map currently designates commercial uses to the north east and south east of this intersection with urban residential to the north and professional office to the south. The vicinity/aerial and zoning map were reviewed on the overhead. She said the applicant states in his narrative as the property is located along major arterial roadways they believe that developing a commercial and professional complex at this intersection would benefit residents, especially as the area grows. The Comprehensive Plan Amendment process was reviewed. As you are aware the City is currently in the process of updated its Comprehensive Plan Document and Maps. The draft Comprehensive Plan Land Use Map does show this area with a commercial/retail future land use classification. The uses described within the commercial retail definition are mixed use of commercial and professional. A current draft of the proposed Comprehensive Plan Land Use Map was shown on the overhead. The plan the applicant would like to develop could be determined as complying with the land use designation proposed on the draft plan; however the draft plan has not been adopted and could change between now and then. There was an open house on June 18, 2008 to allow the public to review the first draft of the Comprehensive Plan and the Land Use Maps. A review of the input from the public is currently in process and this information will be sent to the consultant with a revised draft plan to be completed by July 4, 2008. Staff will review the revision with the Steering Committee and hopefully be able to proceed with the public hearing process.

Zoning & Development Manager Carraway stated upon conclusion as the City is currently in the process of updating its Comprehensive Plan Document and Maps, staff is not supportive of making changes to the map as the process has not been completed.

P&Z QUESTIONS/COMMENTS:
Chairman Younkin asked about an end date for adopting the revised Comprehensive Plan.
Zoning & Development Manager Carraway stated that if we initiate the public process the soonest she would anticipate is the end of August or first part of September. If it progresses without any kind of hold up it will be approximately a three to four month process.
Commissioner Warren asked about tabling the item.

MOTION:
Commissioner Bohrn made a motion to table this request until the new Comprehensive Plan is adopted. Commissioner Mikesell seconded the motion.

DISCUSSION ON THE MOTION:

- City Attorney Wonderlich stated that because this was advertised as a public hearing it was recommended that the public hearing be completed prior to voting on a motion.
- Motion was withdrawn to allow for the public hearing to occur.

PUBLIC HEARING: OPENED

- Glenda Dwight, 2058 Hillcrest Drive stated she is opposed to this request and asked that the Commission table this request until the Comprehensive Plan update has been approved.
- Russ Lively, 2068 Addison Avenue East stated that he has a professional office near this location. He stated he would like to review some history regarding this area. When the current Comprehensive Plan was adopted in 1994 it showed this same type of commercial designation. The first development that tried to go in was a professional office design. That request was immediately tabled and the City Council decided to amend this Comprehensive Plan Map and show this area as Professional Office. Since this time 7 or 8 professional offices have become established. This intersection has been updated with center turn lanes with state funding; with all of the driveways with somewhat arterial approaches. This area is set up perfectly for professional office space, with out much impact to the surrounding properties. A service station is going to have a huge impact on the surrounding properties. Consequently this particular request is not appropriate for the area and the current Comprehensive Plan update is in draft form and has not been approved. Even if this Comprehensive Plan is adopted the definition for commercial is different in the new plan and he asked that the Commission not use that as a reason to approve this request.
- Paula Brown-Sinclair, 2146 Addison Avenue East located across the street from this property. We need to learn from our mistakes. In this community it is Blue Lakes Boulevard and we don't need another one of these in the city. These homes along this area are not intended for demolition, they are intended for people to live in permanently. The concept that this will not impact the area does not meet with common since. Even in the draft Comprehensive Plan it is proposed that you don't put commercial next to residential. She would ask that a development plan for the remainder of the property be provided prior to a decision and that the Commission tables this request until the Comprehensive Plan is approved.
- Doug Christensen, 2176 Addison Avenue East stated that he is here tonight to state they have purchased their property with the intent to be there the remainder of their lives. They feel this development would negatively impact the area. The professional office designated properties have customers that are there and gone at the end of the day and the new development is going to be a 24 hour noise operation.
- James Ricks, 2146 Addison Avenue East stated they live there because it is a nice walk able area. The new school is going in at the old Anderson Lumber building. There is already a 24 hour convenience store and gas station that creates problems for us. He stated he has to pick up beer cans and trash up on his property that is generated from the commercial store. This development will not improve the neighborhood.

- Tina Brant, 2150 Hillcrest Lane stated she is opposed to this project like the rest of the citizens that have spoken. There is a drainage area located in this area and putting a gas station in this area would be a poor choice environmentally. Adding a gas station in this corner would cause further problems with traffic.
- Jim Fort, 2133 Addison Avenue East stated he recently requested PRO designations and he would ask the Commission to table this request. This corridor has developed as an R-2 PRO area and if this request were approved he would share a buffer fence with this neighbor. He would ask that a plan show where the location of this project would be before a decision is made. He stated he would support a development that would continue along the lines as professional offices.
- Christy Webb, 2151 Addison Avenue East and Hillcrest stated that they would be impacted by this development in an unusual way. The value of their home has dropped due to the commercial developments around this area. Granting this request would completely destroy the value of the homes. There is no frontage to their property that would allow for the use to be professional or commercial because of where their property is located. She would encourage tabling this request. There is already difficulty getting out of driveways, in this area and already two gas stations. The increase in traffic will create an even bigger problem then there is already. She asked that this be considered and that the Commission table this request.
- A Letter from Curtis R Webb was read into the record by Commissioner Stroder and has been filed with the application.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS: NONE

Mr. McDougle stated that when they consider a location for a new gas station they look for places that have traffic to capitalize on the market. The majority of people stop at gas stations on route and don't travel to far away from home or work to fuel their vehicles; therefore he would say that the traffic is already there. The gas stations are heavily regulated so the concern about the location of choice would have to meet regulatory requirements. The property is being sold as a 5 acre parcel and Maverik only has plans to use 1 ¼ acres with the rest to be developed at a later date.

- Chairman Younkin asked for clarification on the process for tabling this request and guidance from the City Attorney before proceeding.
- City Attorney Wonderlich stated that they have reviewed the Idaho Stated Code 676509 Subsection D which states that any person may petition for a plan amendment at anytime. The next statement states that the Commission may make recommendations to the governing board not more frequently than every 6 months. A public hearing was scheduled tonight you are not required to make a decision tonight and can't make a recommendation until 6 months from when the last Comprehensive Plan change recommendation occurred which in this case was in February 2008. The public hearing portion of this process is complete and it looks as though you cannot make a decision.

DELIBERATIONS FOLLOWED:

Commissioner Munoz stated the Comp Plan is a work in progress and that if there are concerns regarding the draft Comprehensive Plan and that they attend the meetings and make recommendations. The meetings are public and they are still taking comments.

Zoning & Development Manager Carraway stated the information is available on-line and the consulting company will take recommendation.

MOTION:
Commissioner Bohrn made a motion to table the Commission's recommendation until the Comprehensive Plan process is complete. Commissioner Stroder seconded the motion. Roll call vote showed all members present voted in favor of the motion.

MOTION TO TABLE PASSED

3. Request for a Special Use Permit to allow an expansion of more than 25% to an existing public school on property located at 616 Eastland Drive c/o Twin Falls School District #411 (app. 2235)

APPLICANT PRESENTATION:
Dale Thornsbury, representing Twin Falls School District, stated that this is a request to place an additional building at the corner of Elizabeth Boulevard and Eastland Drive. Currently there is a modular classroom on site operating as the Bridge Academy; an alternative school. The new building will accommodate 4 classrooms to serve students as part of a transition school. This building will eventually house approximately 60 students. The school district has combined the lots into one parcel and the new building will be located to the east of the existing building.

P&Z QUESTIONS/COMMENTS: NONE

STAFF ANALYSIS:
Zoning & Development Manager Carraway stated this is a request for a special use permit to add another building to property located at the northeast corner of Elizabeth Boulevard and Eastland Drive. There was a special use permit request that came through the process in May of 2006 to place the building that is on site currently. The request to add an additional building would be a more than a 25% expansion which requires a special use permit. The concern staff has is the splitting of the parcel. In order to review the request as one site the lots would need to be combined. It was stated in Mr. Thornsbury's presentation this has been done, the new warranty deed will need to be provided prior to building permits being issued. There should not be too many changes on the property other than an increase in students and an increase in traffic. The other issue of concern is that there is clarification that there needs to be a cross-use agreement for the access to the nursing home.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the special use permit request as presented; staff recommends the following conditions:
1. Subject to dedication of additional road right-of-way of 6 feet on Eastland Drive, for a total of 46 feet from centerline, and an additional 7 feet on Elizabeth Boulevard, for a total of 37 feet from centerline.
2. Subject to the applicant providing a warranty deed indicating the two lots have been combined as one and recorded as such.
3. Provide a cross-use agreement between the Twin Falls Care Center and Twin Falls School District #411 for the easterly access.
4. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable city code requirements and standards, otherwise site plan and elevation as presented.

P&Z QUESTIONS/COMMENTS:
- Commissioner Stroder asked about the existing building and if the children will be crossing back and forth to the main campus.

- Mr. Thornsbury stated that the cafeteria and the library will be accessible to these students and this will continue with the additional units.
- Commissioner Munoz asked if additional landscaping will be required.
- Zoning & Development Manager Carraway stated this will be reviewed during the building permit process.
- Mr. Thornsbury stated they would meet landscaping requirements.
- Commissioner Munoz asked if there is any plan to educate the students to cross safely at this intersection.
- Mr. Thornsbury stated they would be willing to consider a proactive training to educate the students as a condition.
- Commissioner Munoz asked about installing a formal crosswalk
- Zoning & Development Manager Carraway stated a condition could be added that the City and the School District look at this intersection and possibly consider a crosswalk

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

CLOSING STATEMENTS:

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated that he would recommend that the teachers come out to observe and direct the students crossing the road and traffic that stops to drop the children off.
- Commissioner Stroder stated she would have to agree and that it is not just the children it is the parents that stop in the middle of the street to drop students off. If a condition could be added that would make it safer for the students she would be in favor of.
- Zoning & Development Manager Carraway stated she could contact the police department concerning the safety of the children.
- Commissioner Lezamiz stated she has a problem with requiring a teacher to monitor this when there is already a staffing issue.
- Commissioner Munoz stated if there was a path that lead to where they needed to cross it may make it easier.
- Commissioner Mikesell stated he would like to see a fence surrounding the property with access to the crosswalk.

MOTION:
Commissioner Bohrn made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion.

MOTION TO AMEND:
Commissioner Munoz made a motion to amend the motion to add a condition that the School District work with the City Engineering Department to discuss a safer path or crosswalk for the students to use and that the School District creates a safety training plan. Roll call vote to approve the amendment showed a 4 to 4 outcome with Commissioners Stroder, Younkin, Mikesell and Munoz voting in favor of the amendment and Commissioners Warren, DeVore, Lezamiz and Bohrn voting against the amendment.

MOTION TO AMEND FAILED

VOTE FOR ORIGINAL MOTION:
Roll call vote for the original motion showed a 6 to 2 outcome with Commissioners Warren, Younkin, DeVore, Lezamiz, Borhn and Munoz voting in favor of the motion and Commissioners Stroder and Mikesell voting against the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to dedication of additional road right-of-way of 6 feet on Eastland Drive, for a total of 46 feet from centerline, and an additional 7 feet on Elizabeth Boulevard, for a total of 37 feet from centerline.
2. Subject to the applicant providing a warranty deed indicating the two lots have been combined as one and recorded as such.
3. Provide a cross-use agreement between the Twin Falls Care Center and Twin Falls School District #411 for the easterly access.
4. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable city code requirements and standards, otherwise site plan and elevation as presented.

5. Request for a Special Use Permit to allow an automobile and truck service and/or repair business on property located at 1867 Osterloh Avenue East c/o C-N-R Construction / Dallas & Mary Ann Wilson (app. 2236)

APPLICANT PRESENTATION:
Nevan O'Berg, representing the applicant Dallas Wilson, stated that the request is to allow for an automobile and truck service and/or repair business on property for 1867 Osterloh Avenue East. The intent is to construct 3 buildings that will provide space for businesses to operate in a manufacturing zone. The site plan was reviewed on the overhead. This is a large linear lot that is in the process of being cleared. One party that has approached the applicant would like to operate a truck dispatching service business which requires a special use permit. The construction of the buildings will be done in phases. The first building site is ready to begin once the permits have been approved.

P&Z QUESTIONS/COMMENTS: NONE

STAFF ANALYSIS:
Zoning & Development Manager Carraway stated that this site is located at 1867 Osterloh Avenue East and is in the M-2 heavy manufacturing zoning district. The vicinity and zoning maps were reviewed on the overhead. The site consists of approximately 7 (+/-) acres and has an existing residence on the north end. The applicant wishes to construct and operate and automobile and truck equipment service and or repair business on the property in conjunction with the operation of a shop and storage yard for a construction business. Within the M-2 zoning district the operation of a shop and storage yard for a construction business is an outright permitted use however within the M-2 zoning district a special use permit is required to operate an automobile and truck equipment service and or repair business. The applicant is proposing to construct 3 (50' x 60') buildings on site. The site plan was reviewed on the overhead. The area is industrial in nature with several existing residences in the neighborhood. The proposed use is similar to other industrial uses in the area and will not substantially alter the current activities, noises or level of traffic that currently exists in the area. The number of employees or hours of operation were not defined in the applicant's narrative. The number of employees and the day to day operation for this type of a business in the M-2 zone is not defined in City Code but may be determined through the special use permit required by the Commission or the City Council. The change of use and further development to the site would require site improvements such as parking, landscaping, screening

and storm water retention which will be reviewed through the building department permitting process. The applicants are requesting that curb, gutter and roadway improvement requirements be deferred at this time. The Engineering department will review this request as part of the building permit site plan review paving is not required in the M-2 zone. The applicants have been cleaning up the sites and their proposed uses coincide with other development in the area. The applicants stated that the proposed development will be an improvement to the existing condition of the property and anticipate that the neighborhood should not experience any negative impacts from the operating business. The noise would not be more than what already exists in the area and the buildings will be designed and painted to avoid any glare. The Comprehensive Plan does designate this area as appropriate for industrial uses.

Zoning & Development Manager stated upon conclusion should the Commission approve the special use permit request; staff recommends the following conditions

1. Assure that no vehicles associated with the repair business are parked on adjacent properties or on public right-of-way.
2. Install sand & grease interceptors as required by Zoning, Engineering and Building codes.
3. Full compliance with all required site improvements to include but not limited to: retaining all storm water on site, landscaping, screening and parking.
4. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable city code requirements and standards.

P&Z QUESTIONS/COMMENTS:NONE

PUBLIC HEARING: OPENED

- Danielle Webster, 1855 Osterloh Avenue East stated her house is next to the property and her concerns are an increase in traffic, an increase in noise, the hours of operation, her well water, her property value and the driveway closest to her property having increased use.
- Gerogene Mason, 1743 Osterloh Avenue East objects to this request because there are businesses already in this area that don't comply with the rules. For years she has spoken with Planning & Zoning and the city doesn't have staff to enforce the rules. There have been several special use permits issued out in this area that still are not in compliance. If you look at the applicants current property it is not maintained and all and if you look at Mr. Wilson's existing business the Commission would see that he has never complied with the requirements. She didn't realize they were going to construct 3 new buildings on the property. She is concerned with the sewer and water supply for this property and a these issues need to be addressed before approving this permit.
- Vicki Bolyard, 1887 Skyline Drive stated she is Ms. Mason's daughter and grew up in this area of town. She stated she has seen lots of change in the area and it is a given that Planning & Zoning has done what they have done but they are not enforcing issues. This area has become a free for all there are non-operating vehicles all over, burned homes is just run down. She stated that she has logged several complaints and nothing has been done. If you go ahead and pass this it is just going to let this continue. She stated she strongly objects to letting the same people that are in violation of the code be given a special use permit to keep doing what they are doing. The problem is not with people having a business and making a living, the problem is that the property is an eyesore and it needs to be maintained. She also asked when the applicant talks about the property being cleaned up where this is occurring more is being brought out to the property everyday and stacked up.

- Penny Freemen, 361 Quincy stated that she has been in this location for a long time and asked that the commission looks at this area and they will find that compliance to code is an issue. There is a burn house on the property across from this property; what is going to happen with that property.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:
Mr. O'Berg displayed the pictures of the back of the property on the overhead where the property has been cleaned up and a fence has been installed around the existing residence. This portion of the property will be developed first. There has been approximately 1000 tons of gravel brought in, the front part of the property has not been totally cleared off but approximately $40,000 worth of scrap metal has been hauled off to date. The property has to be improved upon to meet the zoning requirements to get the permits that are necessary. There has to be a septic system in stalled and a well will need to be drilled. This area is approved for industrial use and the applicant felt that three smaller facilities would be a more appropriate use of the property; however a larger development could be constructed on the property like a Solo-cup facility because of the way the property is zoned. The appearance of the property will be improved, and the only reason we are here tonight is because the type of operation that has approached the applicant about leasing one of the buildings requires a special use permit.

DELIBERATIONS FOLLOWED:

- Commissioner Stroder asked for clarification regarding the complaints filed with the City and if there were any related to this property.
- Zoning & Development Manager Carraway stated there have been complaints for many years but none specifically related to this property. This area historically has had some problems some salvage yards with issues, the burnt house and the compliance with code. The building department is working on getting the burnt house classified as unlivable and dangerous building. There have been several complaints on properties in this area and this is a difficult area because of the industrial zoning there are a lot of users out in this area that come and go. If there are specific properties of concern they may contact the Code Enforcement Officer and the complaints will be reviewed.
- Commissioner Warren asked if this property will be owned by one individual.
- Zoning & Development Manager Carraway stated at this point this is one parcel if they chose to subdivide the property they could sell off different lots.
- Commissioner Warren asked if the parcel was subdivided would the new property owner have to come back through for another special use permit.
- Zoning & Development Manager Carraway stated that if the permit is issued for all 3 buildings and the buildings are sold then a second special use permit property would not be necessary, if they are still operated the same way and under the same regulations.
- Commissioner Warren stated that if there are restrictions placed on the special use permit and they are not followed can the Commission revoke the permit.
- Zoning & Development Manager Carraway stated yes the Commission would have the ability to revoke the special use permit if it is found that the restrictions are not being followed.
- Commissioner Munoz asked if the neighbors could initiate a revocation process.
- Zoning & Development Manager Carraway stated that if the restrictions are not being followed the neighbors may also initiate a request for revocation of the special use permit.

- Commissioner Mikesell asked if there are restrictions for the hours of operation in the M-2 district and if not can a condition be placed on the special use permit.
- Zoning & Development Manager Carraway stated yes the Commission can put a condition on the hours of operation.

MOTION:
Commissioner Mikesell made a motion to approve the request as presented with staff recommendations and with the hours of operation to be from 7am to 7pm. Commissioner Warren seconded the motion.

MOTION TO AMEND:
Commissioner Munoz made a motion to have this special use permit expire in one year. Commissioner Bohrn seconded the motion. Roll call vote showed a 7 to 1 outcome with Commissioners Warren, Younkin, DeVore, Mikesell, Bohrn, Stroder, and Munoz voting in favor of the motion and Commissioner Lezamiz voting against the motion.

MOTION TO AMEND PASSED

VOTE FOR THE ORIGINAL MOTION WITH AMENDMENT:
Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING AMENDED CONDITIONS

1. Assure that no vehicles associated with the repair business are parked on adjacent properties or on public right-of-way.
2. Install sand & grease interceptors as required by Zoning, Engineering and Building codes.
3. Full compliance with all required site improvements to include but not limited to: retaining all storm water on site, landscaping, screening and parking.
4. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable city code requirements and standards.
5. Subject to the hours of operation being from 7:00 am to 7:00 pm
6. Subject to the special use permit expiring in on year

6. Request for a Special Use Permit to operate an in-home daycare service on property located at 236 7th Avenue East c/o Stacie Lee (app. 2237)

APPLICANT PRESENTATION:
Stacie Lee, the applicant is requesting a special use permit for an in-home daycare. There will be 3 employees one living on site and two other. There will be 7 parking areas. Her car would be parked in the driveway, two behind the property and two in the driveway and she would ask the employees to park by the City Park to allow space for the parents to drop off and pick up children. The parents will drop the children off between 7am and 11am.The neighborhood should be adjusted to the noise with the schools and other functions that occur at the park that is close by. Both the front and back yard will be enclosed, and the neighbors to both sides of this property have stated they wouldn't have any problem with the parents parking in their driveways to drop off the children. If this is approved the condition of the property would be greatly improved.

P&Z QUESTIONS/COMMENTS: NONE

STAFF ANALYSIS:
Zoning & Development Manager Carraway stated this is a request to operate an in-home daycare. The property in question is zoned R-4 residential medium density district. The vicinity and zoning

map was reviewed on the overhead. A special use permit is required in order to operate an in-home daycare facility in this zone. City Code 10-2-1 defines and in-home daycare as a daycare service in a home in which the provider lives full time and is the main on site caregiver of the service. A special use permit is required for an in-home daycare providing services for 6 or more children including the residents own. The applicant has stated that she lives in the home and is the main caregiver. The hours of operation will be from 7:30 am to 6:00 pm Monday-Friday. She anticipates the peak traffic times will be from 7:30 am to 10:45 am and then again from 3:30 pm to 5:00 pm. She would like to provide services for up to 20 children and have two additional care giver employees on site. While the City Code does not limit the number of children that can be cared for in an in-home daycare the Idaho Department of Health and Welfare Child and Family Services which handles Childcare Licensing in the area does. They define a child care home facility allows 1-6 children and does not require any kind of state licensing, a group child care facility allows from 7-12 children and does require licensing by the states, a child care center is the designation for facilities caring for over 13 children. The number of children or caregivers allowed in an in-home daycare is not defined in City Code but may be determined through the special use permit process required by the Commission or Council. The City has typically looked at a maximum of 12 children being allowed for an in-home daycare because 12 is the most that can be cared for by 1 provider at one time under the state regulations. Also the child care center which is over 13 children has been felt to be more commercial in nature based on the requirements for additional employees and additional parking. The Commission may consider if the impact of 20 children and two employees too commercial in nature for a residential neighborhood. Parking requirements for a daycare is two spaces per teacher or caregiver from the site plan it appears that one space could be provided off the alley and two to three vehicles could stack in the front drive. Parking is required to meet minimum parking standards as required per City Code 10-10-14. The site plan was reviewed on the overhead. A special use permit is for zoning purposes only a building permit is required for the operation of an in-home daycare facility during the building permit review the site would be inspected for compliance. A special use permit to operate an in-home daycare shall only apply to the resident it is not a transferrable permit.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the request, staff recommends the following condition(s):

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. A maximum of twelve (12) children may be cared for under this permit.
3. The resident and one (1) additional caregiver may be operating the day care on site.
4. The front driveway and carport to be used for customer parking only during day-care operating hours. The resident and /or caregiver(s) must park off the alley or provide legal off-site parking as per City Code 10-10-1 thru 4.
5. Comply with all state and local requirements to establish a day care facility, including receiving certification from the Idaho State Department of Health and Welfare and a day care center license from the City of Twin Falls fire department.
6. Receive a certificate of occupancy from the City of Twin Falls building department within 6 months from the approval date, (12-24-08), for the in-home day care.

P&Z QUESTIONS/COMMENTS:

- Commissioner Stroder asked about the square footage discrepancy in the staff report and the one on the site plan.
- Zoning & Development Manager Carraway stated that under the building permit review process the square footage will be reviewed.

- Commissioner Stroder asked the applicant if other conditions or restriction are added if the applicant would still be interested in pursuing the request.
- Commissioner Munoz asked about the applicant plans to take care of any infants
- Ms. Lee stated that yes her intent would be to provide care for different age groups but there are limitations to the number of children a caregiver can take care of based on the age of the children. She is not aware of the exact numbers or restrictions but she will make adjustments accordingly.
- Commissioner Younkin asked if her staff would bring their children to the daycare.
- Ms. Lee stated that if her staff has children they would like to bring to the daycare then they would be included in the total number of children.
- Commissioner Warren asked if parking for employees on-site is a requirement.
- Zoning & Development Manager Carraway stated that there are some provisions to allow for off site parking however there are requirements that need to be met for this to occur.

PUBLIC HEARING: OPENED

- Robert Myrland 261 7th Avenue East stated this request is to make this a home-occupation but it is really a commercial operation. Taking care of twenty children in a home is not a home occupation it is commercial. Due to the church the traffic is already an issue there in this area. The other concern is parking along this street; this area is already being encroached upon by the school and the church. This is an older neighborhood that has no parking. The staff report shows one space in the back, and the driveway will not accommodate stacking of cars. The neighbors are accustom to the residential children and don't need the additional twenty children. Idaho Department of Health and Welfare says 1-6 children is a home care or home business. When you get over 6 it is defined as a group child care and requires a license, above 13 it is child care center. He has concerns that it this house will not accommodate the number of children requested and that this will have a negative impact on the property. He would ask that the permit limit the number of children to 6 or less, no employees allowed and that operation be limited to Monday-Friday.
- Ralph Smith, 245 7th Avenue East stated that his home has been there since 1914 and the neighborhood has older modest homes. This house is not built to accommodate 20 children and with this many children the property will be destroyed.
- Mandi Dunston, 229 7th Avenue East stated that parking is major issue for this location. She is concerned with the traffic and doesn't like the idea of 20 children and the noise that will be generated if this request is approved.
- Connie Kennedy, 253 7th Avenue East stated that she would have to agree with the previous citizen's testimony. She has issues with parking and is concerned that this will have a negative impact on the neighborhood. The house is not large enough to accommodate 20 children.
- Chris Butcher, owner of the property for special use permit, stated that she owns the home and will be renting it to the applicant. She stated that she spoke with the Fire Department and that they allows for 1 child per 50 sq. ft. The applicant has not moved into the home yet because there were still some things that needed to be moved out. The plan is for the daycare to operate from 7:30 to 6:00 Monday-Friday.

CLOSING STATEMENTS:

- Stacie Lee stated that many of the properties in this area are rentals and properties that are not maintained. The property will be maintained and other properties previously approved for and in-home daycare should not impact the Commissions decision to

approve this request, neither should the fact that she doesn't have children of her own. There is a school already located nearby with children and the daycare will not be louder than the bells that ring every hour. The children will not be allowed to destroy the property, the employees will have to park offsite and parents are not going to stop in the road to drop off their children.

- Commissioner Stroder asked about the use of the neighboring driveways.
- Zoning & Development Manager Carraway stated that a legal parking space requires a lease.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

- Commissioner Stroder stated that she has concerns with the number of children in such a small space. She thinks a fair compromise would be to put conditions that limit the number of children.
- Commissioner Younkin stated he has a real problem with the size of the space and the number of children as well. He would ask for a one year limit on the permit knowing that the neighbors can appeal. He has a lot of concerns with this request and feels it will have a negative impact.
- Commissioner DeVore stated the definition that the health department has for and in-home daycare seems more appropriate for this space.

MOTION:
Commissioner Stroder made a motion to approve the request with amended staff recommendations. The approval would be subject to the maximum number of 6 children with no additional employees. Commissioner DeVore seconded the motion. Roll call vote showed a 5-3 outcome with Commissioner's DeVore, Lezamiz, Munoz, Stroder and Younkin voting in favor or the motion and Commissioners Mikesell, Bohrn and Warren voting against the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING AMENDED CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and Standards.
2. A maximum of six (6) children may be cared for under this permit with no employees.
3. The front driveway and carport to be used for customer parking only during day-care operating hours. The resident must park off the alley or provide legal off-site parking as per City Code 10-10-1 thru 4.
4. Comply with all State and Local requirements to establish a day care facility, including receiving certification from the Idaho State Department of Health and Welfare and a Day Care Center License from the City of Twin Falls Fire Department.
5. Apply and receive a Certificate of Occupancy from the City of Twin Falls Building Department for the in-home day care.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING & DEVELOPMENT MANAGER OR THE COMMISSION: NONE

VI. UPCOMING MEETINGS:
July 8, 2008 Planning & Zoning Public Hearing

VII. ADJOURNMENT MEETING:

Chairman Younkin adjourned the meeting at 8:58 p.m.

Lisa A. Jones

Lisa Jones
Administrative Assistant
Community Development Department

CITY OF TWINF FALLS PLANNING & ZONING COMMISSION
CITY COUNCIL CHAMBERS
305 3RD Avenue East Twin Falls, Idaho
Public Hearing: July 8, 2008 6:00 P.M.

MINUTES

PLANNING & ZONING COMMISSION MEMBERS:

CITY LIMITS

Wayne Bohrn, Bonnie Lezamiz, Gerardo Muñoz, Bernice Richardson, Karen Stroder, Cyrus Warren (Vice Chairman), Carl Younkin (Chairman)

AREA OF IMPACT

Lee DeVore, R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS		AREA OF IMPACT MEMBERS	
Present	Absent	Present	Absent
Bohrn	Munoz	DeVore	Mikesell
Lezamiz	Richardson		
Warren	Stroder		
Younkin			

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Carraway, Collins, Jones, Weeks, Westenskow, Wonderlich

AGENDA ITEMS FOR PUBLIC HEARING AND CONSIDERATION

III. ITEMS FOR CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to allow for a more than a 25% expansion of an existing religious facility to include family activities and the operation of a private school on property located at 929 Hankins Road c/o Bethel Temple Apostolic Church c/o John Collins, Jr. (app. 2230)
2. Request for the Commission's recommendation for a Zoning District Change and Zoning Map Amendment from R-2 to R-2, R-4, R-6 & NCO PUD for 80(+/-) acres located at the southwest corner of Grandview Drive North and Falls Avenue East c/o Gerald Martens/EHM Engineering on behalf of Grandview Farms, LLC c/o Gary Wolverton (app. 2247)
3. Request for the Commission's recommendation for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO for property located at 875 Monroe St c/o M&D Property, Inc (app. 2238)
4. Request for a Special Use Permit to serve alcohol for consumption on premises where sold for property located at 1411 Falls Avenue East, Suite 1204 c/o Neilsen & Company, LLC (app. 2239)
5. Request for a Special Use Permit to construct a religious facility on five (+/-) acres located at the northwest corner of Field Stream Way and North College Road West, extended c/o Church of Jesus Christ of Latter Day Saints, c/o Jim Lystrup (app. 2240)
6. Request for the Commission's recommendation for a Zoning District Change and Zoning Map Amendment from R-2 to C-1 to develop a commercial retail center on property located at 1030 Lincoln Street North. c/o Tony Tse (app. 2241)

7. Request for a Special Use Permit to operate a drive through espresso business with extended hours on property located at 100 6th Avenue West c/o Jeff Baker (app. 2242)
8. Request for a Special Use Permit to operate handcrafted furniture business to include a commercial paint booth on property located at 415 Second Avenue South c/o Sweet's Construction, Inc. c/o David F. Sweet (app. 2243)
9. Request for a Special Use Permit to operate an in-home daycare facility on property located at 1312 7th Avenue East. c/o Gabriella Tovar (app. 2244)
10. Request for a Special Use Permit to operate an automobile detail shop on property located at 810 2nd Avenue West, Suite 5 c/o Adam H. Climer (app. 2245)
11. Request for the Commission's recommendation for a Zoning Title Amendment which would amend Twin Falls City Code 10-10-3 (A) by increasing the required number of parking spaces for tri-plex, four-plex, and/or multifamily residential dwellings. c/o City of Twin Falls (app. 2246)

MINUTES

I. CALL MEETING TO ORDER:

Chairman Younkin called the meeting to order at 6:00 pm. He then reviewed the public hearing procedures with the audience and introduced the City staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s)
   - June 24, 2008

     UNANIMOUSLY APPROVED
2. Approval of Findings of Fact and Conclusions of Law
   - Twin Falls School District #411-SUP 1097
   - Dallas & Mary Wilson-SUP 1098
   - Stacie Lee-SUP 1099

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

1. Request for Special Use Permit to allow for more than a 25% expansion of an existing religious facility to include family activities and the operation of a private school on property located at 929 Hankins Road c/o Bethel Temple Apostolic Church c/o John Collins, Jr. (app. 2230)

APPLICANT PRESENTATION:

John Collins, Pastor Bethel Temple representing the applicant stated he is here tonight to request a special use permit to develop property located directly west of the existing facility at 929 Hankins Road. This building will be a family center for family activities and to house a school; the plans also include lawn area, volley ball pit, and a play area. The new building is being designed to complement the existing structure. The building will make this an attractive piece of property and more pleasing to the neighbors; allowing us to be able to provide services to our congregation and the community. During the school year the school will be in operation five days per week during school hours. Changes in traffic will be most noticeable at drop off and pick-up times. There will be no bus service to the school and that will operate M-F 8:00 to 3:30 pm they are anticipating 40-50 children ages K-12 and 8-10 staff members. As for noise, there has not been an issue with the current activities that are held outside, and shouldn't be an issue. As for the lighting they are needed for security reasons and the church is aware that the lighting needs to meet the night time

sky ordinance. A special use permit was issued in 2002 to build a new facility and do in large part to the increase in construction cost there were not enough funds to start the project. The project was put on hold and the church decided to move in the direction to expand the existing facility. The past experience and being familiar with this process prompted us to have meeting with the surrounding neighbors to address questions or concerns. The result of the meeting was that the neighbors are supportive of the project and have had additional neighbors voice their support. He is aware of the lighting concern raise by Mr. Brent Jussel; these lights have been here for approximately 30 years and the lights installed on the power poles have been there for approximately 23 years because the church had been burglarized. Another neighbor that they have spoken with said he had no problem with the lighting; however there may be some compliance issues that may have to be address. He stated they are aware of the terms on the special use permit issued in 2005 and the fact that they are nearing their 3 year window to finish the project. If another surface is required over what is there now they asked that they be allowed to do this after the new building is constructed so that some of the current asphalted areas need some repair. The Commission does need to be aware that during the hearing of 2005 they were given the option of asphalt or a chip seal but there area questions related to this issue. The bus transportation is a community service historically offered by the church supported by the members of the church. He would like to make an appeal on the paving of the property based on several grounds. The before mentioned property was purchased in 1973 the idea was that expansion would occur eventually. The bus were relocated to spot on the property that would best suite the churches plans and purposes and had to relocated them putting the church in a more difficult position; the land had to be raised and topped with chip gravel with a fence this cost approximately $50,000. The business next door D&B Supply expanded their area and has not paved their site which is used 7 days a week; much more often than the church bus service we ask that this be considered when approving the conditions of the special use permit. They also ask that the installation of the curb, gutter and sidewalk be deferred. The garbage receptacle will be enclosed and the semi-truck will no longer be parked on site. He stated they will be approaching the County about the speed limit posted for this location and will ask the City to look into reducing the speed limit along this road. If the special use permit is approved this evening they will be submitting for building permits.

P&Z COMMISSION QUESTIONS: NONE

STAFF ANALYSIS:
Zoning & Development Manager Carraway reviewed the vicinity and zoning map was reviewed on the overhead. The property in question is zoned R-2 and as you have just heard the applicant is requesting approval of a special use permit to construct a 18,800 sq ft religious facilities that shall include family activities and a private school. There is an existing 16,000 (+/-) sq ft religious facility on site. A special use permit is required for any expansion of more than 25% over the original square footage approved through the special use permit process or a total increase in square footage over 10,000 square feet, whichever is less. The proposed expansion is over 100% of the current facility; requiring a special use permit. The property fronts a collector street to the south; 9th Avenue East and a major arterial to the east; Hankins Road, also known as 3200 East Road. The current right-of-way on Hankins Road is 58' from centerline and 37' from centerline 9th Avenue East; additional right-of-way may be required for dedication at the time of development. At this time there are three approaches into this site. One (1) approach is off Hankins Road and two (2) are off 9th Avenue East. As a result of the Engineering Department review, it has been determined that the approach on the corner of 9th Avenue East and Hankins Road is too close to the corner. The engineering department is recommending that this approach be closed. This will leave two (2) approaches into the religious facility and school. The applicant has stated the school will be for 40-50 children from Kindergarten to 12th grade. They plan to operate the school Monday thru Friday from 8:00 am to 3:30 pm and anticipate 8-10 school employees. The traffic will be most noticeable at pick up and drop off times. The applicant states that there will be very little noticeable change in traffic because of

the current activities taking place at the church. There will be no bus service for the school. The applicant indicated that the school is not going to participate in extra curricular sporting events. The Commission may wish to place a condition that no use of amplified sound outside of the proposed and existing building be allowed and no bus service to be provided for the school. The applicant is currently connected to city water. They exceed the minimum required distance of 100' from existing sewer line to require connection to city sewer. The applicant is currently applying for a septic permit from the South Central District Health Department. The existing septic system at this location is to be abandoned with the construction of the new system. A special use permit for this expansion will require the applicant to comply with City Code 10-11-1 through 10-11-9, required improvements. The applicant would have to meet the required landscaping, screening, parking, street improvements and storm water retention. The development plan indicates storm water retention, landscaping, and asphalt parking. Staff will review for full compliance at the time of the building permit process. The applicant has indicated lighting is for security reasons. Staff has had complaints regarding the lighting of the existing parking lot at this location. Several of the neighbors feel the current lighting is excessive. This is an issue that can be addressed through the special use permit process. The commission might want to place a condition on this special use permit that all the lighting on the property is required to be downward facing and shall meet City Code 10-11-4 with regards to staying on the applicant's property and being down shielded. In the packet a letter was submitted from a neighbor addressing this concern. Special Use Permit #153, dated July 10, 1984, issued to Bethel Temple Apostolic Church indicated the construction of the curb, gutter and sidewalk was deferred. If infrastructure development is not required at this time, a condition to have the applicant renew the deferral of the construction of the curb, gutter, sidewalk, arterial approaches and street improvements on both 9th Avenue East and Hankins Road would be appropriate. Special Use Permit #949, granted October 25, 2005, was issued to allow the church to develop an open parking lot for buses subject to the following conditions:

1. Assure parking and maneuvering areas are hard surfaced, as per city code 10-11-4(b),
    a. Lane to be completed by October 25, 2006,
    b. The parking lot to be completed by October 25, 2008;
2. The applicant to provide a detailed plan of scenario #3, for the bus storage area to be screened and landscaped, as approved by staff.

At this time, neither the lane nor the parking lot has been paved. Tonight the cost of paving and the type of materials to be used was discussed at the time this permit was issued. The minutes were reviewed from this meeting and there is nothing clearly defined in the minutes but it is an issue that can be discussed with the Engineering Department at a later date.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve this request, as presented, staff recommends approval be subject to the following conditions:

1. Development shall be subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to dedication of additional right-of-way.
3. Subject to the approach closest to the corner of Hankins Road and 9th Avenue East being closed.
4. Subject to full compliance with City Code 10-4-4.3 and 10-11-1 thru 9 and specifically 10-11-4; parking areas: stripping of parking lots and outside lighting.
5. Subject to deferral of the construction of the curb, gutter, sidewalk, arterial approaches, and street improvements being executed, if as determined by the City Engineering Department.
6. No use of amplified sound outside of the proposed and existing buildings.
7. No bus service provided for the private school
8. Subject to full compliance with Special Use Permit #949 at the time the expansion is completed or within one (1) year from approval of this Special Use Permit.

P&Z COMMISSION QUESTIONS:

- Commissioner Bohrn asked if the lighting conditions listed addresses the existing lighting on the property.
- Zoning & Development Manager stated that during the staff review process it was decided that this is something the Commission will need to decide.
- Commissioner Lezamiz asked if the condition regarding the bus service was referring only to the school.
- Zoning & Development Manager stated yes.

PUBLIC HEARING: OPENED

- Brent Jussel, 935 Meadowview Lane stated he is here to express conditional support and that some of the neighbors get cranky about the family activities that happen at the church however he is in support of these activities. There is a disagreement regarding the lighting he feels that it is excessive and is also concerned with the landscaping. The other concern is the speed limit along this location which is currently 50 mph. This area has become more developed and is a residentially zoned area indicating a possible need for reducing the speed limit along this road. The City spends so much energy on protecting the residents and the City has no say on the speed limit in front of the church; the 50 mph speed limit is excessive for a residential area and a church. He would ask that this be reviewed.

PUBLIC HEARING: CLOSED

CLOSING STATEMENT:

- Mr. Collins asked everyone in the audience that is in support of this request to stand because they did not speak. He also asked if additional parking will be required even though the amount of traffic is not going to change.
- Zoning & Development manager stated that this issue will be reviewed during the building permit process.

DELIBERATIONS FOLLOWED:

- Commissioner Bohrn stated he is concerned that without the bus service being used for the school that that will increase the amount of traffic coming to the site during the school year. He would also ask that the current city standards for lighting apply to the existing lighting on the property as well.
- Commissioner Warren stated his only concern is the lighting.

MOTION:
Commissioner Warren made a motion to approve the request as presented with staff recommendations adding that outside lighting for the entire site meet current City standards. Commissioner Lezamiz seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING AMENDED CONDITIONS

1. Development shall be subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to dedication of additional right-of-way.
3. Subject to the approach closest to the corner of Hankins Road and 9th Avenue East being closed.

4. Subject to full compliance with City Code 10-4-4.3 and 10-11-1 thru 9 and specifically 10-11-4; parking areas: stripping of parking lots and that outside lighting for the entire site meets current City standards.
5. Subject to deferral of the construction of the curb, gutter, sidewalk, arterial approaches, and street improvements being executed, if as determined by the City Engineering Department.
6. No use of amplified sound outside of the proposed and existing buildings.
7. No bus service provide for the private school
8. Subject to full compliance with special use permit #949 at the time the expansion is completed or within one (1) year from approval of this special use permit, whichever is first.

2. Request for the Commission's recommendation for a Zoning District Change and Zoning Map Amendment from R-2 to R-2, R-4, R-6 & NCO PUD for 80(+/-) acres located at the southwest corner of Grandview Drive North and Falls Avenue East c/o Grandview Farms, LLC/Gerald Martins, EHM Engineering & Gary Wolverton (app. 2247)

APPLICANT PRESENTATION:
Gerald Martens, EHM Engineering, representing the Grandview Farms, LLC for the "Village West" PUD for a multi-use 80 acre project located on the southwest corner of Grandview Drive and Falls Avenue West. The project layout was reviewed on the overhead. The project to the north and this project will share in the cost of improving Grandview Drive and will participate in the traffic signal. It was explained that lots located on the west end of the project are zoned R-2 with a minimum lot size of 16,000 square feet done by deed restriction; the middle of the project would be R-4 and the southeast corner of this project will be R-6 proposed for a senior housing project and the northeast corner of this project is approximately 8 acres designated for NCO. The NCO will operate from 7am to 10pm as per City Code and would conform to the Neighborhood Commercial District requirements with some restrictions. The landscaping for the project will meet requirements, the project will have pressurized irrigation, and a park area will be provided as a buffer between the commercial and the residential properties. There will be enough space to provide a little league field in the park area for the neighborhood children to play or practice.

Gary Wolverton, the applicant stated he would like to address the residential design in this project. The comprehensive plan allows for a neighborhood commercial area at this location. The Neighborhood Commercial consists of approximately 8 acres and it will be serviced by interior roads separate from the residential area with one access from Falls Avenue and one access from Grandview Drive. The road systems in the Perrine Point project to the north connect to Sunterra another development to the north this project will connect to this system as well. He reviewed some sample renderings of the neighborhood commercial buildings as well as the neighborhood ball field in the park area. In the center of the project is a section of village homes that will garages on the back of the home with an alley access and look much like the presidential streets; it is approximately 10% of the project. The driveways will be will be approximately 21-24 feet long and parking should not be an issue.

Ben Settecase, Development Director Mountainwest Senior Housing from Salem, Oregon. This project would be owned and developed by the Mountainwest Company. They currently own 30 properties and like to provide a campus setting with multiple levels of senior living. The community provides senior independent living units, assisted living, and a long term care memory unit. The building will also contain a general store, theater, spa and beauty salon for the residents. A rendering of the building and the site plan was reviewed on the overhead.

STAFF ANALYSIS:

Zoning & Development Manager Carraway stated this is a request for a zoning district change and zoning map amendment to rezone property from R-2 to R-2, R-4, R-6, and NCO PUD for the development of a mixed-use residential and neighborhood commercial development. The vicinity and zoning map was reviewed on the overhead. The development is proposed to include (236) residential lots, one (1) area designated for a community retirement care facility, and one (1) area designated for a neighborhood commercial development. The requested zoning complies with the comprehensive plan which designates this area for urban residential and neighborhood commercial center uses.

The property is located on the southwest corner of Falls Avenue West and Grandview Drive North. The property to the north is agricultural with a mixed use residential/neighborhood commercial development called Perrine Point PUD. The area has a plat recorded for phase 1 of development.
The applicant intends to develop this site as a mixed-use residential subdivision where the housing unit type and lot sizes vary to accommodate different living situations and incomes. The residentially designated areas of the PUD shall include detached single family homes and townhomes/duplexes – no tri-plexes or four-plexes are proposed at this time. In the area designated as R-6 a complete retirement community addressing the many levels of senior care is being proposed. In the R-6 zone nursing homes and rest homes require a special use permit but the Commission may recommend this use, as presented, be approved as part of this public hearing process for this planned development and that the special use process be waived.

The western most portion of the development is proposed to be zoned R-2 PUD and shall follow the City Code standards and regulations for the R-2 zone and additionally be subject to deed restrictions as required and recorded. There is a minimum lot size of 16,000 sq ft required for the lots adjacent to the Rim View Estates Subdivision on the western property line. The remaining R-2 designated area shall comply with the R-2 development standards which allow single family dwellings on 6,000 square foot lots and 10,000 square foot lots for duplexes. The minimum 16,000 sq ft lots under the R-2 development standards are designed to buffer the existing Rim View Estates neighborhood from this development. This area would also include the site for storm water retention.

The R-4 PUD zone allows single family dwellings on 4,000 square foot lots, duplexes are allowed on minimum 7,000 square foot lots - tri-plexes and/or four-plexes may be permitted by special use permit unless specifically excluded from the PUD. The lots proposed in this development would range from 4,000 to 8,000 square feet in size. The concept proposed would be a village like effect, smaller homes for the first time home buyers and retirees. Some of the homes would have alley access with garages at the back of the homes. A similar type of townhome development was proposed in the Perrine Point PUD development to the north. The alley is proposed to be twenty four (24) feet wide. As per 10-6-1.4(D)3, “all buildings shall have a traffic way set back from center line of forty five feet (45') on a public street and twenty five feet (25') on a private street.”

Development standards within the R-4 PUD zone, as proposed, appear to meet the development standards for the City Code for the R-4, medium density district except for a variation in the front yard setbacks. City Code Section 10-4-5.3(E)(1a) states the front building line shall not be closer than twenty feet (20’) to the front property line. The PUD agreement is proposing building setbacks on lots 87, 90, 93, 96, 101, 104, 107 and 110 to have the front yard setback reduced from twenty feet (20’) to fifteen feet (15’). The reduction to fifteen feet (15’) front yard setback shall only apply to every third lot as previously noted. The remaining lots shall comply with the twenty foot (20’) front yard setback as required by City Code. This is proposed to create variation to the street view. A variance to a building setback requires a variance permit but the Commission may recommend this reduced setback, as presented, be approved as part of this public hearing process for this planned development and that the variance process be waived.

The area designated as R-4 PUD also includes the proposed park area. The applicant is proposing open space consisting of 3.25 acres to be developed as a community park to include piping the canal and a ten foot (10') wide walkway/bike path running from the north end to the easterly end of this open space. There is also proposed to be pedestrian walkways and trails provided throughout the development. The Parks & Recreation Commission reviewed the proposed park plan at their June 10, 2008, meeting and generally was in support of a park dedication at this location, however, the Parks &Recreation Commission did express concern that there was very little patron parking being shown. The specific park area and details for design will be determined prior to the preliminary plat process and will be presented at that time.

Within the R-6 zone City Code allows single family dwellings on a minimum 4,000 sq. ft. lots, and duplexes on minimum 6,500 sq. ft. lots. A tri-plex, four-plex and/or a multi-family residential dwelling are all permitted uses. The PUD does not specifically address these types of residential dwellings within the R-6 designated areas as being proposed or not. The PUD agreement in this area is proposing the minimum lot size to be 3,500 sq. ft. per dwelling unit providing that the area within the R-6 zoning meets or exceeds the R-6 density. A variance to a lot size requires a variance permit but the Commission may recommend this reduced lot size, as presented, be approved as part of this public hearing process for this planned development and that the variance process be waived. The R-6 PUD designated area is primarily proposed to be developed as a senior living community. In your packet is a proposal booklet describing the project. The development is proposed to be called the Summit of Twin Falls Senior Community Campus. The development is proposed to consist of a main building that is shown as a three (3) story central building with a height of 42' with several single-story duplexes along the southern property boundary. The duplexes are designed as a residential transition back to the single-family development to the south. The facility is proposed to include several assisted living units, memory care living units, and independent living units.

Within the R-6 zone the maximum building height is 35'. A variance for a building height requires a variance permit but the Commission may recommend the additional height, as presented, be approved as part of this public hearing process for this planned development and that the variance process be waived.

The R-6 and NCO designated areas have controls proposed in the draft PUD agreement for the architectural character of the site that shall comply with the NCO development standards. The buildings shall have pitched roofs, architectural variations, and coordinated materials, colors, and themes to the extent possible. The applicants are intending this development to be a walk able and pedestrian-friendly development.

The proposed signage regulations have modifications from standard code such as limiting the amount of wall-signage permitted, time limits on lighting of signs, and requiring any freestanding signs to be monument type signs. A sign plan is included in the PUD with elevations of the proposed signage.

The percentage of landscaping required in the parking areas in the PUD is more than what is required by City Code and provided to mitigate the visual impact of parking areas.

The NCO designated area is proposed to allow for medical offices and physical therapy services as an outright permitted use. There is some concern from staff and residents that this area may developed more as a professional/medical office complex than as a true neighborhood commercial with retail and office uses that are geared towards meeting residential neighborhood needs in the immediate area. The commission may consider recommending a percentage of the NCO designated area be retail to encourage development that is more in line with the intent of a neighborhood commercial center zoning. The zoning district change & zoning map amendment public hearing procedure was reviewed.

Zoning & Development Manager Carraway stated upon conclusion if the Commission finds the R-2, R-4, R-6 & NCO PUD zoning designation appropriate, as presented, and recommends approval to the City Council, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the property being platted through the City of Twin Falls prior to development.
3. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.
4. Subject to the NCO PUD area having a minimum percentage of 50% retail uses.
5. Subject to final approval of the PUD agreement

P&Z COMMISSION QUESTIONS:

- Commissioner Lezamiz asked what the plans are for the little strip of land by the NCO area zoned R-6.
- Zoning & Development Manager Carraway stated to her knowledge there have not been any plans made for this area. It could be used for apartments, multi-family homes some kind of residential development that complies with the R-6 zoning.
- Commissioner Bohrn asked the applicant for clarification on what was planned for this area.
- Mr. Wolverton stated that originally the plan was to have townhomes/duplex not four-plex or six-plex that is not the plan and the area would not be big enough. This would provide a buffer between the NCO from the residential area to the west.

PUBLIC HEARING: OPENED

- Ed Meuller, 884 Rim View Lane, just west of this project in an R-2 zone; his understanding was that the lost on the west end of the project would be 20,000 sq. ft. lots and is wondering if there are plans to have a wall on the backside of these lots and what will happen to the water. The other concern is the plan for the R-6 portion of the project and what is going to happen in this area. The three story building for the senior facility is another concern, it would be better if it were a two story and not as tall as proposed. How much commercial use is going to be developed on Grandview, the discussion tonight was about a light going in at this location are they planning on widening the roads in this area. Grandview is not equipped to handle the traffic and neither is Falls Avenue West.
- Lamar Orton, 867 Filer Avenue West, stated he has a sheet with 15 signatures of residents that received written notice allowing him to be the spokes person regarding this request. He stated that he also has a petition signed by 133 neighbors petitioning that this rezone request be denied. The petition has been filed with the application. He stated there is not any animosity towards any of the developers of this project however the neighbors have to do what they feel is right for the neighborhood. This property was previously zoned R-1 VAR on the westerly portion and the easterly portion was zoned R-2. A few months ago this property was rezoned entirely to R-2. The question is how much is enough, because now it is coming through for another rezone. This project is not a mirror image of the Perrine Point Project to the north. He stated he was in support of this project with some reservations. The concern is that Grandview Drive will turn into a professional office area that will serve the entire community. The intent of the NCO district is to have a commercial design that serves the neighborhood and if it is not monitored it will turn into a doctors office that services the entire community. The NCO district is defines in 10-4-21 as one overlay being allowed in each area generally described in the Comprehensive Plan as Neighborhood Commercial Center. One overlay is allowed one is approved and for the Perrine Point project and a

second one is being requested tonight; this is not in compliance with the Comprehensive Plan. There are certain standard requirements for the zoning in the NCO district one stated the maximum height allowed is 25' and the maximum size for a single occupancy building is not to exceed 25,000 sq. ft. The request tonight shows a 42' high building that is approximately 80,000 sq. ft. that is a commercial building. There area already two low profile senior projects in this area; this is too large for this area. The strip of land between the NCO and the R-4 zoned area was originally shown to have a professional office overlay which is not provided for in the Comprehensive Plan. The 60 pages of narrative you will see that there are several references to professional offices because the verbiage was not deleted in the PUD Agreement which needs to be removed. The R-2 shows 16,000 sq. ft. lots proposed and nothing in the PUD Agreement limits the development of these lots to single-family residents. In the R-2 zoning district duplexes are allowed and without the restriction for single-family being in the PUD this is how these lots could be developed which is not what the adjacent residents expect. The R-4 zoned area use to be a portion that was R-1 VAR changed to R-2 with a minimum lot size being 6,000 sq. ft now they want to change the zone to R-4 to allow for a minimum lot size of 4,000 sq. ft. The lots that are in this project are between 4,000 and 5,000 sq. ft.; when the neighbors in this area invested in their property they looked at the zoning and now the lot sizes are being cut in ½ which is excessive. To allow this PUD it becomes a way to get other things through as well as the PUD includes variance requests for building heights, setbacks and certain uses. He asks that the Commission consider this when making a decision tonight and asks that this request be denied.

- Dennis Crawford, 681 Creekside Way stated he feels as if this has been a bait and switch. When he moved to this home this area was zoned R-2 and now they are requesting a higher density zone. His concern is the impact on the roads this project will have and he asked that the Commission preserve the integrity of this neighborhood.
- John Brennan, 826 Grandview Drive N, stated he would agree with the previous citizens and asks that this request not be approved.
- Joe Hoff, Filer Avenue West stated this is a neat and exciting project but it doesn't belong here. The project is going to draw people to this area and make it more commercial. He doesn't mind a single-family concept but is against the approval of this request.
- Virginia Farmer, 753 Filer Ave W stated her concern is the traffic in this area and the increase that this project will bring; this project is going to be too dense.
- Rosalee Orton, 867 Filer Avenue West, stated she agrees with the neighbors and asks that the City grow within the confines of the Comprehensive Plan and Zoning Regulations.
- Geri Temple, 1237 Knoll Ridge Road stated she is concerned with the height of the buildings and the park that could be used for storm water retention area.
- Kelly Rost, 1140 Caswell stated he has only lived at this address fro two weeks he looked for bigger lot sizes and fewer neighbors when he picked this location. He has concerns about having a bunch of small homes built behind his property and the increase in traffic.
- Frank Temple, 1237 Knoll Ridge Road stated he understand the idea of more lots more money. He has looked for two years to find the home he is in and he is concerned with the density as well.
- Brian Proctor 711 Wendell Street stated he has lived at his home for 17 years and has seen nice fields turned into single and double family housing. The traffic increase in the area is a concern and the fact that there is not a need for another senior living facility in this area of town.
- Doug Gagliardi, 1787 Falls Avenue West stated that he moved to Twin Falls for the quality of life. He has lived in areas where you can walk two steps from your door and your in the door of your neighbor's house; that is not a quality of life.

- Sharon Wood, 1017 Caswell Avenue says she has grown up in a dense area of town and decided to move to her current home. The density of this development will reduce the value of the surrounding homes and she would like for this area to remain residential without the commercial.

PUBLIC HEARING: CLOSED

CLOSING STATEMENT:

- Mr. Martens stated that the western boundary will be screened and the irrigation will be piped. The 16,000 sq. ft is a recorded deed restriction for single family homes only. The park will not be a water retention area and that the water retention area is located at the south end of the property. The projects proposed for this area will widen Falls Avenue and Grandview Drive to meet City standards and a traffic light will be installed in this area by the developers.
- Mr. Wolverton stated that the City Code section referred to earlier regarding the NCO zoning district states that the overlay shall not be less than 20 acres but it does not say it is confined to one subdivision or one development. There are 12 acres to the north of the proposed NCO in this project and this project contains 8 acres designated for NCO. He stated it is an exciting project and it is not going be solely medical. The benefit to a senior living facility is that there is less traffic, no kids, no dogs and is quieter than a normal. The density for this project is approximately 230 lots the density for Sunterra to the north is 302, the reason for the smaller lots is to allow for the alley and the variance is to stager the homes.

DELIBERATIONS FOLLOWED:

- Commissioner Warren stated that his concern is that if the variances are recommended for approval through this process then the City has given up control of what happens.
- Zoning & Development Manager Carraway stated that the PUD can be recognized as a public hearing an the Commission has the option if they feel the items have been addressed fully that they be adopted through the PUD Agreement process or you could recommend a public hearing process for each of these items.
- Commissioner Bohrn stated that he has several issues, the concept is a good one but the retirement center is more commercial and doesn't have any business in this area. The strip that is R-6 and has not had a defined use would be difficult for him to approve.
- Commission DeVore asked about the different interpretations of the NCO zoning district definition.
- City Attorney Wonderlich stated that there is not enough guidance in the ordinance to determine which interpretation is correct the Commission would have to make that determination.
- Commissioner Lezamiz stated that she does like the idea of the neighborhood commercial concept but she does want it to be businesses that serve the neighborhoods in this area. The project is fairly dense in the middle and she has concerns about the R-6 strip between the NCO and the R-4 zoned portion. Her other concern is the height of the senior care center.
- Commissioner Younkin stated he has a problem with the retirement community and feels this is not where it should be located; it doesn't belong in this type of development. A building the size of an average hotel in Twin Falls is not appropriate in residential development. He would not be in favor of this project with the retirement community as for the variances in the request he would be opposed to this and feels that these should stand on their own merit.

MOTION:

Commissioner Warren made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Lezamiz seconded the motion. Roll call vote showed all members present voted against the motion.

RECOMMENDED DENIAL OF THE ZONING DISTRICT CHANGE AND ZONING MAP AMENDMENT

TO BE SCHEDULED FOR PUBLIC HEARING BEFORE THE CITY COUNCIL – DATE TO BE DETERMINED

Chairman Younkin announced Item 4 will be heard before Item 3

4. Request for a special use permit to serve alcohol for consumption on premises where sold for property located at 1411 Falls Avenue East, Suite 1204 c/o Neilsen & Co, LLC (app. 2239)

APPLICANT PRESENTATION:
Gerald Martens, EHM Engineering representing the applicant stated the purpose of this request is to relocate a liquor license from their existing operation in Lynwood to their new office in Locust Grove. Neilsen & Co, LLC acquired this license and in 2005 they had to locate it somewhere to continue ownership until they are able to put it into use in a full fledge facility.

STAFF ANALYSIS:
Zoning & Development Manager Carraway stated the applicant is requesting a special use permit to be allowed to serve alcohol for consumption on site. Within the C-1 zone a special use permit is required to serve alcohol for consumption on the premises where sold if located less than 300 hundred feet (300') from residential property. The vicinity and zoning map was reviewed on the overhead. This property is within three hundred feet (300') of residential property on all four (4) sides. The applicant would like to be able to maintain their State Liquor License and to do this the alcohol and beverage control division has requirements that the license holder must satisfy. The applicants anticipate no adverse effects to adjoining properties as the sale of alcohol is proposed for only 10:00 am to 10:30 am weekdays except some Holidays. There would not be any changes to the site to accommodate this request; such as signing and/or additional seating. The applicants operated under special use permit #0948, at 550 Blue Lakes Boulevard North since October 2005; that special use permit was granted for the same situation subject to 3 conditions:

1. Full compliance with zoning, building, engineering, and fire codes.
2. The hours of operation be limited from 10:00 am to 10:30 am weekdays except certain holidays and election days.
3. No exterior signage except what is required by state law.

The applicants has operated under this special use permit for the last 2 ½ years and staff is not aware of any complaints or issues. If this request is approved this evening the commission may wish to attach similar conditions.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to approval of city, county, and state alcohol license approval.
2. Subject to the hours of operation being limited from 10:00 am to 10:30 am weekdays, except certain holidays and election days.
3. Subject to no exterior signage - except what is required by state law.
4. Subject to full compliance with the Locust Grove PUD Agreement
5. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERNS

DELIBERATIONS FOLLOWED: WITH NO CONCERNS

MOTION:

Commissioner Bohrn made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED, SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to approval of City, County and State Alcohol License approval.
2. Subject to the hours of operation being limited to 10:00 am to 10:30 am weekdays, except certain holidays and election days
3. Subject to no exterior signage except what is required by state law
4. Subject to full compliance with the Locust Grove PUD Agreement
5. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards

3. Request for the Commission's recommendation for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO for property located at 875 Monroe Street c/o M&D Property, Inc (app.2238)

APPLICANT PRESENTATION:
Mike Hutchings, representing the applicant stated he is here tonight to request a rezone for property located at 875 Monroe Street. This request does comply with the Comprehensive Plan. The vicinity and zoning map was reviewed on the overhead. This property is surrounded by property with the PRO overlay and fits into this area. Currently the property is used as an intermediate care facility for mentally disabled. The activity level for this property would decrease with this change in zoning. The area would not be impacted by an increase in traffic and the business will not operate 24/7 as it currently does. The clients will be moved to a smaller residential facilities and the requirements for the property will be met.

STAFF ANALYSIS:
Zoning & Development Manager Carraway stated this request is to change the zoning district and amend the zoning map designation for property located at 875 Monroe Street. The vicinity and zoning map was reviewed on the overhead. As you have just heard the applicant is requesting a change from the current zoning designation of R-4, which is a medium residential medium density district to R-4 PRO, which is in conformance with the Comprehensive Plan. If this request is approved a special use permit shall be required in order to establish a professional office. A certificate of occupancy and/or a building permit are also required for a change of use of the property. Full compliance with City Code shall be reviewed at the time of the building permit process. At that time development improvements may include, but shall not be limited to: dedication of additional right-of-way, screening, landscaping, curb, gutter, sidewalks, parking areas, sanitation facilities, water and sewer, drainage and storm water management. The zoning district change & zoning map amendment public hearing procedure was reviewed.

Zoning & Development Manage Carraway stated if the Commission recommends approval to the City Council, as presented, staff recommends the following conditions:

1. Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current city standards upon development or change of use of the property.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERNS

DELIBERATIONS FOLLOWED: WITH NO CONCERNS

MOTION:
Commissioner Lezamiz made a motion to approve the request as presented with staff recommendations. Commissioner Bohrn seconded the motion. Roll call vote showed all members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL,AS PRESENTED, SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.

5. Request for a Special Use Permit to construct a religious facility on five (+/-) acres located at the northwest corner of Field Stream Way and North College Road West, extended c/o Church of Jesus Christ of Latter Day Saint/Jim Lystrup (app. 2240)

APPLICANT PRESENTATION:
Jim Lystrup, representing the applicant, stated he is here tonight request a special use permit to build a religious facility on said property. He stated the church has made a large investment in this community and would like to add an additional meeting house. It will be similar to the one being built on Stadium Boulevard and Hankins Road it will be approximately 16,558 sq. ft.

STAFF ANALYSIS:
Zoning & Development Manager stated that on November 6, 2006 the Council approved annexation for this 35 acre parcel with a zoning designation of R-2. The vicinity and zoning map was reviewed on the overhead. As you have just heard the applicant is requesting this special use permit to construct a 16,500 (+/-) sq ft meeting house on a 5 (+/-) acre site located at the northwest corner of Field Stream Way and North College Road West. The proposed new facility will serve three (3) local congregations. A congregation typically is from 235 to 285 members. Each congregation attends the meetinghouse for a 3 hour block of time each Sunday. The facility will be used every Sunday and one evening a week. The heaviest traffic periods will occur on Sunday. This property is now being used as pasture. Full compliance with City Code shall be reviewed at the time of the building permit process. At the time of development improvements may include, but shall not be limited to: dedication of additional right-of-way, landscaping, curb, gutter, detached sidewalks to include landscape strips, screening, parking areas, streets, sanitation facilities, water and sewer, drainage and storm water management and flood plain regulations. In 2006 when the 35 acres was annexed --- it consisted of two (2) parcels- -- a 30 acre parcel and a 5 acre parcel. Recently there was a lot line adjustment done to move the 5 (+/-) acre parcel from the south east corner to the south west corner. As of today this lot line adjustment has not been recorded; this shall be required prior to development of the site.

Zoning & Development Manager Carraway stated upon conclusion should the commission approve the request, as presented, staff recommends approval be subject to the following conditions:

1. Development of the site shall be subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to dedication of additional road right-of-way along field stream way and north college road west, extended to current row.
3. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current city standards upon development or change of use of the property.

4. Subject to the applicant providing a warranty deed indicating the lot line adjustment as been recorded.

PUBLIC HEARING: OPENED
Chairman Younkin read into record a letter of support that has been filed with the application.
PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:
Commissioner Lezamiz made a motion to approve the request as presented with staff recommendations. Commissioner Bohrn seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Development of the site shall be subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to dedication of additional road right-of-way along field stream way and north college road west, extended to current row.
3. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current city standards upon development or change of use of the property.
4. Subject to the applicant providing a warranty deed indicating the lot line adjustment as been recorded.

6. Request for the Commission's recommendation for a Zoning District Change and Zoning Map Amendment from R-2 to C-1 to develop a commercial retail center on property located at 1030 Lincoln Street North c/o Tony Tse (app. 2241)

APPLICANT PRESENTATION:
Tony Tse, the applicant stated he is here to request a rezone for property located at 1030 Lincoln Street. He stated his family owns the TSE restaurant and the Asian Market located to the east of this property. They would like to rezone the property listed so that the old building fronting Blue Lakes Boulevard could be removed and a new building can be constructed. In order for new construction to occur at the current site on Blue Lakes Boulevard a larger setback is required which the current property will not accommodate. If this rezone could be approved they would like to vacate the alley and combine the lots so that a building could be constructed to meet current City Code requirements.

STAFF ANALYSIS:
Zoning & Development Manager Carraway stated the applicant is requesting a change from the current zoning designation of R-2, residential single household or duplex district to C-1, commercial highway district designation. A zoning designation request must be in conformance with the Comprehensive Plan. The Comprehensive Plan Land Use Map designates this area as commercial/retail along Blue Lakes Boulevard North with Urban Residential to the west, however the map is not meant to be interpreted precisely. The Comprehensive Plan document calls out areas along major arterials to be established as commercial and retail areas and so the designation may be directed more towards properties that have frontage on Blue Lakes Boulevard.

The current Comprehensive Plan Map along with the vicinity and zoning map was reviewed on the overhead. You have heard the applicant state if this request is approved he plans to remove the Asian Food Market building on Blue Lakes Boulevard and construct a new commercial building that includes the entire area. New construction would be required to meet current development standards and would be an improvement on the aesthetics along Blue Lakes Boulevard North. The applicant feels his proposal would be appropriate as commercial property is developed up to Lincoln Street across the alley and continuing north of the property. The existing neighboring land uses to the south are residential and to the west it is residential across Lincoln Street. A letter of opposition was received from a residential property owner on the west side of Lincoln Street – which you have in your packet. The properties on the east side of this portion of Lincoln Street have commercial neighbors to the east but the homes have been buffered by the alley. This would be the first project to extend commercial development as a direct neighbor. There are seven residential properties that are part of this grouping surrounded by the alley and Lincoln Street. The subject properties of this request are the northern most two lots of this block. There is also a rezone request that has been scheduled for the July 22nd Planning And Zoning Commission for the southern most lot at 926 Lincoln Street; While there is interest in changing the zoning of this area this row of residential properties also act as a buffer to the commercial activity along Blue Lakes Boulevard; this would be a substantial change to be considered by the Commission. The Zoning District Change And Zoning Map Amendment public hearing procedure was reviewed.

Zoning & Development Manager Carraway stated upon conclusion if the commission recommends approval to the city council, as presented, staff recommends the following conditions:

1. Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to streets/row adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current city standards upon development or change of use of the property.

P&Z COMMISSION QUESTIONS:

PUBLIC HEARING: OPENED

- Jean Newman, 969 Lincoln Street stated she is opposed to this request. The traffic from the commercial properties is already an issue along Lincoln Street. This is a residential area where kids play and families live. She asked that the Commission deny this request.
- Atla Allred, 1013 Lincoln Street stated that the commercial traffic is an issue on Lincoln Street along with the noise. There are lots of children in this residential area that need to be considered. Her other concern is how the building will be positioned if the change is approved and what kind of lighting will be used.
- Marty Jacobs, 968 Lincoln Street North stated here is already enough traffic on Lincoln Street and that she is opposed to this request.
- Craig Allred, 1013 Lincoln Street stated Blue Lakes Boulevard is zone commercial and the property to the west of the alley is zoned residential. His concern is the impact this will have on property values and how the property will be managed and maintained. He would like to know what the City has planned for this area and if they intend for it to become commercial.

PUBLIC HEARING: CLOSED

CLOSING STATEMENT:

- Mr. Tse stated all of the property to the north of this is already commercial and so the traffic is not going to change. The current City Code will not allow for the same size building that is

already there. He doesn't know what size building he would be placing on the property but he does know that it will face Blue Lakes Boulevard. The new building would improve the traffic flow in this area and allow for more parking; it will be an improvement to the area.

DELIBERATIONS FOLLOWED:

- Commissioner Bohrn asked about vacating the alley.
- Zoning & Development Manager Carraway stated it looks as though if the plan is to build in this location the alley would have to be vacated.

MOTION:
Commissioner Bohrn made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted against the motion.

RECOMMEND DENIAL OF THE ZONING DISTRICT CHANGE AND ZONING MAP AMENDMENT

TO BE SCHEDULED FOR PUBLIC HEARING BEFORE THE CITY COUNCIL – DATE TO BE DETERMINED

7. Request for a Special Use Permit to operate a drive through espresso business with extended hours on property located at 100 6th Avenue West c/o Jeff Baker (app. 2242)

APPLICANT PRESENTATION:
Jeff Baker, the applicant stated this is a request for a special use permit. He would like to build a new building on this vacant lot and improve the look of this location.

STAFF ANALYSIS:
Zoning & Development Manager Carraway stated this site is located in the M-2, heavy manufacturing - zoning district with a P-3 parking overlay. The request is to allow an espresso business with a drive – thru window. The vicinity and zoning map was reviewed on the overhead. Eating places are an allowed use in the M-2 zone but a special use permit is required for any drive-thru facility. The P-3 parking overlay is placed on areas where the City desires to retain the character of the area -- if standard parking requirements can not be met consideration may given on a case by case basis.

The property is currently undeveloped. The applicant is proposing placement of a 240 sq ft building on the site that is designed to accommodate a drive-up facility only -with no interior or exterior seating provided. The daily hours of operation are anticipated to be 6:00 am to 7:00 pm with 1 - 2 employees on the site at any one time. The applicant anticipates that there could be 75-100 vehicles per day.

The coffee shop would be placed on the site towards Shoshone Street. The site plan was reviewed on the overheard showing a landscaping buffer along Shoshone Street. Placement of the building will be reviewed to assure that the sight triangle at the intersection of 6th Avenue West, Shoshone Street and Wall Avenue is clear. There are two accesses indicated on the site plan one on 6th and one on Wall Avenue. There is an existing 21' wide access off of 6th on the far western portion of the property; this is designed to be the main access to the site. The access shall be required to be widened to at least 30' – which is the minimum commercial access allowed.

There is also an access proposed on Wall Avenue. Wall Avenue is a paved one-way street; the placement of this access should be as far from Shoshone Street as possible along the Wall Avenue frontage. This access shall also be required to be a minimum of 30'.

As per city code 10-7-13 - the drive-thru design for this type of facility must provide for a minimum of six (6) vehicle stacking spaces or at least 120'. The length of the building and travel lane as shown on the site plan is approximately 130' – 5 parking spaces are shown on the site plan.
There is no paving required in the M-2 zone, however, the applicant intends to pave the parking, stacking, and travel areas. Other areas would be landscaped or hard-surfaced. Construction on the property may require other improvements such as curb and gutter. Deferrals may be appropriate for this property; this would be determined at the time the building permit is reviewed. The development of the property will be an improvement as the old metal fencing and the weeds will be removed as the site is developed.

Zoning & Development Manager Carraway stated upon conclusion should the commission approve the request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to both accesses be developed with a minimum 30' width.
3. Subject to the access off Wall Avenue West being placed as far from Shoshone Street on the western side of the frontage as possible.
4. Development to be as per the approved site plan.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner DeVore seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED,AS PRESENTED, SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to both accesses be developed with a minimum 30' width.
3. Subject to the access off Wall Avenue West being placed as far from Shoshone Street on the western side of the frontage as possible.
4. Development to be as per the approved site plan.

8. Request for a Special Use Permit to operate handcrafted furniture business to include a commercial paint booth on property located at 415 2nd Avenue South c/o Sweet's Construction, Inc./David Sweet (app. 2243)

APPLICANT PRESENTATION:
David Sweet, the applicant stated he is here tonight to request a special use permit to allow him to operate a wood working shop to provide a bigger space to build cabinets and furniture.

STAFF ANALYSIS:
Zoning & Development Manager Carraway stated this request is to operate a commercial paint booth in conjunction with a woodworking / cabinetry and furniture business on property located at 415 2nd Avenue South. The vicinity and zoning map was reviewed on the overhead. This property is zoned CB P-1. Within the CB zone a special use permit is required to operate a handcrafted furniture business.

City Code 10-7-18 also states: "outside commercial painting is prohibited in all zoning districts; however, inside commercial painting is permitted only by special use permit." As you have just heard Sweet's Construction is primarily a remodeling business. This site is proposed to be the site of a side business and is planned to operate from 8:00 am to 5:00 pm, Monday through Friday. This site would be the manufacturing and production site of this business with very little – if any - customer traffic. There would only be one employee on the site so the impact of traffic on the site would be very minimal. Impacts from a commercial paint booth may be from escaping odors / fumes / spray and/or noise. If the special use permit is approved a full review of the site for compliance with state and local codes will be reviewed as part of the building permit process. Final approval and issuance of a certificate of occupancy shall be required prior to operation of the paint booth or the business. There is currently no parking or landscaping shown on the site. The CB zone requires landscaping equal to 5% of the total parking area. This property also carries a P-1 parking overlay, which means the code recognizes downtown as a unique area with little to no parking available. The P-1 parking overlay does not require any off-street parking, therefore no landscaping is required, for outright permitted uses but may be required through the special use permit process by the commission or council. There is a bay door on the 2nd Avenue South and alley sides of the building and it could be possible for the employee to park in the building. The applicant has provided a statement from the KAPS Auto Parts Store – the adjacent property owner; the Sweet's may use up to two (2) parking spaces in their lot when required. Signage is not approved as part of a special use permit request. If the applicant wishes to place any signage on the property a sign permit from the building department shall be required. The area is designated "downtown" by the Comprehensive Plan. This use appears to be in compliance and compatible with the surrounding area.

Zoning & Development Manager Carraway stated upon conclusion should the commission approve the request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. The paint booth shall meet or exceed all city zoning, building and fire requirements.
3. Subject to a certificate of occupancy being issued on the property.
4. This special use permit is specific to this applicant to operate the business as approved.

PUBLIC HEARING: OPENED & CLOSED WITHOUT CONCERNS

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Bohrn made a motion to approve the request as presented with staff recommendations. Commissioner Lezamiz seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. The paint booth shall meet or exceed all city zoning, building and fire requirements.
3. Subject to a certificate of occupancy being issued on the property.
4. This special use permit is specific to this applicant to operate the business as approved.

9. Request for a Special Use Permit to operate an in-home daycare facility on property located at 1312 7th Avenue East c/o Gabriella Tovar (app. 2244)

APPLICANT PRESENTATION:
Kelly Tovar, representing the applicant stated that she is here tonight to request approval of a special use permit for an in-home daycare. They currently take care of 6 children and would like to take care of more.

STAFF ANALYSIS:
Zoning & Development Manager Carraway stated this is zoned R-4; which is a residential medium density district. The vicinity and zoning map was reviewed on the overhead. The applicant has stated she wishes to operate an in-home day care facility from her residence. A special use permit is required to operate an in-home daycare facility in this zone. City Code 10-2-1 defines an in-home daycare service as follows: Daycare service in a home in which the provider lives full time and is the main on-site caregiver of the service. The service is provided by persons who are paid to supervise or care for six (6) or more persons including the resident children. The applicant lives at the site and would be the main caregiver. The hours of operation are proposed to be from 6:30 am to 6:30 pm. The days of the week were not specified. She anticipates the peak traffic times would be in the morning from 6:30 am to 8:30 am and from 5:00 pm to 6:30 pm in the evening. She would like to provide services for up to fifteen (15) children and have one (1) additional caregiver / employee on site. While the City Code does not limit the number of children that can be cared for in an in-home day care the Idaho Department of Health and Welfare's Child and Family Services office, which handles child care licensing in the area, does. They have different levels of licensing based on the number of children on the site, they are as follows: Child care home facility allows up to six (6) children – this type of facility is not required to have any state licensing. Group child care facility allows from (7) to (12) children & is required to be licensed by the state. A child care center is the designation for facilities caring for thirteen (13) or more children and is also required to be licensed by the state. The number of children and / or caregivers allowed for an in-home day care facility s not defined in City Code, but may be determined through the special use permit process as required by the Commission or Council. The City has typically permitted a maximum of twelve (12) children – which includes the caregivers own children - for in an in-home day care facility. Because the state has determined twelve (12) is the most that can be cared for by one (1) provider at a time. A child care center, – which allows 13 or more children, has been felt to be more commercial in nature based on the requirements for additional employees and additional parking. The applicant is requesting to be allowed to care for up to 15 children and wishes to include one (1) employee. The Commission may consider the impact of fifteen (15) children with two (2) caregivers at this location as too commercial in nature for a residential neighborhood. The parking requirement for a daycare is two (2) spaces per teacher / caregiver. Upon review of the site plan staff has determined that there is no room for parking off the alley at this time and there may be up to three (3) cars that could park in the front drive by blocking one another. There is a fire hydrant located at the front of the house blocking the parking pad on the west side of the driveway, which eliminates the western pad as legal parking. Staff recommends, if the commission approves this request, they place a condition that the fire hydrant be moved to allow this area to be included as parking area for the day care. If the fire hydrant is not moved, the parking pad on the west side of the driveway cannot be considered part of the onsite parking. A special use permit is for zoning purposes only; a building permit is required prior to operation of an in-home day care facility. Other permits such as electrical or plumbing permits, etc. may be required. All facilities must comply with all building and fire code regulations prior to operation. A special use permit for an in-home day care at this residence would only be valid for this applicant at this location. Typically an in-home day care facility has minimal impacts to an existing residential neighborhood.

Zoning & Development Manager Carraway stated upon conclusion should the commission approve the request as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. A maximum of twelve (12) children may be cared for under this permit.
3. A maximum of one (1) additional caregiver may be employed on site.
4. The front driveway to be used for customer parking only during day-care operating hours. The resident and /or caregiver(s) must park off-site. Parking shall comply with City Code 10-10-1 thru 4.
5. Comply with all state and local requirements to establish a day care facility, including receiving certification from the Idaho State Department of Health and Welfare, a day care center license from the city of twin falls fire department and the issuance of a certificate of occupancy from the building inspection department for the recent addition and for the in-home day care.
6. Subject to the fire hydrant located in front of 1312 7th Avenue East being moved from in front of the concrete area.

P&Z COMMISSION QUESTIONS:

- Commissioner Lezamiz asked if the applicant is responsible for paying for the hydrant to be moved.
- Zoning & Development Manager Carraway stated yes.
- Commissioner DeVore asked the applicant how many caregivers she is planning to having.
- Ms. Tovar stated the plan is to have two caregivers.
- Commissioner Younkin asked how long she has been taking care of children at this location.
- Ms. Tovar stated that she has been caring for children at this location for 8 years.
- Commissioner Bohrn asked if the applicant is aware of the conditions recommended by staff
- Ms. Tovar stated the applicant does understand the conditions.

PUBLIC HEARING: OPENED & CLOSED WITHOUT CONCERNS

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Lezamiz made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed a 4-1outcome with Commissioners Bohrn, Warren, Younkin and Lezamiz voted in favor of the motion and Commissioner DeVore voting against the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. A maximum of twelve (12) children may be cared for under this permit.
3. A maximum of one (1) additional caregiver may be employed on site.
4. The front driveway to be used for customer parking only during day-care operating hours. The resident and /or caregiver(s) must park off-site. Parking shall comply with City Code 10-10-1 thru 4.
5. Comply with all state and local requirements to establish a day care facility, including receiving certification from the Idaho State Department of Health and Welfare, a day care center license from the City of Twin Falls Fire Department and the issuance of a Certificate of Occupancy from the building inspection department for the recent addition and for the in-home day care.
6. Subject to the fire hydrant located in front of 1312 7th Avenue East being moved from in front of the concrete area.

10. Request for special use permit to operate an automobile detail shop on property located at 810 2nd Avenue West, Suite 5 c/o Adams H. Climer (app.2245)

APPLICANT PRESENTATION:
Adam Climer, the applicant stated he is requesting a special use permit to operate an auto detail shop from 9am to 7pm Monday through Saturday with one additional employee. The shop is approximately 1,050 sq. ft. The traffic will be dropping off and picking up vehicles. There are 17 parking spaces and 6 garages which will allow for 3 cars to be parked inside and 3 outside. The plan is to have approximately 3-4 cars on site at one time, there should not be a huge noise impact, and the chemicals will be limited to spray bottles. There will be seals installed in the floor with a pump to limit water damage. The operation of the business will take place in the shop so it should not be an eyesore to the area.

P&Z COMMISSION QUESTIONS:
Commissioner Younkin asked if the applicant plans to do any engine cleaning.
Mr. Climer stated if engine cleaning is necessary it will be done off site at the spray and wash place located on Addison Avenue.

STAFF ANALYSIS:
Zoning & Development Manager Carraway stated this site is located in the CB P-2 zoning district. The vicinity and zoning map was reviewed on the overhead. The applicant is proposing to operate an automobile detail shop in space #5 of a commercial building. To operate an automobile service business requires a special use permit in the CB zone. This property also carries a P-2 parking overlay, which means the code recognizes the downtown as a unique area with little to no parking available, therefore, the code allows up to a 30% reduction in the number of required parking spaces. This area being proposed to operate this business is in a building that is occupied by several other tenants. The hours of operation are stated to be 9:00 am to 7:00 pm, Monday thru Saturday mainly set by appointment over the phone. The hours of operation for a service business in the CB zone is not defined in City Code, but may be determined through the special use permit process as required by the commission or council. The applicant indicates they will be running vacuum cleaners, carpet extractors and occasionally a pressure washer. They will be detailing both the inside and the outside of the automobiles. There currently isn't a floor drain in the proposed space/area. The applicant stated they will have a pump to pump the wastewater to a contractor's sink located within the shop area. They indicate they will take heavily mudded vehicles to an off site pressure wash bay to avoid excessive wastewater. Any chemicals used will be dispensed out of spray bottles to keep them concentrated and controlled. The applicant feels his proposed automobile detailing business will have no impacts on the surrounding properties. He feels the business itself is pretty inclusive as all the work will be done inside the shop.

There was a building permit issued on September 26, 2006 to construct a shell building at this site. Shell buildings are not issued a certificate of occupancy as there are no tenants or land uses involved in the review process. A shell building must pass the final inspection before any tenants can be issued a certificate of occupancy. As of today the building permit has not passed its final inspection. There was a tenant improvement permit applied for on February 1, 2008. This permit was to put in restrooms. There are currently three (3) tenants that have applied for a certificate of occupancy that have not been issued because the shell building has not been finalized/ approved by the building inspection department. At least two (2) of these tenants have already occupied the building. The commission may wish to consider placing a condition on the special use permit no certificate of occupancy shall be issued until a final inspection has been approved by the building inspection department for the shell building.

Zoning & Development Manager Carraway stated upon conclusion should the commission approve the request as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. No personal storage allowed on-site.
3. At the end of each business day all vehicles are to be stored inside; no outside storage allowed.
4. This special use permit is specific to this applicant to operate the business as approved.
5. No certificate of occupancy shall be issued until a final inspection for the shell building, located at 810 2nd avenue west, has been approved by the building inspection department.

PUBLIC HEARING: OPENED
Lynn Dunlap, owner of the property, stated that bathrooms have been installed in units one, five and three. He is aware that there are some things that need to be done to acquire the Certificate of Occupancy and that these things will be taken care of.
PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Bohrn made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. No personal storage allowed on-site.
3. At the end of each business day all vehicles are to be stored inside - no outside storage allowed.
4. This special use permit is specific to this applicant to operate the business as approved.
5. No Certificate of Occupancy shall be issued until a final inspection for the shell building, located at 810 2nd Avenue West, has been approved by the building inspection department.

11. Request for the Commission's recommendation for a Zoning Title Amendment which would amend Twin Falls City Code 10-10-3 (A) by increasing the required number of parking spaces for tri-plex, four-plex, and/or multifamily residential dwellings c/o City of Twin Falls (app. 2246)

STAFF PRESENTATION:
Zoning & Development Manager Carraway stated this is a request for the Commission's recommendation for a Zoning Title Amendment which would amend Twin Falls City Code 10-10-3 (A) by increasing the required number of parking spaces for tri-plex, four-plex, and/or multifamily residential dwelling. In February 2008, Community Development Director Humble presented to the City Council a list of potential code amendments to Title 10; Zoning & Subdivision Regulations. One of those changes was to take a look at the current parking requirements for residential uses –primarily tri-plex, four-plex and multi-family. City Code 10-10-3 currently requires a minimum of 2 parking spaces per residential unit. There has been a concern that for a multi-family project, typically five (5) units or more, the minimum requirement of 2 parking spaces does not address any overflow parking for guests or additional occupants of the residential units. There is a provision in City Code 10-12-5.3(E) that states within a planned unit development project "one additional parking space beyond that which is required by Chapter 10 of this Title may be required for every three (3) dwelling units to accommodate visitor

parking." In March of 2008 the Planning and Zoning Commission denied a special use permit request to construct a four-plex on property located within the R-4 zoning district. The application was not approved because of concerns with parking on the site and that two (2) spaces per unit would not be adequate to address visitor parking. Attached is a summary of residential parking requirements from several communities within the State of Idaho. The current requirement of 2 parking spaces per unit appears to be consistent with other Idaho Communities. Upon analysis of the summary staff is proposing the minimum parking requirement for single family, detached, single family, attached and duplex residential dwellings remain at 2 parking spaces per unit and for a tri-plex, four-plex and multifamily (5 units or more) an increase as follows: for a tri-plex and/or a four-plex - 2 parking spaces per unit, plus 1 additional space per building for guests; and for a multi-family (5 units or more): 2 parking spaces per unit, plus 0.25 additional spaces per unit for guests. The zoning title amendment approval procedure was reviewed.

Zoning & Development Manager Carraway stated upon conclusion staff recommends that the commission recommend approval of the changes to the City Council as presented, by amending City Code Title 10, Chapter 10 by increasing the required number of parking spaces for tri-plex, four-plex, and/or multifamily residential dwellings.

PUBLIC HEARING: OPENED & CLOSED WITHOUT CONCERNS

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Lezamiz made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL AS PRESENTED
SCHEDULED FOR PUBLIC HEARING AUGUST 4, 2008

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING & DEVELOPMENT MANAGER OR THE PLANNING & ZONING COMMISSION: NONE

VI. UPCOMING MEETINGS:

- The next Planning & Zoning Commission meeting is scheduled for July 22, 2008

VII. ADJOURN MEETING:

Chairman Younkin Adjourned the meeting at 10:15 p.m.

I.

NOTICE OF AGENDA
Meeting of the Twin Falls Planning & Zoning Commission
July 22, 2008 – 6:00 P.M.
City Council Chambers
305 3RD Avenue East Twin Falls, Idaho

MINUTES

PLANNING & ZONING COMMISSION MEMBERS:

CITY LIMITS

Wayne Bohrn, Bonnie Lezamiz, Gerardo Muñoz, Bernice Richardson, Karen Stroder, Cyrus Warren (Vice Chairman), Carl Younkin (Chairman)

AREA OF IMPACT

Lee DeVore, R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS		AREA OF IMPACT MEMBERS	
Present	Absent	Present	Absent
Bohrn	Richardson	Mikesell	DeVore
Lezamiz	Warren		
Munoz			
Stroder			
Younkin			

CITY COUNCIL MEMBERS PRESENT: Heider, Kezele

CITY STAFF PRESENT: Collins, Jones, Weeks, Westenskow, Wonderlich

AGENDA ITEMS FOR PUBLIC HEARING AND CONSIDERATION

III. ITEMS FOR CONSIDERATION:

1. Consideration of an extension of the approval of the preliminary plat of the Pillar Falls PUD Subdivision, consisting of 24.88 (+/-) acres with 25 lots located northwest of the intersection of Eastland Drive North and Pole Line Road East, c/o EHM Engineering.
2. Consideration of the approval of the preliminary plat of Magic Valley Mall - 3rd Amended- Subdivision, consisting of 54.42 (+/-) acres for 2 additional lots located at 1485 Pole Line Road East c/o EHM Engineering/Tim Vawser.

IV. PUBLIC HEARINGS:

1. Request for a Zoning District Change and Zoning Map Amendment from R-2 to C-1 for property located at 926 Lincoln Street c/o Violet & Gary Nahapet & Jake Walker, Gem State Realty (app. 2248)
2. Request for a Special Use Permit to operate an appliance and furniture service and repair business on property located at 1708 Kimberly Road c/o Pro-tech & White, White & Lawley (app. 2249) ******* WITHDRAWN********
3. Request for a Special Use Permit to operate a photography studio as a professional office and to allow a household unit in the same building as an allowed use and occupied by owner or an employee of the allowed use on property located at 2133 Addison Avenue East c/o Jim & Mary Fort (app. 2250)
4. Request for a Special Use Permit to operate a religious facility on property located at 338 Idaho Street East c/o The Olive Tree Ministry Center(app. 2251)
5. Request for a Special Use Permit to operate an in-home daycare on property located at 894 Rose Street North c/o Samantha Thomas (app. 2252)

MINUTES

I. CALL MEETING TO ORDER:
   a. Confirmation of quorum
   b. Introduction of staff

II. CONSENT CALENDAR:
   a. Approval of Minutes from the following meeting(s):
      June 24, 2008
      UNANIMOUSLY APPROVED
   b. Approval of Findings of Fact and Conclusions of Law:
      Bethel Temple-SUP 1100
      Neilsen & Co, LLC-SUP 1101
      LDS Church-SUP 1102
      Jeff Baker-SUP 1103
      Sweet's Construction-SUP 1104
      Gabriella Tovar-SUP 1105
      Adam Climer-SUP 1106

III. ITEM FOR CONSIDERATION:

1. Consideration of an extension of the approval of the preliminary plat of the Pillar Falls PUD Subdivision, consisting of 24.88 (+/-) acres with 25 lots located northwest of the intersection of Eastland Drive North and Pole Line Road East c/o EHM Engineering/Troy Vitek

APPLICANT PRESENTATION:
Gerald Martens, EHM Engineering, representing Great Northwestern Inc, Paul Bedortha , stated he is here tonight to request a preliminary plat extension of the Pillar Falls PUD Subdivision located northwest of the intersection of Eastland Drive North and Pole Line Road East. The plat consists of approximately 24.88 (+/-) acres with 25 lots approved in August of 2007. This is a mixed use project but to date there have not been enough commitments to the project to proceed. The developer has made substantial investments in improvements along Pole Line Road and the project will continue to move forward just not as quickly as anticipated. They concur with the staff recommendations and ask that the Commission approve this request.

STAFF ANALYSIS:
Planning Technician Weeks stated this is a consideration of the request for an extension of the preliminary plat of the Pillar Falls PUD Subdivision, consisting of 24.88 (+/-) acres with 25 lots, located northwest of the intersection of Eastland Drive North and Pole Line Road. Approval of this request will allow the applicant to proceed to develop a final plat in conformance with the approved preliminary plat and any conditions placed on the approval. On August 14, 2007 the Planning & Zoning Commission approved the preliminary plat of Pillar Falls PUD Subdivision subject to the following conditions:

1. Subject to final technical review by the city engineering department and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to arterials and collector streets adjacent to and within the property being rebuilt or built to current city standards upon development of the property.
3. Subject to final approval of the PUD agreement.

City Code 10-12-2.4(I) states; Approval Period: Final plat shall be filed with the County Recorder within one year after written approval by the Council; otherwise such approval shall become null and void unless prior to said expiration date an extension of time is applied for by the sub-divider and granted by

the Council. Attached is a request from EHM Engineering, representing Great NW Development, Inc, owner/developer of the property, asking for an extension of the approval of the preliminary plat. There have not been any substantial changes to the Code or nature of the development that would necessitate the Pillar Falls PUD Subdivision Preliminary Plat being resubmitted. The original conditions of approval should be reapplied to the request for an extension.

Planning Technician Weeks stated upon conclusion staff recommends that the Commission approve this request for a 1-year extension subject to the August 14, 2007 conditions of approval:

1. Subject to final technical review by the city engineering department and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to arterials and collector streets adjacent to and within the property being rebuilt or built to current city standards upon development of the property.
3. Subject to final approval of the PUD agreement.
4. Subject to current water modeling being done at the time of final plat application.

PUBLIC COMMENT: OPENED & CLOSED WITHOUT PUBLIC CONCERNS

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Bohrn made a motion to approve the request as presented with staff recommendations. Commissioner Stroder seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to final technical review by the City Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. Subject to approval of the PUD Agreement.
4. Subject to current water modeling being done at the time of final plat application.

5. Consideration of the approval of the preliminary plat of Magic Valley Mall-3rd Amended-Subdivision, consisting of 54.42 (+/-) acres for 2 additional lots located at 1485 Pole Line Road East c/o EHM Engineering/Tim Vawser

APPLICANT PRESENTATION:
Roger Kruger, EHM Engineering, representing the applicant stated he is here to request approval of a preliminary plat as part of the PUD Modification that came through in March of 2007. This plat will create two additional pad sites and will not impact the existing road accesses into the Mall. The existing parking is 5.5 spaces per 1000 sq. ft. this will be reduced to 5.3 spaces per 1000 sq. ft. due to the addition of the pad sites; however this is still 33% more than what is required by City Code. The pad sites will allow for two additional businesses and will meet City Code requirements. They ask that the Commission approve this request.

STAFF ANALYSIS:
Planning Technician Weeks stated this request is for approval of the preliminary plat of the Magic Valley Mall Subdivision, 3rd Amended. The subdivision consists of 54.42 acres (+/-) and includes two additional pad sites. The property is zoned C-1 PUD, Commercial Highway District, planned unit development. The subdivision is platted as C-1 PUD. The proposed amendment is to add two additional pad sites;

1) 7500 sq ft building with additional parking along Pole Line Road and west of the Magic Valley Bank on the corner of Bridgeview Boulevard and Pole Line Road East; and
2) 2500 sq ft building with a drive-thru window with additional parking located on the north side of the mall, east of the entrance off Bridgeview Boulevard.

There is currently a parking ratio of 5.5 spaces per 1000 sq ft. City code 10-10-3 requires 1 space per 250 sq ft of retail space or 4 spaces per 1000 sq ft. With the additional retail sq footage and adding parking the site will only drop the ratio to 5.3 spaces per 1000 sq ft. There will not be any changes to the existing approaches. On March 27, 2007 the commission approved a PUD modification to allow the addition of two pad sites and the expansion of two existing sites. This PUD modification initiated this preliminary plat for magic valley mall subdivision, 3rd amended. This is the first step in the plat approval process. The preliminary plat is presented to the commission. The commission may approve the preliminary plat, deny it, or approve with conditions. The preliminary plat only goes to the city council upon an appeal. A final plat, that is in conformance with the approved preliminary plat and including any conditions the commission may have required, is then presented to the city council. Upon approval by the City Council and recordation of the final plat lots may be sold for future development. Approval of a preliminary plat does not constitute a commitment by the city to provide water or waste water services. A guarantee of services comes when the city engineer signs a will-serve letter after final and construction plans are reviewed. A full review of required improvements will be made by the building, planning, and engineering departments for full compliance with minimum development standards prior to issuance of a building permit. The plat is consistent with other development in the area and in conformance with the comprehensive plan which designates this area as appropriate for urban residential development.

Planning Technician Weeks stated that if the Commission approves the preliminary plat of the Magic Valley Mall Subdivision, 3rd Amended, as presented, staff recommends approval be subject to the following conditions:

1. Subject to final technical review by the city engineering department and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current city standards upon development of the property.

PUBLIC HEARING: OPENED & CLOSED WITHOUT CONCERNS

CLOSING STATEMENT:

- Mr. Kruger asked for clarification on the second condition listed.
- Assistant City Engineer Collins stated there are not any improvements that will be required for the arterials or collectors streets.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Stroder made a motion to approve the request as presented with staff recommendations. Commissioner Munoz seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.

IV. PUBLIC HEARINGS:

1. Request for a Zoning District Change and Zoning Map Amendment from R-2 to C-1 for property located at 926 Lincoln Street c/o Violet & Gary Nahapet & Jake Walker, Gem State Realty (app. 2248)

APPLICANT PRESENTATION:

Violet Nahapet, the applicant stated that she is here tonight because they own a small alteration business that is located on Blue Lakes Boulevard that they have been renting for many years. They have found the property located at 926 Lincoln Street that they would like to purchase for their business however a rezone has to occur for this to be possible. The home is located two spaces down from their current location and faces Lincoln Street. There will be approximately 5 customers per day and they will operate from 10am to 5pm. She asked that the Commission recommend approval of this request.

STAFF ANALYSIS:

Planning Technician Weeks stated this is a request to change the zoning district and amend the zoning map designation for property located at 926 Lincoln Street. The applicant is requesting a change from the current zoning designation of R-2, residential single household or duplex district to C-1, commercial highway district designation. A zoning designation request must be in conformance with the comprehensive plan. The Comprehensive Plan Land Use Map designates this area as commercial/retail along Blue Lakes Boulevard North and urban residential to the west, however the map is not meant to be interpreted precisely. The Comprehensive Plan document calls out areas along major arterials to be established as commercial and retail areas and so the designation may be directed more towards properties that have frontage to Blue Lakes Boulevard. The property in this request is located along Lincoln Street and is across an alley from other property currently zoned C-1 to the east. The applicant stated if this request is approved they plan to relocate their commercial tailoring business to 926 Lincoln Street. They currently operate their business approximately 50 feet away on Blue Lakes Boulevard. The new zoning designation would require the property to meet current development standards. The applicant feels his proposal would be appropriate as commercial property is developed across the alley and continuing south of the property. The existing neighboring land uses to the north are residential and to the west it is residential across Lincoln Street. The properties on the east side of this portion of Lincoln Street have commercial neighbors to the east but the homes have been buffered by the alley. This would be the first project to extend commercial development as a direct neighbor. There are seven residential properties that are part of this grouping surrounded by the alley and Lincoln Street. The subject property of this request is the southern most lot. There was a rezone request that was scheduled for July 8th Planning and Zoning Commission for the northern most two lots at 1030 Lincoln Street. While there is interest in changing the zoning of this area to commercial it is a substantial change to the area. This row of residential properties also acts as a buffer of the commercial activity to the existing residential neighborhoods to the west of Lincoln Street. The commission has the right to interpret the Comprehensive Plan Map. At the July 8th meeting the commission determined that the zoning change did not comply with the Comprehensive Plan. Zoning district change & zoning map amendment public hearing procedure was reviewed.

Planning Technician Weeks stated that if the commission recommends approval to the City Council, as presented, staff recommends the following conditions:

1. Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to streets/row adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.

P&Z COMMISSION QUESTIONS:

- Commissioner Lezamiz asked if the applicant has plans to live in this home with the business.
- Ms. Nahapet stated they do not plan to live in the home it is only 1000 sq. ft.
- Commissioner Munoz asked about the possibility of PUD or home occupation.
- Planning Technician Weeks stated this would not qualify for a PUD because it is not large enough. As for a home occupation they would have to live in the home and could not have any signage.

PUBLIC HEARING: OPENED

- William Dee, 950 Lincoln Street stated the traffic in this area is already bad. There area people speeding through here now and if there are activities going on at the Moose Lodge it is busy. This is a residential area and a business doesn't belong in this area.
- Jean Newman, 969 Lincoln Street stated if this gets recommended then the Tse request will come back through for the same request again. The traffic is terrible in this area through a residential area. Tailoring business is not an issue it's the rezoning of the property from residential to commercial that concerns her.
- Alta Allred, 1013 Lincoln Street, stated that she has lived in this neighborhood over 30 years and her concerns are related to traffic, heavy truck that travel along Lincoln Street, dumpster pick-up, hours of operation for the sign and the lack of sidewalks for pedestrians. She asked if the Commission recommends approval that they recommend a sidewalks be installed and berms to buffer the noise.
- Jim Walker stated that the seven lots in this location are surrounded by commercial on three sides. Being that this is a busy area they are asking to bring 5 customers to the site with no anticipation of dumpsters and a small sign that is not going to run all night and to operate from 10-5. This is not going have a major impact on the surrounding properties.
- Paul Loyd, 926 Lincoln Street stated he is the owner of this property. This type of business is not going to increase the traffic this is already commercial in nature on Lincoln Street. There are already businesses located in this area that most likely already have dumpsters so if one more is added it should be a problem. The issue of the sidewalk is trivial there is not a sidewalk in this area along the rest of the street and to require one would be unnecessary. This business is not going to impact the area negatively and he asked that this be considered when making a decision on the request.
- Tony Tse, 1373 Bradley Street stated he was here at the last meeting for a rezone request. The Blue Lakes Boulevard traffic is what is causing people to use Lincoln Street. As a business owner on Blue Lakes Boulevard he stated the access is limited and lots of car accidents occur because people have a difficult time getting in and out of businesses. The only way to address the problem is to fix the commercial spaces. There are seven residential lots in the middle of this commercially zoned area if they were converted to commercial it would improve the parking for the businesses and reduce the accidents in this area. He is in favor of this rezone.
- Craig Allred, 1013 Lincoln Street stated he is still adverse to this request. The traffic is already a problem and by adding commercial to this area it is only going to make it worse.

PUBLIC HEARING: CLOSED

CLOSING STATEMENT:

Ms. Naphat stated she lives at 1360 Lawndale Drive, she lives along the backside of Lowe's and she understands that the noise concern. She stated there are only 5 machines for sewing, there is not going to be a dumpster and it is strictly a family business. This is not going to impact the area drastically and she asked once again that the Commission recommend approval.

DELIBERATIONS FOLLOWED:

- Commissioner Munoz stated he doesn't have a problem with the tailoring business the problem he has is that once the property is rezoned to commercial the Commission has no recourse for changing it back.
- Commissioner Stroder stated that she understands the applicants request but changing the zoning to commercial could bring major changes to the area.
- Commissioner Lezamiz stated rezoning makes her nervous it would allow any type fo commercial business to go in if the zone is changed.
- Commissioner Bohrn stated this is a difficult location. The Comprehensive Plan is not clear and it would be difficult to rezone this property.
- Commissioner Mikesell stated that planning has failed in other areas of town and there has to be growth and it has to occur in other locations besides Blue Lakes Boulevard and Washington Street.
- Commissioner Younkin stated he can't agree to changing this to commercial. People in this neighborhood have lived in this area for a long time and commercial has encroached into this area. The recommendation he would have is that a group of developers purchase the seven lots and take the opportunity to develop it from the Blue Lakes Boulevard side to meet the standards and provide protection to the neighborhoods on Lincoln.
- Commissioner Munoz stated that developing this property as commercial facing Lincoln would be difficult for him to approve.

MOTION:

Commissioner Munoz made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Stroder seconded the motion. Roll call vote showed a 1-5 outcome with Commissioner Mikesell voted in favor of the motion and Commissioners Munoz, Stroder, Younkin, Bohrn, Lezamiz voting against the motion.

RECOMMENDED FOR DENIAL OF THE ZONING DISTRICT CHANGE & ZONING MAP AMENDMENT

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING AUGUST 18, 2008

2. Request for a Special Use Permit to operate an appliance and furniture service and repair business on property located at 1708 Kimberly Road c/o PRO-Tech & White, White & Lawley (app. 2249) *******WITHDRAWN*******

3. Request for a Special Use Permit to operate a photography studio as a professional office and to allow a household unit in the same building as an allowed use and occupied by owner or and employee of the allowed use on property located at 2133 Addison Avenue East c/o Jim & Mary Fort (app. 2250)

APPLICANT PRESENTATION:
Jim Fort, the applicant stated he is here to request a special use permit for a photography studio on property at 2133 Addison Avenue East. He stated this will be a use that is listed in the Professional Office Zoning Title Amendment approved in May of 2008. There are not any employees and there are no plans to have employees.

STAFF ANALYSIS:
Planner I Westenskow stated this is a request operate a photography studio as a professional office and to allow a household unit in the same building as an allowed use and occupied by owner or and employee of the allowed use on property located at 2133 Addison Avenue East. The property is currently zoned R-2 PRO and this use has been in operation as a home occupation under a special user permit approved in 2002. To be able to expand the business adjustments had to be made to the zoning code. The business will

operate by appointment only and will not have any employees. The development requirements for the R-2 zone and Professional Office Overlay would need to be met. The requirements for landscaping, screening, and parking requirements would be some of the items that would have to be addressed. The area they are proposing to use for the business is approximately 1100 sq. ft. They are proposing that the two spaces in the garage are adequate for the residential use and 4 additional spaces for customers would be provided. This will be reviewed as part of the Certificate of Occupancy process.

Planner I Westenskow stated upon conclusion should the Commission approve the request, staff recommends the following condition(s):

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to applying for and receiving a Certificate of Occupancy for the uses on the property from the Building Department.
3. Subject to this permit being non-transferable. This Special Use Permit is for this applicant only for the uses specified.

P&Z COMMISSION QUESTIONS:
Commissioner Stroder asked the applicant if the appointments are for family portraits where the customers come in more than five cars. The area to the left of the parking spaces shown on the site plan is concrete which could be used for temporary parking.

PUBLIC HEARING: OPENED
Paula Brown-Sinclair stated the businesses in this area operate out of very nice homes along with some of the homes being used as residents. For someone to be able to live and work in their home with this type of operation is a great opportunity, and she is for this request.
PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Stroder made a motion to approve the request as presented with staff recommendations. Commissioner Munoz seconded the motion. Roll call vote showed all members present voted in favor of this request.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to applying for and receiving a Certificate of Occupancy for the uses on the property from the Building Department.
3. Subject to this permit being non-transferable. This Special Use Permit is for this applicant only for the uses specified.

4. Request for a Special Use Permit to operate a religious facility on property located at 338 Idaho Street East c/o The Olive Tree Ministry Center (app. 2251)

APPLICANT PRESENTATION:
Gary Tetz, representing the applicant stated they are planning to use this location for a small group of 15-30 people specifically tailored towards youth ministries. The request tonight is for a special use permit to use the building in the evenings and weekends for services. The parking requirement is based on the number of people and they have discussed leasing parking space from Rock Creek Church to meeting the parking requirements.

P&Z COMMISSION QUESTIONS:

- Commissioner Stroder asked about a possible conflict with parking space if both churches are using the parking spaces.
- Mr. Tetz stated that they are affiliated with the Seven Day Adventist Church and primarily the services will occur on Friday and some Saturday mornings with some evening activities throughout the week. The City also has a parking lot across from the building that could be leased for additional parking.

STAFF ANALYSIS:

Planner I Westenskow stated this is a request to operate a religious facility on property located at 338 Idaho Street East. The property is zoned CB. A Special Use Permit is required to establish religious facilities in this zone. The applicant is requesting the special use permit to allow for church and life education facility. The applicant doesn't anticipate any glare, odor, fumes, etc that would make the use incompatible with the area. The parking lot to the northeast is owned jointly by the City of Twin Falls and the owners of the building included in the request. The Rock Creek Community Church has granted permission for the Olive Tree Ministry Center to use their parking lot on evenings and Saturdays. The only other impact would be additional noise as the building will be occupied and there may be worship bands, clapping, laughter, and children's voices. The applicants feel this will improve and beautify the downtown area. The requested use is compatible with existing downtown development and is in compliance with the Comprehensive Plan which designates this area as suitable for Downtown uses.

Planner I Westenskow stated upon conclusion should the Commission approve the request, staff recommends the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards, otherwise site plan and elevation as presented.
2. Subject to approval and issuance of a Certificate of Occupancy for the change of use of the area.
3. Subject to a parking analysis being submitted with the change of use application including written and signed acknowledgement that the applicants can use the parking area associated with 304 5th Avenue East.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERNS

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Lezamiz made a motion to approve the request as presented with staff recommendations. Commissioner Stroder seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards, otherwise site plan and elevation as presented.
2. Subject to approval and issuance of a Certificate of Occupancy for the change of use of the area.
3. Subject to a parking analysis being submitted with the change of use application including written and signed acknowledgement that the applicants can use the parking area associated with 304 5th Avenue East.

5. Request for a Special Use Permit to operate an in-home daycare on property located at 894 Rose Street North c/o Samantha Thomas (app. 2252)

APPLICANT PRESENTATION:

Samantha Thomas the applicant stated she is requesting a special use permit to operate an in-home daycare located at 894 Rose Street North. The property is ideally located on block north of Perrine Point

Elementary and Robert Stuart Junior High. She stated she is a working mother and has used commercial daycare and has never been impressed with the level of care offered by the commercial facilities. In home daycare provides a small loving home environment allowing her the opportunity to stay home with her own children as well. Child care is essential to the community and in-home care is more desirable to the families that need childcare. She stated she will have one other employee during peak hours of the work day to proper supervision. The daycare will be fully licensed and will comply with all state, local and federal law that in place to ensure a safe environment. The hours of operation will be from 6:30 am to 6:30 pm Monday-Friday and will observe all Federal Holidays. The peak drop off hours for traffic will be around 8 am and peak pick-up hours will be around 6 pm. All parents will be required to sign a handbook and follow all policies. One policy will be that all drop of and pick up of children must come from Falls Avenue which will eliminate the traffic from passing through Rose Street. All parking will take place in the drive-way. The maximum number of vehicle traffic anticipated will be 10 vehicles and will be in the drive-way for approximately 7-10 minutes. She understands some of the neighbors are concerned about the noise and the children will only be allowed to play outside during scheduled times and will only be allowed to play in the back yard; which is completely fenced. Running this business from my home will allow her to make a future for her children and will be the most economical way to make a living and to care for her children. She stated there are a few other daycares, a car repair, and appliance businesses in the area that don't seem to affect the neighbors. The property was vacated by the previous tenant in July of 2008 and was not maintained. Since taking over the property they have made several improvements and have cleaned up the property and plan to continue to make improvements. She read into the record a letter from a local licensed realtor supporting this request.

P&Z COMMISSION QUESTIONS:
Commissioner Mikesell asked how tall the fence is
Ms. Thomas indicated it is four feet tall.

STAFF ANALYSIS:
Planner I Westenskow stated this is a request to operate an in-home daycare on property located at 894 Rose Street North. The property is zoned R-2 in this zone a special use permit is required to operate an in-home daycare. The home is approximately 2100 sq. ft with a fenced back yard. City Code 10-2-1 defines an in-home daycare service as follows: Daycare service in a home in which the provider lives full time and is the main on-site caregiver of the service. The service is provided by persons who are paid to supervise or care for six (6) or more persons including the resident children. The applicant lives at the site and would be the main caregiver. The hours of operation are proposed to be from 6:30 am to 6:30 pm Monday-Friday. While the City Code does not limit the number of children that can be cared for in an in-home day care the Idaho Department of Health and Welfare's Child and Family Services office, which handles child care licensing in the area, does. They have different levels of licensing based on the number of children on the site, they are as follows: Child care home facility allows up to six (6) children – this type of facility is not required to have any state licensing. Group child care facility allows from (7) to (12) children & is required to be licensed by the state. A child care center is the designation for facilities caring for thirteen (13) or more children and is also required to be licensed by the state. The number of children and / or caregivers allowed for an in-home day care facility s not defined in City Code, but may be determined through the special use permit process as required by the Commission or Council. The applicant stated she is willing to care for the maximum number of 12 children and that she will have one additional employee on site. The drive-way is large enough to accommodate four cars and the applicant doesn't anticipate any negative impacts to the neighborhood. The special use permit is not transferable for in-home daycare from one owner to another.

Planner I Westenskow stated upon conclusion should the Commission approve this request staff recommends the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. A maximum of twelve (12) children may be cared for under this permit.
3. One (1) additional caregiver may be employed on site.

4. Subject to the driveway being left clear for customer parking during day care operating hours.
5. Comply with all State and Local requirements to establish a day care facility, including receiving certification from the Idaho State Department of Health and Welfare and a Day Care Center License from the City of Twin Falls Fire Department.
6. Apply and receive a Certificate of Occupancy from the City of Twin Falls Building Department for the in-home day care.

P&Z COMMISSION QUESTIONS:

- Commissioner Stroder asked if the 12 would include the applicant's children.
- Planner I stated that this is not specified in the conditions but could be defined by the Commission
- Commissioner Stroder asked if there is any kind of landscaping that provides a buffer to neighbors.
- Ms. Thomas stated that there is row of trees along the back area of the fence and the neighbor has a 6 foot high privacy fence.
- Commissioner Munoz asked if they own the property.
- Ms. Thomas stated they will be renting the property.
- Commissioner Munoz asked if the special use permit stays with the owner or the applicant.
- Planner I stated it stays with the applicant.

PUBLIC HEARING: OPENED

- Arlene Schmidt, 823 Rose Street North stated the original application stated 6:30 am to 6:30 pm and the peak would be 8:00 am. This is a quiet street and is concerned about the congestion that will occur at this corner with the school buses. She is not against daycare but she is concerned about the traffic and the layout of the streets.
- Karen Nedbalek, 876 Rose Street North lives next door; this would completely change her living situation. She has a concern with traffic, noise from children, the change that this will cause on the street and her property value.
- Lynn Langford, 875 Rose Drive stated there have been other daycares in the area; this will impact the area with noise, dogs barking and the traffic. His other concern is the size of the house, fire exits and kids running around unattended. He is against this request and stated this should remain a residential area without businesses where people are coming and going.
- Derrick Furukaue, 2671 E 4269 N stated that he is partial to the applicant. They have worked hard to improve the property. They are there every single day and she has worked hard to do this, she is amazing with kids. This is not going to be bad for this location, and the neighbors are planning to sell their house so he doesn't understand their concern.
- Tom Kelly, 850 Rose Street North stated that he has lived in this neighborhood for two years. This street is short with five homes on the east and seven homes on the west. He has nothing against childcare but he thinks that the activity along this street is enough already and people travel this street to get to the schools. He is concerned with parking along the street and keeping the people parked in the driveway. He is against this request and asked that it be denied.
- Bobby Kelly stated she wrote the letter the applicant read into the record regarding the benefit of having child care in the neighborhood. She is also the home owner of this property and the applicant is her granddaughter. The previous tenant had two children and a dog; the applicant will not have any animals. She stated that as the owner she does have a personal stake in this and sending children to a commercial daycare is not beneficial to the children. She asked that the Commission consider that 37 letters were mailed out along with 60 notices in the sign pocket and that there are only four neighbors that are here tonight to complain. Two of which were here to complain about the daycare on Rosewood when it came through for approval.

There are other in-home daycares in the area that have been approved by the Commission in neighborhoods that have the same code requirement to meet and she asked that this be approved.

- Carol Kimball, 510 Falls Avenue West stated that she is concerned with the children getting hurt on the stumps left from cutting the rose bushes down that were along the fence. She stated that the dogs do bark when there are children in the area and the neighbor's bedroom window is close to the drive-way where the daycare is proposed. She is concerned for her neighbor and would like for this request to be denied.
- Phillip Lively, 859 Rosewood Drive stated he is opposed to anything that brings additional traffic to the neighborhood.
- Linda Roundtree, 864 Rose Street North stated that her concern is the traffic, the school buses stopping in front of this properties driveway where the parents are supposed to drop the kids off. The traffic along Falls Avenue and having people access the property only from Falls Avenue along with the height of the fence and the children's safety.
- Mike Kimball, 510 Falls Ave W stated they already have difficulty backing from their driveway because of the traffic on Falls Avenue and Rose Street. People cut through this neighborhood to get to the school and the buses back up the traffic in this area. He doesn't want commercial anywhere in this area.

PUBLIC HEARING: CLOSED

CLOSING STATEMENT:
Samantha Thomas stated that she understand the neighbor concerns and she is doing this to better herself and will do her best to monitor the noise and would like for this to not be a problem with the neighbors. She does have to count her own children when applying for the state license so 12 would be the maximum including her own.

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated that he could not approve this without a taller fence.
- Commissioner Stroder stated she has to consider the neighbors and doesn't think this is an appropriate location.
- Commissioner Bohrn stated his concern is the buses blocking access to the home for dropping off children and the fence not being tall enough.
- Commissioner Munoz stated he does have concerns with the fence height, but on the other hand having a taller fence would provide a buffer to the neighbors and address noise. The previous tenant had dogs and that could have been some of the issue previously. The buses being an issue could be addressed by changing the drop off and pick-up times. The special use permit can also be revoked if there are issues.
- Commissioner Younkin asked about fence requirements and stated that this is the wrong location for daycare because of some of the safety issues and the traffic along Falls Avenue. However, the Commission does have the power to limit the approval, the neighbors have the right to appeal and as well as pursue a revocation process if there are issues.
- Commissioner Bohrn stated the Commission is suppose to look at the ordinances and the requirements and if the applicant meets them. The customers may have issues but that is not a concern of the Commission.
- Commissioner Stroder stated that the City doesn't enforce convenience.

MOTION:
Commissioner Stroder made a motion to approve the request as presented with staff recommendations. Commissioner Bohrn seconded the motion. Roll call vote showed a 4-2 outcome with Commissioners Lezamiz, Munoz, Younkin, and Bohrn voting for the motion and Commissioner Stroder and Mikesell voting against.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. A maximum of twelve (12) children may be cared for under this permit.
3. One (1) additional caregiver may be employed on site.
4. Subject to the driveway being left clear for customer parking during day care operating hours.
5. Comply with all State and Local requirements to establish a day care facility, including receiving certification from the Idaho State Department of Health and Welfare and a Day Care Center License from the City of Twin Falls Fire Department.
6. Apply and receive a Certificate of Occupancy from the City of Twin Falls Building Department for the in-home day care.

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

VI. UPCOMING MEETINGS:

The next Planning & Zoning Commission Meeting is scheduled for August 12, 2008

VII. ADJOURN MEETING:

8:34 PM

CITY OF TWINF FALLS PLANNING & ZONING COMMISSION
CITY COUNCIL CHAMBERS
305 3RD Avenue East Twin Falls, Idaho
Public Hearing: August 12, 2008 6:00 P.M.

MINUTES

PLANNING & ZONING COMMISSION MEMBERS:

CITY LIMITS

Wayn Bohrn, Bonnie Lezamiz, Gerardo Muñoz, Bernice Richardson, Karen Stroder, Cyrus Warren (Vice Chairman), Carl Younkin (Chairman)

AREA OF IMPACT

Lee DeVore, R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS		AREA OF IMPACT MEMBERS	
Present	Absent	Present	Absent
Lezamiz	Bohrn	DeVore	
Munoz	Richardson	Mikesell	
Stroder	Warren		
Younkin			

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Carraway, Collins, Humble, Jones, Wonderlich

AGENDA ITEMS FOR PUBLIC HEARING AND CONSIDERATION

III. ITEMS FOR CONSIDERATION:

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate a hand casting business as a home occupation on property located at 537 Alpine Street c/o Richard L Hall (app. 2254)
2. Request for a Special Use Permit to expand by more than 25% an existing gasoline station on property located at 731 Pole Line Road c/o Costco Wholesale, Barghausen Consulting Engineers, Inc. (app. 2255)
3. Request for a Special Use Permit to construct a religious facility on five (5) (+/-) acres located at the northwest corner of Field Stream Way, extended and North College Road West, extended, c/o Church of Jesus Christ of Latter Day Saints c/o Jim Lystrup (app. 2240)
4. Request for the Commission's recommendation for a Zoning Title Amendment which would amend Twin Falls City Code 10-10-3 (A) by increasing the required number of parking spaces for tri-plex, four-plex, and/or multifamily residential dwellings c/o City of Twin Falls (app. 2246)

I. CALL MEETING TO ORDER:

Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s)

July 22, 2008

UNANIMOUSLY APPROVED

2. Approval of Findings of Facts and Conclusions of Law

Magic Valley Mall-Pre-plat	Olive Tree Ministry-SUP 1108
Jim & Mary Fort- SUP 1107	Samantha Thomas-SUP 1109

III. ITEMS FOR CONSIDERATION:

IV. PUBLIC HEARING:

1. Request for a Special Use Permit to operate a hand casting business as a home occupation on property located at 537 Alpine Street c/o Richard L Hall (app. 2254)

APPLICANT PRESENTATION:
Richard L Hall stated he resides as 537 Alpine and he and his wife are requesting a special use permit for hand casting molds that become a permanent keepsake for the client. He would operate this as a part time business at a maximum of 15 hours per week and clients are by appointment only. The clients visit will take approximately 15 minutes and they don't anticipate any major impact to the neighborhood.

P&Z COMMISSION QUESTIONS:

- Commissioner Stroder asked how many customers per week the applicant expects and if there are occasion when they would have multiple clients come to the home.
- Mr. Hall stated he anticipated 10-15 customers per month and there may be an occasion that a couple would come to the house but this would be rare.
- Commission Munoz asked if they will be doing the casting and if so what type of materials will be used.
- Mr. Hall stated that they will be doing the casting and the material is stone that comes in a powder form.
- Commissioner Younkin asked where in the home the business will occur and if the garage is able to be used for parking because a home occupation cannot exceed 400 sq. ft.
- He stated that the client will be in the dining area and the work performed by him and his wife will be done in a craft room. He stated they can park their car in the garage and there is a place located on the side of the home where he can park his other vehicle leaving space for two additional cars.

STAFF ANALYSIS:
Zoning & Development Manager Carraway stated the property is located at 537 Alpine Road in an R-4 PUD zoning district of the City. The surrounding properties on the north, west and south are zoned R-4 PUD and are existing residences. The area to the east is zoned R-4 and is the Oregon Trail Elementary School. The request is to operate a hand casting business as a home occupation. To operate a home occupation in the City of Twin Falls requires a special use permit as per City Code 10-2-1 a home occupation has the following limitations:

1. The maximum area allowed for a home occupation is 400 sq ft,
2. Only persons living in the home can be involved with the home occupation,
3. There can be no exterior indication of the home occupation, i.e. No signs, and;
4. The type of business is a service, excluding a daycare, offered by the resident(s) of the home or it includes the sale of items - handcrafted on the premises -by the resident of the home

A home based business:
1. That operates purely by telephone, computer or mail order service,
2. That generates no customer or employee traffic, and
3. That involves no vehicles other than cars, vans or pickups normally found in a residential subdivision.

Are not considered a home occupation

As you have just heard the applicant indicates the nature of the business is to make molds of peoples hands. They indicate the business would operate by appointment only – between the hours of 9:00 am and 6:00 pm, Monday through Saturday; however because it is by appointment only the applicant stated he doesn't anticipate fulfilling those hours. The applicants are the current owners and residents of the home. They have not designated the area in the home where the business will operate except by verbal testimony this evening. As a home occupation is limited to a maximum area of 400 sq ft the commission may wish to have the applicant designate the area where the business will be operated. There is an existing 2-car, 20' x 28' paved driveway. While the code does not specifically address a parking requirement to operate a home occupation, in similar requests, the commission has placed a condition that the driveway be used for customer parking only during business hours. A special use permit for a home occupation is limited to the applicant and is not transferable from one owner to another or from one location to a different location.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the request, as presented, staff recommends approval be subject to the following conditions:
1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to the driveway being used for customer parking only during business hours.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC INPUT

CLOSING STATEMENT:
Mr. Hall stated that he understands the restrictions for the home occupation and that the work space for this home occupation will not exceed 400 sq. ft.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Lezamzi made a motion to approve the request as presented with staff recommendations. Commissioner DeVore seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the driveway being used for customer parking only during business hours.

Commissioner Munoz stepped down.

2. Request for a Special Use Permit to expand by more than 25% an existing gasoline station on property located at 731 Pole Line Road c/o Costco Wholesale, Barghausen Consulting Engineers, Inc. (app. 2255)

APPLICANT PRESENTATION:
Chris Ferko, representing the applicant, stated he his here tonight to request a special use permit to expand an existing gasoline station on property located at 731 Pole Line Road. The purpose for the expansion is to provide better service to the customers. The canopy is going to be expanded to allow for additional two additional dispensers which will increase the fueling positions from eight to twelve. Ten existing parking spaces will be removed from the project. Parking will continue to meet code standards after the expansion providing 530 stalls while code only requires 429. There will be no changes to the normal business hours of the facility, Costco will continue to provide at least one employee at the site during all hours of operation and the expansion is expected to alleviate congestion and provide more efficient services. Costco does not expect the expansion to generate and additional noise, glare, odor, fumes and feels this is compatible with the surrounding area.

P&Z COMMISSION QUESTIONS:
- Commissioner Stroder asked about the parking spaces being removed and if the drive isle will remain.
- Mr. Ferko stated that the drive isle will remain however the new island will be placed in the location where there are currently 10 parking spaces.

STAFF ANALYSIS:
Zoning & Development Manager Carraway stated the site is zoned C-1 PUD. This is the site of Costco. The area under discussion currently has an existing gasoline station in operation. A special use permit is required to operate a gasoline service station in the C-1 zoning district. On November 16, 1998 the City Council approved a request for a special use permit to construct and operate a gasoline pump station with canopy on property located at 731 Pole Line Road subject to several conditions. One of those conditions stated “approval is for only two pump islands and shall not include the future “third Pump Island”. The applicant is requesting this special use permit so they can expand the existing gasoline pump station by adding a third pump island. The applicant has stated the expansion is expected to alleviate congestion and provide more efficient service to their customers. There will be no change to the normal business hours of the facility. Costco will continue to provide at least one employee at the site during all hours of operation. The applicant does not expect any increase in traffic impacts due to the expansion. The expansion will require the removal of ten (10) parking spaces; however, the applicant’s narrative indicates that the parking will continue to meet City Code 10-10-3, as to the required number of parking spaces. There are 530 stalls provided while only 429 are required by code. As the use of the property is not changing there should be little impact to the surrounding properties. The Comprehensive Plan indicates that this area is appropriate for commercial/residential uses. The applicant has stated they will comply with all applicable City Codes and air quality regulations for vapor recovery systems.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards.

P&Z COMMISSION QUESTIONS:

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC INPUT

CLOSING STATEMENT:
Mr. Ferko stated that his concern is the condition and that it seemed open ended with regards to code requirements that they would need to meet.
Zoning & Development Manager stated this condition is stating that the review for this request was for a zoning request and that the City will review the plans from a building perspective if the request is approved.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Stoder made a motion to approve the request as presented with staff recommendations. Commissioner Lezamiz seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.

Commissioner Munoz returned to his seat.

3. Request for a Special Use Permit to allow the operation of a private school and religious facility on Lot 3 Block 1 of the Riverhawk Subdivision, approximately 1.4 acres on property located at the southeast corner of Park View Drive and Cheney Drive West c/o The Church of Jesus Christ Latter-Day Saints (app. 2260)

APPLICANT PRESENTATION:
Mitch Humble, representing the applicant stated that the reason for the request is that the City is trying to put together a land swop with the church. The City currently has approximately 1.4 acres of property located at the southeast corner of Park View Drive and Cheney Drive West. The City is trying to acquire the 15 acre softball complex located on the south end of town. The City leases this complex from the church annually and would like to own the property so that they can start making improvements that are needed. To make this happen the approval of the special use permit will allow the exchange to move forward. This has been discussed with the school since the platting of the property occurred. From the church's perspective this is an optimal location for a seminary and provides a safe path for the students to travel back and forth between the seminary and the high school. From the Parks Department they would like for this request to be approved so that the land swop can move forward.

Community Development Director Humble stated upon conclusion should the Commission approve the request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the Church acquiring the subject property.

P&Z COMMISSION QUESTIONS:

- Commissioner Munoz asked if this special use permit would be attached to the property or if is designated just for the church.
- Community Development Director Humble stated that the special use permit would be attached to the property unless there was a condition stating otherwise.
- Commissioner Mikesell asked how far along the negotiations are for the trade.
- Community Development Director Humble stated that he is confident that the trade will be completed and the church is willing to follow through if this request is approved.

PUBLIC HEARING: OPENED & CLOSED WITHOUT INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Munoz made a motion to approve the request as presented with staff recommendations. Commissioner Stroder seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the Church acquiring the subject property.

4. Request for the Commission's recommendation for a Zoning Title Amendment which would amend Twin Falls City Code 10-10-3 (A) by increasing the required number of parking spaces for tri-plex, four-plex, and/or multifamily residential dwellings c/o City of Twin Falls (app. 2246)

STAFF PRESENTATION:
Zoning & Development Manager Carraway stated this is a request to change three (3) City Code Sections from Title 10; Zoning And Subdivision Regulations for The City of Twin Falls. The first proposal is a change to two (2) code sections addressing the floodplain rules and regulations; §§10-11-9 and 10-12-5.8. This request is in response to the Engineering Department's receipt of new flood plane insurance rate maps (firm) and a new flood study. To maintain flood insurance the City must adopt the new flood insurance rate maps (firm) and the new flood study by September 26, 2008. To meet this requirement some modifications are being proposed in your packet is a draft ordinance outlining these changes. The Assistant City Engineer Chuck Collins is here to answer any questions you may have.

Zoning & Development Manager Carraway stated the second proposal is a change to City Code Section §10-17-4; which is the procedure for the conduct of public hearings and specifically that portion of part "G" which currently states: "written comments, including e-mail, shall be either read into the record or displayed to the public on the overhead projector at the completion of public

comment." The following addition/amendment proposes: "no written comments, including e-mail, received after 12:00 o'clock noon on the date of the hearing will be accepted for consideration by the hearing body. Written comments, including e-mail, received by 12:00 o'clock noon on the date of the hearing shall be either read into the record or displayed to the public on the overhead projector at the completion of public comment." This proposed amendment is in response to a situation that occurs quite frequently. A specific recent incidence occurred with an item that was on the City Council public hearing agenda. The Deputy City Clerk received an e-mail at 4:57 pm on the day of the City Council hearing. It was addressed to the City Council regarding a public hearing item that was on that evenings agenda. Receiving comments right before a meeting makes it difficult to make sure that the Council Members all receive the information and that it is made a part of the public hearing record. City staff felt a deadline for written comments may be appropriate to ensure that they are part of the public hearing record. Also, as technology increases and as some of the City Council hearings are televised emails and communication could be coming in from a number of different media and at many different times. A deadline of 12:00 o'clock noon the date of the hearing for receipt of written comments is being proposed to help alleviate potential problems that might arise from this situation. This change will not prevent a citizen from reading a letter from a neighbor at a public hearing. It will clarify that "no written comments" will be accepted after 12:00 noon on the day of the public hearing. It also means we would not accept a letter attempted to be handed to staff to be read at that public meeting. This change would not prevent someone from reading a letter from their neighbor during their testimony, because this would be oral testimony. The reading of such a letter would also count against the time provided to that speaker. The Zoning Tile Amendment procedure was reviewed.

Zoning & Development Manager Carraway stated that staff recommends that the Commission recommend approval of the changes to the City Council as presented.

P&Z COMMISSION QUESTIONS:
Commissioner Stroder asked if the flood map is going to change.
Assistant City Engineer Collins stated that the old maps only included the flood planes within the City Limits. The new maps will now include the entire Twin Falls County. The flood plane is still the same. These maps are now in the GIS format posted on the City website allowing individuals to access the information themselves.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC INPUT

CLOSING STATEMENT:
Commissioner Younkin stated he is not an expert on the flood plane but he does like the idea of putting a time limit on the submittal of public input. If this passes people will be advised of the change if they attempt to submit things after the deadline.
Zoning & Development Manager Carraway stated that this information is in the letter that the property owner's receive however the notification letter will be made clearer.
Commissioner Munoz asked if this will apply only to written statements or will it apply to something that someone may have recorded to submit.
Zoning & Development Manager Carraway stated it would apply to any public comment submit in place of being presented in person.
Commissioner Stroder stated she has concerns with this because she likes to give the public as much opportunity as possible to submit comments.
City Attorney Wonderlich stated the change was taking into account letters and particularly email. The particular case that generated this amendment request was the public hearing regarding the

Lighthouse Christian request and there was a City Council Member that received an email as the public hearing was occurring making it difficult to provide the information to everyone and to complete the public hearing. He stated we would have to review the issue regarding recorded input if it were to occur.
Commission Munoz stated he likes to give the public the opportunity to provide input however without a deadline it is makes the process inefficient. The public is notified 15 days in advance of the meeting which he feels is ample and cutting a few hour off of the submittal time is going to make a big difference. There has to be some penalty for waiting until the last minute.
Commissioner Stroder stated that she has worked with the public for a long time and that sometimes people do not become aware of an item until the last minute and by putting a deadline on submittal limits their opportunity to offer comments.
Commissioner Munoz stated that if this is the situation then they would have to present their comments in person.
Commissioner Younkin stated that he thinks the public is given ample opportunity and it is like any other deadline, there has to be a cut-off somewhere.
Commissioner Lezamiz stated that she agrees.

P&Z COMMISSION QUESTIONS:

DELIBERATIONS FOLLOWED:

MOTION:

Commissioner Lezamiz made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Munoz seconded the motion. Roll call vote showed a 5-1 outcome with Commissioners Lezamiz, Mikesell, Munoz, DeVore and Younkin voting for the motion and Commissioner Stroder voting against.

RECOMMENDED FOR APPROVAL AS PRESENTED

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING SEPTEMBER 22, 2008

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

Community Development Director Humble stated that there will be a draft of the final Comprehensive Plan and he is looking at having a work session for review prior to public hearing. The second project that will be coming up is the sign code revision and he is looking at having a work session for review prior to public hearing. The third project that will be coming up is the impact fee project and that will be presented at the public hearing. Zoning & Development Manager Carraway presented a review of recent City Council decisions.

VI. UPCOMING MEETINGS:

Planning & Zoning Public Hearing August 26, 2008

VII. ADJOURNMENT MEETING:

Chairman Younkin adjourned the meeting at 7:05 p.m.

Lisa A Jones

Lisa Jones
Administrative Assistant
Community Development Department

CITY OF TWINF FALLS PLANNING & ZONING COMMISSION
CITY COUNCIL CHAMBERS
305 3RD Avenue East Twin Falls, Idaho
Public Hearing: August 26, 2008 6:00 P.M.

MINUTES

PLANNING & ZONING COMMISSION MEMBERS:

CITY LIMITS

Wayne Bohrn, Bonnie Lezamiz, Gerardo Muñoz, Bernice Richardson, Karen Stroder, Cyrus Warren (Vice Chairman), Carl Younkin (Chairman)

AREA OF IMPACT

Lee DeVore, R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS		AREA OF IMPACT MEMBERS	
Present	Absent	Present	Absent
Bohrn	Lezamiz	DeVore	
Stroder	Munoz	Mikesell	
Younkin	Richardson		
	Warren		

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Carraway, Collins, Jones, Reeder, Weeks, Wonderlich

AGENDA ITEMS FOR PUBLIC HEARING AND CONSIDERATION

III. ITEMS FOR CONSIDERATION:

1. Consideration of the preliminary plat of Farnham # 3 Subdivision 3.39 (+/-) acres with two (2) lots located at the southwest corner of Addison Avenue East and Carriage Lane c/o EHM Engineers, Inc.

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to expand an RV campground by more than 25% on property located at 2733 Kimberly Road c/o Denie & Lisa Mason (app. 2256)
2. Request for a Special Use Permit to allow a detached accessory building larger than 1000 sq. ft on property located at 3195 Woodridge Drive c/o Gerald and Marilyn Wignall (app. 2257)
3. Request for a Special Use Permit to expand by more than 25% an existing commercial daycare facility on property located at 2013 Addison Avenue East c/o Sally & Jamie Williamson (app. 2259)
4. Request for a Special Use Permit to add a drive-through window to an existing business on property located at 1517 Blue Lakes Boulevard North c/o Moneytree, Inc. (app. 2259)

I. CALL MEETING TO ORDER:

Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s)

August 12, 2008

UNANIMOUSLY APPROVED

2. Approval of Findings of Facts and Conclusions of Law

Richard L Hall-SUP Costco-SUP
LDS Church- SUP Samantha Thomas-SUP 1109

III. ITEMS FOR CONSIDERATION:

1. Consideration of the preliminary plat of Farnham #3 Subdivision 3.39 acres (+/-) with two (2) lots located at the southwest corner of Addison Avenue East and Carriage Lane c/o EHM Engineers, Inc.

APPLICANT PRESENTATION:
Fran Florence, representing the applicant, spoke on behalf of St. Luke's Regional Medical Center. Mr. Florence stated Trent McBride, EHM Engineers, Inc was here to answer technical questions and Kent Loosley is here on behalf of St. Luke's. This request is following a Conveyance Plat procedure. Prior to 2007 a one time split of property was allowed for properties that had not been subdivided in the past 30 years. In 2007 the City Code was changed to disallow the administrative splits and a new procedure called a Conveyance Plat was put in its place which still allows for the split of property for the sale of property but doesn't allow for the development of that property. Under the old standards you could do the split and proceed with development. This doesn't occur often but it is one of the reasons why the applicant is here tonight. The goal is to get this through the platting process so that they can begin building and occupying the building by next summer.

STAFF ANALYSIS:
Zoning & Development Manager Carraway stated this is a request for approval of the preliminary plat of the Farnham #3 Subdivision. As stated this property has come through as a Conveyance Plat that was approved by City Council. The vicinity and zoning map was reviewed on the overhead. The plat consists of approximately 3.39 (+/-) acres and is zoned C-1. The request is to plat 2 lots for the development of a clinic office as indicated in the applicant' narrative this land use is an outright permitted use in this zone. The site is located at the southwest intersection of Carriage Lane and Addison Avenue East; Lot 1 is shown as 2.36 (+/-) acres and Lot 2 is show as 1.03(+/-) acres. Site and infrastructure improvements shall be required at the time of development. The Engineering Department has determined the existing 24" irrigation line on Addison Avenue East will need to be moved onto the applicant's property and out of Addison Avenue East at such time as determined necessary by the City. If the Commission approves this preliminary plat this evening staff recommends there be a condition that would require a deferral agreement deferring the relocation of the 24" irrigation line in Addison Avenue East to within the property line of Lot 1 of Farnham Subdivision #3 until such time as determined necessary by the City. The plat approval process was reviewed. A full review of required improvements will be made by the Building, Planning, and Engineering Departments for full compliance with minimum development standards prior to issuance of a building permit. Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed. The

plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for commercial/retail uses.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the Preliminary Plat for the Farnham Subdivision, #3, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. Subject to a deferral agreement approved by City Council to defer the relocation of the existing 24" irrigation line located in Addison Avenue East to within the property line of Lot 1 of Farnham Subdivision #3 until such time as determined necessary.

PUBLIC COMMENT: OPENED & CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Stroder made a motion to approve the request as presented with staff recommendations. Commissioner DeVore seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.
3. Subject to a deferral agreement approved by City Council to defer the relocation of the existing 24" irrigation line located in Addison Avenue East to within the property line of Lot 1 of Farnham Subdivision #3 until such time as determined necessary.

IV. PUBLIC HEARING:

1. Request for a Special Use Permit to expand an RV campground by more than 25% on property located at 2733 Kimberly Road c/o Denie & Lisa Mason (app. 2256)

APPLICANT PRESENTATION:
Lisa Mason, the applicant stated they are here tonight to request a Special Use Permit to add 12 spaces to the campground. The spaces are already constructed and they are 50 amp spaces.

P&Z COMMISSION QUESTIONS:

- Commissioner Younkin asked how many spaces there will be once the 12 spaces are added.
- Mrs. Mason stated that the brochure presented in the packet shows spaces that are not used. The total number of spaces with the 12 additional spaces is 66.

STAFF ANALYSIS:

Zoning & Development Manager stated this is a Special Use Permit request to expand an existing facility. The vicinity and zoning map was reviewed on the overhead. The site is approximately 7(+/-) acres and is located in the C-1, commercial highway zoning district. An application for a special use permit is required any time there is an expansion over twenty-five percent (25%) of the square footage or of the use approved thru the sup process. She explained the history of the property. In March 1995 a special use permit was granted to operate a recreation facility, to include the go-cart race track and a video arcade, and an overnight R.V. Camping Park. At the time the property was zoned C-2 and the code did not have a specific land use classification for an R.V. Camping park. The request was granted based upon the narrative that the campground would be an "overnight" campground with the recreational go cart tract and video arcade to be similar to other "overnight" campground facilities in the area intended to give their overnight campers something to do while at their facility. The site plan was approved with thirty-three (33) camp sites, twelve (12) of those were to have full hook-ups-septic and power. In August of 1996 the owner was granted a modification to allow extended hours of operation; and in 2006, an expansion by more than 25% was approved for the R.V. Camping site. Twenty (20) additional camping sites were added for a total of fifty-three (53). Over the past year the Mason's have sold the go-carts and removed the go-cart track portion of the site and have expanded the number of sites at the facility. If there are truly (66) sites as the applicant has indicated then that is what this application is for; to increase the number of sites by (12) twelve with a total equaling (66) sites. The additional spaces occupy an area where the storm water retention was indicated on previous site plans. The commission may wish to include a condition that full compliance with storm water retention requirements be met.

Another change to the site is the addition of a fenced area along Kimberly Road. Photos of the site were reviewed on the overhead along with the brochure provided in the staff report packet. They have increased the spaces on site to take over the go-cart area. The fenced area along Kimberly Road appears to be used as an RV storage area. The narrative states this area was added so their "guests" could keep personal items secure. They have indicated that they are not intending for the area to be used as an automobile and recreational vehicle rental/storage yard which requires a Special Use Permit in the C-1 zone. The site plan indicates an additional parking area north of R.V. sites #65-#76 as shown on the brochure. As Kimberly Road is a gateway entrance into the City of Twin Falls it may be appropriate to move this secured parking area to the interior of the site. The Commission may also want to include a condition that ensures that any storage on the site would only be for the park guests and not off-site customers. This facility was approved as an overnight R.V. And camping area and has provided a needed service to the area. The intent was for guests to be there on a temporary basis. City Code 10-2-1 defines permanent as "not less than six (6) months –such as permanent residency would be where someone resides for six (6) months or more. City Code 10-2-1 also defines a "recreational vehicle and camping park" as any tract of land that is divided into rental spaces under common ownership or management for the purpose of locating recreational vehicles, travel trailers or tents for dwelling purposes for a period not to exceed six (6) months. (ord. 2550, 6-2-1997)

An R.V. camping facility is not designed to accommodate permanent residency. Staff is aware of cases where guests at the Oregon Trail R.V. Facility have resided on site for much longer than six (6) months. As this facility was approved as an "overnight" camp ground and if the Commission has concerns about the length of stay of the guests they may wish to place a condition that would maintain the temporary nature of the facility by limiting the length of stay for a given period of time. – ie. No guest may stay longer than six (6) months in any given twelve (12) month period. There are still site improvement issues that are not completed. These site improvements were indicated

on the SUP issued in 2006 as the following: gateway arterial landscaping, curb & gutter, and sidewalk on the eastern portion of the property, and paving of the Kimberly Road parking lot area. These site improvements have been postponed for over 13 years pending Twin Falls Canal Company repairs of a leaking canal lateral located at the southeast corner of the site. The City has contacted the Twin Falls Canal Company and they have indicated the repair should occur no later than six (6) months from today. In April 2008, an electrical permit was issued and inspected for the new electrical connections. There may need to be a review of the new plumbing connections and the paving of the new areas to be used. If the commission feels it is appropriate they may wish to place a condition that the site is brought up to current development standards no later than Spring of 2009.

Zoning & Development Manager Carraway stated that upon conclusion should the Commission approve this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Completion of all required improvements by June 1, 2009.
3. Full compliance with storm water retention requirements.
4. The secure parking storage area be moved to the interior of the property and screened.
5. Storage on the site shall be for facility guests only.
6. No guest may stay longer than six (6) months in any given twelve (12) month period.

P&Z QUESTIONS/COMMENTS:

- Commissioner Stroder asked if the condition is approved that no guest may stay longer than (6) months who would enforce the restriction.
- Zoning & Development Manager Carraway stated that this could be added to the code enforcement list to check randomly. There should be a registry of guests as they come into the park and the code enforcement office could ask for verification of length of stays.
- Commissioner Younkin asked if screening has been installed along the north end of the property.
- Zoning & Development Manager Carraway stated yes there is a fence along the north end of the property.
- Commissioner Younkin asked the applicant if she was aware of the conditions listed in the staff recommendations.
- Mrs. Mason stated she is aware of the conditions however she doesn't feel the time limitation for the guest's length of stay is fair. The business is for RV stays there are several circumstances where people stay longer than 7 months and other times that they leave their RV in the park so that when they have to come to the area for a project they have a place to stay. They also have retired people that stay during the summer and leave for a few days to travel and then come back to the park again later. So she feels that this restriction is unfair. She stated she doesn't want a mobile home park because it allows her to have people leave if they give her any problems. She reviewed a picture of the storm water retention around the entire site, they have planted approximately 150 arborvitaes along the fence to the west. The ditch is 2-3 feet deep and 3 feet wide, 2 years ago the City Engineering Director reviewed the area and told them it was fine they just needed to keep it clear and a make it a little deeper. They realize the front doesn't look great however they have not made any improvements because they didn't want to until the Twin Falls Canal Company has made their improvements. She stated she understands that they will eventually need to put in the sidewalk but is wondering why this is necessary if it doesn't lead to anywhere.

- Commissioner Younkin asked Mrs. Mason if she understood the condition that the secure area be moved to the interior of the property and screened.
- Mrs. Mason said that there was a theft last year from the campground area so they have provided the location at the front of the property as a secure area for guests to store items.
- Zoning & Development Manager Carraway stated that it is a recommendation by staff that this area be moved to an interior location on the property but that the decision needs to come from the Commission on whether or not a storage area is appropriate along Kimberly Road; a gateway arterial and major entrance into the City.
- Mrs. Mason asked if they screened this fenced area would that be sufficient.
- Commissioner Stroder asked how many items are in the fenced area that belong to the tenants at the campground.
- Mrs. Mason stated there are 4 out of 6 items that are in this area that belong to the tenants at the campground.
- Commissioner Younkin asked the Assistant City Engineer if the City is satisfied with the current water retention area.
- Assistant City Engineer Collins stated this would be part of the site plan review process.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC COMMENT

DELIBERATIONS FOLLOWED:

- Commissioner Stroder stated her biggest concern is that improvements have been required for this property for a long period of time and they have yet to be completed. She understands that some of the issues are out of their control but it seems like an ongoing occurrence.
- Commissioner Bohrn stated that there has been a commitment from the Twin Falls Canal Company that they will be making their repairs within 6 months. The special use permit could have a 6 month time limit placed on it which would require the applicant to come back in front of the Commission. As for the condition regarding tenant stays the Commission can't change the City Code; and he would be agreeable to moving the tenant storage area to the interior of the property.
- Commissioner Mikesell asked if the staff could get the Twin Falls Canal Company to provide a letter stating when they intend to repair the lateral
- Commissioner Bohrn stated that if the time line has not been met by June 2009 have the applicant come back if everything is not complete.
- Commissioner Younkin asked for clarification as to whether the space at the front of the property is being requested for approval as RV storage.
- Mrs. Mason stated no.

MOTION:
Commissioner Mikesell made a motion to approve the request as presented with staff recommendations. Commissioner DeVore seconded the motion.

AMENDMENT:
Commissioner Bohrn made a motion to amend the conditions to require that the special use permit approval expire within one year. Commissioner Mikesell seconded the motion. Roll call vote for the amendment showed all members present voted in favor.

VOTE ON THE AMENDED MOTION:
Roll call vote for the amended motion showed all members present voted in favor of the amended motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Completion of all required improvements by June 1, 2009.
3. Full compliance with storm water retention requirements.
4. The secure parking storage area be moved to the interior of the property and screened.
5. Storage on the site shall be for facility guests only.
6. No guest may stay longer than six (6) months in any given twelve (12) month period.
7. Subject to the Special Use Permit expiring in one year. .(August 26, 2009)

2. Request for a Special Use Permit to allow a detached accessory building larger than 1000 sq. ft on property located at 3195 Woodridge Drive c/o Gerald and Marilyn Wignall (app. 2257)

APPLICANT PRESENTATION:
Gerald Wignall, the applicant, stated that he and his wife are requesting a special use permit so that they can expand an existing metal RV storage building from 912 sq. ft to 1128 sq. ft. He stated they have recently purchased a new motor home that is longer than the previous one and doesn't fit in the current storage building. They are requesting to add and addition 216 sq. ft. The width and height will not change only the length of the building will change. The color of the addition will be the same and there should be minimal impact to the surrounding area.

STAFF ANALYSIS:
Zoning & Development Manager Carraway reviewed vicinity and zoning maps on the overhead. The applicant is requesting a special use permit to add an additional 216 sq. ft to an existing storage building which brings the total size to 1128 sq. ft.; therefore a special use permit is required. There are several large detached accessory buildings in this area, so this is not an uncommon request for this area.

Zoning & Development Manager Carraway stated upon conclusion should the commission approve this request, as presented staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Bohrn made a motion to approve the request as presented with staff recommendations. Commissioner Stroder seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITION:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

3. Request for a Special Use Permit to expand by more than 25% an existing commercial daycare facility on property located at 2013 Addison Avenue East c/o Sally & Jamie Williamson (app. 2258)

APPLICANT PRESENTATION:
Jay Mickelson, owner of the property and representing the applicant stated this is a request to expand by more than 25% an existing commercial daycare facility. The addition will be made to the south side of the building consisting of 1085 sq. ft. There will be an additional entrance to the building that will be handicap accessible.

STAFF ANALYSIS
Zoning & Development Manager Carraway stated this site is located in an R-2-residential zone with a professional office overlay. To operate a "commercial daycare and/or preschool" in this zone requires a special use permit. On January 9, 2007 the Commission granted a special use permit to operate a commercial daycare with several conditions: one of those conditions was the day care shall be limited to a maximum of 30 children. As you have just heard the request this evening is to add 1100 +/- sq ft to the existing 1700 sq ft facility, which is approximately a 65% increase. A special use permit is required for an expansion over 25% of the approved square footage of the use approved through the special use permit process. The facility's current hours of operation are from 6:30 am to 6:30 pm, Monday through Friday. There is no change to the hours proposed at this time. The facility is currently licensed to care for 28 children and most often averages between 22-26 children. The applicants would like to expand the size of the facility and be licensed for up to 49 children. The applicants don't anticipate any change in the traffic times of early morning and late afternoon the narrative indicates 4-5 employees/teachers to be on site. City Code 10-10-3 requires 2 parking spaces per teacher for a day care facility. The existing parking plan indicates there are 8 spaces with an additional 3 spaces to be added. The narrative states the new parking area is a gravel area for employees only. City Code requires all parking and maneuvering areas to be hard surfaced. The applicant states they are placing additional 6' fencing to accommodate the addition and to add outdoor playground space. The impacts to the surrounding neighborhood should continue to be minimal. A full review of required improvements will be made by the Building, Planning, and Engineering Departments for full compliance with minimum development standards prior to issuance of a building permit for improvements such as: required landscaping, screening, parking, street improvements and storm water retention.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to full compliance with all State and City daycare licensing requirements
2. Facility may be licensed to care for a maximum of 49 children.
3. The business may operate from 6:30 am to 6:30 pm, Monday through Friday, and shall not be open on Saturdays, Sundays or Holidays.
4. The special use permit is granted to the applicant(s) only.
5. Subject to the three (3) new parking spaces on the west side of the facility to be hard surfaced and utilized by the employees only
6. Full compliance with the 2006 international building code

7. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Stroder made a motion to approve the request as presented with staff recommendations. Commissioner DeVore seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to full compliance with all State and City daycare licensing requirements
2. Facility may be licensed to care for a maximum of 49 children.
3. The business may operate from 6:30 am to 6:30 pm, Monday through Friday, and shall not be open on Saturdays, Sundays or Holidays.
4. The special use permit is granted to the applicant(s) only.
5. Subject to the three (3) new parking spaces on the west side of the facility to be hard surfaced and utilized by the employees only
6. Full compliance with the 2006 international building code
7. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and standards.

4. Request for a Special Use Permit to add a drive-through window to an existing business on property located at 1517 Blue Lakes Boulevard north c/o Moneytree, Inc. (app. 2259)

APPLICANT PRESENATION:
Joe Stoy, Baker Construction, representing the applicant, stated the reason for the request is to reopen an existing drive through lane located at the Moneytree at 1517 Blue Lakes Boulevard North. The drive through lane is already in place and has been used as a landscape strip. The new trend in the lending business is to have a drive through window lane. Twin Falls became the number one spot to put in a drive through window because the lane was already in existence. The hours of operation will be the same as the store which area Monday through Saturday 7am to 9pm and 10am to 7pm on Sunday. They anticipate a maximum of 5 cars per hour using the drive through window which calculates to a maximum of 70 cars per day. With this being a lane already in existence they predict minimal impacts to the surrounding area.

STAFF PRESENTATION:
Zoning & Development Manager Carraway stated this site is zoned C-1 PUD. The request is to allow a drive-thru window in conjunction with an existing business. The Woodbury-Pracvest PUD agreement was approved in may of 1990. The Breckenridge Farms Phase 2 1st Amended PUD subdivisions was recorded in 1994. On March 28, 1995 SUP #405 was granted at this site to allow for a drive-in window in conjunction with a restaurant Taco Time. There were no conditions placed on SUP #0405. The restaurant was constructed with the drive-in window and received a Certificate of Occupancy in September of 1995. Moneytree, Inc., took over the site in 2002 and discontinued the use of the drive-through window. The applicant, Moneytree, Inc., is proposing to re-establish the use of a drive-up window. As the drive-through use has been discontinued for more than one year a new special use permit is

required. The Moneytree, Inc., business is a retail banking business. The drive-thru window is proposed to operate the same hours as the business and they anticipate that there would be a maximum of (70) vehicles a using the drive through per day. The drive-through design appears to meet code and was approved in 1995. Staff feels the drive-through window would have an appropriate use on the property with minimal impacts on the surrounding properties due to this change.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards, otherwise site plan and elevation as presented.
2. Subject to relocating and restriping the handicap accessible stall on the property, to be reviewed and approved by the building department.
3. Subject to a minimum of six (6) stacking spaces being provided.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:
Commissioner Bohrn made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Stroder seconded the motion. Roll call vote showed all members present voted in favor

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards, otherwise site plan and elevation as presented.
2. Subject to relocating and restriping the handicap accessible stall on the property, to be reviewed and approved by the building department.
3. Subject to a minimum of six (6) stacking spaces being provided.

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

Zoning & Development Manager Carraway informed the Commission that Commissioner Bernice Richardson has resigned effective immediately; Commissioner Cyrus Warren is hoping to be back in October and gave an updated on the status of the draft Sign Code, Comprehensive Plan and Impact Fees.

VI. UPCOMING MEETINGS:

Planning & Zoning Public Hearing September 9, 2008

VII. ADJOURNMENT MEETING:

Chairman Younkin adjourned the meeting at 7:30 p.m.

Lisa A Jones

Lisa Jones
Administrative Assistant
Community Development Department

CITY OF TWINF FALLS PLANNING & ZONING COMMISSION
CITY COUNCIL CHAMBERS
305 3RD Avenue East Twin Falls, Idaho
Public Hearing: SEPTEMBER 9, 2008 6:00 P.M.

MINUTES

PLANNING & ZONING COMMISSION MEMBERS:

CITY LIMITS

Wayn Bohrn, Bonnie Lezamiz, Gerardo Muñoz, Karen Stroder, Cyrus Warren (Vice Chairman), Carl Younkin (Chairman)

AREA OF IMPACT

Lee DeVore, R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS		AREA OF IMPACT MEMBERS	
Present	Absent	Present	Absent
Bohrn		DeVore	
Lezamiz		Mikesell	
Muñoz			
Stroder			
Warren			
Younkin			

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Carraway, Collins, Humble, Jones, Reeder, Weeks, Wonderlich

AGENDA ITEMS FOR PUBLIC HEARING AND CONSIDERATION

III. ITEMS FOR CONSIDERATION:

1. Preliminary PUD presentation regarding a request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 PUD, R-6 PUD and R-6 NCO for 72.5 (+/-) acres, to allow for the development of a mixed use project for property located at the southwest corner of Grandview Drive North and Falls Avenue West c/o EHM Engineers, Inc/Gerald Martens on behalf of Grandview Farms, LLC-Gary Wolverton (app. 2268)

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate a religious facility on property located at the northeast corner of Orchard Drive and Harrison Street South c/o Jim Lystrup on behalf of the Church of Jesus Christ of Latter Day Sanints (app. 2261)

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

Preliminary presentation for a Zoning Title Amendment to City Code Title 10; Chapter 9; Sign Regulations

I. CALL MEETING TO ORDER:

Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public hearing procedures with the audience and introduced the City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s)
   August 12, 2008 (amended) and August 26, 2008
   UNANIMOUSLY APPROVED
2. Approval of Findings of Facts and Conclusions of Law & Decisions
   Farnham #3 Pre-Plat Oregon Trail Campground SUP 1113 Wignall SUP 1114
   Williamson SUP 1115 Money Tree, Inc SUP 1116 Neilsen & Co SUP (amended) 1101

III. ITEMS FOR CONSIDERATION:

1. Preliminary PUD presentation regarding a request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 PUD, R-6 PUD and R-6 NCO for 72.5 (+/-) acres, to allow for the development of a mixed use project for property located at the southwest corner of Grandview Drive North and Falls Avenue West c/o EHM Engineers, Inc/Gerald Martens on behalf of Grandview Farms, LLC-Gary Wolverton (app. 2268)

APPLICANT PRESENTATION:

Gerald Martens, EHM Engineers representing the applicant, stated that he will be summarizing the changes that have been made to this project since the last time the Commission heard the request. He stated the Gary Wolverton the developer will also be presenting a summary of his plans for the project from a design perspective. Mr. Martens reviewed the vicinity map on the overhead and stated that the new name for the project is Silverstone aka Village West. He stated this project is adjacent to Perrine Point and that the streets in this project will be aligned with the Perrine Point project. On the vicinity map the green represents R-2 PUD with deed restrictions that required the lots adjacent to the west boundary be a minimum of 16,000 sq. ft., yellow represents R-2 PUD which will be in conformance with the R-2 zoning standards and the orange represents R-6 PUD which potential could be comprised of four different land uses. The four categories or land use for the R-6 PUD areas are single family, townhomes, neighborhood commercial, and uses allowed in the R-6 zone. In previous presentations the area at the southeast was designated for senior housing. The application is not including senior housing and if someone wants to request senior housing then they will have to come through for a special use permit. This area will also require that any residential unit larger than a four plex will require a special use permit. In summary the change are that the project name has changed, the zoning has been brought into alignment with the project to the north eliminating all of the R-4, the automatic approval of a senior housing development has been removed, any residential unit larger than a four plex will require a special use permit, and restrictions have been made in the PUD that any medical use in the neighborhood commercial portion of the project will be limited to medical uses that will serve the neighborhood and any large regional service will not be allowed. They feel this plan has addressed the concerns of the neighbors.

Gary Wolverton, representing Grandview Farms, LLC, stated that he would like to review his design perspective for the project. The neighbors were concerned in the first request for this property rezone about lot density, sizes, variances, zoning consistency with the neighboring projects, height and size of the senior living facility proposed for the southeast corner of the project, and the land within the neighborhood commercial being developed for a regional medical service building. Along Grandview Drive there will still be neighborhood commercial at the northeast corner of the project that would house neighbor friendly services. In the R-6 zoned area would allow for a

senior living development but the PUD has been changed to require a special use permit. The R-6 area directly west of the neighborhood commercial and east of the park area would be limited to townhomes. The open space will allow for a bike trail and small practice ball field. The R-6 area to the west of the park area will be single family, further west of the R-6 area is the R-2 zone with the property furthest to the west having an R-2 zone with a minimum lots size of 16,000 sq. ft. He reviewed photo samples of the building and home styles for the project. He stated that he feels the adjustments that have been made to the project will help to relieve the neighbors concerns.

P&Z COMMISSION QUESTIONS:
Commissioner Munoz asked about the higher density area in the R-2 zone on the map with garages along the back of the property.
Mr. Wolverton stated there will still be an area that allows for garages in the back but that these lots will comply with standard setbacks along with two car garages and 20' – 25' driveway. The project will be standard except they will have a 20 foot backyard verses having a 20 foot front yard.
Commissioner Lezamiz asked if there is a clause in the PUD Agreement that defines the percentage or retail required in the NCO zone.
Mr. Wolverton stated that in the PUD there are restrictions for the types of uses allowed in the NCO and it is limited to neighborhood uses not regional uses.
Mr. Martens stated that a defined percentage of retail was not present previously but that staff had made a recommendation that the Commission or the City Council may want to consider defining a percentage. The reason for this recommendation was because of a concern that the NCO area would be used for a large medical complex and the PUD has defined the limitations for this area. The success of this project is essential for future development and will be market driven.

STAFF ANALYSIS:
Zoning & Development Manager Carraway stated this is a request for a Zoning District Change and Zoning Map Amendment. City Code requires that the applicants make a Preliminary PUD Presentation to the Commission and to the public. This presentation allows the Commission and the public to become familiar with the project prior to the actual public hearing. The Commission can also give suggestions to the applicants on the project outside of the hearing process. No action is taken this evening. A public hearing regarding this request will be heard at the regularly scheduled Planning & Zoning Commission meeting on Tuesday, September 23, 2008. Further analysis will be given at that time.

Zoning & Development Manager Carraway stated staff makes no recommendation at this time.

PUBLIC COMMENTS: OPENED
Lamar Orton, 867 Filer Avenue West stated he would like to state that he appreciates what has been done in regards to this project. He stated he may still have concerns but that he can't say until he has had a chance to review the paperwork. He really does appreciate the fact that they are trying to make this work as neighborhood commercial and not as an auxiliary service location for the hospital.
PUBLIC COMMENTS: CLOSED

CLOSING STATEMENT:
Mr. Martens invited the neighbors to offer any input that they would like to offer in regards to this project.

SCHEDULED FOR PUBLIC HEARING SEPTEMBER 23, 2008

IV. PUBLIC HEARING:

1. Request for a Special use Permit to operate a religious facility on property located at the northeast corner of Orchard Drive and Harrison Street South c/o Jim Lystrup on behalf of the Church of Latter Day Saints (app. 2261)

APPLICANT PRESENTATION:
Jim Lystrup, representing the Church of Jesus Christ of Latter Day Saints and is here tonight to request a special use permit to be able to construct a religious facility at this location.

STAFF ANALYSIS:
Zoning & Development Manager Carraway stated on October 24, 2005 the City Council approved annexation of this property with an R-4; residential zoning designation. On February 27, 2007 the Planning & Zoning Commission approved the preliminary plat of South View Estates (now South Estates) which consists of 162 lots, one 3 +/- acre neighborhood park / retention area and 2 tracts on approx 47 (+/-)acres. The final plat for Phase 1 was submitted in December of 2007. The submitted final plat for phase 1 has been modified from the approved preliminary plat to provide for a 6 acre +/- lot located at the south west corner of the subdivision. The final plat for phase 1 is still under review by the Engineering Department.

Zoning & Development Manager Carraway stated the request this evening is to construct and operate a religious facility at this proposed 6 +/- acre site. A special use permit is required to establish a religious facility in the R-4 zone. The new facility will be used by multiple local congregations. Congregations typically range in size from 235 to 285 members. Each congregation will attend the new facility for a (3) hour block of time. The facility will be used every Sunday and also Tuesdays thru Fridays from 7:00 pm to 10:00 pm. The heaviest traffic periods will occur on Sunday. This property has an existing residence, which will be removed at the time of development, with the remainder being used for agricultural purposes. Full compliance with City Code 10-4-5.3; property development standards and City Codes 10-11-1 thru 10-11-9; required improvements will be required and shall be reviewed at the time of the building permit review. Site improvements such as landscaping, screening, # of parking spaces, parking & maneuvering areas, streets, sanitation facilities, water and sewer, drainage & storm water management and flood plain regulations will be reviewed for compliance at the time of the building permit review process. The existing neighboring land uses include a religious facility and other areas of agricultural land that has been platted for residential development

Zoning & Development Manager Carraway stated should the commission approve the request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent to the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development of the property.
3. Subject to platting of the property being completed and the plat being recorded prior to submittal of a building permit.

PUBLIC HEARING: OPENED & CLOSED WITHOUT INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Lezamiz made a motion to approve the request as presented with staff recommendations. Commissioner Munoz seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent to the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development of the property.
3. Subject to platting of the property being completed and the plat being recorded prior to submittal of a building permit.

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

Community Development Director Humble presented the draft Sign Code Regulations and reviewed photo samples of different types of signs on the overhead.

SCHEDULED FOR PUBLIC HEARING SEPTEMBER 23, 2008

VI. UPCOMING MEETINGS:
Planning & Zoning Public Hearing is scheduled for September 23, 2008

VII. ADJOURNMENT MEETING:
Chairman Younkin adjourned the meeting at 8:43 p.m.

Lisa A. Jones

Lisa Jones
Administrative Assistant
Community Development Department

MINUTES
Meeting of the Twin Falls Planning & Zoning Commission
September 23, 2008 – 6:00 P.M.
City Council Chambers
305 3RD Avenue East Twin Falls, Idaho

MINUTES

PLANNING & ZONING COMMISSION MEMBERS:

CITY LIMITS

Wayn Bohrn, Bonnie Lezamiz, Gerardo Muñoz, Karen Stroder, Cyrus Warren (Vice Chairman), Carl Younkin (Chairman)

AREA OF IMPACT

Lee DeVore, R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS		AREA OF IMPACT MEMBERS	
Present	Absent	Present	Absent
Bohrn		Mikesell	DeVore
Lezamiz			
Muñoz			
Stroder			
Warren			
Younkin			

CITY COUNCIL MEMBERS PRESENT: Heider, Kezele

CITY STAFF PRESENT: Collins, Humble, Jones, Reeder, Weeks, Wonderlich

AGENDA ITEMS FOR PUBLIC HEARING AND CONSIDERATION

I. ITEMS FOR CONSIDERATION:

1. Consideration of the preliminary plat of Sugarsweet Subdivision, .32 acres (+/-) with two (2) residential lots, located at 557 Jefferson Street. c/o JUB Engineers on behalf of RE Investors, LLC

II. PUBLIC HEARINGS:

1. Request for the Commission's recommendation on the Zoning District Change and Zoning Map Amendment from R-2 to R-2 PUD, R-6 PUD, R-6 NCO PUD for 72.5 (+/-) acres, for property located at the southwest corner of Grandview Drive North and Falls Avenue West c/o EHM Engineers, Inc./Gerald Martens on behalf of Grandview Farms, LLC- Gary Wolverton (app. 2268)
2. Request for a Special Use Permit to operate a professional service business on property located at 983 Washington Street South, suite #975. c/o Delbert & Catherine Tree d/b/a H&R Block (app. 2262)
3. Request for a Non-Conforming Building Expansion Permit to add 960 sq. ft. to an existing non-conforming building on property located at 127 South Park Avenue West c/o Marvin Pierce (app. 2263)
4. Request a Special Use Permit to operate an in-home daycare on property located at 645 Heyburn Avenue c/o Yolanda Sanchez (app. 2264)
5. Request for a Special Use Permit to construct a 2500 sq. ft. detached accessory building on property located at 1532 Washington Street South c/o Tim Harr (app. 2265)
6. Request for as Special Use Permit to operate a water-transfer business as a home occupation on property located at 130 Locust Street North c/o Timothy Jay Feela (app. 2266)
7. Request the Commission's recommendation on a Zoning Title Amendment which would amend Twin Falls City Code 10-12-3.11(F) by permitting expenditure of in-lieu park contributions outside the boundaries of the arterial streets in which the development from which the fees originated is located c/o City of Twin Falls (app. 2267)
8. Request for the Commission's recommendation on Zoning Title Amendments to amend Twin Falls City Code Title 10 Chapter 9 Sign Regulations c/o City of Twin Falls (app. 2269)

III. CALL MEETING TO ORDER:

1. Confirmation or quorum.
2. Introduction of staff.

IV. CONSENT CALENDAR:

1. Approval of minutes from the following meeting(s) September 9, 2008
2. Approval of findings of fact and conclusions of law: LDS Church-SUP

V. ITEMS FOR CONSIDERATION:

1. Consideration of the preliminary plat of Sugarsweet Subdivision, .32 acres (+/-) with two (2) residential lots, located at 557 Jefferson Street. c/o JUB Engineers on behalf of RE Investors, LLC

APPLICANT PRESENTATION:

Gary Haderlie, JUB Engineers, representing the applicant, stated that this is preliminary plat for a lot split. The plat complies with all of the City ordinances. This particular lot was previously split into two lots and later combined into one lot. This plat splits the lot into two parcels for the purpose of constructing a home on the second lot.

STAFF ANALYSIS:

Amber Reeder, Planner I, stated that this is a request for the approval of a preliminary plat for Sugarsweet Subdivision .32 (+/-) acres with two residential lots, located at 557 Jefferson Street. The vicinity and zoning map was reviewed on the overhead. As was indicated there is a home on the northern portion of the property; this home was converted to a duplex. In the R-4 zone duplexes are a permitted use on lots that are a minimum of 7000 sq ft. The minimum lot size for a single family home is 4000 sq ft. so both lots appear to be in conformance with the minimum lot requirements. The existing home does not appear to be non-conforming nor will it be made non-conforming due to this subdivision. The subdivision is proposed to include an 8545 sq ft lot (0.20 acre) lot with the existing duplex and a 5426 sq ft (0.12 acre) lot that is currently undeveloped which is a sufficient size to accommodate a single family home. This is a residential subdivision which requires park land dedication or a parks in-lieu contribution. On September 8, 2008 the City Council approved a parks in-lieu fees request.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. A guarantee of services comes when the City Engineer signs a will-serve letter after a final plat and construction plans are reviewed. The subdivision is in a developed area of the City and so it may be possible to tap into existing service lines to serve development on the newly created lot. As part of the subdivision development it would be required to develop Jefferson Street to the centerline and install curb, gutter, and sidewalk improvements. This is only a one hundred foot (100') portion of Jefferson Street and curb, gutter, and sidewalk are not present on this section of the roadway yet so a deferral agreement may be appropriate for this subdivision.

The plat is consistent with other development in the area in nature as it is residential and the surrounding area and development is residential. It is in conformance with the Comprehensive Plan.

Amber Reeder, Planner I, stated upon conclusion that should the Commission approve the Preliminary Plat for Sugarsweet Subdivision, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to approval of a multi-year deferral agreement of improvement of Jefferson Street to the centerline of the road and curb, gutter, and sidewalk development for both lots of the subdivision.

P&Z COMMISSION QUESTIONS:

- Commissioner Munoz asked about the current status of the curb, gutter and sidewalk in this area.
- Amber Reeder stated the reason for the deferral recommendation is that there currently are not any curb, gutters or sidewalks installed in this area.

PUBLIC HEARING: OPENED

- Craig Nuthak, 362 Grandview Drive North, ask for clarification on the minimum lot sizes within this zone.
- Amber Reeder explained that in the R-4 zone a single family home must be on a minimum lot size of 4000 sq ft and a duplex can be constructed on a minimum lot size of 7000 sq ft and that both lots within this plat meet the standard requirements.
- Douglass Shanfelt, 181 Filer Avenue, stated he is against this request because development in this area is already too dense.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner Stroder seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

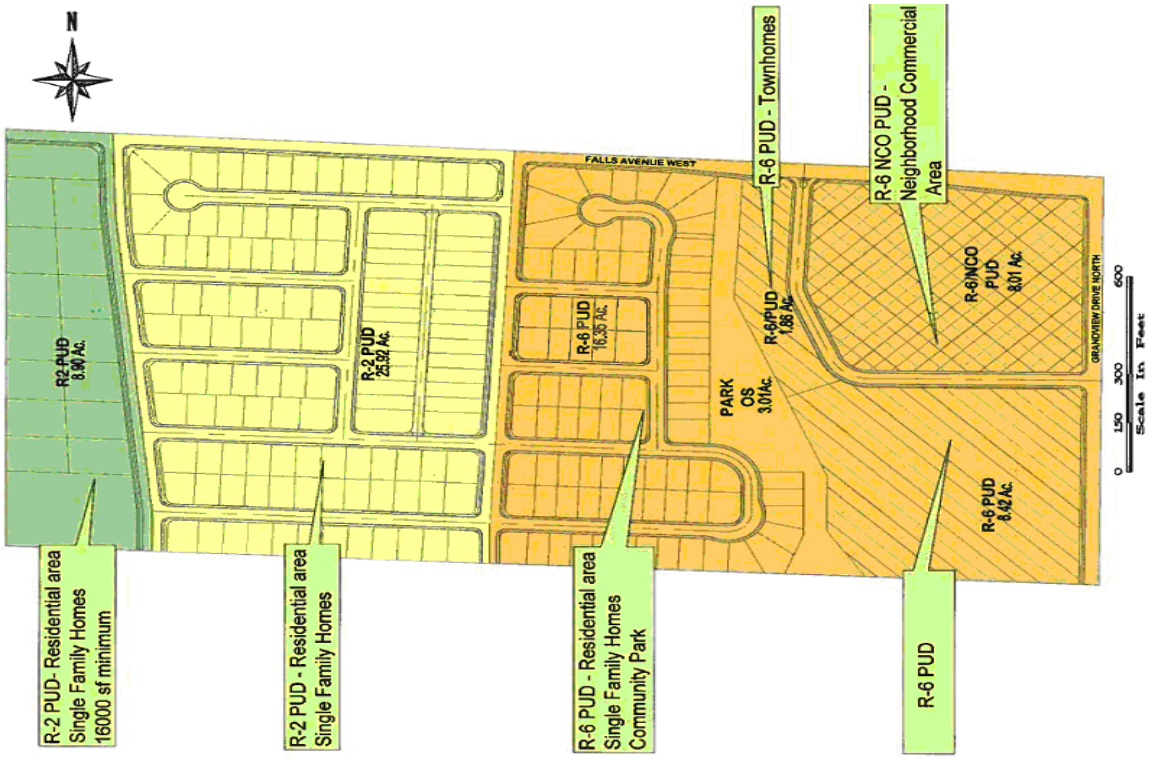
1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to approval of a multi-year deferral agreement of improvement of Jefferson Street to the centerline of the road and curb, gutter, and sidewalk development for both lots of the subdivision

VI. PUBLIC HEARINGS:

1. Request for the Commission's recommendation on the Zoning District Change and Zoning Map Amendment from R-2 to R-2 PUD, R-6 PUD, R-6 NCO PUD for 72.5 (+/-) acres, for property located at the southwest corner of Grandview Drive North and Falls Avenue West c/o EHM Engineers, Inc./Gerald Martens on behalf of Grandview Farms, LLC- Gary Wolverton (app. 2268)

APPLICANT PRESENTATION:
Gary Wolverton, representing Grandview Farms, LLC, reviewed the project and vicinity map on the overhead. He stated this project has been seen several times but has had a name change from Grandview Farms to Silverstone. This project consists of 80 (+/-) acres and is just south of the Perrine Point development that has been approved by the City Council. They have met with a representative for the neighbors in this area and there were some concerns raised at the last meeting which he will be addressing this evening. Some of the concerns are as follows: zoning continuity, appropriate location, size and use was brought up in the NCO section, Mountain West Senior Center size and height, building height and setback variances requested the buffer space between the residential area and the NCO area, and the density.

The project is divided into several different zoning designations. The R-6 NCO neighborhood commercial area is approximately 8.01 acres will be located at the northeast corner of the project. The R-6 PUD zone that would allow for a senior living facility is located at the southeast corner of the project and consists of approximately 8.42 acres. The senior living center has not been included in this PUD Agreement and is not included in this request. The R-6 PUD area located directly to the west of the R-6 NCO is approximately 1.88 acres and will be discussed this evening. The R-6 PUD located to the west of the Park/Open Space is approximately 16.35 acres and has been designated for single family, just west of the single family R-6 PUD area is R-2 PUD consisting of approximately 25.92 acres that will be designed to meet the R-2 zoning requirements. The final R-2 PUD area located on the far west of the development has a deed restriction for a minimum lot size of 16,000 sq ft for single family homes only. A color display of the zoning designations was reviewed on the overhead for clarification and to show continuity of the zoning.



Appropriate location and size of the buildings was one of the concerns brought forward by the neighbors. The Comprehensive Plan calls for an NCO overlay in this area of town which provides for neighborhood services not regional services. The neighborhood commercial uses might be insurance agents, coffee house, neighborhood dentist, family doctor and/or a grocery market but keep in mind all neighborhood commercial like all things in a capitalistic economy are market driven. No buildings larger than 20, 000 sq. ft. will be permitted in this area. There was a rumor that someone was going to build a 40, 000 sq ft surgery center at this location and that is not the case. The PUD agreement specifies no medical buildings larger than 20, 000 sq ft, no large surgery centers, no large big box retail. The theme for the development is going to be high end village like atmosphere. He displayed a plat of the NCO area with 10 small buildings ranging in size from 2000 sq ft to 7000 sq ft. A sample photo of the architecture and elevations for the project was shown on the overhead.

The portion of the project to the south of the NCO zone is designated as R-6 PUD which would allow for a senior center or townhomes. The Mountain West Senior Center is no longer a part of this request but they are still requesting a senior living or retirement townhome designation for this area. All senior living centers would be allowed only by special use permit which requires a public hearing and they are not requesting any building height variances or setback variances.

The acreage to the west of the NCO area has now been designated as R-6 PUD and will allow for townhomes which provides a buffer between the commercial and the single family residential. No apartments, tri-plexes or four-plexes will be allowed and only northwest craftsman style architecture.

The park area located between the R-6 PUD and the senior center area is approximately 3.01 acres and also provides a buffer space, if necessary there will also be a practice neighborhood ball field provided. One of the other concerns brought up by the neighbors is the density as a comparison an overhead with the surrounding subdivisions was displayed with their calculated density as follows: Sunterra has 3.75 lots per acre, Castlewood & Rock Creek Estates have 3.7 lots per acre, Perrine Point has 3.62 lots per acre and Silverstone is calculated at 3.4 lots per acre which is the lowest density in this location. The residential single family homes will be just to the west of the park along with a village center which is the back entry style homes.

The last R-2 PUD area in the development has lots that are no less than 16,000 sq ft these are for estate homes. Another worry of the neighbors is the R-6 zone allows for lots as small as 3,500 sq ft. There are not any lots that are less than 6000 sq ft and the R-6 is being requested because of setbacks you can put a little larger home on the lot.

Gerald Martens stated that he will be reviewing the PUD Agreement and highlighting points that will be in the agreement that will ensure the vision that was presented is followed through the platting process. He reviewed the zoning verbage within the PUD agreement. Single family residential in the R-2 zone will comply with the requirements

of the R-2 zoning and all the R-2 lots on the far west of the project have a deed restriction that does not allow for a lot size less than 16,000 sq ft. These lots would be single family or duplex as allowed in the R-2 zone. The R-6 PUD single family area will conform to zone requirements- not a single lot less than 3500 sq ft. All lots will be used for single family residences, duplex, zero lot line, or the rear entry homes. The R-6 district will conform to code except there will be no allowance for a four-plex or larger without a special use permit, and no senior housing without a special use permit. The town homes will serve as a buffer between the NCO and the single family R-6 district. The NCO verbiage states the medical offices will be limited to family services such as ophthalmology, dentistry and family health. No single medical office or building exceeding 20,000 sq ft and it has to be in conformance with the Comprehensive Plan. The amenities included in the project are a 3 acre park with a practice ball field, additional parking, and a trail system. There is a trail system that goes to the length of the property through the park that connects the trails in the subdivision to the north and to the public sidewalks on Falls Avenue along with a detached sidewalk system along Grandview Drive. Some additional trails are included in the project that connects the various residential neighborhoods to the park area as well as the neighborhood commercial. The neighborhood commercial is at a location designated on the Comprehensive Plan and services not only this project but also the surrounding neighborhood. Lastly are items specifically related to the improvements for Falls Avenue and Grandview Drive. The required improvements will be made to both of these streets, arterial landscaping requirements will be met along with requirements for a traffic signal.

P&Z COMMISSION QUESTIONS:

- Commissioner Warren asked for clarification on the proposed senior center and whether or not it was in the plans for this project.
- Mr. Martens stated this senior center has not been included in the project and is not part of the PUD agreement. If someone comes through for this it will have to be done through the special use permit process.
- Commissioner Bohrn asked for clarification on the lots sized within the R-6 area- if the smallest lot size is 6000 sq ft is this specified in the PUD Agreement?
- Mr. Wolverton stated that in the R-6 zone the smallest lot size allowed is 3,500 sq ft, however in the plat the smallest lot is approximately 6000 sq ft. There was some worry from the neighbors that there would be 400 3,500 sq ft lots with high density, and that is not the plan and that is specified on the plat. The density comparison displayed earlier shows that this project has the lowest density in this area.

STAFF ANALYSIS:

Amber Reeder Planner I stated this is a request for the Commission's recommendation on a zoning district change and zoning map amendment from R-2 to R-2 PUD, R-6 PUD, R-6 NCO PUD for 72 (+/-) acres located at the southwest corner of Falls Avenue West and Grandview Drive North for development of a mixed use project. The vicinity and zoning map was reviewed on the overhead. We have seen this property and most recent history is May of this year an ordinance was passed for the annexation of this property with an R-2 zoning designation. In July of this year the Commission reviewed a request for the rezoning of this property. After the Commission's review the request was withdrawn by the applicant. Since then some modifications have been made to the zoning and PUD agreement which have been submitted in this new request.

The development is for a mixed-use residential and neighborhood commercial development, which will include 224 residential lots on approximately 51.17 +/- acres, one neighborhood commercial lot approximately at 8.01 +/- acres, an R-6 development area approximately 10.28 +/- acres, and an Open Space/Park area approximately 3.01 +/- acres. This is a mixed use project to accommodate different financial and living needs. The western most portion of the development is proposed to be zoned R-2 PUD and shall follow the City Code standards and regulations for the R-2 zone and additionally be subject to deed restrictions as required and recorded. There is a minimum lot size of 16,000 sq ft required for the lots adjacent to the Rim View Estates Subdivision on the west of the property. The remaining R-2 designated area shall comply with the R-2 development standards and the variance request for a reduced front yard setback has been removed. The R-6 PUD area has two parts- a single family area and a townhome/general R-6 use area. The single family area is proposed to meet the requirements of the R-6 zoning with an exception that the minimum lot size would be 3500 sq ft providing that the overall density of the area would not be greater than the density allowed in the R-6 zone. As per 10-6-1.4(B) - The density per acre of a sub-district shall be in substantial conformity with that of the underlying zoning district. Buildings may be clustered and individual lot sizes may be reduced below the requirements of the underlying zoning district however the total number of dwelling units shall not exceed the number permitted in the underlying district per acre, multiplied by the number of acres in the development.

As indicated in their presentation tonight this may not even be an issue of concern. The park area separates the R-6 single family and R-6 general area. The Parks Commission reviewed the proposed park at their June 10, 2008, meeting. There was a concern that there was little patron parking. The Commission asked the applicants to incorporate more parking off-street, pipe the coulee, provide more space between the houses and the west side of the PUD toward the southern edge of the park, and have the path from the south edge of park connect to Grandview Drive. Exhibit "E" indicates that patron parking has been added and a pedestrian connection to the NCO area is shown. Between the park and the NCO area is an R-6 area designated for townhomes. The other R-6 portion is to be developed in conformance with the R-6 City Code except that any living units larger than a four-plexes would require a special use permit. In the standard R-6 zoning code multi-family units are allowed so this is a modification to the standard code requirements. A senior living community was included in the last request- under the current request it would only be allowed with a special use permit and would have to come back to the Commission with the request in the future if that was desired. The R-6 NCO PUD areas have controls proposed in the draft PUD agreement for the architectural character of the site that shall comply with the NCO development standards. The applicants are intending it to be a walkable and pedestrian-friendly development. The proposed signage regulations have modifications from standard code such as limiting the amount of wall-signage permitted, time limits on lighting of signs, and requiring any freestanding signs to be monument type signs. A sign plan is included in the PUD with elevations of the proposed signage. The percentage of landscaping required in the parking areas in the PUD is more than what is required by City Code and is provided to mitigate the visual impact of parking areas.

The NCO PUD area included the removal of some uses listed in the NCO City Code and the allowance of family medical services as permitted uses. There is some concern from staff and residents that this area may developed more as a professional/medical office complex than as a true neighborhood commercial with retail and office uses that are geared towards meeting residential neighborhood needs in the immediate area. There are some controls in the PUD agreement that limit the size of buildings and the type of medical uses allowed. The Commission may consider recommending a percentage of the NCO be retail to encourage development that is more in line with the intent of a neighborhood commercial center zoning. The applicants feel they have proposed a development that will provide high quality design and that it will be a walk-able community with diverse and interesting relationships of single family, commercial, and professional building types and uses. The procedure for Zoning District Change and Zoning Map amendment was reviewed.

Amber Reeder stated that if the Commission finds the R-2, R-6 & R-6 NCO PUD zoning designations appropriate, as presented, and recommends approval to the City Council, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to the property being platted through the City of Twin Falls prior to development.
3. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.
4. Subject to the NCO PUD area having a minimum percentage of 50% retail uses.
5. Subject to final approval of the PUD Agreement.

P&Z COMMISSION QUESTIONS:

Commissioner Stroder asked if there were any objections from the applicant regarding the 50% retail use requirements.

Mr. Wolverton stated that they are in agreement with this condition with one small addition they would like to have an option if the market stalls and that the verbage could be negotiated.

Commissioner Lezamiz asked what the maximum lot size is for the parcels on the western boundary.

Mr. Wolverton stated that the smallest lot size in this area is limited by deed restriction and is approximately 16,290 sq ft and the largest lot size is 22,097 sq ft.

PUBLIC HEARING: OPENED

- Virginia Farmer stated she objects to the small area of the lots in the R-2 PUD and she objects to putting businesses in the area.

- Lamar Orton, 867 Filer Avenue West, stated he would be representing 9 people that have signed a petition, which allows him to speak a little longer. He also has a copy of the petition signed by 133 people submitted at the last hearing. The real concerns for the neighbors will be reviewed. The current zoning map was displayed on the overhead. The project to the north is called Perrine Point and there are concerns with this project as well as the one being presented this evening. They don't want this project to turn into a medical complex to support the hospital and provide physician offices like what is currently on Martin Street here in Twin. The Comprehensive Plan Map was shown on the overhead; he stated they are fine with neighborhood commercial however it is not fine with the neighbors to have a development that draws people from all over the City. The NCO zoning district defines the overlay as not being less than 5 acres and not more than 20 acres with only one overlay allowed in each area generally described on the Comprehensive Plan Map. The map has a circle over this location but only one overlay is allowed. The intent of this was to designate one location at this intersection be limited to one area. If you look at the vicinity map with this project there are two NCO overlays and he does not see how this request can be approved if it doesn't conform to the Comprehensive Plan. As a neighborhood they do appreciate the efforts that have been made to address the concerns however they also want to protect their neighborhood. The intent for the R-2 zoned lots with the lot restrictions was for single-family but there may need to be clarification because it was presented as allowing for duplex which increases the density. If the R-6 lots are going to be about 6,000 sq. ft. and meet the R-2 zoning size then is seems the applicant is requesting the R-6 zoning to avoid the setback variance request; which is approximately a difference of five feet then why not just leave it zoned as R-2. The R-6 PUD area that is not designated as anything other that senior living facility is another concern because it looks as though there is not going to be residential on the east side of the park. The next concern is uses may include medical services that specialize in medical services directly servicing residents including family services, dental, ophthalmology and similar medical services. It sounds good but when you have a hospital in the neighborhood can it be extended to say we are really serving the neighborhood, which means the hospital. The other concern is that the PUD has office or medical facilities listed as outright permitted uses verses in the NCO district where these uses require a special use permit.
- The site plan is exactly the same as what was presented in the July PUD presentation. What they were proposing before was a very large nursing home facility that was totally inconsistent with the area what is happing now is that they have removed that from this request but have left the R-6 designation in place. The zoning gets approved and a request for a special use permit is submitted that is very difficult to deny because the zoning requirement is already in place. Within the PUD is states a minimum lot area in R-6 allows for 3,500 sq. ft and even though they have said that they are not going to be this small it would still be allowed with this zoning. The trails have been well thought out however the there doesn't seem to be any designation on the site plan for the trail to connect to the southerly boundary. The height can not be varied in a residential zone though a special use process it has to be done through a variance process that is much more stringent. The signage descriptions in the PUD are also a concern. There are still lots of questions left unanswered, code requirements that are not being met and they ask that the Commission turn this down.
- Dennis Crawford, 681 Creekside Way stated that there have not been any concessions made. The presentation this evening has been fairly confusing. One minute they say they are not including the senior center in this request, but it will perhaps be back. The things like lots sizes there is not clarification. The expectation of the neighbors was that the development in this area would be compatible to what is already there. The infrastructure within the City is a real concern for this area and the projects are only widening both sides of the road along the frontage of is property. Barriers put in where the road gets narrow and then widens is not a safe plan. The roads in this area are not planned for expansion until 2015 and he requests the Commission turn this request down because of the water problems, street issues and the expectation by the neighbors was that this would be developed as single family dwellings.
- Katrina Riggin, Sunterra Subdivision, stated she is for this project.
- Rosalie Orton, 867 File Avenue West, stated she agrees with all of the points brought forth by Lamar and stated it is the Commission's responsibility to uphold the Comprehensive Plan. Thousands of dollars have been spent to devise a plan for the City and a developer shouldn't be allowed to change the character of an entire neighborhood.
- Melanie Andrus, 1239 Caswell Avenue West, she just built her home in 2007 and stated that she doesn't want to live next to duplexes and four plexes and had expected single family homes in this area when she purchased her property.
- Randy Harper, 410 Grandview Drive North, stated he is opposed to this plan.
- Craig Nuthak, 362 Grandview Drive North, stated he has a few issues one is water conservation, and how the

City plans to support this development along with the many others in the plan. As for the R-6 zoning it allows for 3,500 sq. ft. lots the developer says they are not going to do anything less than six but once it gets this zoning designation they are clear to do whatever they want. If you have a 3, 500 sq. ft zoning designation it allows for 12.5 homes per acres, on approximately 71.5 (+/-) acres this would allow for 894 homes. He believes the average number of gallons of water used per person per day is approximately 100 gallons. The 894 homes would equate to approximately 90,000 gallons per day of water. Where is the City going to get more water, he is aware of some areas of town that if you have a two story home there is barely enough water to turn on the tap on the second story. Secondly the roads in this area narrow with a lot of weaving in and out due to the development and this needs to be address. Thirdly the school system needs to be addressed. There is a new high school being built however there is also a need for additional elementary and junior high schools for this side of town. Given the current state of the economy, if the City tries to propose bonds to address some of these issues its going to be difficult. Disposable income is going away people are going to keep their money in their pockets they are not going to vote for bonds good or bad. He is appreciative of the parks system that is being planned but it didn't look like there was good public access. The last concern is the people in this area that have livestock. He has been told that he and the others are protected under the right to farm, however this only applies if that is your primary source of income. The majority of people that are within this area that will be impacted by this development do not do this as a primary source of income. He appreciates the Commission's decision that they have made in the past however the City Council has not always upheld those views and he has become very disillusioned with this entire process. It was difficult to come before this Commission tonight. He would like the Commission to consider his concerns. He stated he is not against growth as long as it is reasonable and done correctly.

- Kathleen Harper, 410 Grandview Drive North, stated she is opposed to this project.
- Jackie Metzger, 1073 Starlight Loop stated she is for this change. She has lived in other City's where these types of developments are and they are very convenient for the neighborhoods. She thinks this will complement the neighborhood and will be one of the nicest developments in the area.
- Kelly Rost, 1140 Caswell Avenue West, stated he just moved to this area from Wendell and really like their neighborhood. He is concerned about the plans for the lots with alleys and if his property that is adjacent to this project will be impacted by this type of design.

CLOSING STATEMENT:

- Mr. Wolverton stated he is presenting the intent tonight and the verbiage presented in the PUD can be hashed out throughout the process. The key to the mixed use development is that is draws from all different aspects of the market, it doesn't just cater to one type. It allows for retirement, middle level, neighborhood services and larger homes. As the zoning stands there could be 435 homes if the R-2 zoning designation were left as it stands, this project has 230 proposed lots. He stated they are trying to bring services to the community and bring a little different design element.
- Mr. Martens stated the green area is clearly restricted to single family with minimum lots of 16,000 sq. ft.
- The trail tying into Grandview this language will be put in the PUD it has been requested by the Parks and they have agreed to do this. The roads will be built to standards, the City will require water models to prove that the system will support the project if it doesn't the project can't move forward. The minimum lot size in the R-6 will be restricted to 6000 sq. ft. in the PUD agreement. The alleys are in the perimeter and will not impact any adjacent properties. The signage has been reduced in the PUD and they did request one project sign that will require special use permits.
- Commissioner Mikesell asked if the PUD can stipulate no ambulatory surgery centers or no extended care facilities.
- Mr. Martens stated the intent is to have offices that will allow for doctor's offices such as orthodontists, eye doctors and the building size limitation should limit this from occurring. The between square footage and service and usage verbiage it should prevent a large medical complex from going in the NCO area. They disagree with the previous interpretation with regards to the limitation of the NCO definition of one overlay. It is a neighborhood commercial area that is defined by property lines not one location. They will be developed under multiple ownerships, platted and sold in the same manner. The size does not exceed the twenty acre definition it just happens to be on two different sides of the street under two different ownerships.

PUBLIC HEARING: CLOSED

P&Z COMMISSION QUESTIONS:

- Commissioner Mikesell asked if the PUD can stipulate no ambulatory surgery centers or no extended care facilities to prevent this type of development from going in the NCO area.
- Mr. Martens stated the intent is to have offices that will allow for doctor's offices such as orthodontists, eye doctors and the building size limitation should limit this from occurring. The between square footage and service and usage verbiage it should prevent a large medical complex from going in the NCO area. They disagree with the previous interpretation with regards to the limitation of the NCO definition of one overlay. It is a neighborhood commercial area that is defined by property lines not one location. They will be developed under multiple ownerships, platted and sold in the same manner. The size does not exceed the twenty acre definition it just happens to be under two different sides of the street under two different ownerships.

DELIBERATIONS FOLLOWED:

- Commissioner Stroder stated that she likes the prospect of seeing some of these NCO areas being developed, however she does tend to agree with the previous gentleman's interpretation of the intent of the Comprehensive Plan were the overlay is limited to one location. She would like to see one of these areas developed before approving more.
- Commissioner Mikesell stated there may be a wait on the original NCO planned at Perrine Point because that property is now for sale. The Comprehensive Plan does specify one and on the presentation he sees two overlay areas.
- Commissioner Munoz stated that intent is not easily written into code and what is written in the NCO overlay is that it is limited to one overlay. He would like to see some of the NCO areas developed, however this is not his biggest concern. The verbiage in the PUD will not be seen again by this Commission if this is sent forward and the changes that are made won't be reviewed to see if they match the intent or presentation that was made this evening. He likes the project, but he heard so much opposition from the neighbors and so many unanswered questions that he would like to see the revisions before it is past on to the next level. He would like to see something more definite; he doesn't expect a bait and switch but the concern is what happens if the property is sold. The zoning designation determines what is allowed and currently there are too many variables in the PUD that don't seem to match what was presented and what has been written. If this property were to be sold before the PUD is finalized the new owners are not bound by the presentation being made this evening.
- Commissioner Lezamiz stated she does agree and is confused with the NCO and the boundaries for this overlay area. It is very ambiguous as to the overlay verbiage and she would like for the PUD to match the presentation so that changes can't be made after the fact.
- Commissioner Younkin stated this is a recommendation and he understands the NCO areas are being built across from each other and now the property to the north of this project is for sale. This project as well as others around town will be market driven and will be supported by the community. The size of the NCO overlay is within the intent of the ordinance; and there is a chance that this may not ever come to pass. He would be in favor of making a recommendation that this request move forward.
- Commissioner Bohrn stated that he is disappointed that the language didn't match the presentation and that the PUD didn't come to Commission the way that it will go to the City Council. The verbiage changes should have been there before it came to this hearing. He can't support the request as it has been presented.

MOTION:

Commissioner Stroder made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed a 1-6 outcome with Commissioner Younkin voting in favor of the motion and Commissioners Munoz, Bohrn, Stroder, Warren, Lezamiz and Mikesell voting against the motion.

RECOMMENDED FOR DENIAL AS PRESENTED

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING OCTOBER 20, 2008

2. Request for a Special Use Permit to operate a professional service business on property located at 983 Washington Street

South, suite #975. c/o Delbert & Catherine Tree d/b/a H&R Block (app. 2262)

APPLICANT PRESENTATION:
Andrew Swenson, representing the applicant stated they are requesting the special use permit for an H&R Block professional office to be located at 983 Washington Street South.

STAFF ANALYSIS:
Kelly Weeks Planning Technician stated this request is for a special use permit to operate a professional service business on property located at 983 Washington Street South. The subject site was subdivided in 1977. On July 25, 2005 the City Council approved the vacation of this subdivision and rezoned the property from R-2 to C-1 PUD. The PUD agreement for Orchard Park PUD was approved on February 13, 2005. The final plat was recorded in August 2006. Swenson's grocery store received its Certificate Of Occupancy in July 2007. This site is located in the C-1 PUD, Commercial Highway Planned Unit Development District. The Orchard Park PUD agreement requires a special use permit for professional services. The applicants are requesting the special use permit to operate a professional service business. The professional service business, an H & R Block Branch, is proposed to operate under the standard hours of the Orchard Park PUD Agreement, which are to be between the hours of 7:00 am to 10:00 pm. There will be 2 to 12 employees working at this branch. The majority of business will be done by appointment, but walk-ins are welcome. The applicant indicates in his narrative that traffic will be very minimal. The parking, landscaping and other required improvements are adequate and were installed at the time the subdivision was developed.

Kelly Weeks Planning Technician stated should the Commission approve the request as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards, otherwise site plan and elevation as presented.
2. Subject to full compliance with the Orchard Park PUD Agreement.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner Borhn seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards, otherwise site plan and elevation as presented.
2. Subject to full compliance with the Orchard Park PUD Agreement.

3. Request for a Non-Conforming Building Expansion Permit to add 960 sq. ft. to an existing non-conforming building on property located at 127 South Park Avenue West c/o Marvin Pierce (app. 2263)

APPLICANT PRESENTATION:
Marvin Pierce stated that he is here to request a permit for a non-conforming building expansion. This building will be used for a commercial bakery with no foot traffic. The addition will be for 960 sq. ft. The traffic flow will enter mainly from the South Park side of the property and the building will be surrounded with trees and landscaping to meet the standard requirements. The only traffic will be for delivery of products with no customers. This will be a completely refurbished building once the project is complete.

P&Z COMMISSION QUESTIONS:

- Commissioner Warren asked if the applicant is aware of the staff recommendations.
- Mr. Pierce stated that his only concern is if there is some way to extend the time frame for completion of the paving due to the season.
- Kelly Weeks Planning Technician stated that this will be reviewed in the staff analysis presentation.

STAFF ANALYSIS:

Kelly Weeks stated this is a request for a non-conforming building expansion to add 960 sq ft to an existing non-conforming building on property located at 127 South Park Avenue West. The property is 12,365 sq ft and is zoned C-1; Commercial Highway District. The existing building is a legal nonconforming building because it is within the 93' setback from centerline of Washington Street South. The applicant is requesting to be allowed to expand this building with a 960 sq ft addition. The applicant has stated on his application that his lot is 31,325 sq ft. he has since gotten a survey. his lot is actually 12, 365 sq ft. on his application he is proposing an addition of 800 sq ft. his site plan shows 864 sq ft. the dimensions of his addition are 16'x 50' with an additional 8'x 20' which equals 960 sq. ft. City code 10-3-4 defines a non-conforming building or use as: "a building or use made nonconforming but which was lawfully existing or under construction at the time of adoption of this code." in order to add to an existing legal nonconforming building, there has to be a public hearing before the Planning & Zoning Commission.

As per City Code 10-4-8.3 and 10-7-6 the building setback on Washington Street South is required to be either 35' from property line or 93' from center line, whichever is greater. The existing building is at (1') from the front property line and (92') from the centerline of Washington Street South. The expansion is located at the southwest corner of the existing building. The proposed expansion does not encroach farther into the front yard setback area. The request is to change the use from a bar, serving alcohol, a retail use, to a wholesale bakery. There will be no walk in customers at this site. Minimum parking for a wholesale use is to be determined. Should the use go back to a general retail business the minimum parking requirement would be one space per 250 sq ft. the Commission may want to consider placing a condition that the site be reviewed for full compliance with Building, Fire, Engineering and Zoning requirements should the land use and/or ownership change.

The applicant states his hours of operation will be Monday thru Friday, 3:00 am to 3:00 pm. there will be a maximum of three employees. The applicant does not anticipate any adverse impacts to the neighborhood. The expansion, as proposed, will be a 42% expansion to the property. As per City Code 10-11-1 any addition greater than 25% shall require full compliance with the required improvements as per City Code 10-11-2 thru 5. Those improvements include landscaping, parking and maneuvering areas to be hard serviced, streets, which may include curb, gutter and sidewalk improvements. The property also is required to do gateway arterial landscaping per City Code 10-7-12. The property currently does not meet these minimum requirements. Full compliance will be required at the time of building permit review process.

Kelly Weeks stated should the Commission approve the request as presented, staff recommends the following conditions be placed on the permit:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. No new building construction to encroach further into the required front yard setback.
3. Business permitted to operate the proposed hours of 3:00 am to 3:00 pm, Monday thru Friday.
4. Assure compliance with the gateway arterial landscaping requirements, as per City Code 10-7-12.
5. Assure all vehicle approaches are constructed as per City Code 10-11-4(e).
6. Assure all parking and maneuvering areas are hard surfaced, as per City Code 10-11-4(b) and completed no later than 9 months from today (September 23, 2008)
7. Assure compliance with parking requirements, as per City Code 10-10-3.
8. A change of ownership/land use shall require a full review to assure compliance with Building, Fire, Engineering and Zoning requirements.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Bohrn made a motion to approve the request as presented with staff recommendations and deadline of nine (9) months for completion of hard surfacing. Commissioner Stroder seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject To Site Plan Amendments As Required By Building, Engineering, Fire, And Zoning Officials To Ensure Compliance With All Applicable City Code Requirements And Standards.
2. No new building construction to encroach further into the required frontyard setback.
3. Business permitted to operate the proposed hours of 3:00 am to 3:00 pm, Monday thru Friday.
4. Assure compliance with the gateway arterial landscaping requirements, as per 10-7-12.
5. Assure all vehicle approaches are constructed as per 10-11-4(E).
6. Assure all parking and maneuvering areas are hard surfaced, as per 10-11-4(B) and completed no later than 9 months from today (September 23, 2008)
7. Assure compliance with parking requirements, as per 10-10-3.
8. A change of ownership/land use shall require a full review to assure compliance with building, fire, engineering and zoning requirements.

4. Request a Special Use Permit to operate an in-home daycare on property located at 645 Heyburn Avenue c/o Yolanda Sanchez (app. 2264)

APPLICANT PRESENTATION:
Yolanda Sanchez stated she is requesting a special use permit to operate an in-home daycare. She stated she does not have any children of her own living in the home and doesn't have an assistant. She stated she is aware the permit would allow her to care for no more than 12 children.

STAFF ANALYSIS:
Kelly Weeks Planning Technician stated this is a request for a special use permit to operate an in-home daycare service on property located at 645 Heyburn Avenue. The property is zoned R-2, which is a residential-single household or duplex district. The applicant is requesting to operate an in-home day care facility in their personal residence. A special use permit is required to operate an in-home daycare facility in the R-2 zone. City Code 10-2-1 defines an in-home daycare service as -Daycare service in a home in which the provider lives full time and is the main on-site caregiver of the service. A special use permit is required for an in-home day care facility providing care for 6 or more children, including the resident's own.

The applicant has stated she is planning to live at the site and would be the main caregiver. The hours of operation are proposed to be 5:30 am to 5:30 pm, Monday through Friday. She anticipates the peak traffic times would be in the morning from 7:00 am to 8:00 am and then from 4:00 pm to 5:30 pm in the evening. She would like to provide services for twelve (12) or more children and have one (1) additional assistant on site. The children would range from newborn to school age.

While the City Code does not limit the number of children that can be cared for in an in-home day care the Idaho Department of Health and Welfare's Child and Family Services office which handles child care licensing in the area does. They have different levels of licensing based on the number of children on the site. Child care home facility allows one (1) to six (6) children and it is not required to have any state licensing. Group child care facility allows from seven (7) to twelve (12) children and is required to be licensed by the state. Child Care Center is the designation for facilities caring for over thirteen (13) children. The number of children and / or caregivers allowed in an in-home day care is not defined in City Code, but may be determined through the special use permit required by the Commission or Council. The City has typically looked at a maximum of twelve (12) children being allowed in an in-home day care because twelve (12) is the most that can be cared for by one (1) provider at a time. Also the Child Care Center (over 13 children) has been felt to be more commercial in nature based on the requirements for additional employees and additional parking.

The parking requirement for a daycare is two (2) spaces per teacher/caregiver. From the site plan it appears that six (6) vehicles could stack in the front drive. The drive way is currently gravel. The Commission may wish to place a condition that the driveway is to be hard surfaced prior to the business starting or an approved deferral agreement. The location of the property intersects with Taylor Street and Heyburn Avenue. There is some concern with where the driveway is located that the parents will have to back out onto Heyburn at the intersection of Taylor Street. In March 2005 a special use permit was issued for an in-home daycare at 665 Heyburn Avenue. Some concerns about daycare uses in the area at that time were in regards to the traffic and clients backing onto Heyburn Avenue. There was a condition for this property to provide a looped driveway or hammer head. Parking shall be required to meet minimum parking standards per City Code 10-10-1 thru 4.
A special use permit is for zoning purposes only. A building permit is required prior to operation of an in-home day care facility. Other permits such as electrical &/or plumbing permits, etc. may be required. A special use permit for an in-home day care shall only apply to the resident at this location – it is not transferrable.

Kelly Weeks stated should the Commission approve the request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. A maximum of twelve (12) children, including the caregivers/employee's children, may be cared for under this permit.
3. One (1) additional caregiver may be employed on site.
4. Comply with all state and local requirements to establish a day care facility, including receiving certification from the Idaho State Department of Health and Welfare and a day care center license from the City of Twin Falls Fire Department.
5. Subject to parking and maneuvering areas being hard surfaced and/or an approved deferral agreement deferring construction of curb, gutter, sidewalk and driveway hard surfacing.
6. Receive a Certificate Of Occupancy from the City of Twin Falls Building Department within 6 months from the approval date, (12-24-08), for the in-home day care.

P&Z COMMISSION QUESTIONS:

- Commissioner Stroder asked about curb, gutter and sidewalk in the area and if a deferral would be reasonable.
- Kelly Weeks Planning Technician stated this would be a reasonable request because there are currently not any curb, gutters or sidewalks in place.

PUBLIC HEARING: OPENED

- Marvin Morrison, 532 Taylor Street this property is adjacent to his. He stated that he already has concerns with her ability to manage her own grandchildren. He stated there is not a fence area for the children to play in and he would be concerned for the children's safety because Heyburn is a busy street.
- Jim Stiver, stated his concern is the parking, backing out with the Taylor Street intersection so close and the safety of the children.

PUBLIC HEARING: CLOSED

CLOSING STATEMENT:
Ms. Sanchez stated that whether or not she is approved for an in-home daycare or not she still has eight grandchildren that will be around to visit.

DELIBERATIONS FOLLOWED:

- Commissioner Stroder stated her only concern is that there is not a fenced area for the children and whether or not she is caring for her grandchildren or others safety would be a concern.
- Commissioner Munoz stated that he has the same concern and would also like to see at least the play area be fenced.

MOTION:

Commissioner Lezamiz made a motion to approve the request with staff recommendations adding a condition that the play area be fenced. Commissioner Munoz seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING AMENDED CONDITIONS

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. A maximum of twelve (12) children, including the caregivers/employee's' children, may be cared for under this permit.
3. One (1) additional caregiver may be employed on site.
4. Comply with all State and Local requirements to establish a day care facility, including receiving certification from the Idaho State Department of Health and Welfare and a Day Care Center License from the City of Twin Falls Fire Department.
5. Subject to parking and maneuvering area being hard surfaced and/or an approved Deferral Agreement deferring construction of curb, gutter, sidewalk and driveway hard surfacing.
6. Apply and receive a certificate of occupancy from the City of Twin Falls Building Department for the in-home day care.
7. Subject to the back play areas being fully fenced prior to operation.

Commissioner Mikesell stepped down for item IV-5 and IV-6

5. Request for a Special Use Permit to construct a 2500 sq. ft. detached accessory building on property located at 1532 Washington Street South c/o Tim Harr (app. 2265)

APPLICANT PRESENTATION:

Tim Harr the applicant stated that he is requesting a special use permit for a 2500 sq. ft. accessory building for storage of his personal antique automobile collection. This will be use for personal use only and there will not be any traffic generated by this request. The building is so the he can get the cars out of the weather. His only concern is the paving requirement in the staff recommendations and how much of the space will require paving.
Amber Reeder Planner I stated that this will be reviewed at the time of the building permit process.

STAFF ANALYSIS:

Amber Reeder Planner I stated this is a request for a special use permit to construct a 2500 sq. ft. accessory building on property located at 1532 Washington Street South. She stated the site is zoned R-4, Residential Medium Density district. A Special Use Permit is required for detached accessory buildings more than 1,000 square feet. The applicant is requesting a special use permit to be able to build a detached garage that is approximately 50' x 50' or about 2500 sq. ft.

The property consists of an existing home, two detached accessory buildings, and pasture land. There is a storage building and a barn. The applicant indicates that he has classic cars that are stored on the property and the proposed detached accessory building would be used to store his classic cars. The structure is designed to simulate the existing residence. The building will have vertical steel siding, asphalt shingles, and white vinyl windows. The structure and site improvements will be reviewed as part of the building permit review process. One of the things that will be reviewed is hard-surfacing. The applicant states that the structure will be placed on the existing driveway which is currently unpaved.

There should be no change in noise, glare, odor, fumes or vibration because of the building. The frontage of the property along Washington Street South has trees that provide screening of the property from the roadway. The new structure should have little impact on the surrounding area. It is one hundred-fifteen feet (115') from homes to the west and one hundred-forty feet (140') from property to the north.

Amber Reeder stated should the Commission approve this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to building being used for residential purposes only.
3. Subject to parking and maneuvering areas to be hard-surfaced with Portland concrete or asphaltic concrete surface material in accordance with City Code 10-11-4(B).

PUBLIC HEARING: OPENED

- Ron Dalton stated he is a neighbor to this property and he has not concerns with this request.

PUBLIC HEARING: CLOSED

CLOSING STATEMENT:

- Mr. Harr explained that this is a large piece of property and is concerned if he will be required to pave the entire site.
- Assistant City Engineer Collins stated this will be reviewed at the time the building permit is reviewed however general procedure is that there must be 50' of paving from the front property line that meets the Fire Code width requirements.

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:
Commissioner Lezamiz made a motion to approve the request as presented with staff recommendations. Commissioner Stroder seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to building being used for residential purposes only.
3. Subject to parking and maneuvering areas to be hard-surfaced with Portland concrete or asphaltic concrete surface material in accordance with City Code 10-11-4(B).

6. Request for as Special Use Permit to operate a water-transfer business as a home occupation on property located at 130 Locust Street North c/o Timothy Jay Feela (app. 2266)

APPLICANT PRESENTATION:

P&Z COMMISSION QUESTIONS:

STAFF ANALYSIS:
Amber Reeder Planner I stated this is a request for s special use permit to operate a water transfer business as a home occupation on property located at 130 Locust Street North. The property is zoned R-4, medium-density residential zoning designation. Home occupations require a Special Use Permit in this zone. The applicant is requesting the special use permit to allow him to operate a water transfer or "dipping" business at his home. If approved a special use permit for a home occupation is limited to the applicant and is not transferable from one owner or location to another.

Home occupations are defined in the Twin Falls City Code as the following-- A service, excluding daycare, offered by the resident of a household unit or the sale of items handcrafted on the premises by the resident of a household unit providing the service, sale or handcrafting is performed only by the resident therein and providing the area used in performing the home occupation does not exceed four hundred (400) square feet in area and providing there is no exterior indication of the home occupation.

The applicant indicates the nature of the business is to do water transfer, which transfers colors or designs onto 3D objects by using a thin non-toxic film in water. The business would operate 9:00 am to 5:00 pm, Monday through Saturday. The resident would be the only employee. The applicant does not designate the

area proposed to operate this business; the Commission may wish to require the applicant to designate the area on the property proposed to be used in this business.

The surrounding properties on the north, east, and west are R-4 and residential however there is some separation by roadways. The area to the south is commercial and includes a multi-use building with service and retail businesses. There is an alley to the south and west and Locust Street North bounds the property to the west. This property is only directly adjacent to a residence to the north. The alleys should not be used for parking or loading or unloading as it needs to remain open for public travel.

The water transfer process includes application of lacquer. The applicant states that he will have a filtered exhaust fan installed. The Building Department may want to review the type of system that may be required. The Engineering Department wants to ensure that lacquer products are not put in the City sewer or waste water system and should be disposed of properly.

The site plan indicates a driveway that loops around the garage from the south alley to the east alley. This are is not entirely paved. City Code requires parking and maneuvering areas to be hard surfaced. The Commission may want to consider placing a condition that the driveway be used for customer parking only during business hours.

The applicant believes there would be no smell, taste traces, noise, glare, or other affects on the surrounding area due to this business. As there is commercial business and traffic adjacent to this property there should be little impact to the area.

Amber Reeder Planner I stated should the Commission approve this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the driveway being used for customer parking only during operating hours.
3. Subject to alleyways remaining clear. They cannot be used for parking, loading, or unloading.
4. Subject to home occupation operated by appointment only, from 9:00 am to 5:00 pm, Monday through Saturday.
5. Subject to area being used for the business not exceeding 400 square feet and there being no exterior indication of the business.
6. Subject to parking and maneuvering areas being hard-surfaced with Portland concrete or asphaltic concrete surface material in accordance with City Code 10-11-4(B).
7. Subject to lacquer materials being managed to ensure that they are not placed in the City sewer or storm water system.
8. Subject to a review by the Building Department and Fire Marshall to determine the type of venting system that may be required and how lacquer materials should be stored and maintained on the property.

P&Z COMMISSION QUESTIONS:
Commissioner Stroder asked about the size of the home and what space will be used for this business.
Mr. Feela stated the home is approximately 900 sq. ft and he plans to use the 16 x 20 garage for the business.

PUBLIC HEARING: OPENED

- Mr. Demer, 161 North Juniper, stated that he is not here to be for or against the request he is concerned about the chemical and the odors. He is concerned about containment of the water and where the run off goes. He doesn't think that the ground is an appropriate place for the water to be dumped. He is also concerned with parking and that there is not enough clarification on this process. He would ask that these things be considered when making a decision tonight.
- Doris Ladman, 158 Locust Street North, stated she is concerned about where the water will be disposed of and the odor. She is against the request without more information.
- Lorene Mulder, 151 Juniper Street North, stated she has the same concerns and that the recommendations that staff has made need to be followed closely for her to be in support of this request.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Stroder stated she doesn't have enough information about the process to make an educated decision.
- Commissioner Munoz agreed and stated another concern is that could be a hazardous material.
- Commissioner Younkin stated he agrees and that he understands that it is a film that is put in the water but that the water will still be contaminated in some fashion. He is concerned about the lacquer product and the ventilation and safety. If the applicant could provide more information about the process and some disposal requirements that may assist in making a decision.

MOTION:
Commissioner Stroder made a motion to approve the request as presented with staff recommendations. Commissioner Lezamiz seconded the motion. Roll call vote showed an outcome of 1-5 with Commissioner Bohrn in favor or the motion and Commissioners Lezamiz, Munoz, Younkin, Stroder and Warren against the motion.
REQUEST DENIED

7. Request the Commission's recommendation on a Zoning Title Amendment which would amend Twin Falls City Code 10-12-3.11(F) by permitting expenditure of in-lieu park contributions outside the boundaries of the arterial streets in which the development from which the fees originated is located c/o City of Twin Falls (app. 2267)

APPLICANT PRESENTATION:
This request is to amend Twin Falls City Code; Title 10; Zoning & Subdivision Regulations; Chapter 12; General Subdivision Provisions; Section 3.11; Parks and Stormwater Retention & Detention by permitting expenditure of in-lieu park contributions outside the boundaries of the arterial streets in which the development from which the fees originated is located. On April 11, 2005 Ordinance #2822 was approved by the City Council. This ordinance amended 10-12-3.11 to require the dedication and development of parks and storm water retention/detention areas in residential subdivisions.

The Parks & Recreation Commission requested from the City Council at the May 12th meeting to review the in lieu boundaries and to potentially expand those boundaries. A recommendation by the Parks Sub-Committee was made to the full Parks & Recreation Commission on August 12, 2008. At this meeting, the Parks & Recreation Commission recommended the code changes as presented to the Planning and Zoning Commission.

The proposed change would state that In-lieu funds shall be applied first to needs identified at park, recreation, or trail facilities existing at the time such funds are received and which are located within the geographic area bounded by arterial streets from which the in-lieu funds originated. In the event that no such facilities or needs are so located, the Director in his sole discretion may apply the funds to needs identified at any such facility existing within one mile of the boundaries of the project from which the funds originated. If the Director determines that no reasonable use exists within the extended geographical area, the Director shall, with the approval of the Parks and Recreation Commission, propose to the City Council a specific application for the funds which need not be limited geographically, and may include such use as future land acquisition.

Community Development Director Humble stated in conclusion that staff recommends that the Planning & Zoning Commission recommend approval of the changes to the City Council as presented, by amending City Code Title 10, Chapter 12 by permitting expenditure of in-lieu park contributions outside the boundaries of the arterial streets in which the development from which the fees originated is located

PUBLIC HEARING: OPENED
John Bonnett stated he is the Chairman for the Parks & Recreation Commission and the real issue is that when the

ordinance was created it was for neighborhood parks; which work about 90% of the time it's the other 10% that this code change would help. This would allow the use of funds to help other projects.

PUBLIC HEARING: CLOSED

P&Z COMMISSION QUESTIONS:

Commissioner Munoz stated his concern is what happens with the developments that are large but aren't built yet. Can this money be used somewhere else that is already in existence in the one mile radius versus the square mile.

Mr. Bonnett stated there was a park dedication from 15 years ago that is still sitting there and the Council did not want to move that money from the originally dedication. Council involvement is required when the other two conditions don't fit;

which will provide some assurance that the money will be managed appropriately.

Community Development Director Humble stated that City Council will also have to approve the budget for the money to be spent.

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:

Commissioner Bohrn made a motion to approve the request as presented. Commissioner Lezamiz seconded the motion. Roll call vote showed all members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL AS PRESENTED

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING OCTOBER 20, 2008

9. Request for the Commission's recommendation on Zoning Title Amendments to amend Twin Falls City Code Title 10 Chapter 9 Sign Regulations c/o City of Twin Falls (app. 2269)

APPLICANT PRESENTATION:

Community Development Director Humble asked the Commission would like to proceed with this request.

The Commission decided as a group that they would hear public testimony and that they would reconvene on September 30 at 12:00pm in the City Council Chambers to continue the deliberations.

PUBLIC HEARING: OPENED

- Nathan Fuller, 141 Jefferson Street stated he has read through the draft copy of the code and just requested a few points of clarification or items for the Commission to consider. On page 16 of the draft document there are no maximum measurements for projections from the wall, it just states that if it projects more than 12 inches it is considered a projection sign.
- Community Development Director Humble stated that the new code doesn't have a maximum projection however Commission can recommend a maximum projection if they feel it is necessary.
- Mr. Fuller asked on page 19 if there was going to be a maximum size for a wall sign the current code limits the sign to 150 sq. ft.
- Community Development Director Humble explained that the Sign Committee felt like the size of the building would dictate what the size of the sign should be so a maximum was not included in the draft; again the Commission can recommend a maximum size it they feel it is necessary.
- Mr. Fuller asked why there was a recommendation to change the setback from 8 ft to 10 ft.
- Community Development Director Humble stated this was a compromise to get the signs further back away from the street. Current signage that is at 8ft would be legal non-conforming signs. The other consideration is that the right-of-way may also dictate that the sign be moved further than just the 10ft.
- Mr. Fuller also asked if there is a process for appealing decisions that will be included in the sign code.
- Community Development Director Humble stated that the appeal process is defined in the Title 10 Code Section and it would be the same process for signs as any other appeal.
- Mr. Fuller also asked about enforcement and how the City plans to enforce the code on illegal signs.
- Community Development Director Humble stated that the City Council is in support of code enforcement and

has given the authority to the code enforcement office to ticket and follow through. The goal of the draft is to develop a sign code that is enforceable and helps to clarify signage requirements.

PUBLIC HEARING: CLOSED

NO ACTION TAKEN

DELIBERATIONS TO CONTINUE AT A SPECIAL MEETING SCHEDULED FOR SEPTEMBER 30, 2008

IN THE CITY COUNCIL CHAMBERS AT 12:00PM

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

VI. UPCOMING MEETINGS:

The next Planning & Zoning Commission special meeting is scheduled for September 30, 2008

The next Planning & Zoning Commission public hearing meeting is scheduled for October 14, 2008

VII. ADJOURN MEETING:

Chairman Younkin adjourned the meeting at 9:55pm.

MINUTES
Meeting of the Twin Falls Planning & Zoning Commission
October 14, 2008-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301
www.tfid.org

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn | Bonnie Lezamiz | Gerardo Munoz | Karen Stroder | Cyrus Warren Vice-Chairman | Carl Younkin Chairman

AREA OF IMPACT:

Lee DeVore | R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS		AREA OF IMPACT MEMBERS	
PRESENT:	ABSENT:	PRESENT:	ABSENT:
Bohrn		Mikesell	
Lezamiz		DeVore	
Munoz			
Stroder			
Warren			
Younkin			

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Collins, Humble, Jones, Reeder, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Request for consideration of the Commission to approve the preliminary plat of Pill Hill Subdivision No. 2, consisting of 0.99 (+/-) acres and 2 lots on property located on the east side of Polk Street and north of Filer Avenue c/o Rod Mathis/Riedesel Engineering, Inc.

2. Preliminary PUD presentation regarding a request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 PUD for 117.4 (+/-) acres for property located south of the intersection of Harrison Street South and 3600 North Road and north of the Low Line Canal c/o Gerald Marens/EHM Engineers, Inc on behalf of Sundance Holdings, LLC (app. 2271)

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to establish a non-conforming pet grooming business on property located at 410 Filer Avenue c/o Rene Wangler (app. 2270)

2. Request for the Commission's recommendation for annexation of 4.38 (+/-) acres currently zoned C-1 located north of Kimberly Road on both the west and east side of Meadowview Lane, extended c/o Dirk Parkinson (app. 2272)

3. Request for a Special Use Permit to operate a sporting vehicle and motorcycle sales and repair business with four (4) display pads on property located at 703 & 713 Washington Street North and 128 Caswell Avenue West c/o Mel Moeller (app. 2273)

4. Request for the Commission's recommendation on a Comprehensive Plan Amendment to update the 1993-1994 City of Twin Falls Comprehensive Plan and the City of Twin Falls 1993 Master Transportation Plan c/o The City of Twin Falls (app. 2274)

I. CALL MEETING TO ORDER:
   1. Confirmation of quorum
   2. Introduction of staff

II. CONSENT CALENDAR:
   1. Approval of Minutes from the following meeting(s): September 23, 2008
      UNANIMOUSLY APPROVED
   2. Approval of Findings of Fact and Conclusions of Law: NONE

III. ITEMS OF CONSIDERATION:
   1. Request for consideration of the Commission to approve the preliminary plat of Pill Hill Subdivision No. 2, consisting of 0.99 (+/-) acres and 2 lots on property located on the east side of Polk Street and north of Filer Avenue c/o Rod Mathis/Riedesel Engineering, Inc.

APPLICANT PRESENTATION:
Rod Mathis, Riedesel Engineering representing the applicant Kent Jensen. Mr. Mathis stated Mr. Jensen owns just less then an acre of land located along Filer Avenue and Polk Street. The property is adjacent to the Medicine Shop and is zoned C-1. The applicant would like to develop this property into two lots for professional offices. Each building will be approximately 4400 sq. ft. There will be parking between the two buildings with two storm water retention areas, with one building being constructed initially. The access to these buildings will be through and existing driveway approach with no additional access. This property is in an area that does not have P.I. available so the applicant is working on an alternative landscaping plan. Sewer and water will be extended to this property and they are currently negotiating with the power company to move an overhead power line underground. This area has heavy traffic currently so they don't foresee any major impacts to the surrounding area. The property is zoned commercial and this development would be consistent with the area.

STAFF ANALYSIS:
Amber Reeder, Planner I stated this is a request for a Preliminary Plat approval for the Pill Hill #2 Subdivision which includes 0.99 (+/-) acres and is zoned C-1. The request is to plat two (2) lots for commercial development. The site is located along Polk Street north of Filer and will be a resubdivision of a portion of lot 4 of the Warburg-Carrico Tract Number Two Subdivision.

It is not indicated the specific use of the proposed lots but the Preliminary Plat indicates that each lot is intended for a building, parking area, and water retention area. There is not a minimum lot square footage requirement in the C-1 zone; the lot is required to be of "sufficient size to provide for the building, the required setbacks, off street parking and landscaping." A full review of required improvements will be made by the Building, Planning, and Engineering Departments for full compliance with minimum development standards prior to issuance of a building permit. The Preliminary Plat also indicates that a cross-use parking agreement will be recorded for both lots. The cross-use agreement will be required at the time of a building permit submittal and will need to for access and for parking between the two lots as indicated on the plat. The area to the south was developed with a five foot (5') meandering sidewalk along Polk Street. The Preliminary Plat states

that a new five foot (5') meandering sidewalk will be developed along the Polk Street side of this subdivision also.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed. It is also indicated on the Preliminary Plat notes that there will be no pressure irrigation
(P.I.) system on the site and a P.I. variance is requested. This subdivision is in an existing, developed area of the City before P.I. was developed. The City Engineer may grant a variance based on certain conditions and approve an alternate provision as specified in City Code §10-12-4-2(P) 3 & 4.

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for commercial/retail uses.

Amber Reeder Planner I stated should the Commission approve this preliminary plat, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.

PUBLIC COMMENT: OPENED

- Valerie Van Leeuwen asked about the lighting for the property and the expected hours of operation. Will the property be developed fully or with the portion that is left for the second building going to be left as a dirt pile. The concern is the property will not be maintained if it is not fully developed.
- Frances Carlsen stated doesn't have any real issues with the request however she thinks there need to be a plan to address the children that cut through the vacant lot once it becomes a parking area.

PUBLIC COMMENT: CLOSED

CLOSING STATEMENT:
Mr. Mathis stated that after speaking with Mr. Jensen the expected hours of operation will be M-F 8:30am to 6:00pm. As for the lighting of the building the fixtures will be attached to the building and downward facing. The property will be secured for safety while under construction and there will be sidewalks for the children to travel.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner Stroder seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.

2. Preliminary PUD presentation regarding a request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 PUD for 117.4 (+/-) acres for property located south of the intersection of Harrison Street South and 3600 North Road and north of the Low Line Canal c/o Gerald Marens/EHM Engineers, Inc on behalf of Sundance Holdings, LLC (app. 2271)

APPLICANT PRESENTATION:
Mr. Wolverton, representing Sundance Holdings, LLC stated this property is located south of the intersection of Harrison Street South and 3600 North Road and is north of the Low Line Canal. The development will consist of 452 residential lots with a density of approximately 3.85 lots per acres and a park buffer located at 3600 North Road. Briarwood Lane will be aligned and no duplexes will be allowed in the development.

STAFF ANALYSIS:
Amber Reeder Planner I stated this is a preliminary presentation for Sundance, LLC. In October 28, 2007 the City Council approved the annexation with rezone and then on September 8, 2008 an ordinance was approved.
The conditions related to the approval of this request were listed as the following:

1. The PUD substantially as presented to the Council, with the same lot layout, types of homes, location o f the Church, open space, and landscaping on 3600 North.
2. The lot density will be less than 4 lots per acre.
3. There will not be any duplexes allowed on the project
4. The property cannot be developed until a PUD Agreement has been approved through the normal process.
5. Subject to arterials and collector streets within or adjacent to the property being built or rebuilt to current City standards upon development of the property.

This is a request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 PUD for the development of a residential development consisting of 117.4 (+/-) acres.

City Code requires that the applicants make a Preliminary PUD Presentation to the Commission and to the public. This presentation allows the Commission and the public to become familiar with the project prior to the actual public hearing. The Commission can also give suggestions to the applicants on the project outside the hearing process. No action is taken this evening.

A public hearing regarding this request will be heard at the regularly scheduled Planning and Zoning Commission meeting on Tuesday, October 28, 2008. Further analysis will be given at that time

PUBLIC COMMENT: OPENED
Don Vester, 2989 Anderson Lane asked what type of buffer will be provided along Anderson Lane. He understand the lots along this area will be larger however he wants to know if the houses will still be 14 feet apart as shown on the overhead.
PUBLIC HEARING: CLOSED

CLOSING STATEMENT:
Mr. Wolverton stated that the lots along Anderson Lane will be bigger and as for screening there will be a fence along these lots. The setbacks between the homes will meet the R-2 setback requirements.

SCHEDULED FOR PUBLIC HEARING OCTOBER 28, 2008

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to establish a non-conforming pet grooming business on property located at 410 Filer Avenue c/o Rene Wangler (app. 2270)

APPLICANT PRESENTATION:
Rene Wangler, the applicant stated that she wants to be about to do pet grooming on this property. The original homestead is towards the back of the property and needs to be replaces because there is no foundation. She would like to make dropping off the dogs readily accessible to her clients and one of the ways she proposes to do this is by providing a drop off window so clients don't have to park. As for landscaping she plans to have planters along the front of the property. She also has plants to provide a small area for the dogs to us the bathroom is necessary.

P&Z COMMISSION QUESTIONS:

- Commissioner Warren asked if the applicant understood the condition regarding no backing out onto Filer.
- Ms. Wangler stated she does understand the condition which is why she wanted to plan for a drop off windowso that customers don't have to park or back out onto Filer Avenue.
- Commissioner Stroder asked about the small area for the dogs to use the bathroom and if that would be cleaned regularly.
- Ms. Wangler stated that it doesn't happen very often that they need a potty area but if it is uses it will be cleaned up.

STAFF ANALYSIS:
Amber Reeder, Planner I stated the property is 4,000 sq ft (+/-) and is zoned R-4, Residential Medium Density District designation. The property is located on the northeast corner of the intersection of Filer Avenue and Jackson Street. The applicant is requesting a special use permit to replace a nonconforming use with another nonconforming use. The property is located in a residential zone but has had a commercial business operating, shoe repair, which the applicant would like to replace with another commercial use, a pet grooming business. A request can be made according to City Code §10-3-4(A)1e Nonconforming Uses or Buildings:

e. Notwithstanding the foregoing, a legal nonconforming use involving a building may be resumed or replaced by another nonconforming use by special use permit if said legal nonconforming use has not been discontinued for more than five (5) years. In addition to the general standards applicable to special uses, the applicant must show that the existing building cannot reasonably be converted to a conforming use. (Ord. 2555, 7-21-1997)

City Code 10-3-4 defines Non-Conforming Buildings or Uses as: "A building or use made nonconforming but which was lawfully existing or under construction at the time of adoption."
The request is to change the use from shoe repair shop to a pet grooming business. As referenced in the City Code the Commission must find that the use constitutes a Special Use and meets those standards as well as establishing that the building could not reasonably be turned into

a conforming use, such as a residence, in the R-4 zone. The surrounding area is zoned and developed residentially.

The applicant states in her narrative that the business will operated Monday through Friday from 9:00 am until the clients are finished and picked up, which is generally between 3:00 pm and 5:30 pm. The two groomers would also be there some Saturdays from 9:00 am to 2:00 pm. They estimate that they would have 8-14 dogs throughout the day. Noise and odor would be minimal. The building will be improved to be an asset to the neighborhood and the use would be compatible and provide a service to the area.

In reviewing the site plan, staff had some concerns about parking on the site. Parking is shown backing onto Filer Avenue- a major collector street. The parking on the Filer Avenue side also crosses the sidewalk. The parking on Jackson Street is not totally on the property but extends partially into the Jackson Street right-of-way. There is not an established parking ratio for a pet grooming business and so the number of parking spaces may be determined through the Special Use Permit process or by the Planning Administrator. The Commission may consider allowing for on-street parking if curb and gutter is developed along Jackson Street.

The current City Code regulations require a screening between any residential use and any trade use of a minimum six foot (6') fence, wall, or landscaped area. Hard surfacing is also required, parking and maneuvering areas are to be hard surfaced with Portland concrete or asphaltic concrete surface. The Jackson Street parking area is indicated as existing gravel. A drive through requires a special use permit that would need to be noticed separately from this application.

The R-4 zone requires that all uses, excluding single household and duplex buildings, shall have ten percent (10%) of the site landscaped. This is also the requirement of a professional office overlay zone. There is an existing grass area, but to ensure that landscaping is maintained the Commission may consider a condition establishing a landscaping percentage or plan.

The building itself appears to be nonconforming as it does not appear to meet current building setbacks from the property line on the Jackson Street side and center-line building setbacks from Filer Avenue. Construction or expansion of the building would have to follow the City Code for nonconforming buildings.

As a reminder to the Commission, the following are the standards applicable to Special Uses and direction to the Commission for review of a Special Use Permit request.

Amber Reeder, Planner I stated should the Commission grant the request for a establishing of a non-conforming pet grooming business Staff recommends it be subject to the following conditions:

1. Subject To Site Plan Amendments As Required By Building, Engineering, Fire, And Zoning Officials To Ensure Compliance With All Applicable City Code Requirements And Standards.
2. Business permitted to operate the proposed hours of 9:00 am to 5:30 pm, Monday through Saturday.
3. Parking is not permitted to back on to Filer Avenue. Three on-street parking spaces permitted on Jackson Street upon development of curb and gutter.
4. Assure all vehicle approaches are constructed as per 10-11-4(E).
5. Subject to 10% of the site being landscaped, as per 10-4-5.3(G).
6. Assure all parking and maneuvering areas are hard surfaced, as per 10-11-4(B).
7. Assure full compliance with required improvements 10-11-2, 3, & 4 for landscaping, screening, and parking.

PUBLIC HEARING: OPENED

- Commissioner Stroder asked if the applicant had another plan or could see another way that the customers could park without backing out onto Filer Avenue.

- Ms. Wangler stated she would have to work with the architect and the City to determine how to meet the requirement.
- Commissioner Stroder read into record a letter from a citizen that has been filed with the application.
- Jim Schouten, 229 Tyler Street stated he would like to see something done with this property and if it can meet the requirements it will be a good use for the property.

PUBLIC HEARING: CLOSED

CLOSING STATEMENT:
Ms. Wangler stated that she did not realize that the public hearing was for people to support the request as well as oppose the request. She has approximately 100 clients that live within this area that are in support of this request.

DELIBERATIONS FOLLOWED:

- Commissioner Stroder stated that she would be in support of this request she just hopes that the conditions can be met.
- Commissioner Munoz stated the applicant has some serious challenges with this property but he is in support of having the property being used verses sitting and not being maintained.

MOTION:
Commissioner Munoz made a motion to approve the request as presented with staff recommendations. Commissioner DeVore seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject To Site Plan Amendments As Required By Building, Engineering, Fire, And Zoning Officials To Ensure Compliance With All Applicable City Code Requirements And Standards.
2. Business permitted to operate the proposed hours of 9:00 am to 5:30 pm, Monday through Saturday.
3. Parking is not permitted to back on to Filer Avenue. Three on-street parking spaces permitted on Jackson Street upon development of curb and gutter.
4. Assure all vehicle approaches are constructed as per 10-11-4(E).
5. Subject to 10% of the site being landscaped, as per 10-4-5.3(G).
6. Assure all parking and maneuvering areas are hard surfaced, as per 10-11-4(B).
7. Assure full compliance with required improvements 10-11-2, 3, & 4 for landscaping, screening, and parking.

Commissioner Warren Stepped Down

2. Request for the Commission's recommendation for annexation of 4.38 (+/-) acres currently zoned C-1 located north of Kimberly Road on both the west and east side of Meadowview Lane, extended c/o Dirk Parkinson (app. 2272)

APPLICANT PRESENTATION:
Scott martin, representing the applicant stated he is here to request annexation of property located north of Kimberly Road and west of Hankins Road. The property is currently zoned C-1 which they do not want to change. They asked that the Commission give a positive recommendation to the City Council.

STAFF ANALYSIS:
Amber Reeder, Planner I stated this request is to annex 4.38 (+/-) acres with a zoning designation of C-1. Currently the property is zoned C-1 in the City's Area of Impact. The property had an existing residence and agricultural land. The residence has since been removed. The property is contiguous to City limits on its northern and western boundaries and thus able to request annexation.
The C-1 zone is the Highway Commercial zoning District. The zoning allows for business uses of various sizes. There is not a minimum lot size in the C-1 zone; development must be designed to accommodate building, parking, landscaping, and other required improvements. There is no planned use stated for the project. Any new development would have to conform to the standards of code.

The property is surrounded by C-1 zoning on the north, south, east, and west. To the south is Kimberly Road. The Comprehensive Plan designates this area as Commercial Retail. A collector road, Meadowview Lane, is designated to go through the property from the north. The development to the north, Timberlake apartments, is under development and is required to construct a partial section of Meadowview Lane through this property to connect to Kimberly Road. Upon development of this property it will be required to construct the road to the full section width and develop curb, gutter, and sidewalk.

Amber Reeder, Planner I stated if the Commission finds the C-1 zoning designation appropriate and if the City Council approves the annexation, staff recommends that approval should be subject to the following conditions:

1. Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property, including Meadowview Lane and Kimberly Road.

PUBLIC HEARING: OPENED & CLOSED WITHOUT COMMENT

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:
Commissioner Mikesell made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Borhn seconded the motion. Roll call vote showed all members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property, including Meadowview Lane and Kimberly Road.

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING NOVEMEBER 10, 2008

Commissioner Warren Returned To His Seat

3. Request for a Special Use Permit to operate a sporting vehicle and motorcycle sales and repair business with four (4) display pads on property located at 703 & 713 Washington Street North and 128 Caswell Avenue West c/o Mel Moeller (app. 2273)

APPLICANT PRESENTATION:
Dee Perry, representing the applicant stated they are requesting a special use permit for property located at the corner of Washington Street and Caswell. They would like to sell and repair sporting vehicles, motorcycles, motorscooters, ATV, small motors and snow blowers. This is not a motorcycle repair shop so they will not be dealing with the large motorcycles, so noise should not be an issue. They will be dealing with the scooters it is going to be a facility where they assemble and sell the skooters. They intend to operate Monday-Friday from 8am to 6pm and on Saturday from 9am to 5pm, with approximately 30 customers per day. They are currently installing new landscaping with a sprinkler system along with a 6 foot chain link fence with slats between the business and the residential property.

P&Z COMMISSION QUESTIONS:

- Commissioner Munoz asked about outside storage for parts and equipment.
- Mr. Perry stated that there will not be any repair parts stored outside, and the equipment will be displayed during business hours. I the displays are left outside after hours they will be moved closer to the building and cable locked.

STAFF ANALYSIS:
Amber Reeder, Planner I stated this property is located in the C-1, Highway Commercial District. A Special Use Permit is required for sporting vehicles and motorcycle sales and repair and for the establishment of display pads in this zone. In addition to ATV, motor scooter, and electric motorcycle sales they will also offer small motorcycles, parts and accessories, small generators, snow blowers, and gas and electric water pumps.

The applicant intends to operate the business Monday through Saturday. On Mondays through Fridays the hours of operation are from 8:00 am to 6:00 pm and from 9:00 am to 5:00 pm on Saturdays. They anticipate 30 customers per day which would have minimal impact on the surrounding area as it is located on an arterial roadway with high volumes of traffic. There will be three employees initially.

The site has a landscaping strip along Washington Street North along the 703 Washington Street North property. The properties are required to comply with gateway arterial landscaping requirements. A ten foot (10') landscaped area is required behind the sidewalk or future sidewalk on developed lots and a thirty foot (30') landscaped area is required for vacant properties. There is currently not sidewalk along Washington Street North at this location. There are plans for Washington Street North to be widened in phases in the next few years. The size of the landscaped area on the developed lot was approved when it was reviewed for a special use permit and building remodel in 2004 however the trees were not planted as per code. Trees must be a minimum of four feet (4') tall when planted and the trees planted do not meet this standard. For the undeveloped lot a thirty foot (30') landscaped area is required from behind the back of the future sidewalk. Pad sites can be approved through the special use permit process if they are to be located in required landscape areas. Display pads can not be displayed within fifteen feet (15') of the sidewalk or future sidewalk. (10-11-2(B)4 The proposed location of the pad sites would need to be reviewed based on the location of the future sidewalk.

The parking requirement for a use such as motorized vehicle sales is suggested to be 1 space per 600 square feet of sales, storage and outdoor display area. The outside sales area is not specifically indicated. The general retail sales requirement is 1 space per 250 square feet and the requirement for vehicle service is 1 space per 300 square feet. The existing building has approximately 600 sq ft of service area and 2800 sq ft of sales area which equates to a need of approximately thirteen (13) spaces. Thirteen (13) spaces are provided on the 703 lot. The 713 lot is paved and customer parking will need to be provided at a ratio of one space per 600 sq ft of area used for sales.

Screening is required between trade and residential lots and/or zoning districts. The lot to the north and area to the west is residential and screening would be required as per code- a minimum six foot (6') tall fence, wall, or landscaping is required and must completely obscure the view between the two areas.

The applicant does not foresee any adverse impacts due to noise, glare, odor, fumes, or vibrations to adjoining properties. It could be compatible with the surrounding area as there are similar and related uses along Washington Street North such as automobile parts, repair, and other auto sales businesses and this area of Washington Street is continuing to grow commercially.

Amber Reeder, Planner I stated should the Commission approve the request, staff recommends the following condition(s):

1. Subject To Site Plan Amendments As Required By Building, Engineering, Fire, And Zoning Officials To Ensure Compliance With All Applicable City Code Requirements And Standards.
2. Four display pad sites allowed along Washington Street North, as presented, to be a minimum of fifteen feet (15') from the back of the future sidewalk.
3. Screening being provided on the north and west of site as per City Code 10-11-3.

PUBLIC HEARING: OPENED
Susan Medford 738 Washington Street North #1 stated she lives directly east of the proposed site and believes there would be a great impact on the area due to this business. She would like clarification on if this is going to be a repair shop or an assembly shop. She stated this would not mix well with the residential area. The type of products that they are proposing are very noisy and the demonstration of this type of equipment will be noisy as well. The last concern is with regards to the lighting of the property and the current signs and what changes are planned.
PUBLIC HEARING: CLOSED

CLOSING STATEMENT:
Mr. Moeller stated this is going to be specifically used for skooters sales and assembly on site. There will be ATV's on site for sale that will help to provide business through the winter months. He doesn't think noise will be a problem.
Mr. Perry stated that the area marked pave on the site plan is already paved and the home that they are in process of moving currently is the modular home that faces Caswell. That area will then be paved, and they are not proposing any additional lighting then what is there currently.

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:
Commissioner Lezamiz made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. Roll call vote showed all members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject To Site Plan Amendments As Required By Building, Engineering, Fire, And Zoning Officials To Ensure Compliance With All Applicable City Code Requirements And Standards.
2. Four display pad sites allowed along Washington Street North, as presented, to be a minimum of fifteen feet (15') from the back of the future sidewalk.
3. Screening being provided on the north and west of site as per City Code 10-11-3.

4. Request for the Commission's recommendation on a Comprehensive Plan Amendment to update the 1993-1994 City of Twin Falls Comprehensive Plan and the City of Twin Falls 1993 Master Transportation Plan c/o The City of Twin Falls (app. 2274)

APPLICANT PRESENTATION:
Community Development Director Humble stated there is a history of the project summarized in the staff report packet prepared for the Commission. This process began in 2006 and the actual preparation on the plan began in 2007 and has been in the process for approximately 18 months. Independently of this project the City has spent approximately the same amount of time developing a Master Transportation Plan. Both of these plans were in need of revision and the Comprehensive Plan calls for a Master Transportation Chapter within the plan so the thought was to include the entire Master Transportation Plan in the Comprehensive Plan. Both have been prepared and the final draft has been completed. Unfortunately another process began in early 2007 regarding impact fees. Approximately two days after the public notice for this hearing was published it was brought to our attention that the Capital Improvement Plan for which the impact fees are based on has to be adopted as an element of the Comprehensive Plan. Therefore all three of these items need to be brought to the Commission and the City Council together. Staff will need to republish the public notice for this item for November 12, 2008, however because this portion of the Comprehensive plan was published for tonight the Commission may want to proceed with the public hearing.

PUBLIC HEARING: OPENED
Jim Fort, 2133 Addison Avenue East stated he would like to commend the staff and the consulting team on taking on a monumental task and completing the final draft. He wanted to let the Commission know that the permitting process for his request has been completed and he wanted to share his success story with the Commission.
Don Lilyquist, representing Maverik convenience stores stated he would like to address the northwest corner of Addison and Eastland on the new draft Comprehensive Plan. He wanted to know if a gas station would be permitted as a use in the area designated as Neighborhood Center. He also stated he would like to address that the property Maverik is interested in consists of 4.5 acres and the fact that the Neighborhood Center does not seem to be as large as the parcel. The property to the north of the Neighborhood Center has been designated as residential, he would like to recommend that this portion of the plan be designated as a small retail complex or professional office area to allow for some buffering between residential and commercial type uses.

Commissioner Stroder read into the record a letter from a citizen that has been filed with the application.
PUBLIC HEARING: CLOSED

CLOSING STATEMENT:
Community Development Manager Humble stated after approval of the draft Comprehensive Plan the applicant would have to submit for a rezone request which may also involve a planned unit development agreement to fit within the neighborhood center designation.

MOTION:
Commissioner Warren made a motion to table this item until November 12, 2008. Commissioner Stroder seconded the motion. Roll call vote showed all members present voted in favor of the motion.

TABLED

SCHEDULED FOR PUBLIC HEARING NOVEMBER 12, 2008

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:
Community Development Director Humble stated that the interviews for the vacant Commission position will occur Monday, October 20, 2008.

VI. UPCOMING MEETINGS:
Next Planning & Zoning Commission meeting is scheduled for October 28, 2008

VII. ADJOURN MEETING:
Chairman Younkin adjourned the meeting at 8:00 pm.

MINUTES
Meeting of the Twin Falls Planning & Zoning Commission
October 28, 2008-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn | Bonnie Lezamiz | Gerardo Munoz | Karen Stroder | Cyrus Warren Vice-Chairman | Carl Younkin Chairman

AREA OF IMPACT:

Lee DeVore | R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS		AREA OF IMPACT MEMBERS	
PRESENT:	ABSENT:	PRESENT:	ABSENT:
Bohrn	Lezamiz	DeVore	
Stroder	Munoz	Mikesell	
Warren	Younkin		

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Collins, Jones, Reeder, Weeks, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

NONE

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate an in-home daycare on property located at 363 Maurice Street North c/o David & Sherry Allphine (app. 2275) WITHDRAWN

2. Request for the Commission's recommendation on a Zoning Title Amendment which would amend Twin Falls City Code 10-4-8.2 (A) 9z by permitting temporary recreational vehicle sales for recreational vehicle dealers within fifty (50) miles of the temporary sale location and allowing two (2) temporary signs at temporary vehicle sales events c/0 Bish's RV of Twin Falls/Troy Jenkins (app. 2276)

3. Request for the Commission's recommendation on Zoning DistristChange and Zoning Map Amendment from R-2 to R-2 PUD for 117.4 (+/-) acres to develop a residential subdivision located south of Harrison Street South and 3600 North Road and north of the Low Line Canal c/o EHM Engineerings, Inc./Gerald Matens on behalf of Sundance Holdings, LLC(app. 2271)

I. CALL MEETING TO ORDER:
1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:
1. Approval of Minutes from the following meeting(s): October 14, 2008
2. Approval of Findings of Fact and Conclusions of Law: NONE

III. ITEMS OF CONSIDERATION:
None

IV. PUBLIC HEARINGS:
1. Request for a Special Use Permit to operate an in-home daycare on property located at 363 Maurice Street North c/o David & Sherry Allphine (app. 2275)

WITHDRAWN

2. Request for the Commission's recommendation on a Zoning Title Amendment which would amend Twin Falls City Code 10-4-8.2 (A) 9z by permitting temporary recreational vehicle sales for recreational vehicle dealers within fifty (50) miles of the temporary sale location and allowing two (2) temporary signs at temporary vehicle sales events c/o Bish's RV of Twin Falls/Troy Jenkins (app. 2276)

APPLICANT PRESENTATION:
Troy Jenkins representing the applicant stated that he is here to request that the Title Amendment change allow for off-site recreational vehicle sales that the sales be limited to businesses not greater than 50 miles outside of the City Limits, and that there be an allowance for two signs for the sale.

STAFF PRESENTATION:
Planner I Reeder stated as was presented this is a request to amend City Code 10-4-8.2 (A) 9z regarding permitted uses in the Commercial /C-1 Zone; to amend that section to permit temporary off-site recreational vehicles sales for dealers within 50 miles of the off-site location and two allow two temporary signs at the events.
The existing code section was reviewed along with the minimum requirements for allowing off-site truck and automobile vehicle sales. The request is to add recreational vehicles to the code section, these have been allowed in the past and have been approved in the same manner as the off-site truck and automobile vehicle sales but over the past year there have been some concerns about the site locations and signage issues related to these sales. The Planning & Zoning Department sent letters to all of the dealerships stating that the code would be enforced as written. Bish's RV was one of the dealers that received this notification and the following change to the code:

The applicant is requesting a Zoning Title Amendment to add recreational vehicle sales as a permitted use. The applicant has defined recreational vehicles as,…"a self contained trailer or motor-home and which includes travel trailers, fifth wheel trailer, fold down trailers and motor-homes." If the amendment is approved it should be limited to recreational vehicles as defined above. The provision for staff and State approval would remain. The code portion that doesn't allow for parking in landscaped areas and prohibits site obstructions would remain but the part not allowing for temporary

signs would be removed. The applicant is including a provision for temporary signs limited to two (2) per event. The signs could be placed two (2) days before the event starts and would have to be removed two (2) days after. This is similar to the current special event signage code but doesn't restrict the number of events per year. The current draft of the new sign code may allow for signage under "Banner Signs", which would require a separate permit and review of the existing signage on the site. Many off-site sales take a few days to set up to get the vehicles on site. The proposal would allow signage to advertise the sale while the event is being staged. It is not typical to specify signage allowance and restrictions in this portion of the code but what has been submitted is similar to the special events requirement. The current draft of the sign code would require permitting of the banner signs.

The applicant has also added a provision that would only allow recreational vehicle dealers with a permanent place of business within fifty (50) miles of the off-site location to be permitted to hold an off-site sales event. The City does not have distance regulations on any of the other dealerships for allowing off-site sales or any other City licenses or permits. The Commission may wish to remove this provision if they feel it is not consistent with other City licenses or permits.

Planner I Reeder stated upon conclusion if the Commission finds the Zoning Title Amendment appropriate and if the City Council approves the request, staff recommends that approval should be subject to the following condition:

1. Recreational vehicles be limited to self contained trailers or motor-homes and which includes travel trailers, fifth wheel trailers, fold down trailers and motor-homes.

PUBLIC HEARING: OPEN & CLOSED WITHOUT CONCERNS.

DELIBERATIONS FOLLOWED:

- Commissioner DeVore is concerned with the 50 mile limitation and the signage allowance that is not defined.
- Commissioner Stroder stated she has issues with the distance limitation and the signage as well.
- Commissioner Mikesell stated that he thinks the sign code should apply to the request and that no additional verbiage related to signs should be added.
- Commissioner Bohrn stated he doesn't like the change and will be voting against the request.

MOTION

Commissioner Bohrn made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Mikesell seconded the motion. Roll call vote showed all members present voted in favor or the motion. Roll call vote showed a 1 to 5 outcome with Commissioner Warren voting in favor of the motion and Commissioners Mikesell, Stroder, Bohrn, DeVore and Cope voting against the motion.

RECOMMENDED DENIAL

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING DECEMBER 15, 2008

3. Request for the Commission's recommendation on Zoning District Change and Zoning Map Amendment from R-2 to R-2 PUD for 117.4 (+/-) acres to develop a residential subdivision located south of Harrison Street South and 3600 North Road and north of the Low Line Canal c/o EHM Engineering, Inc./Gerald Martens on behalf of Sundance Holdings, LLC(app. 2271)

APPLICANT PRESENTATION:
Gerald Martens, EHM Engineering Inc. representing the applicant stated he will be presenting this request tonight. What they are asking for this evening is to change the zoning of this property from R-2 to R-2 PUD. There was desire to address certain issues and restrictions on the property and to do so they have chosen to do a PUD. Engineering had the correct exhibits and Planning & Zoning did not so the correct exhibit was put into the file. Working with the Parks Department, a park was needed in the Northeast corner. The area at the Northwest corner was designated for a church which has since purchase land in another area. Residential lots have since been platted. There is a 50 foot strip of flat land for canal company access for maintenance. There will be a buffer between this area and the neighborhood by providing a fence.

Gary Wolverton, representing Sundance Holdings, LLC stated that he is going to do a quick overview. The PUD highlights for this project are as follows:

Residential Lots 452
Minimum Lot size 6,000 sq. ft.
Density 3.85 lots/acre
Park Buffer located at the Northeast corner of 3600 N Rd
Briarwood Lane Aligned
No multi-family units (i.e. duplexes, triplexes, or four-plexes)

P&Z QUESTIONS/COMMENTS:

- Commissioner Mikesell asked if the canal company asked for any kind of a waiver for flood plain concerns.
- Mr. Martens stated that did not occur, however their biggest concern was to have access to the canal without going through private property. There can be some flooding if there are difficulties but they did not ask for a waiver.

STAFF PRESENTATION:
Planner I Reeder stated this is a request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 PUD for the development of a residential development consisting of 117.4 (+/-) acres. When the annexation was approved by the City Council a condition of approval required that the property be platted under a Planned Unit Development, as presented to the Council in terms of lot layout, types of homes, location of Church, open space, and landscaping on 3600 North. This request is being made to conform to the annexation conditions of approval.

The map presented as the PUD Exhibit for this request is similar to the map approved by the City Council. The church site has been removed as the church has chosen a different location and single family dwelling lots have been placed in the area, consistent in size with the surrounding lots. The overall layout of the project generally conforms to the initial proposal. An aspect that changed is the initial proposal had a portion of the western most road along the Low Line Canal. The current exhibit has lots along the entire Canal and the roadway located on the other side. The Twin Falls Canal Company has seen this proposed development and as a policy they prefer lots backing the canal maintenance easement. This issue will be resolved through the plat review process and the overall

design of the subdivision will not be substantially affected. Landscaping presented is part of the of the conditions approved at the time of annexation and is shown on the exhibit.

There are currently 452 lots proposed which would bring the overall density of the project to 3.849 lots per acre. A PUD designation requires conformity with the underlying zoning district in terms of density per acre. The density per acre presented is in substantial conformance with the base zone and the Council requirements at annexation. Duplex and multi-family units will not be permitted and approval of the PUD will be subject to Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.

The northeast corner of the property is indicated as a water retention area- neighborhood park for the development. The tract is 4.69 acres of which 3.64 acres is a park and 1.05 acres is the water retention. The proposed area meets the Parks Commission recommendations as it appears to conform to the City's park requirements.

The only property development standard changes proposed are in regards to side yard setbacks. The developer is proposing five foot (5') setbacks and architectural projections being permitted within two and a half feet (2.5') of the property line. The R-2 code requires seven feet (7') side yard setbacks and a four foot (4') setback of architectural projections from the property line. The proposed regulations are the standard for the R-4 residential zone and are one of the reasons the developer originally requested an R-4 zoning for the property. In the applicant's preliminary presentation it was indicated that there would be a fourteen foot (14') separation between buildings in the development. The Commission may request some clarification on this issue as City Code §10-6-1.4(E)5c regarding PUD zoning requests states that "any variation from the basic zoning district requirements must be warranted by the design and amenities incorporated in the final development plan."

Planner I Reeder stated that should the Commission finds the R-2 PUD zoning designation appropriate, as presented, and recommends approval to the City Council, staff recommends approval be subject to the following conditions:

1) Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2) Subject to the property being platted through the City of Twin Falls prior to development.
3) Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.
4) Subject to final approval of the PUD Agreement.

P&Z QUESTIONS/COMMENTS:

- Commissioner Stroder asked about the setback changes and the size of one of the lots being less than 6,000 sq. ft. Would the PUD designation would allow for this or if that lot size would have to be altered?
- Planner I Reeder stated the PUD designation would allow for this lot to be less than 6,000 sq. ft.
- Commissioner Warren asked about pressurized irrigation.
- Mr. Martens stated that this subdivision will be placed on pressure irrigation and the pump station will be provided on the southwest corner of the plat.

PUBLIC HEARING: OPENED

- Glenn Fischer, 2987 Anderson Lane stated he is strongly opposed to this plat and the small lots in this development. The density is too high. The other concern he has is setback requirements of 5 feet and the allowance for detached accessory buildings allowed within 2 1/2 feet of the property line. He feels this is not in compliance with the Comprehensive Plan as it is not complementary to the surrounding properties. The lots along the edge of the plat should be larger around the outside of the plat to provide a better buffer.
- Larry Amen, 2990 Anderson Lane, stated this request came through with an R-4 zoning request this was recommended for denial and the City Council had a struggle with what the property should be zoned. The property to the south of Twin Falls already has enough R-4 zoned property. Anderson Lane has 12 property owners that have land varying from 1 1/4 acres to 5 acres in size. They wanted to preserve the country feel. The lots that border Anderson Lane should be made larger to provide a better buffer from the smaller lots. This could be a nice subdivision south of Twin Falls and should be developed with homes other than starter homes.

PUBLIC HEARING: CLOSED

CLOSING STATEMENT:

- Mr. Martens stated the R-2 zoning was unanimously voted on by the City Council. There are larger lots on the perimeter of the plat. They maintained the average that was required by Council. The applicant has reviewed the staff recommendations and they are in agreement with the conditions.
- Mr. Wolverton stated that the plat will be seen in the preliminary plat process. There will be screening along Anderson Lane. The other item he would like to address is the setback issue. A larger size home can be placed on a lot if there are smaller setbacks.

DELIBERATION FOLLOWED:

- Commissioner Bohrn stated that he likes the layout but he can't approve this with the setback variance.
- Commissioner Stroder stated she agrees that she doesn't like the setback variance and is already concerned with the City Council decision to rezone this area to R-2.
- Commissioner Mikesell stated if they wanted to build larger homes make the lots larger don't ask for a setback variance.
- Commissioner Warren asked what the setback is for the R-2 zone.
- Planner I Reeder stated the sideyard setbacks for the R-2 zone are 7 ft and the person that mentioned the 2 ½ ft setback is referring to architectural projections not building lines.

MOTION:

Commissioner Stroder made a motion to recommend approval of the request as present with staff recommendations and with no variance to the minimum setbacks requirements of the R-2 zoning district. Commissioner DeVore seconded the motion. Roll call vote showed all members present voted in favor or the motion.

RECOMMENDED FOR APPROVAL AS PRESENTED WITH NO VARIANCE TO THE MINIMUM SETBACK REQUIREMENTS OF THE R-2 ZONING DISTRICT & SUBJECT TO THE FOLLOWING CONDITIONS:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to the property being platted through the City of Twin Falls prior to development.

3. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.
4. Subject to final approval of the PUD Agreement.

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING NOVEMBER 24, 2008

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

Planner I Reeder presented a review of recent City Council decisions and reminded the Commission that the next public hearing will be on Wednesday November 12, 2008.

VI. ADJOURN MEETING:

Vice-chairman Warren adjourned the meeting at 7:15 p.m.

Lisa Jones
Administrative Assistant
Community Development

MINUTES
Meeting of the Twin Falls Planning & Zoning Commission
November 12, 2008-6:00 PM
WEDNESDAY
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Bonnie Lezamiz Gerardo Munoz Kevin Cope Karen Stroder Cyrus Warren Vice-Chairman Carl Younkin Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS		AREA OF IMPACT MEMBERS	
PRESENT:	ABSENT:	PRESENT:	ABSENT:
Cope	Borhn	Mikesell	DeVore
Lezamiz			
Munoz			
Warren			
Youkin			

CITY COUNCIL MEMBERS PRESENT: Heider
CITY STAFF PRESENT: Carraway, Fields, Jones, Reeder, Weeks, Wonderlich

I. ITEMS OF CONSIDERATION:

1. Preliminary Presentation on a request for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 PUD for 2 (+/-) acres for property located on the east side of the 1050 block of Maurice Street North for the development of an assisted living facility complex c/o Morgan Construction/Todd Meyers on behalf of Rosetta Homes (app. 2282) WITHDRAWN

II. PUBLIC HEARINGS:

1. Request for a Special use Permit to construct a hotel and to allow the sale of alcoholic beverages for consumption on the premises, on property located on the west side of the 1800 block of Harrison Street North c/o The Land Group/Scott Allen on behalf of Summit Hospitality, LLC (app.2277)
2. Request for a Non-Conforming Building Expansion Permit to add 2131 sq. ft. to an existing non-conforming building housing a non-conforming use on property located at 415 Park Avenue c/o Russ Lively on behalf of GAP Broadcasting Twin Falls, LLC (app. 2278)
3. Request for a Special Use Permit to operate an automobile impound facility on property located at 1830 Osterloh Avenue East c/o Jared Legg dba J&C Towing (app. 2279)
4. Request for a Special Use Permit to operate an indoor recreation facility on property located at 1347 and 1351 Filer Avenue East aka Lynwood Shopping Center c/o Jerry Gregersen dba Anytime Fitness (app. 2281) WITHDRAWN
5. Request for the Commission's recommendation on a Comprehensive Plan Amendment to update the 1993-1994 City of Twin Falls Comprehensive Plan and the City of Twin Falls 1993 Master Transportation Plan. The Comprehensive Plan hearing will include a chapter on Development Impact Fee Capital Improvement Plans. c/o City of Twin Falls/Mitch Humble (app 2274)

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

IV. UPCOMING MEETINGS:

Next Planning & Zoning Commission meeting is scheduled for November 25, 2008

V. ADJOURN MEETING:

I. CALL MEETING TO ORDER:
1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:
1. Approval of Minutes from the following meeting(s): NONE
2. Approval of Findings of Fact and Conclusions of Law:
Magic Valley Mall-Pre Plat H&R Block-SUP 1118 Sugarsweet-Pre Plat
Sanchez-SUP 1120 Tim Harr-SUP 1121 Marvin Pierce-NCBE 1119

III. ITEMS OF CONSIDERATION:
1. Preliminary Presentation on a request for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 PUD for 2 (+/-) acres for property located on the east side of the 1050 block of Maurice Street North for the development of an assisted living facility complex c/o Morgan Construction/Todd Meyers on behalf of Rosetta Homes (app. 2282)WITHDRAWN

IV. PUBLIC HEARINGS:
1. Request for a Special use Permit to construct a hotel and to allow the sale of alcoholic beverages for consumption on the premises, on property located on the west side of the 1800 block of Harrison Street North c/o The Land Group/Scott Allen on behalf of Summit Hospitality, LLC (app.2277)

APPLICANT PRESENTATION:
Scott Allen, The Landgroup representing the applicant stated he is here tonight to request a special use permit to construct a hotel and to allow for alcohol beverage sales on-site as a service to the patrons of the hotel on the premises. There are two other hotels in the general vicinity. This will be a 4 story hotel with 118 rooms with access to the pathway. The landscaping will be a more mature landscaping per the hotels requirements making it a great addition to Twin Falls. This hotel will offer a shuttle service to and from the airport and will cater to more business type patrons. The hotel will be open 24/7 with check-in and times until around noon which should not propose a traffic issue. The architects have tried to use the same type of colors that are being used on the surrounding buildings. The use is consistent with what is already in the area.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the vicinity maps on the overhead and stated the subject property is approx 2.5 acres and is located in a C-1 PUD zone. The request is to construct a hotel and to allow the sale of alcoholic beverages for consumption on the premises. A special use permit is required for both of the requested uses in the C-1 zone. The proposed height for the hotel is 60' within the C-1 zone (35') is the maximum building height. City Code 10-7-3 states a request for additional building height may be approved by the City Council. Should the special use permit for the hotel be approved this evening the applicants will submit an additional height request to the City Council. If this request is approved a full site plan for development will be reviewed and will include such items as landscaping, parking, storm water retention etc. prior to issuance of a building permit. One item that was not discussed in the applicants presentation is the requirement for a water model for and building developed in the Canyon Falls No. 2 Subdivision. This would be required and reviewed as part of the building permit process.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the request as presented staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. A landscape plan to be submitted as part of the building permit application.
3. Full compliance with the Northbridge and Northbridge No. 2 PUD agreements.
4. Subject to City, County, and State alcohol license approval.
5. A water model to be provided as part of the building permit review process.

PUBLIC HEARING: OPENED

- Iris Bishop 245 Applewood Drive she manages Glenn Eagle which is a senior living facility. She is concerned about the alcohol allowance. This project will bring more and more unfamiliar people into the area.

PUBLIC HEARING: CLOSED

CLOSING STATEMENT:

- Mr. Allen stated it is a beer and wine license and is an amenity offered to the patrons. It will not be to serve the public. The other hotels in the area provide the same service. This will be a very high end hotel.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Warren made a motion to approve the request at presented with staff recommendations. Commissioner Lezamiz seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED AS PRESENTED WITH STAFF RECOMMENDATIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. A landscape plan to be submitted as part of the building permit application.
3. Full compliance with the Northbridge and Northbridge No. 2 PUD agreements.
4. Subject to City, County, and State alcohol license approval.
5. A water model to be provided as part of the building permit review process.

2. Request for a Non-Conforming Building Expansion Permit to add 2131 sq. ft. to an existing non-conforming building housing a non-conforming use on property located at 415 Park Avenue c/o Russ Lively on behalf of GAP Broadcasting Twin Falls, LLC (app. 2278)

APPLICANT PRESENTATION:
Russ Lively, representing the applicant stated that this is a request for a property that was in existence prior to the change in the zoning code. The property is approximately 1 acre. The side and front of the building will remain the same and the north end of the building will be where the addition will be located. The purpose of the addition is to allow for more broadcast stations.

STAFF PRESENTATION:
Zoning & Development Manager reviewed the vicinity maps on the overhead and stated the property is zoned R-4, residential medium density designation and is approximately 8 acres and is located at 415 Park Avenue. The request is to expand an existing radio broadcasting station; within the R-4 zoning district to operate a radio broadcasting station is not a permitted use. City Code 10-3-4 defines

nonconforming buildings or uses as: "a building or use made nonconforming but which was lawfully existing or under construction at the time of adoption." Earliest records indicate the radio station has been in operation since 1977- our current code was adopted in 1978, therefore this use would be considered a legal nonconforming use. In order to expand an existing legal nonconforming use, a public hearing is required before the Planning & Zoning Commission. The proposed new expansion is stated to be for an additional broadcast station. The existing building is 3,356 sq ft in size; the applicant wishes to add an additional 2,131 sq ft, bringing the total building size to 5,487 sq ft.
There have been two nonconforming building expansion permits approved for this property. The first was in 1989 for an expansion of 374 sq ft and then again in 2004 which added an additional 480 sq ft. A building permit was issued in September 2004. This building permit was never finalized and a Certificate of Occupancy was not issued. The commission may wish to consider requiring the applicant to final this building permit as a condition of approval for this expansion request. The proposed addition will be a 63% expansion to the property. As per City Code 10-11-1 any addition greater than 25% shall require full compliance with the required improvements as per City Code 10-11-2 thru 5. Those improvements include landscaping, parking and maneuvering area, storm water retention, and street improvements, which may include curb, gutter and sidewalk improvements. A full review of site plan/development issues will be completed as part of the building permit review process.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant the request for a non-conforming building expansion, as presented; staff recommends it be subject to the following conditions:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to the September 2004 building permit for an expansion being finalized and a certificate of occupancy obtained.

PUBLIC HEARING: NONE

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Warren made a motion to approve the request at presented with staff recommendations. Commissioner Munoz seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED AS PRESENTED WITH STAFF RECOMMENDATIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the September 2004 building permit for an expansion being finalized and a Certificate Of Occupancy obtained.

3. Request for a Special Use Permit to operate an automobile impound facility on property located at 1830 Osterloh Avenue East c/o Jared Legg dba J&C Towing (app. 2279)

APPLICANT PRESENTATION:
Jared Legg, the applicant is here to request a special use permit for an automobile impound yard. There is an existing impound yard adjacent to this property.

P&Z QUESTIONS/COMMENTS:

- Lezamiz asked if the applicant is aware of the conditions listed in the staff recommendations.
- Mr. Legg stated yes he understood the conditions and he does plan to comply.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the vicinity map on the overhead and stated the site is zoned M-2, the heavy manufacturing district; to operate an automobile impound facility in the M-2 zone requires a Special Use Permit. There is an existing residence which is currently operating an illegal auto service & repair business and impound/storage yard. This property was brought to the City's attention via a citizen complaint.

The request is to operate an Automobile Impound Yard on the property. City Code §10-2-1 Defines Automobile Impounds facilities as the following:

A facility that provides temporary outdoor storage for three (3) or more vehicles that are to be claimed by titleholders or their agents, provided that no vehicle shall be stored at said facility for more than forty five (45) days and must remain mechanically operable and licensed at all times, or a parcel of land or a building that is used for the storage of wrecked motor vehicles usually awaiting insurance adjustment or transport to a repair shop and where motor vehicles are kept for a period of time not exceeding fourteen (14) days. (Ord. 2773, 12-15-2003).

The applicant states he will not be doing any auto salvage at the site and, if the special use permit is granted this evening, fully intends to operate the business within the regulations of the definition of an Automobile Impound Facility from City Code. The applicant states the facility would operate generally Monday through Friday from 8:00 am to 5:00 pm, however he also states the business will be open 24 hours a day and may be bringing vehicles into the facility at any time; there are no hours of operation limitations in the M-2 zone. If the special use permit is approved it would be considered a change of use from a residential use to an industrial use. A full review by the Engineering, Zoning and Building Department will be required to assure compliance with the industrial development standards for the entire site. These may include landscaping, storm water retention, retention of possible leaking oils and fluids onsite, curb, gutter, sidewalk, right-of-way /utility improvements, fencing/screening, etc. The applicant does not state the intended purpose of the existing residence. If the intent is to not use the residence for the business then the property must be subdivided into 2 separate lots in order to keep the residential status for the residential property.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the request as presented staff recommends the following conditions:

1. Vehicle storage in the impound yard be limited to the time allowed by code, 45 days for mechanically operable and licensed vehicles and 14 days for wrecked vehicles awaiting transport.
2. No auto salvage permitted, the impound yard is for storage only.
3. No stacking of vehicles.
4. A minimum 8' solid site-obscuring screening fence constructed around the entire perimeter of the impound yard. A building permit is required for any fence sections over six feet (6') in height.
5. The entire site is to be brought into compliance with M-2 zoning & development standards & required improvements OR the residence is to be platted as a separate lot.
6. Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and Standards.

PUBLIC HEARING: OPEN

- Gene Graham state he owns 1805 across the street and currently owns and operates the impound lot across from this property and stated he does not understand how the business has operated for two years without a permit.

PUBLIC HEARING: CLOSED

CLOSING STATEMENT:

- Mr. Legg stated he is willing to comply with the conditions and he plans to use the house to operate his business.

DELIBERATIONS FOLLOWED:

- Commissioner Munoz stated the property is being brought into compliance and with the conditions he has no problem with the approval.
- Commissioner Warren asked if a time limit should be considered for the special use permit to expire.
- Commissioner Munoz stated that the special use permit can be revoked and it sounds as though the neighbors will complain if things are not handled correctly.

MOTION:
Commissioner Lezamiz made a motion to approve the request at presented with staff recommendations. Commissioner Cope seconded the motion. Roll call vote showed all members present voted in favor or the motion.

APPROVED AS PRESENTED WITH STAFF RECOMMENDATIONS

1. Vehicle storage in the impound yard be limited to the time allowed by code, 45 days for mechanically operable and licensed vehicles and 14 days for wrecked vehicles awaiting transport.
2. No auto salvage permitted, the impound yard is for storage only.
3. No stacking of vehicles.
4. A minimum 8' solid site-obscuring screening fence constructed around the entire perimeter of the impound yard. A building permit is required for any fence sections over six feet (6') in height.
5. The entire site is to be brought into compliance with M-2 zoning & development standards & required improvements OR the residence is to be platted as a seperate lot.
6. Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and Standards.

4. Request for a Special Use Permit to operate an indoor recreation facility on property located at 1347 and 1351 Filer Avenue East aka Lynwood Shopping Center c/o Jerry Gregersen dba Anytime Fitness (app. 2281)WITHDRAWN

5. Request for the Commission's recommendation on a Comprehensive Plan Amendment to update the 1993-1994 City of Twin Falls Comprehensive Plan and the City of Twin Falls 1993 Master Transportation Plan. The Comprehensive Plan hearing will include a chapter on Development Impact Fee Capital Improvement Plans. c/o City of Twin Falls/Mitch Humble (app 2274)

STAFF PRESENTATION:

Community Development Director Humble stated that there is a large amount of information to be considered this evening and that it will be presented in three parts. Planner I Reeder will be presenting a summary of the information that is contained in the final draft document. City Engineer Fields will be presenting a summary of the Master Transportation Plan and he will be presenting the information related to the Impact Fee portion of the document.

Comprehensive Plan Summary:

Planner I Reeder state that this is a request to amend the current Comprehensive Plan she reviewed the following component of the report:

- The Plan begins with an "Executive Summary and Implementation Actions" section. This gives an introduction to the plan document and background on the process, because the Impact Fees were completed after this part was completed this section will be amended to include the impact fee portion. A section that has been added to this plan verses the old plan is Implementation Actions" which is a recap of items and actions identified that will put the Comprehensive Plan principles into effect. At the end of each chapter there is a section on goals and policies and so the Implementation Actions is a combination of all of the goals and actions for each chapter. This is required by state statute and it gives the City a guide to work from in prioritizing and implementing the plan.
- The first chapter is the "Introduction and Background" chapter. It gives the history of the City of Twin Falls, addresses the population and demographic trends are outline and identify the key issues impacting the area and its growth and development in the future.
- The second and largest chapter is the "Land Use" chapter which has changed the future land use map. These changed involved adding some new future land use designations for example:
- Residential Business: Areas with this designation are primarily along Washington Street North, Addison Avenue, Addison Avenue East, and Eastland Drive
- Urban Village/Urban Infill which is proposed in areas near developed areas where a mix of uses and densities could be beneficial for example along Falls Avenue West and the east end of Pole Line Road.
- The land use concept of the Plan presented is based on the City's water service boundary as a growth boundary and focused on more compact forms of residential growth, infill, and cluster development within that area.
- Chapter Three Community Design, is also one of the larger chapters of the document and is very connected to the Land Use Chapter. It provides design ideas, tools, and enhancements to implement the land use concepts proposed in the document. Another concept that came from this section is cluster development which is group development that transitions into more agricultural or rural areas and assists in handling infill and street development.

- The fourth chapter is on Housing. This chapter looks at existing housing and demographic conditions and trends and provides some goals and policies. This chapter is brief as different housing types and concepts and analysis are a part of the Land Use Chapter.
- School Facilities are covered in chapter five, includes existing conditions and trends. The plan encourages cooperation with the School District in meeting space needs in the district. Members of the Twin Falls School District were involved on the Comprehensive Plan Steering Committee.
- The sixth chapter is on Public Services and Utilities. Existing conditions, analysis, and projected needs for water, sewer, electrical service, solid waste disposal, storm drain management, and pressure irrigation are provided. It provides long range information regarding infrastructure and maintenance.
- Economic Development is in chapter seven and is purposefully broad, focusing on regional and local implication of the economic base." It provides information on employment, earnings, economic base and forecasts.
- Chapter eight Environmental Considerations, focuses on existing conditions and resources and the key issues identified by residents. The key issues included water quality and conservation, park land, and open land. Goals focused on protecting and preserving canyons and canyon rims and water supplies.
- The Parks, Recreation and Trails chapter nine is to be developed as a master plan document for the community parks and recreation, which is why it is one of the larger chapters and includes a lot of detail and analysis. Existing conditions were studied for the parks, recreation, and trails aspects of community use. Future needs and priorities were examined based on input through the 2007 Community Survey. The goals included improving and maintaining park operations, meeting the needs of underserved areas, providing and improving recreation facilities, and more opportunities for use of city trails.

In summary this plan helps to identify areas of concern, projects to consider and a guide to assist the City in future planning.

<u>Master Transportation Plan</u>

The Master Transportation Component was reviewed by the City Engineer Fields. She presented the following summary of information:

Why update?

- Twin Falls has seen significant population growth in its 16 square miles.
  - 1990 population = 27,591.
- 2007 population is estimated to be approximately 43,000 people.
- Growth in the City and the Magic Valley puts pressure on the City's transportation system.
- We needed to identify and update "problem" areas so we can use taxpayers' money efficiently.

Involvement

- The plan was developed using engineering study and the public's involvement. The update is developed the same way. The public involvement plan included:
- Stakeholder Interviews
- Stakeholder Roundtables
- Transportation Advisory Committee
- Community Advisory Committee

- City Council Work Sessions
- General Public Events
- Additional Public Outreach

1. Stakeholder Interviews- Interviewees included representatives from the College of Southern Idaho, Twin Falls School District, Twin Falls Chamber of Commerce, Twin Falls, Parks and Recreation, Trans IV Transit, Twin Falls Economic Development, Twin Falls Police Department, Magic Valley builders and several private businesses.
2. Stakeholder Roundtables – Two presentations and discussions were held with the Greater Twin Falls Area Transportation Committee.
3. Transportation Advisory Committee (TAC) – included reps from community organizations and agencies that have a technical understanding of the transportation system and the City. The TAC met six times.
4. Community Advisory Committee (CAC) – was to provide balance to the technical input from the TAC. The CAC included non-technical reps from across the community. The CAC met four times.
5. City Council Work Sessions – The City council was engaged in the planning process at three distinct times; project initiation, confirmation of future land use and transportation system goals, and a review of the draft list of system improvements and Capital Improvement Plan.
6. General Public Events – 2 public open house events.
7. Additional Public Outreach –due to the low attendance at the two public open house events. attended Western Days and notified citizens on the City's utility bills of the revised CIP availability for review and comment on the City's web site. Finally, in coordination with the Times News, an additional article was developed that outlined the revised CIP and invited public comment via the City's web site or direct contact with the public involvement coordinator.

What is the plan intended to focus on?

- During the public involvement, the transportation goals and objectives were formed. The goals which were identified by Technical and Community Advisory Committees are:
  PRIMARY GOALS
  1. Clear and Efficient connectivity of transportation facilities
  2. Maintain clear and efficient connectivity for vehicle, pedestrian and bicycle travel across the community.
  3. Maintain a clear and appropriate roadway hierarchy.
  4. Develop and Implement appropriate design and operation standards
  5. Develop, adopt and enforce appropriate street, bicycle and pedestrian facility standards to meet City needs.
  6. Maintain community / neighborhood identity when planning and developing
  7. transportation improvements.
  8. Incorporate beautification and aesthetic enhancements into transportation system improvement projects where feasible and appropriate and that reflect Twin Falls climate restrictions.
  9. Avoid or minimize impacts to the environment when designing and implementing transportation system improvements.

10. Incorporate traffic calming measures where appropriate and feasible.
11. Provide sufficient roadway capacity to meet current and future needs
12. Provide sufficient roadway capacity to meet current and future needs.
13. Minimize congestion where and when feasible.
14. Maintain an appropriate level of service on key collector and arterial streets and intersections.

What are the Products?

- Travel demand model (TDM) was developed. Using this model, the consultant team analyzed future congestion on the existing roadways. The travel demand model is also used to predict how well the roadway network will perform in the future. It addresses capacity.
- Level of Service is based on an A –F scale it describes congestion which is a relationship between the volume on the road and its width. Capacity isn't the only concern. The condition of the roadways is often viewed as a reflection of the City.

Pavement Asset Management system

- This program will assist the City in determining whether pavement sections need of maintenance or replacement through a technical evaluation of the current conditions.
- Other current conditions evaluated were: bike paths, sidewalks, crosswalks, Historic Downtown needs, illumination, public transit, geometry and signs etc.
- Transportation Master Plan Recommendations
- Street standards have been developed for each functional classification of street.
- An established design speeds dictate the horizontal and vertical controls. KEEP IN MIND THAT DESIGN SPEED DOES NOT MEAN POSTED SPEED. Arterial Streets are designed to pass traffic at a higher rate of speed.
    - The recommended design speeds are
    - 45 mph for Arterial Streets,
    - 35 mph for Collector roads and
    - 25 for residential.
- FIGURE 14 shows recommendations for recommended widths, but some situations may need either lane or dimension changes (left and right turn bays). This allows me to approve alternative standards when those standards can be demonstrated to provide a superior solution to the safe operation of traffic flow.

Truck Routes

- If a route is a designated truck route, the truck route is both structurally and geometrically able to handle truck traffic. Proposed truck routes off the existing State Highways were extensively analyzed and considered. The cost is huge to build roads that can handle the weight. We discussed this extensively and are proposing using state highway for truck routes.

Accident Rates

- By analyzing the specific locations that are experiencing a high level of accidents steps can be taken to reduce crashes such as:
    - Improved signal timing and coordination
    - Addition of raised medians, either short or full length
    - Closure of unnecessary driveways
    - Additional enforcement of the existing laws and restrictions
    - Speed reduction (location dependent)

- Improved roadway striping

Proposed Roadway Improvements:

- A Capital Improvement Plan list of projects was assembled to address the level of service and connectivity goals of the Study. This plan detailed in Chapter 5 provides level of service C conditions on all roadways except Blue Lakes Boulevard which in the future functions at a D level or service, which is consistent with present day conditions.
- The idea of moving US-30 off the 2nds and onto Washington/ Minidoka/6th was seriously considered. While this project has some benefits for the walk ability of downtown and other community values, doing this actually degrades the level of service for the state highway and is hugely expensive. It was during the cost estimating portion of the plan development, that this option was no longer carried forward.
- It should also be noted that a future alignment is shown on the east side of CSI connecting North College to Falls Ave. Confirmation of the right of way location is a project in this plan.

Roadside Improvements

- Roadside improvements include the curb & gutter, sidewalk, and landscaping. Landscaping can also be termed as hardscape which is using decorative rock or some other water friendly landscaping technique. It is recommended that at time of widening of each of the existing roadways that the appropriate roadside features be constructed to bring that particular roadway segment up to the desired with, and include all of the necessary roadside features.

Hotspot Intersections

- Many locations throughout the City have been identified as “hotspot” areas. These areas have diverse transportation problems.
- Access Management
- Access management is the practice of limiting access to land development to preserve the flow of traffic on the surrounding roadways. The preservation of street safety, capacity, and speed are the primary goals of access management. Access spacing standards allow drivers to process one decision at a time. Through proper spacing, drivers may monitor upcoming conflict points and react accordingly to each conflict. This is directly related to accidents. This study recommends that the City of Twin Falls continue to restrict access onto Arterial Streets except for Local and Collector Roads at the length restrictions as indicated for Type III Urban in Table 13.
- For Collector Roads all accesses should be shared or adjacent to each other along the property line with no more than one access per lot. For both Arterial and Collector Roads the City should continue to enforce that backing out onto these roads is not allowed.

Pedestrian Accommodation

- Arterial streets we recommend placement of additional pedestrian accommodation in the form of crosswalks where determined as appropriate by a pedestrian traffic study. Crossing Flags have been found to be somewhat effective and are a low cost accommodation, particularly when used on arterial streets. The City may also consider protective islands as an effective pedestrian accommodation. Protective islands may be considered on collector roads that have higher traffic volumes and higher speeds. Flashing lights and crossing guards are of high importance near elementary schools and should be applied in appropriate areas as determined by a pedestrian traffic study.

Recommended Bike Lanes

- Also, lane widths on arterials are slightly wider to accommodate the experienced rider. Lower classes of riders should be able to seek accommodation on collectors and residential streets.

Future Public Transit

- Twin Falls faces many challenges when trying to meet the mobility needs of its residents.
- The City should work towards conducting a feasibility study that would identify the capital and human resources needed to provide increased mobility for those in the local area who do not use an automobile for transportation.

Lighting

- It is recommended that the lighting study results be examined by City staff to fully identify the determine the cause of the reported deficiencies. The positioning of the luminaire could also affect the effectiveness of existing equipment. The height, rotation, and length of the luminaire arm should be considered. The lighting study examined existing intersection to determine if additional street lighting is needed to increase pedestrian safety.

Intersections of Concern

- 27 intersections were studied to determine if the existing lighting adequately met the IESNA RP-8-00 criteria. The intersections studied, were chosen based on public comments stating that these were high pedestrian traffic intersections and have been identified for further consideration.

In summary this plan helps to identify areas of concern, projects to consider and a guide to assist the City in future roadway planning.

<u>IMPACT FEES:</u>

Community Development Director Humble presented the following information related to impact fees. He stated that the impact fees was the last part of the project and they are based on the capital improvement plan which is based on population projections which are in the Comprehensive Plan. State law requires that the Capital Improvement Plan be adopted at the same time as the Comprehensive Plan. The roll of the Commission is to basically decide whether or not the Capital Improvement Plans conform with the Comprehensive Plan. It is not the role of the Commission to determine amounts or whether or not there should be impact fees. An impact fee is a onetime assessment to recover capital cost born by the local government due to growth. An example of this is when a new home is built it requires additional services from the fire department and if there are enough new homes built there will be a need for an additional satellite fire station and the question is should that be paid for by tax payers or by the people that are developing. The idea is to share the cost with the people that are bringing the cost to the city. The impact fee can be used to maintain the current level of service but cannot be used to improve the level of service. A level of service for example is defined by the response time that fire department has for a fire. The impact fees can be used to maintain the response time but we cannot use the money to improve the response time. The Capital Improvement Plan includes the following category of fees:

- Fire
- Police
- Parks
- Streets

All of these plans only maintain the level of service or assume some reduction in the current level of service. The Capital Improvement Plan is fairly self explanatory such as the need for more police and fireman with growth. The Parks CIP is only for regional and larger parks another limit that is placed on this is that the City cannot double dip. The park fees included in the CIP are for regional parks they are not a development requirement. The CIP for the streets section it identifies 4 projects that are 2015 and correspond with the 10

year impact fee life. These are projects that should be done to not reduce the level of service by much. The growth portion has been identified but has a zero value because the advisory committee felt that there were better sources of paying for these larger projects. The committee asked that the projects be left on the list but that the City try the other options. Zero means there are better sources of money. This has not been included in the original Comprehensive Plan draft but will be included along with an executive summary of this chapter.

In summary the Impact Fee Advisory Committee recommends approval of impact fees and also that the City adopt the Capital Improvement Plan. The committee also recommended that the Council adopt the fees at full cost recovery, however the Council can not adopt a cost recovery higher than the calculated amount. As an example the full cost of an impact fee for construction of a new home will $1606 per home. This is broken down by each category and those dollars can only be used for those categories and cannot cross into another category (i.e. fire fees can only be used for fire)

BREAK FOR SEVEN MINUTES

PUBLIC HEARING:OPEN

- A letter from CSI was submitted as part of the public hearing section and has been filed with the application.
- Paula Sinclair, 2146 Addison Avenue East, stated this has been interesting and that she has read the full Comprehensive Plan Draft. There is one area of concern related to the recommendation for property located at the north east corner of Addison Avenue East and Eastland Drive. The neighbors are concerned with this location because of residential commercial conflicts. She displayed an example of a piece of property located on Blue Lakes Boulevard (Terry Dodds Accounting Office) with Les Schwab Tire Store located to the east stating this is a perfect example of a zoning conflict and is exactly what we don't want to happen anymore. The new Comprehensive Plan has a really good way of avoiding this type of situation from occurring. She displayed a photo taken from her property and on the new Comprehensive Plan shows the fourth lot to the west of Eastland and on the north side of Addison as being zoned residential business and the third lot to the west of Eastland and on the north side of Addison being zoned commercial. She would like to suggest that the third lot be revised to residential business to preserve the objectives of the Comprehensive Plan.
- Curtis Webb 2158 Addison Avenue East stated that he is the neighbor to the previous citizen and his biggest concern is the same. He would concur with the recommendation made by the neighbor and would like to making sure there is a good transitional buffer between the residences and the commercial project. He would also like to state that as long as there is not a deviation from the Comprehensive Plan to allow for a project to be built. The neighborhood center seems as though it would provide a good buffer as well as the residential business if it is limited to the small commercial type businesses listed in the draft plan. If this property is treated like a commercial zone entirely then he would suggest that it should all be designated as residential business.
- John Bonnett, 973 O'Leary Way and stated that he is very excited with the Parks and Recreation portion of the plan. As the Chairman for the Parks and Recreation Commission he has been trying to get a master plan developed for Parks and Recreation. This plan provides what has been needed and he is very excited to see it completed.

- Jim Fort, 2133 Addison Avenue East stated he would like to recommend that the third lot to the west of Eastland and on the north side of Addison property as referenced earlier be designated as residential business.
- Scott Allen, 2723 Sunmeadow Drive stated he is here to request a land use designation change from the draft recommendation for property located at northeast corner of Addison Avenue East and Hankins Road. The proposal is that this property be designated as rural residential. There are three lots in this location that have access from Addison Avenue and as mentioned earlier in the master transportation presentation of the plan that there is going to be managed access and it identifies this area as having a traffic light in the future. The area to the west has been designated as commercial retail and to the east the land use is rural residential. He would like to propose with limited access that this area be designated as professional office to allow for the best use of this property. There is a water service line that would not allow for service beyond Hankins Road however this is a plan for vision 2030 not 2008 and there should be a plan for water access to this property by then. This intersection is going to be a lighted intersection and probably the best use would be what is going in at Carriage Lane and Addison Avenue East.
- Don Lillyquist, representing Maverik Stores the company looking at purchasing the property located at the northwest corner of Addison and Eastland Drive. They would like to state that they would also like to be able to provide a buffer between the residences and the commercial district. They are proposing that the property just north of the neighborhood center not be designated as medium density residential but that it be designated as professional office providing a better buffer between the gas station/convenience store and the residences to the west and to the north. A nice office park would be very amenable to providing a buffer because it would have restrictions for architecture and would be operating during normal business hours reducing the noise and lighting for this area. If the third lot were designated as professional office they would sell it for someone to develop as professional and they would subdivide and build the Maverik at the northeast corner of the parcel.
- Brad Wills, 222 Shoshone Street West stated he has two items of concern regarding conflicts with existing preliminary plats where the City has plans to change the right-of-way width to the arterial and collector streets. The two streets of major concern to him include Columbia Drive and North Fork Road in the Northwest development. This change would require re-platting portions of the subdivision to accommodate such a change and he would ask that the plats that have been approved be exempt from these requirements.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

- Community Development Director Humble stated that he would like to address the comments made in the public hearing. He noted there were three main issues discussed and the he will address the first two and City Engineer Fields would address the third item.

- Land Use Designation at the northwest corner of Addison Avenue East and Eastland Drive
- He explained that the blue line around the corner lots would be the property Maverik is interested in and is designated as neighborhood center and the rest of the lots to the west on Addison Avenue are designated residential business. The reason for this recommendation is that the corner of Eastland Drive and Addison Avenue is a major arterial intersection. At an intersection of two major arterials is not uncommon to have some type of commercial designation. The neighborhood commercial is not a full commercial designation and there are more restrictions with this designation verses the commercial. The staff would recommend that this remain as it was recommended it doesn't change the current zoning it would still require Maverik to request a zoning change. This request would have to comply with the Comprehensive Plan and it would have to be restricted to the requirements of the land use designation and if necessary through a PUD agreement. Staff would not be opposed to extending the neighborhood center north to include the entire piece of property that Maverik is interested in purchasing.
- Land Use Designation at the northeast corner of Addison Avenue East and Hankins Road
- He explained that the land use designation for this area is rural residential because the development out in this area is rural residential, they are large lot subdivisions. Secondly there is a boundary line that has been officiated in this plan as a tool. The key is a lot of land within the boundary still available for development. Outside the boundary this designation is appropriate, things may change in the coming years and the boundary could be extended and at that point the City would be have to change the Comprehensive Plan to change the boundary and decide what type of land use designation would be appropriate for this area. Staff would recommend that this remain the as it was recommended. This plan will be reviewed more frequently it cannot wait fourteen years. At the time of the boundary change the land uses will be addressed and at that time it may be appropriate for a neighborhood center or even commercial designation until then the proposed designation is appropriate.
- Arterial and Collector street right of way width changes.
- City Engineer Fields explained that this item has been discussed prior to this meeting. These two roads discussed previously are considered collector roads in the Master Transportation Plan which would require them to be widened to meet the new standards. The plan is to have a uniform collector width plan and if the City is going to choose a section that we don't want to have collector width roads on then it probably needs to be done specifically. The request made tonight was to leave the properties that have been platted to remain with the road widths already designated. This particular development has several different road widths and she doesn't have a problem leaving them the way they are because to change them would have a significant impact on the layout of the subdivision. The other concern is when will the new right of way width be required. When the City changed the requirement that there be detached sidewalk this code change began to be implemented which had a direct impact on plats as they came in, this was applied at the preliminary plat stage. This type of width change would be incorporated at the preliminary plat stage however if she were instructed to implement that at any point in the platting process she would do so, however it would normally be done at the preliminary platting stage because that is where the general lot layout is set. The Master Transportation Plan does not address when this requirement should be implemented and the

request is to let all of the preliminary plats that have been approved not be subject to this change. The disadvantage of doing this is that the City either gives up a bicycle strip along the arterial roads or the City has a right of way action later. The advantage of doing that is it doesn't cause all of the plats that have been through the preliminary platting process to have to be resubmitted with changes that could seem like they are starting back at square one. Staff would recommend that the new standards be required at the time the preliminary plat is submitted if there is an existing and approve preliminary plat it would not be subject to the change. If the preliminary plat expires it be would required to meet the new standards.

MOTION:
Commissioner Warren made a motion to table the deliberations for this request until the next Planning & Zoning Commission meeting scheduled for November 25,2008. Commissioner Mikesell seconded the motion. All members present voted in favor of the motion.

TABLED UNTIL NOVEMBER 25, 2008

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

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission meeting is scheduled for November 25, 2008

VII. ADJOURN MEETING:

Chairman Younkin adjourned the meeting at 9:15 pm

At the November 12, 2008 public hearing the commission held a public hearing regarding adoption of a amended comprehensive plan master transportation plan and impact fees. The commission tabled deliberations on the comp plan and master transportation plan. Tonite's hearing is for the commission's deliberation only. There may be no public comment nor discussion abmay

MINUTES
Twin Falls City Planning & Zoning Commission
November 25, 2008-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn | Bonnie Lezamiz | Gerardo Munoz | Kevin Cope | Cyrus Warren Vice-Chairman | Carl Younkin Chairman

AREA OF IMPACT:

Lee DeVore | R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS PRESENT:	ABSENT:	AREA OF IMPACT MEMBERS PRESENT:	ABSENT:
Borhn		DeVore	
Cope		Mikesell	
Lezamiz			
Munoz			
Warren			
Youkin			

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Carraway, Fields, Jones, Reeder, Weeks, Wonderlich

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): October 28, 2008 & November 12, 2008

2. Approval of Findings of Fact and Conclusions of Law:
   Summit Hospitality-SUP 1124 GAP Broadcasting-NCBE 1125 J&C Towing-SUP 1126
   Renee Wangler-SUP 1122 Mel Moeller-SUP 1123

III. ITEMS OF CONSIDERATION:

1. Request for approval of the preliminary plat for the Shoshone Heights Subdivision, 110 (+/-) acres with 102 single family residential lots located on the east side of the 1500-1900 block of Hankins Road North aka 3300 East Road and South of the Snake River Canyon within the City's Area of Impact, c/o JUB Engineers- Rex Harding on behalf of NCS Properties/Mark Thayne.

   APPLICANT PRESENTATION:
   Rex Harding, JUB Engineers, representing the applicant stated he is here tonight to request approval of the Shoshone Heights Subdivision. The property is located on the east side of the 1500-1900 block of Hankins Road North aka 3300 East Road and South of the Snake River Canyon (a.k.a. the Evil Kinievel jump site). The property is zoned SUI and is outside the City's sewer and water service area so it is not annexed into the City limits. There are a total of 102 lots proposed in this plat of which 100 will be residential with two common lots. The lots are all one acre or more in size to meet the Zoning and South Central Health District requirements. The proposal is for the roads to be private and built to the Twin Fall Highway District Standards except for the 2 ½% slope which is a City requirement that is more stringent then the Twin Falls Highway District. The property is subject to a land trade agreement, which

becomes final after the final plat is approved. There is a portion of land along the southeast edge of the plat that belongs to the City that will be traded to the developer in exchange for a portion of land along the northern portion of the plat along the Canyon Rim. The agreement will include the requirement that a bike path be built outside of the land trade area. The other requirement is that there be permanent access to the gun range. There will be access via Cheney Drive once it is completed and it will meet with Hankins Road North. The alignment of the roads meets all of the highway standard. The health district has reviewed this and approved the development based on nitrous reducing systems for all of the lots. The Highway district reviewed the plat and required a turnaround system at Hankins Road which will just become a loop in the road once Cheney is constructed. The Canal Company has also reviewed the plat and they do not have any laterals in this area so they had no concerns. There is mention of a railroad easement that needed to be taken care of and as of this evening this issue has been resolved.

Commissioner DeVore asked about a road access into the Meadowridge Subdivision which is a private road.
Mr. Harding stated that the reasoning behind this is that if a development has more than 30 residential lots there has to be two accesses. This access would have to be approved by Meadowridge Subdivision it would be gated and siren activated for emergency vehicles and to meet fire code.
Commissioner Warren asked if there has been a parks in lieu approved for the additional lots.
Zoning & Development Manager Carraway stated that the parks in lieu has been approved.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the vicinity maps on the overhead and stated the property is zoned SUI, CRO under a PUD that was approved by the County Commissioners in September of 2007. The platting process is now being presented with 102 platted lots to include 100 residential lots and two (2) common lots. The trade will take place upon the recording of the final plat for the 1st phase of the subdivision. The land being traded on the north side of the property contains a portion of the canyon rim trail. The developer will relocate the canyon rim trail north of the land being traded and onto City property. Typically development of the trail would be completed as part of the 1st phase of development. A condition with this requirement may be appropriate. The City also uses this land to access the police gun range. A condition that the gun range access will be maintained perpetually throughout the phases of development would be appropriate. Mr. Harding addressed the railroad easement in his presentation the only requirement would be that the appropriate documentation be provided with the plat.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve this request staff recommends the following conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards, including correction of plat notes.
2. Subject to the requirements of Code section 10-12-3.11 Parks and Storm Water Retention/Detention being met.
3. Subject to the portion of the canyon rim trail along the rim included in the trade being developed by the developer as part of the 1st phase of development.
4. Subject to the City's gun range access being maintained perpetually throughout development of phases.
5. Subject to final approval and recordation of a PUD Agreement prior to recording the phase 1 final plat.
6. Subject to the resolution of any railroad easements on the property being removed.

PUBLIC COMMENT:

- Evard Gibby, representing the South Central District Health Department, stated that this plat has been approved based on a one acre minimum lot size for wells and septic systems and this particular subdivision is required to have nitrate reductions systems that reduces the nitrates that go into the ground water by 65% which should reduce concerns and provide good protection.
- Steve Shotwell, 4030 Canyon Ridge stated that he would like to make comments about the access to Meadowridge Road. This road is a private roadway that was never built to county specifications making it a poorly constructed roadway. If this access is opened to the public this would have a big impact on the road that is already substandard.

CLOSING STATEMENT:

- Mr. Harding stated he appreciates the citizens comments and wanted to reassure him that this access will be gated and only opened in the case of an emergency that requires evacuation and emergency vehicle access. Once Cheney Drive is extended there will be two accesses to the property.

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated his only concern is the guarantee that the nitrate reduction systems be required and that they not be allowed to change in the future due to cost. In the past the cost has become an issue and the systems were not used and if it should be a condition of approval.
- Evard Gibby stated that this is a requirement and is the only type of system that will be approved by South Central Health. These systems are required to be documented on the deeds and monitored annually.

MOTION:

Commissioner Warren made a motion to approve the request with staff recommendations. Commissioner Lezamiz seconded the motion. All members present voted in favor of the motion.

APPROVED AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards, including correction of plat notes.
2. Subject to the requirements of Code section 10-12-3.11 Parks and Storm Water Retention/Detention being met.
3. Subject to the portion of the canyon rim trail along the rim included in the trade being developed by the developer as part of the 1st phase of development.
4. Subject to the City's gun range access being maintained perpetually throughout development of phases.
5. Subject to final approval and recordation of a PUD Agreement prior to recording the phase 1 final plat.
6. Subject to the resolution of any railroad easements on the property being removed.

IV. PUBLIC HEARINGS:

1. Deliberations regarding the request for the Commission's recommendation on a Comprehensive Plan Amendment to update the 1993-1994 City of Twin Falls Comprehensive Plan and the City of Twin Falls

1993 Master Transportation Plan. The Comprehensive Plan hearing will include a chapter on Development Impact Fee Capital Improvement Plans. c/o City of Twin Falls/Mitch Humble (app. 2274)

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell asked if there is any information regarding the addition of commercially zoned property. If you look at the proposed designations on the map it looks as though the areas for commercial stayed the same. Washington Street was not opened up for commercial it has been designated as business residential and there may be some additional commercial along Pole Line but it doesn't seem like there is more room for commercial growth to occur. The plan leaves commercial on Blue Lakes and some on Pole Line Road we need to plan to move traffic away from Blue Lakes Boulevard. He would like to know how much commercial was added with this plan. It seems that there should be plans in place for people purchasing property to know that eventually the plan is to have more commercial in other areas of town besides Blue Lakes Boulevard. Once Washington Street is widened there are going to be lots of requests to change the plan along this corridor to allow for commercial uses verses business residential. The business residential is a good designation but it should be for areas that are not along the arterials roads. The plan doesn't look that different from what we already have when it comes to commercial.
- Commissioner Bohrn stated that this is the time to address the commercial district because without it being addressed it will require continuous requests to change the Comprehensive Plan.
- Planner I Reed stated that there is a table in the Comprehensive Plan that shows existing zoning and future land use plan pages 65 and 77 in the plan. It is difficult to compare the land use plan to the zoning because several zoning designations fall under a commercial land use. The additional commercial type adds additional acreage to the land use plan.
- Commissioner Bohrn stated it looks as though it would be approximately a 3% increase.
- Commissioner Mikesell stated that the real concern is that the only place for a big retail/commercial business is along Pole Line Road and the other designations are only going to allow for smaller scale business.
- Zoning & Development Manager Carraway pointed out that there is quite a bit of undeveloped commercially zoned properties along Kimberly Road also.
- Commissioner Mikesell agreed however he is concerned that the City is growing in the opposite direction and that Kimberly Road is just an access into town. It just seems like plans need to be moving away from Blue Lakes Boulevard.
- Commissioner Bohrn stated that is seems we are centering ourselves around where we are at currently and with what we have to work with Pole Line Road is going to get the brunt of the commercial business, this does require reviews more often and maybe it should be looked at when it comes up for review again.
- Commissioner Munoz stated this is a living plan that does need to be reviewed regularly and the recommendation is that no changes take place in the first year after adoption of the plan. Having the stability for the first year makes since. He thinks that the commercial sector may be one of the first things that gets looked at when it comes up for review.
- Commissioner Bohrn stated this is probably the best plan for now and five years from now it can be looked at again. He would recommend approving it as written.
- Commissioner Munoz asked if the Commission wanted to discuss the two intersections that came up for discussion in the public hearing process. He stated originally he wanted to just say approve the plan as submitted but after reviewing the testimony and the staff input he like the idea of extending the neighborhood center designation further north at the Eastland Drive and Addison Avenue intersection, because there is already commercial across the street and if it is not addressed now this will be the very first area to request a change. If it is developed as a uniform development like professional offices and possibly a PUD then it would make better since then letting it develop as a patchwork area it will be worse.

- Commissioner Bohrn stated that the Commission turned down changing zoning to commercial and that is what is going to be coming back through again and it is just one step further to having a gas station on the corner and this was voted against in the original request.
- Commissioner Munoz stated the original request was to rezone the property to commercial the recommendation that was made during this hearing was to make it a professional/neighborhood center to provide a better buffer to the residential area. If you look at the recommendation as it stands the gas station will still be allowed and what he would like to see is that it be a better development then just a gas station without a buffer. If there is not a buffer there is going to residential right next to a gas station if we establish a buffer area now then it takes care of protecting the neighbors and allows us some control over what is built in this area.
- Commissioner Younkin asked if the Commission wants to consider making a recommendation or move the plan forward as it stands.
- Commissioner Bohrn stated he would recommend moving the plan forward and have the person come back through with a request.
- Commissioner Mikesell stated that it makes since to have the business residential at this location it provides a buffer and if someone came through like Maverick with a plan to have the gas station and surround it with professional office space it would be something the Commission would consider.
- Commissioner Munoz stated his concern is not the properties to the west of the corner the business residential does provide a buffer his concern it he property to the north of this corner that is being designated as just residential.
- Commissioner Mikesell stated that Eastland is a location that may need to be designated as business residential and may provide another place for growth. This may be a good place to recommend the change.
- Commissioner Younkin asked if there were any other comments regarding the other testimony.
- Commissioner Munoz stated regarding the corner at Hankins Road and Addison Avenue East it should stay like it is because it is outside of the City's water and sewer service boundary. There was a lot of thought and public input put into this plan so if there aren't any recommendations to change it he would be fine with that as well.
- Commissioner Younkin stated that this is just a recommendation and the Commission did make recommendations on the well planned out sign code before sending it forward if we want to make recommendations on this plan we can.

MOTION:
Commissioner Bohrn made a motion to recommend approval of the request as presented with staff recommendations. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

1. Subject to minor amendments to edit any grammatical, spelling, syntax, or informational errors, not affecting the content.
2. Subject to the inclusion of Chapter 11: Development Impact Fee Capital Improvement Plans as recommended by the Development Impact Fee Advisory Committee, and the creation of an Executive Summary for Chapter 11 and inclusion of this summary within the "Executive Summary and Implementation Actions" chapter of the Comprehensive Plan.
3. No amendments are allowed to be made to the comprehensive plan document for one (1) year after adoption.

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

Zoning & Development Manager Carraway stated that there will be a couple of work session meeting scheduled for the City Council prior to the public hearing for the Comprehensive Plan. The actual public

hearing will be scheduled January 5, 2008 and the adoption of the ordinance will follow on January 12, 2008.

The 2009 Planning & Zoning Commission Meeting schedule was accepted and will be posted online.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for December 16, 2008

VII. ADJOURN MEETING:

Chairman Younkin adjourned the meeting at 7:10pm

Lisa A. Jones

Lisa Jones
Administrative Assistant
Community Development Department

MINUTES
Meeting of the Twin Falls Planning & Zoning Commission
DECEMBER 16, 2008-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Bonnie Lezamiz Gerardo Munoz Jim Schouten Cyrus Warren Carl Younkin

Vice-Chairman Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:	ABSENT:
Bohrn	Lezamiz
Cope	
Munoz	
Schouten	
Warren	
Younkin	

AREA OF IMPACT MEMBERS

PRESENT:	ABSENT:
Mikesell	
DeVore	

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Carraway, Glaesemann, Jones, Reeder, Weeks

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Consideration of the preliminary plat for Culbert Farms, LLC. Subdivision, 86.35 (+/-) acres consisting of 1 single family residential lot and 1 remainder parcel on property located on the north side of 4200 North Road/Canyon Rim Road between 2700 East Road/Sunway and 2800 East Road/Grandview Drive North c/o John Root on behalf of Cory Alger.
2. Consideration of the preliminary plat for Kelley Garden Subdivision, 6.35 (+/-) acres consisting of 8 commercial lots located at north of 2223 Addison Avenue East and Eastland Drive North c/o EHM Engineers, Inc. on behalf of Richard Kelley
3. Preliminary PUD presentation for a Zoning District Change and Zoning Map Amendment from R-2 to R-4 PUD for 8.6 (+/-) acres currently zoned R-2 for the development of a single family residential project on property located west of the 1300 and 1400 blocks of Field Stream Way c/o W.S.&V, LLC /Doug Vollmer (app 2285)
4. Consideration of the reactivation of Special Use Permit #0986, granted on July 25, 2006 to David Jacobson for the purpose of establishing a professional office on property located at 727 Shoshone Street North, c/o Wanda Foster/Kevin Ordway on behalf of David Jacobson (app 2029).

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate a tire shop on property located at 1105 Kimberly Road c/o New Element Real Estate, LLC (app. 2280) WITHDRAWN
2. Request for a Special Use Permit to build a utility-owned structure more than 25 sq. ft. in area and more than 3' above ground on property located at 315 Falls Avenue c/o Project Mutual Telephone /Steve Anderson (app. 2283)
3. Request for a Special Use Permit to establish a public school on 10 acres (+/-) located at the northeast corner of Creek Side Way, extended and North College Road West, extended c/o Xavier Charter School, Inc. (app. 2284)

4. Request for the Vacation of 2500 sq. ft. of the public right-of-way located on the 100 -200 blocks of Ash Street South and 1000 sq. ft. of the alley located on the west side of the real property located on the 100 - 200 blocks of Ash Street South c/o Idaho Power Company (app. 2286)

I. CALL MEETING TO ORDER:
1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:
1. Approval of Minutes from the following meeting(s): None
2. Approval of Findings of Fact and Conclusions of Law: None

III. ITEMS OF CONSIDERATION:
1. Consideration of the preliminary plat for Culbert Farms, LLC. Subdivision, 86.35 (+/-) acres consisting of 1 single family residential lot and 1 remainder parcel on property located on the north side of 4200 North Road/Canyon Rim Road between 2700 East Road/Sunway and 2800 East Road/Grandview Drive North c/o John Root on behalf of Cory Alger.

Applicant Presentation:
John Root, representing the applicant stated this is a request to subdivide property in order to build a new home on the new parcel. The 90(+/-) acres has been farmland up until now with a small farm house on the property. There is approximately 5 acres of this property that the applicant wants to separated from the farm. This is a request to approve the subdivision so that the applicant can continue with his plan to build a new home.

Staff Presentation:
Zoning & Development Manager Carraway reviewed the vicinity maps on the overhead and stated this is a request to plat one (1) lot consisting of approximately 5 acres so that a single family residence can be constructed. The new lot will be served by septic and well as approved by the South Central District Health Department. The Twin Falls Canal Company has also reviewed and accepted the subdivision . As this is a residential subdivision there is a requirement for either parkland dedication or acceptance of fees in-lieu of park land dedication. On November 24, 2008 the City Council accepted a parks-in-lieu request for this subdivision.

Zoning & Development Manager Carraway stated upon conclusion the plat is consistent with surrounding residential development in the area and is in conformance with the Comprehensive Plan which designates this area as appropriate for mixed residential uses. Should the Commission approve the preliminary plat of the Culbert Farms, LLC Subdivision, staff recommends it be subject to the following conditions.

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.

Public Comment: NONE

Deliberations Followed: WITHOUT CONCERN

Motion:

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

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.

2. Consideration of the preliminary plat for Kelley Garden Subdivision, 6.35 (+/-) acres consisting of 8 commercial lots located north of 2223 Addison Avenue East and Eastland Drive North c/o EHM Engineers, Inc. on behalf of Richard Kelley

Applicant Presentation:

Gerald Martens, EHM Engineers, Inc., representing the applicant requesting approval of a preliminary plat that consists of 6.35 acres to be subdivided into 8 lots. It is at the corner of Eastland Drive and Addison Avenue and is an irregularly shaped piece of property. There has been construction of a new filling station to the south and they have worked with this business to help assist that project in moving forward. The property is a C-1 zone with the intended use as commercial. There will be a shared approach with the convenience store (aka Stinker Station). They have reviewed the recommended conditions and concur with the recommendation.

P& Z Questions/Comments:

Zoning & Development Manager Carraway reviewed the vicinity map on the overhead and stated this is a request to subdivide a 6.35 (+/-) acres zoned C-1 into 8 lots for commercial development. The C-1 Zone allows for professional/commercial/retail uses. The preliminary plat indicated that each lot may be used for a separate building, parking area, and water retention area. The preliminary plat indicates existing buildings where lots lines are proposed and the plat notes states that these buildings will be removed or relocated at the time of development. There is no minimum lot sized requirement in the C-1 Zone however the lot is required to be of "sufficient size to provide for the building, and required improvements.

Zoning & Development Manager Carraway stated upon conclusion the plat is consistent with surrounding residential development in the area and is in conformance with the Comprehensive Plan which designates this area as appropriate for mixed residential uses. Should the Commission approve the preliminary plat of the Kelley Garden Subdivision, staff recommends it be subject to the following conditions.

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.

Public Input:

- Gary Flora, 2306 Hillcrest Drive, asked what property the gentleman owns and if the property boundaries are correct because the fences are not in the correct area, and stated there is a question on whether the boundaries are correct because there use to be a canal that has since been piped and the fences don't seem to be in the correct location. In additions there is a lot of junk in this area and the fences have been damaged and if this is approved is there any way this stuff could be removed and the area be cleaned up.

- Steve Bond, 2298 Hillcrest Drive, asked what the plans are for the development and the screening plans between the residential property and the commercial area. His other concern is that the property is not managed well currently and that the business in there currently has damaged his fence and if that can be addressed.

Closing Statements:
Mr. Martens stated it is adjacent to a residential area and there are fences that were installed before the canal was piped. There has been a boundary survey completed and it will be submitted as part of the final plat. There is some land that the people to the north could recapture if they want to move the fence. He stated there has been a survey he is willing to share with the citizens. As for screening City Code requires fencing or screening up to 6 feet between commercial and residential properties. There is a zero lot line allowance in the C-1 zone however there will not be a zero lot line building because of a canal company easement. There will be a new fence built by the developer at the time of development and if the property owners want to do that sooner than the development occurs he is willing to share the property survey information to clearly point out the property lines. He does have the two neighbor's names and is willing to meet with them to discuss the property issues Mr. Martens explained that this property has been commercially zoned at least 30 years and there are many uses that are allowed in this zone. The development could be professional, certain types of warehousing, retail, hospitality and the probable use would be businesses similar to the ones to the east more neighborhood commercial. This is not designated as neighborhood commercial because there is not enough land for a big box type business, but there is some potential for financial institutes and maybe even fast food but it will be small retail.

Deliberations Followed:
Commissioner Mikesell asked if a condition could be placed on the preliminary plat approval to clean the property before the final plat is approved.
City Attorney Wonderlich stated this is a request for approval of the division of land this would not be a condition that could be placed on the request this would be between the property owners.

Motion:
Commission Warren made the motion to approve the request as presented. Commissioner DeVore seconded the motion. All members present voted in favor of the request.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to arterial and collector streets adjacent and within the property being rebuilt or built to current City standards upon development of the property.

Commissioner Mikesell stepped down.

3. Preliminary PUD presentation for a Zoning District Change and Zoning Map Amendment from R-2 to R-4 PUD for 8.6 (+/-) acres currently zoned R-2 for the development of a single family residential project on property located west of the 1300 and 1400 blocks of Field Stream Way c/o W.S.&V, LLC /Doug Vollmer (app 2285)

Applicant Presentation:
Brad Wills, representing the applicant, state he is requesting the Commission consider a zoning change from an R-2 to and R-4 PUD for property located west of the 1300 and 1400 blocks of Field Stream Way . This project is exciting it meets the urban village plan that is designed to have a little more density to make it easier to expand without having to spread out services as far. There is also a plan to have some open space that is centralized that all of the homes will face. The development is called "The Cottages" . The

concept is smaller lots facing an interior common area that will be owned by the home owners with a sidewalk around it and a meeting area. There will be a minimum of two off street parking and two car garages. If there is enough lot space they are considering putting an additional parking space. It will be an all age development grouped as under 65, over 65 and then all other ages. The development will be serviced by City utilities and the homes will be 1000 – 1400 sq. ft at approximately $150 per sq. ft. The homes will be brightly colored and fit more into the urban village design. He thinks this will provide a community type feeling for business couples or singles and even small families or seniors.

Staff Presentation:
Zoning & Development Manager Carraway reviewed the vicinity maps on the overhead and stated this is a preliminary PUD presentation to rezone the property form R-2 to R-4 PUD. On November 6, 2006 the City Council approved annexation with an R-2 zoning. On July 8, 2009 the Commission granted a Special Use Permit to the LDS Church and also on the agenda tonight is a request to establish a public school within this 36 acre site . This is a preliminary presentation and staff does not review the request or make recommendations at this time. This presentation is to allow the Commission to ask questions before the public hearing and a public hearing regarding this request will be held on January 13, 2009 meeting.

Public Input: NONE

Discussion Followed: WITHOUT CONCERNS

SCHEDULED FOR THE PLANNING & ZONING PUBLIC HEARING JANUARY 13, 2009

Commissioner Mikesell returned to his seat.
Commissioner DeVore stepped down.

4. Consideration of the reactivation of Special Use Permit #0986, granted on July 25, 2006 to David Jacobson for the purpose of establishing a professional office on property located at 727 Shoshone Street North, c/o Wanda Foster/Kevin Ordway on behalf of David Jacobson (app 2029).

Applicant Presentation:
Wanda Foster, Canyonside& Irwin Realty, representing the applicant state she is here tonight to request that the Special Use Permit #0986 be reinstate. Originally the request was approved for the use of the main floor of the building as professional office, and a week ago we were considering asking that the use be extended to the upstairs area as well. Since the request was submitted for the reinstatement they have discovered from an engineering review of the upper floor that the use of this area will require structural alterations that will need to be addressed. However they would like to request that the re-instatement of the Special Use Permit include the use of the upper floor with the condition that all of the building and site plan amendments be met prior to its use. If this is not possible they would request that the Special Use Permit be reinstated for the use of the main floor and that once the structural requirements have been met they could come back through for the use of the upstairs area.

Staff Presentation:
Zoning & Development Manager reviewed the vicinity map on the overhead and stated this is a request to reactivate a Special Use Permit that was approved on July 25, 2006 to establish a professional office. A building permit was applied for on August 17, 2006 and a Certificate of Occupancy was issued July 18, 2007; the professional office has never been established. City Code Section 10-13-2.2(I) states "…special uses which have not been established within one year of the date of issuance of the special use permit, may be reviewed by the commission to determine if the facts and circumstances have changed. If the commission determines there has been substantial changes they may call for a new special use permit application. If the commission determines that the surrounding area and/or facts and circumstances has not changed

substantially since the special use permit was approved they may reactivate the expired special use permit by motion and majority vote - subject to the same conditions of approval"

As presented by Ms. Marshall this evening part of this request this evening is to convert the upstairs and the original application applies to the main floor that is approximately 1500 sq. ft. The property is zoned R-4 PRO with a P-3 parking overlay. The P-3 parking overlay is a district that considers the property is located in the old down town area and has limited parking therefore special considerations can be made with regards to parking requirements on a case by case basis. When this request came through previously for approximately 1500 sq. ft of office space the parking satisfied the minimum requirement for the professional office which is calculate as one space per 300 sq. ft. The site plan shows 5 parking spaces; if the Commission reactivates the original Special Use Permit the applicant can proceed with the use of the main floor with the original condition. The other part of this request is for the Commissions consideration to extend the use to the upstairs area which is approximately 1000 sq. ft. which would indicate that three additional parking spaces would need to be added. Staff is not aware that the site could accommodate three additional spaces and feels that the addition of the upstairs would not negatively impact the area. There are other professional offices in this area that do not have any parking, it is up to the Commission to make a decision to reactivate the Special Use Permit as originally approved or to allow for the use to extend to the upstairs that would not be a substantial change

Zoning & Development Manager Carraway stated should the Commission chooses to reactivate the Special Use Permit staff would recommend the following condition.

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.

P&Z Questions/Comments:

Commissioner Bohrn asked if the addition of the upstairs space would be a large enough expansion that it would require a new special use permit process or can the reactivation include the use of the upstairs.
Zoning & Development Manager stated under the review of the original request the application came through to convert this property to a professional office space. There was a site plan that showed the ground floor and it was reviewed under the P-3 parking overlay and the original intent has not been changed by this request.

Deliberations: WITHOUT CONCERN

Motion:
Commissioner Bohrn made a motion to reactive Special Use Permit #0986 to extend the use to the upstairs area with staff recommendations. Commissioner Warren seconded the motion. All members present voted in favor of the motion.
APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.

Commissioner DeVore returned to his seat.

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate a tire shop on property located at 1105 Kimberly Road c/o New Element Real Estate, LLC (app. 2280)

WITHDRAWN BY APPLICANT

2. Request for a Special Use Permit to build a utility-owned structure more than 25 sq. ft. in area and more than 3' above ground on property located at 315 Falls Avenue c/o Project Mutual Telephone /Steve Anderson (app. 2283)

Applicant Presentation:
Craig Gates, representing the applicant, stated they are in need of the additional utility building to provide better service to the north west end of town and allow the company a place to put fiber optic equipment. The building would be placed on the CSI campus with their permission. This will allow for better service to the customer. The largest portion of the service is for St. Lukes . The building will be next to two other buildings that are located next to Cell Towers and will be fenced.

Staff Presentation:
Zoning & Development Manager Carraway reviewed the vicinity maps on the overhead and stated this is a request for a Special Use Permit to build structure that is approximately 200 sq. ft. The property is located at Frontier Field on the CSI campus and is zoned OS. There currently two cell towers and two building in this location. In January of 1998 the Commission approved the cell towers through the special use permit process. The OS zone allows utility owned buildings and structures more than 25 sq. ft in area or more than 3 ft above the ground by special use permit. If the special use permit request is approved this evening the building will be placed next to the other two buildings on the site and the existing fence will be extended to include the proposed utility shelter and put in a storm water retention are to meet minimum requirements.

Zoning & Development Manager Carraway stated that should the Commission approve this request staff recommends the following condition:
1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and Standards.

Public Hearing: NONE

Deliberations: WITHOUT CONCERN

Motion:
Commissioner Warren made a motion to approve the request as presented. Commissioner Cope seconded the motion. All members present voted in favor of the motion.
APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS:
1. Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and Standards.

Commissioner Mikesell stepped down

3. Request for a Special Use Permit to establish a public school on 10 acres (+/-) located at the northeast corner of Creek Side Way, extended and North College Road West, extended c/o Xavier Charter School, Inc. (app. 2284)

Applicant Presentation:
Tim Vowser, EHM Engineers, Inc. representing the applicant stated he is here tonight to request a special use permit application to establish a charter school. This project is part of a two phase 10 acre development. The infrastructure has to be constructed for the 4500 sq. ft building which is phase 1 of the project and would house K-9 grades. Phase 2 would include an addition to house either high school or

additional elementary students. This project should blind well with the development going in around the property and should not have a negative impact on the surrounding area. There is a condition in the staff recommendations that he would like to have excluded as a condition. Condition #3 stating the approval should be subject to the platting of the property being completed and recorded prior to submittal of a building permit. This is already and existing legal lot and they would like to be able to submit building plans for permit this condition would extend the process and delay the project.

Staff Presentation:
Zoning & Development Manager reviewed the vicinity map on the overhead and stated this is a request to establish a school at this location. The property is zoned R-2 in order to establish a school in this zone a special use permit is required. The applicant has stated that the school will operate during normal school hours of 8:00 am to 3:00 pm with occasional use of the facility during the evenings and weekends for typical activities such as parent-teacher conferences and extracurricular events such as concert, etc. The athletic areas are not being planned for public sporting events should the school choose to expand the use to other public events it would require an additional Special Use Permit to expand the use. It is anticipated that upon full build out of the school there will be approximately 850 students and 320 vehicles per day. The site plan indicates there will be approximately 192 parking spaces on this property. City Code 10-10-3(A) requires schools to have 2 spaces per classroom for k-9. and grades 10-12 are required to have 1 space per 4 persons (at maximum capacity). the parking space requirement as well as compliance with development requirements such as landscaping, screening, parking areas, streets, sanitation facilities, water and sewer, drainage and storm water management and flood plain regulations will be reviewed for compliance at the time of the building permit process. As mentioned early this is a 10 acre development that is part of a 36 acre parcel and the City will require subdivision platting of this property.

Zoning & Development Manager Carraway stated upon conclusion if the Commission approves this request staff recommends the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards
2. Subject to arterial and collector streets adjacent to the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development of the property.
3. Subject to platting of the property as per City Code and that no Certificate of Occupancy be issued until the building permit process is completed

Public Hearing: NONE

Deliberations: WITHOUT CONCERN

Motion:
Commissioner Bohrn made a motion to approve the request as presented with staff recommendations. Commissioner Warren seconded the motion. All members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards
2. Subject to arterial and collector streets adjacent to the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development of the property.
3. Subject to platting of the property as per City Code and that no Certificate of Occupancy be issued until the building permit process is completed

Commissioner Mikesell returned to his seat.

4. Request for the Vacation of 2500 sq. ft. of the public right-of-way located on the 100 -200 blocks of Ash Street South and 1000 sq. ft. of the alley located on the west side of the real property located on the 100 - 200 blocks of Ash Street South c/o Idaho Power Company (app. 2286)

Applicant Presentation:
Dan Olmstead, representing Idaho Power introduce the two local staff members that were available to answer questions. He stated that Angela Wood is the Land Management Planner for Idaho Power and that she would be presenting the request this evening. Rick Astley was also available for questions.
Angela Wood, representing Idaho Power reviewed the vicinity map on the overhead and stated the property in question is located off of Blue Lakes Boulevard. She stated the subject of this vacation request is the alley and public right of way located along Ash Street. In 2006 the City Council approved the vacation of public right of way along Ash Street South and Garner Street South that is just south of the location in tonight's request.
Idaho Power has met with the Fire Department to get direction on what would be needed to allow for an appropriate fire truck access. The previous vacation that was approved didn't cause a negative impact to the surrounding area and this request should not negatively impact the area either. The reason for this request is to provide for a more organized site and to buffer the adjacent properties from distracting activity. The growth that has occurred in Twin Falls has made it imperative for Idaho Power to look at how the facility is master planned and organized. There are not any plans to expand in this area but there is a need to accommodate service vehicles and to provide a better space for these vehicles and the employees.

Staff Presentation:
Zoning & Development Manager Carraway reviewed the vicinity map she stated this is a request for a Vacation of a portion of an alley and public right of way along Ash Street South. Idaho Power Company owns lots 4 and 10 of the Mean Subdivision and is requesting the vacation of the alley located between the lots, which is approximately 20 ft x 50 ft or 1000 sq. ft in size. Lots 10 is adjacent to Ash Street South and Idaho Power Company is the owner of the property on the east side of Ash Street South. The portion of Ash Street South being requested for vacation is approximately 50 ft x 50 ft or 2500 sq. ft. The applicant has indicated there are no utility or easement conflicts and the City has received letters of consent. If the request is approved Idaho Power Company will convey easement as necessary.

Zoning & Development Manager Carraway stated upon conclusion should the Commission recommend approval of this requests staff recommends the following conditions:
1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to meeting the conditions of utility companies for the abandonment, including granting any easements as required.
3. Subject to the Fire Department's approval of an access plan for the site.

Public Hearing:
- James Lee, 510 Madrona, stated that he owns two rentals at the corner of Gem Ave and Ash Street South. He disagrees that this request if approved will not impact the adjacent properties. Vacating this area will make it very difficult for his tenants to maneuver a vehicle that is larger than a compact car when getting in and out of the garage or driveway

because the gate is so close. His other concern is that there are other vehicles besides Idaho Power Service vehicles and employees that access this area. There are delivery trucks as well as garbage trucks that use this roadway for turn around.

Closing Statements:

Ms. Wood stated that this request only extends to the property line and does not extend to the area that has been discussed by the citizen. The area being described is off site of where the vacation is being requested.

Deliberations:

- Commissioner Mikesell stated he understands what the citizens concern is and asked how wide the right of way is along Ash and Gem.
- Zoning & Development Manager stated the right-of-way is 50 foot wide and the citizen may contact the Fire Inspector to discuss the layout of the turn around area.
- Commissioner Bohrn stated that the property that the citizen was talking about is further away then where the vacation is to occur.

Motion:

Commissioner Warren made a motion to recommend approval of the request to the City Council. Commissioner Cope seconded the motion. All members present voted in favor to recommend approval.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to meeting the conditions of utility companies for the abandonment, including granting any easements as required.
3. Subject to the Fire Department's approval of an access plan for the site.

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

Zoning & Development Manager Carraway presented a review of recent City Council decisions. She stated that the Sign Code Revisions have been approved and a December 8, 2008 and staff will be preparing a Community In-service to bring them up to date on the changes and staff has been working on procedures to implement the code changes.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission meeting is scheduled for January 13, 2009

VII. ADJOURN MEETING:

Chairman Younkin adjourned the meeting at 7:50 pm.