MINUTES
Twin Falls City Planning & Zoning Commission
January 13, 2009-6:00 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 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	
Cope	Munoz	DeVore	
Schouten			
Warren			
Younkin			

CITY COUNCIL MEMBERS PRESENT: None
CITY STAFF PRESENT: Carraway, Jones, Glaesemann, Reeder, Weeks, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION----NONE

IV. PUBLIC HEARING ITEMS

1. Request for the Commission's recommendation on a Zoning District Change and Zoning Map Amendment from R-2 to R-4 PUD for 8.6 (+/-) acres 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)

2. Request for a Special Use Permit to establish an in-home daycare facility on property located at 1225 Avenue East, c/o Sylvia Horning. (app 2290)

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, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

- Approval of Minutes from the following meeting(s):
  November 25, 2009
  December 16, 2008
- Approval of Findings of Fact and Conclusions of Law:
  Shoshone Heights-(Prelim. Plat)
  Xavier Charter School- SUP 1128
  Kelley Garden-(Prelim. Plat)
  Culbert Farms-(Prelim. Plat)
  Project Mutual Telephone- SUP 1127

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

1. Request for the Commission's recommendation on a Zoning District Change and Zoning Map Amendment from R-2 to R-4 PUD for 8.6 (+/-) acres 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)

Commissioner Mikesell stepped down

Applicant Presentation:
Doug Vollmer representing the applicant stated he would like to turn the presentation over to staff and that he would be available for any questions.

Staff Presentation:
Zoning & Development Manager Carraway stated this is a request for a zoning district change and a zoning map amendment from R-2 to R-4 PUD for the development of a residential subdivision consisting of 54 detached single family residential buildings on 8.6 (+/-) acres. She reviewed the vicinity maps on the overhead.
On November 6, 2006 the city council approved annexation of a 36.5 acre site with a zoning designation of r-2 -- the 8.6 (+/-) acre site in tonight's request is located within this property, A preliminary PUD presentation was made to the planning and zoning commission on this request on December 16, 2008.
The master development plan shows a subdivision comprised of (54) detached single family dwellings on an average 4,680 sq ft lot. The homes are designed to be oriented toward an interior courtyard with garages accessed from privately maintained alleys at the rear of the lots. A 32' wide interior courtyard is created by the homes facing a common grass/sidewalk area. The common areas will be maintained by a home owners agreement as per PUD requirements. The request includes a zone change from R-2 to R-4. The R-2 zone requires a

minimum 7,000 sq ft lot for a single family dwelling, 10,000 for a duplex and a minimum 7' side yard setback. The R-4 zone allows a minimum 4,000 sq ft lot for a single family, 7,000 for a duplex and could allow a tri-plex or 4-plex by sup. There is a minimum 5' side yard setback in the R-4 zone. The draft PUD agreement limits the development to detached single family dwellings only and must be in compliance with the R-4 zone. There is a 20' landscape buffer shown along field stream way. The applicants state in the draft PUD agreement there will be a ratio of (1) tree per (40) linear feet and (1) bush per (20) linear feet. The landscaping shall be (50%) evergreen and there would be no more than (50') between groupings. The master development plan shows (4) accesses off of field stream way to the private alleys. The alleys are shown to be (25') wide and leading to private driveways. The driveways will be a minimum of 18' wide by 20' long. Some lots show a 3rd paved parking space being provided. In addition there are 27 guest parking spaces with landscaping planters being provided along the western property line of the project. Additional development requirements may be applicable to this project as per city code 10-12-5.3; planned unit development subdivisions. The commission may wish to place a condition to assure compliance with this code section.

As this development does not have typical street configurations there were some concerns expressed by the Fire Marshall regarding providing adequate access and information for the emergency response units to this site. These are the concerns raised by the Fire Marshall that should be included if this project is recommended for approval this evening:

1. The property addresses be posted in the alleys,
2. On-street parking be prohibited in the alleys to maintain clear access at all times,
3. The fire code requires a minimum access road width of twenty-six feet (26'). This would mean an additional foot would be required to be added to the proposed alley widths,
4. Hydrants would need to be installed in the alleys and at the ends of each alley,
5. No overhead utility lines could obstruct the alleyways, and
6. Rear, unobstructed access to the dwellings would have to be maintained – this would mean access would not be through the garage or through fences or gates.

The master development plan does not indicate areas for storm water retention - this is a standard requirement and will be required and reviewed as part of a construction plan review when the property is subdivided.

Zoning & Development Manager Carraway stated upon conclusion should the Commission recommend the R-4 PUD Zoning to the City Council, 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 the property being platted and recorded prior to any building permits being issued.
3. Subject to final approval of the PUD Agreement
4. Subject to compliance with the following recommendations of the Fire Marshall:
    a. Addresses need to be posted in the alleys

b. Access road (alleys) with hydrants shall be a minimum of 26 feet total width. (IFC, D103.1)
c. No on-street parking in alleys and alley marked with approved "no parking" signs.
d. Rear, unobstructed access into the dwellings is maintained (not through the garage or through fences or gates)
e. No overhead utilities in the alley (power lines, phone lines, etc.)
f. Hydrants are installed on the ends of each alley.

Public Hearing: Opened and Closed Without Public Input

Deliberations Followed:
Commissioner Bohrn stated he has an issue with the density and the amount of traffic come from the alley.
Commissioner Cope stated he had a concern with the parking as well as the traffic.
Commissioner Schouten stated he is concerned with the density and the traffic also.
Commissioner Younkin stated the concept is the density that creates a small community and with the way it is proposed it is worth recommending to the City Council.

Motion:
Commissioner Borhn made a motion to recommend approval of the requested R-4 PUD zoning district change as presented with staff recommendations. Commissioner Warren seconded the motion. All members present voted in favor of 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. Subject to the property being platted and recorded prior to any building permits being issued.
3. Subject to final approval of the PUD Agreement
4. Subject to compliance with the following recommendations of the Fire Marshall:
    a. Addresses need to be posted in the alleys
    b. Access road (alleys) with hydrants shall be a minimum of 26 feet total width. (IFC, D103.1)
    c. No on-street parking in alleys and alley marked with approved "no parking" signs.
    d. Rear, unobstructed access into the dwellings is maintained (not through the garage or through fences or gates)
    e. No overhead utilities in the alley (power lines, phone lines, etc.)
    f. Hydrants are installed on the ends of each alley.

Commissioner Mikesell returned to his seat

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING FEBRUARY 9, 2009

2. Request for a Special Use Permit to establish an in-home daycare facility on property located at 1225 6th Avenue East, c/o Sylvia Horning. (app 2290)

Applicant Presentation:
Sylvia Horning the applicant stated that she is here to request a special use permit for an in-home daycare. Her goal is to have approximately 9 children and operate from 6:30am to 6:30pm. There is room for customers to have off street parking in the back of the property. She currently cares for 4-5 children and needs to get the special use permit to get a licensed care for more children.

Staff Presentation:
Zoning & Development Manager Carraway reviewed the vicinity map on the overhead. She stated the property is zoned R-4, a residential zoning district. The request is to establish an in-home day care facility. A special use permit is required to operate an in-home daycare in this zone. The home is approximately 1300 square feet and the lot is just less than 9000 square feet.
On September 8, 2008, the city council approved a request for a waiver of the public hearing requirement for a nonconforming building expansion permit for an addition to the living room and garage on this property. On September 15, 2008 a building permit was issued for construction of the improvements. 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. (ord. 2620, 8-2-1999; amd. Ord. 2850, 2-21-2006)". The applicant, Sylvia horning, lives at the home and is the main caregiver. The day care will operate from 6:30 am to 6:00 pm, Monday thru Friday. She is asking to provide services for up to twelve (12) children. Currently Mrs. Horning would be the only caregiver but she may wish to have (1) additional employee in the future. This is similar to other in-home day care requests. The applicant has met with the building and fire departments about the requirements for day-care licensing and is aware of their requirements for accessibility, certificate of occupancy, and fire inspections should the special use permit be approved.
The front play area is completely fenced. The home faces 6th Avenue East with a private driveway on the back off of Elizabeth Boulevard. There is a two car garage under construction and additional space for 3 vehicles. The driveway areas will all have a concrete surface and should be reserved for parent parking during business hours. There are no other anticipated adverse effects foreseen to adjoining properties. There are other children living in the neighborhood and so it would not be uncommon to hear children playing outside. The property is surrounded by residential uses. There are not any anticipated impacts to the neighborhood from any glares, odors, fumes, vibrations, or other adverse conditions. Signs are not allowed to advertise in-home day cares in residential areas.

Zoning & Development Manager Carraway 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. A maximum of twelve (12) children, including the caregiver's children, may be cared for under this permit.
3. In addition to Mrs. Homing, there may be a maximum of one (1) additional caregiver onsite at any one time.
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.

Public Hearing: Opened and Closed Without Input

Deliberations Followed: Without Concerns

Motion:
Commissioner Schouten made a motion to approve the request as presented with staff recommendations. Commissioner Borhn seconded the motion. All members present voted in favor of 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. A maximum of twelve (12) children, including the caregiver's children, may be cared for under this permit.
3. In addition to Mrs. Homing, there may be a maximum of one (1) additional caregiver onsite at any one time.
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 AND/OR THE PLANNING & ZONING COMMISSION:
Zoning & Development Manager Carraway reminded the Commission of the Sign Code Workshop being offered to the public on Friday January 16, 2009.

VI. UPCOMING MEETINGS:

- The next Planning & Zoning Commission public meeting is scheduled for Tuesday, January 27, 2009.

VII. ADJOURN MEETING:
Commissioner Younkin adjourned the meeting at 6:30pm

MINUTES
Twin Falls City Planning & Zoning Commission
January 27, 2009-6:00 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 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	Bohrn	DeVore	
Lezamiz		Mikesell	
Munoz			
Schouten			
Warren			
Younkin			

CITY COUNCIL MEMBERS PRESENT: Heider
CITY STAFF PRESENT: Carraway, Glaesemann, Jones, Reeder, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

I. CALL MEETING TO ORDER:
Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:
1. Approval of Minutes from the following meeting(s): January 13, 2009
2. Approval of Findings of Fact and Conclusions of Law:
   - Horning- SUP 1129

III. ITEMS OF CONSIDERATION:

1. Request for approval of the preliminary plat for the Copper Basin Subdivision, 44 (+/-) acres consisting of 207 residential lots on property located east of Harrison Street South and north and south of Pheasant Road extended, c/o Harper-Leavitt Engineering, Inc./Jared Bragg.

APPLICANT PRESENTATION:
Jared Leavitt, Harper-Leavitt Engineering, Inc., representing the applicant, stated that the Copper Basin Subdivision is a 44 (+/-) acre project currently platted at 207 single family residential lots with a large tract lot for storm water retention. The property is zone R-4 and is consistent with the R-4 standards. The project will most likely be built out in phases. Harper-Leavitt has worked to ensure that the plat meets design standards. The roadways have been designed to align with current streets and proposed streets. Irrigation and drainage ditches have been mapped out and the Twin Falls Canal Company has helped determine the appropriate measures to ensure continuous water

flows to the users. The City Council recently approved fees in lieu of park land. The developers are aware of some of the current water, sewer and pressurized irrigation issues and many developers and local engineering firms have been working together to help form a local improvement district (LID) to fund the necessary upgrades. Copper Basin is in a central location within this district and approval of this plat will assist in moving the LID forward which in turn will help move development forward.

As a side note Brad Wills has submitted an email to Harper-Leavitt regarding the need for an easement to loop the water line from the most southern part on Gregory Way and asked that an easement be available along the south property line from Gregory Way east to his development. At this time the applicant doesn't see any issue with providing the easement so that the connection can occur.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated this is a request for approval of the Copper Basin Subdivision preliminary plat. She reviewed the vicinity map on the overhead. The property is zoned R-4 and includes 44(+/-) acres and consists of 207 single family residential lots as well as a tract for storm water retention. There is a utility easement on the front part of the lots along Gregory Way and there should be an easement that continues down to the most southeasterly lot and if that is not on the plat the applicant has agreed to include the easement. The plat indicates that each lot will be connected to the City water and sewer systems. A pressurized irrigation (PI) facility must be built and operational prior to building permits being issued for the subdivision. The plat is in conformance with the R-4 zone and the Comprehensive Land Use map which designates this area for medium density residential development.

Zoning & Development Manager Carraway stated upon conclusion should the Commission recommend approval of 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 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 Schouten stated he is concerned about the traffic and children in this area with regards to a public transit system and school bus stops.
- Zoning & Development Manager Carraway stated that the school district is responsible for the school bus stops and determines the locations of these stops based on enrollment. The City is looking at a master transportation plan for a public bus system and if implemented it would be presented through public hearing and developed accordingly.

PUBLIC HEARING: OPEN

- Leon Walker, 1415 Harrison Street South, wants to make sure that the 2.5 acres he owns is not impacted. He originally sold 10 acres to the applicant with the understanding that 2.5 acres would remain his until it was sold or he passed away. He wanted to make sure that none of this would change with the approval of this plat.

- Mr. Leavitt stated that he is familiar with the contractual agreements that are contingent upon approval of this plat.
- Zoning & Development Manager Carraway stated that as part of the final plat review the City verifies ownership and the owners will have to sign the plat. The gentleman would not be removed from his property because of the development.
- Valerie Bothof, 3620 North 2956 E, ask if there will be new services put in this development and if so how far south will they extend.
- Zoning & Development Manager Carraway stated that the water and sewer will only extend to the property line of the development.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED: WITHOUT ANY CONCERNS

MOTION:

Commissioner Warren made a motion to approve the request with staff recommendations. Commissioner DeVore seconded the motion. 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, including correction of plat notes.
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 Special Use Permit to operate an automobile impound yard on property located at 421 B Locust Street South, c/o Canyonside Towing and Recovery, Inc. (app. 2287)

APPLICANT PRESENTATION:

Hans Vander Meer, Jr. the applicant stated he is here to request a special use permit for a towing operation at 421 B Locust Street South. He is looking to expand his towing service to Twin Falls and to be allowed on the City and County towing rotation a special use permit is required. He stated as for the conditions the timeframe for holding the car is not anything that would create a problem and there will not be any salvage. The property is currently fenced with a 7 ft fence and the property along 3 portions of the fence are owned by the same person. He would request that the portion closest to the residence on the south and on Locust Street be fenced to meet code and that the remaining portion of the property remain fenced as it stands. The storm water drains towards the manhole drain on the property. He does have a plan for managing vehicle fluids and chemicals for his towing service in Jerome and he can submit the same type of plan to the City of Twin Falls.

P&Z QUESTIONS/COMMENTS:

- Commissioner Cope asked if the applicant is willing to install the 8 ft fence as required by the ordinance.

- Mr. Vander Meer, Jr. stated that there is an existing fence in place he would ask that this be considered in the recommendations made by the Commission. This is a costly project and would require some time to be installed.
- Commissioner Munoz asked if there would be plans for repair of the vehicles.
- Mr. Vander Meer, Jr. stated that repair is not the plan at this time but it could be at a later time.
- Commissioner Younkin asked if the applicant planned to continue using the office.
- Mr. Vander Meer, Jr. stated yes and the remaining property will be used for the impound area.

STAFF PRESENATION:

Zoning & Development Manager Carraway stated this is a request for approval of a special use permit to operate an automobile impound yard. She reviewed the vicinity map on the overhead. The property is zone M-2; heavy industrial and in this zone a special use permit is required to establish an impound yard. The following is the definition under City Code for an impound yard:

<u>Automobile impound facilities are defined as the following in City Code §10-2-1:</u>
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 has stated he wishes to establish and impound yard at this location and indicated that there will not be any salvage or repair occurring with the business at this time. If at some point the applicant wishes to do salvage or repair at this site prior to establishment of either of the uses another special use permit would be required. In the narrative submitted the applicant states the facility would typically operate Monday thru Friday from 8:00 am to 5:00 pm. On Saturday and Sunday vehicles may be picked up by appointment only. The business will operate 24 hours a day 7 days a week and may be bringing vehicles into the facility at any time. The business plans to operate with (2) employees and traffic is not anticipated to change perceptibly.

The 8 ft screening fence requirement is addressed in City Code 10-11-3(a)3 that requires a minimum 8' sight obscuring fence surround an automobile wrecking or salvage yard. An impound yard has been determined to have the same impact to the surrounding area as automobile wrecking yards or salvage yards. The Commission may feel it is appropriate to place a condition that a minimum 8' sight obscuring fence be required as there could be vehicles in various stages of disrepair on site at all times. The building code requires a building permit for fences over six feet (6') tall. She stated that she is aware that there is a difference in fence requirements for law enforcement however this is the regulation for zoning purposes.

Another concern is the management of water retention and possible fluids leaking from vehicles. Management of fluids seeping into the ground is important to protect ground and surface water. If the Commission grants this request this evening they may want to consider a condition that requires a plan for the management of vehicle fluids and storm water on the property be approved by engineering and planning staff and implemented prior to the issuance of the special use permit.

This property is in a manufacturing zone and hard surfacing is not required however the city regulates particulate matter (dust) as a nuisance. The parking and maneuvering areas should have gravel or a surface adequate to ensure that particulate matter is managed.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve this request staff recommends the following conditions be placed on this permit:

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.
5. A plan for the management of storm water and any vehicle fluids or chemicals be submitted to the Engineering and Planning staff for review and implementation by the applicant before Special Use Permit is issued.
6. Subject to all reasonable precautions being taken to prevent particulate matter from becoming airborne.
7. 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 DeVore asked if the house to the south is occupied and how far away the residence is from the gate.
- Mr. Vander Meer, Jr. stated that the house is approximately 125 ft. from the gate and has just recently been rented. He also stated that he would request some time to meet the conditions he is fairly certain that he could have it done within 6 months and asked this to be considered.
- Commissioner Munoz asked if this permit is specifically for towing and if the Commission can place a completion date on the conditions.
- Zoning & Development Manager Carraway stated that yes the Commission can put a date of completion on the conditions and that this special use permit would only allow for the towing and impound operation. If the applicant chose to add salvage or repair to his business it would require an additional special use permit for those types of uses. She stated to clarify in 2003 the City Code was changed to specify the difference between salvage and impound. However the impacts are similar in nature to the adjacent properties which is why the screening requirement is in the code.
- Mr. Vander Meer, Jr. stated that with the property being surrounded by land that is owned by the same person it is closed off from the surrounding area and screening of the front area would prevent the area from being seen.

PUBLIC HEARING: OPEN WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated that he understands the desire for the applicant to keep his cost down but there is not a way to bypass the code requirement it is a requirement that

everyone else has to meet. He stated he wouldn't have a problem assigning a completion date to allow for the weather to clear.

- Commissioner Munoz stated that he doesn't have an issue with granting a date for completion but there is not a way around changing the requirements for the fence.

MOTION:

Commissioner Mikesell made a motion to approve the request with staff recommendations with an amendment that condition #'s 4 & 5 have a completion date of July 1, 2009. Commissioner Schouten seconded the motion.

MOTION TO AMEND:

Commissioner Munoz made a motion to amend the motion to exclude the timeframe from condition #5. Commissioner Cope seconded the motion. All members present voted in favor. Motion to amend the main motion passed.

VOTE ON THE AMENDED MOTION:

All members present voted in favor of the amended motion.

APPROVED AS PRESENTED SUBJECT TO 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. ***To be completed by: July 1, 2009***
5. A plan for the management of storm water and any vehicle fluids or chemicals be submitted to the Engineering and Planning staff for review and implementation by the applicant before Special Use Permit is issued.
6. Subject to all reasonable precautions being taken to prevent particulate matter from becoming airborne.
7. Subject to 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 Vacation of a public right-of-way for 7150 sq. ft. of property adjacent to 1087 and 1088 Cobble Creek Road, c/o Brad Wills and EHM Engineers. (app. 2288)

APPLICANT PRESENTATION:

David Thibault, EHM Engineering, Inc., representing the applicant stated he is here to request the vacation of a public right of way within the Fieldstone Subdivision. The Fieldstone Subdivision has been developed in phases and the location of the vacation is in a phase that has not been developed. The development was designed with a masonry screening around the property and as a more high end development. If the vacation is approved the applicant intends to re-plat this area closing of access from Field Stream Way. The reason for the change is to eliminate through traffic and keep the Fieldstone Subdivision more secluded leaving two accesses through to the neighborhood one along North College Road and one along Grandview Drive.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated this is a request for the Commission's recommendation for approval of the vacation of a public right-of-way. She reviewed the vicinity map on the overhead. She stated this portion of the subdivision has not been developed and there will still be two accesses available to the development. It was also stated that the applicant does intend to re-plat and possible create an additional single family lot which will require the dedication of easements and right-of-way at that time.

Zoning & Development Manager Carraway stated upon conclusion that should the Commission recommend approval of this request to the City Council 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 a utility easement at least seven feet (7') in width at the time that the plat is amended.

P&Z QUESTIONS/COMMENTS:

- Commissioner Mikesell stated he has a problem with vacating a right of way that seems to be designed for a reason.
- Zoning & Development Manager Carraway stated the concern is that people would travel through the neighborhood and use it as a shortcut. The applicant is also the developer on both sides of Field Stream Way and has a vested interest in both developments.

PUBLIC HEARING: OPEN WITHOUT PUBLIC INPUT

- Mr. Thibault stated that the applicant is vested in both projects and noted in his narrative the goal is to protect the existing neighborhood from being used as a shortcut.
-

PUBLIC HEARING:CLOSED

DELIBERATIONS FOLLOWED:

Commissioner Mikesell stated he has a problem with vacations. Someone four years ago planned this for a reason. This leaves the people in the Fieldstone Subdivision two choices to get out of the subdivision which is out of the way for people at the east end of the development. The street was put there for a reason and to vacate to prevent traffic is not a good enough reason.
Commissioner Munoz stated that he can see both sides and the flow will be ok with the two other exits however there is going to be a lot of traffic traveling Field Stream Way and if something happens along North College it limits access to the development on the west side of Field Stream Way.
Zoning & Development Manager Carraway stated that Field Stream Way is a collector and will be developed as a full collector and Fieldstone Subdivision has met code for fire access.
Commissioner Mikesell stated he still has concerns with vacating a planned and previously approved right-of-way.

MOTION:

Commissioner Lezamiz made a motion to recommend approval of this request with staff recommendations. Commissioner Warren seconded the motion. Commissioners Lezamiz, Warren, Younkin and DeVore voted in favor of the vacation and Commissioners Mikesell, Munoz, Schouten, Cope voted against. The vote was a tie with 4 votes in favor and 4 votes against the motion.

RECOMMENDATION WAS A TIE VOTE

PUBLIC HEARING SCHEDULED FOR CITY COUNCIL TUESDAY, FEBRUARY 17, 2009

3. Request for a Special Use Permit to allow the sale of alcohol for consumption on the premises for property located at 1741 Harrison Street, c/o AmeriTel Inns Inc., dba Hilton Garden Inn. (app. 2289)

APPLICANT PRESENTATION:

Scott Ableman, AmeriTel Inns, Inc, representing the applicant, stated he is here tonight to request approval of a special use permit to allow for the sale of alcohol for consumption on the premises. This would be for beer and wine and there is presently an approved special use permit at the AmeriTel Inn across from this location without any issues. The applicant ask that this request be approved by the Commission.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the vicinity map on the overhead. The property is zoned C-1 PUD and in December of 2006 this property received a special use permit to construct a hotel and then in January of 2007 a variance for additional height was granted by the City Council. She stated this is a request to allow the sale of alcohol for consumption on the premises. In the C-1 zone a special use permit is required if the property is within 300 ft of a residential property. There is residential property within 300 ft of this property which is the reason for this request. There will be beer and wine served on site for guests and visitors. This use appears to be consistent with the existing development in the area and staff doesn't anticipate any negative impacts if this request is approved.

Zoning and Development Manager Carraway stated that upon conclusion should the Commission approve this request staff recommends the following conditions be placed on this permit:

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: OPEN WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:

Commissioner Cope made a motion to approve this request with staff recommendations. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

APPROVED AS PRESENTED 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.

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

None.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for Tuesday, February 10, 2009.

THIS MEETING HAS BEEN CANCELLED

VII. ADJOURN MEETING:

Chairman Younkin adjourned the meeting @ 7:45pm

Lisa A Jones

Lisa Jones
Administrative Assistant
Community Development Department

CITY OF TWIN FALLS, IDAHO

PLANNING & ZONING COMMISSION

CITY COUNCIL CHAMBERS

305 THIRD AVENUE EAST

* * * *

The regularly scheduled Planning & Zoning Meeting of Tuesday, February 10, 2008 at 6:00 P.M. has been canceled

MINUTES
Twin Falls City Planning & Zoning Commission
February 24, 2009, 2009-6:00 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 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	
Cope		Mikesell	
Munoz			
Schouten			
Warren			
Younkin			

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Glaesemann, Jones, Reeder, Weeks, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION

1. Consideration of the Preliminary Plat for Xavier Subdivision, 8.81 (+/-) acres consisting of 1 lot and 1 remainder parcel on property located northeast of the intersection of North College Road West, extended, and Creekside Way, extended, c/o EHM Engineers, Inc./Tim Vawser.

IV. PUBLIC HEARING ITEMS

1. Request for a Non-Conforming Building Expansion permit on property located at 410 6th Avenue North, c/o Heritage Alliance Church. (app. 2291)

I. CALL MEETING TO ORDER:
Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR: APPROVED

1. Approval of Minutes from the following meeting(s): January 27, 2009

2. Approval of Findings of Fact and Conclusions of Law:
   - Canyonside Towing-SUP 1130
   - AmeriTel Inns-Hilton Garden Inn-SUP 1131
   - Copper Basin-Pre-plat

III. ITEMS OF CONSIDERATION:

Commissioner Mikesell stepped down from his seat.

1. Consideration of the Preliminary Plat for Xavier Subdivision, 8.81 (+/-) acres consisting of 1 lot and 1 remainder parcel on property located northeast of the intersection of North College Road West, extended, and Creekside Way, extended, c/o EHM Engineers, Inc./Tim Vawser.

   APPLICANT PRESENTATION:
   Tim Vowser, EHM Engineering, Inc, representing the applicant stated this is a one lot plat known as the Xavier Subdivision. The request tonight is to approve the 8.81 (+/-) acre subdivision. This was presented in December for a special use permit and approved for the construction for a school the City Council just approved the conveyance plat and tonight they are asking that the preliminary plat be approved.

   STAFF REVIEW:
   Planner I Reeder stated this is a request for the consideration of the Xavier Subdivision preliminary plat approval located northeast of the intersection or North College Road West, extended and Creekside Way extended. The land in this subdivision was annexed as part of 36.5 acres which was annexed in 2007. That property consisted of two parcels and after a lot line adjustment one the parcels went to the Church of Jesus Christ of Latter Day Saints for future construction of a religious facility. A conveyance plat was approved by City Council on February 17, 2009, that split the remaining parcel into the lot proposed by the Xavier Subdivision and a remainder parcel.
   On December 16, 2008 the Commission granted Special Use Permit #1128 to the Xavier Charter School to establish a public school on the lot being proposed by this preliminary plat. One of the conditions of the Special Use Permit was that the property be platted. The Preliminary Plat for the Xavier Subdivision includes 8.81 (+/-) acres and is zoned R-2. It consists of one (1) lot for development of a charter school.

To develop parcels within a conveyance plat a Preliminary and Final Plat must be submitted and reviewed. 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. This would include the frontage along North College Road West and Creekside Way for this parcel. Both North College and Creekside Way are collector streets and their portion of the road is indicated and will be developed. At full build out there will be bike lanes on both of the roadways. A six foot (6') sidewalk and five foot (5') planting strip is required along both roadways also. There are fifteen foot (15') utility easements indicated along both roads. As both streets are collectors they require a sixty-two foot (62') from C/L(centerline) building setback. The property appears to provide for these requirements as indicated.

The Xavier Charter School is proposed to be developed in phases. The initial phase is for a 45,000 sq ft building with thirty (30) classrooms serving grades Kindergarten through 9th grade. They are planning for a possible expansion that could serve as a high school. The water retention and parking on the site are calculated to meet the need for the site at full build out. One access per frontage is indicated and the site layout will have to meet all fire department requirements. The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for urban infill or a mix of uses and a full review of required improvements will be made for full compliance with minimum development standards prior to issuance of a building permit.

A remaining concern for staff is the provision of pressure irrigation (PI) on the site. The PI station in the area, Fieldstone PI station, does not have a lot of available capacity. A regional station will be constructed in the Perrine Point Subdivision south of this site and at the time that it is available this subdivision will need to connect there and pay for its proportion of the costs of construction. The City Engineering Department will allow for temporary connection to the Fieldstone PI station but will require the Xavier Subdivision to adhere to a strict watering schedule to minimize its impacts on existing water users. There is also an irrigation pipe located at the southwestern corner and along the western border of this subdivision. A condition assuring that water delivery remains uninterrupted would be appropriate.

Planner I Reeder stated upon conclusion should the Commission approve the preliminary plat of the Xavier 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 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 temporary connection to the Fieldstone PI station being allowed, subject to modeling and an agreement that Xavier Subdivision will connect and pay for its proportion of the costs of the future regional PI station proposed to be constructed within the Perrine Point Subdivision. Additionally, since the Fieldstone PI station has marginal available capacity, Xavier will also have to agree to a strict watering schedule to minimize its impacts on the existing water users.

4. Water delivery from the irrigation pipe located at the southwest corner and along the western border of the property to remain uninterrupted.

PUBLIC COMMENT: OPENED & CLOSED WITHOUT INPUT

DELIBERATIONS:WITHOUT CONCERN

MOTION:
Commissioner Warren made a motion to approve the request as presented. Commissioner Munoz 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 and within the property being rebuilt or built to current City standards upon development of the property.
3. Subject to a temporary connection to the Fieldstone PI station being allowed, subject to modeling and an agreement that Xavier Subdivision will connect and pay for its proportion of the costs of the future regional PI station proposed to be constructed within the Perrine Point Subdivision. Additionally, since the Fieldstone PI station has marginal available capacity, Xavier will also have to agree to a strict watering schedule to minimize its impacts on the existing water users.
4. Water delivery from the irrigation pipe located at the southwest corner and along the western border of the property to remain uninterrupted.

Commissioner Mikesell returned to his seat.

IV. PUBLIC HEARINGS:

1. Request for a Non-Conforming Building Expansion permit on property located at 410 6th Avenue North, c/o Heritage Alliance Church. (app. 2291)

APPLICANT PRESENTATION:
James Ray, representing the applicant stated he is here tonight to request approval of a non-conforming building expansion. He stated the expansions would be to improve aesthetics, improve accessibility, and make the building more energy efficient by keeping out wind and weather. He does not anticipate this having a negative impact on the area and asked that the Commission approve the request.

STAFF REVIEW:
Planner I Reeder stated this is a request for a Non-conforming Building Expansion permit for property located at 410 6th Avenue North. The property is approximately 0.57 acres and is zoned R-6, a residential designation. The Heritage Alliance Church is located at the western corner of two roadways: 6th Avenue North and Eden Street North.

The building was constructed in the 1930's.
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 church has a current main level square footage of 8413 sq ft and a basement that is 7600 sq ft in size. The building is now considered non-conforming because it is within required setbacks. The setback from 6th Avenue North is 62' from the centerline of the road. The building foundation encroaches 4.5'. The front yard setback for the R-6 zone requires buildings to be back 20'. It is 8.5' from the property line on the Eden Street side, encroaching 11.5' into the required setback. Heritage Alliance Church holds two (2) services on Sundays. There is an average of 120 people at each service. The parking lot has 35 parking spaces which would accommodate the code requirement for up to 140 seats. The parking is paved and existing. It is accessed through two (2) existing accesses off of 6th Avenue North. Sidewalks are existing. There are two (2) employees and a part time janitor on the site during office hours during the week, Monday through Friday 8:30 am to 5:30 pm. Church activities occasionally take place during the week.
The Church is proposing a total of 460 square foot expansion. There is an entrance to the facility off of 6th Avenue North that they would like to add an arctic entry around. This would make the building more energy efficient by reducing the amount of heat lost from opening the doors to access the building. The entryway is designed to also improve the aesthetics of the building in making more embellishment and improving the façade. This addition would extend an additional four feet (4') into the required front yard setback from 6th Avenue North.
The second addition would be on the northwest side of the building facing the parking lot. There is an entrance with some steps on the northeast corner facing the parking lot and the addition would add a doorway on the northwest side and include an enclosed ramp to access the entrances. The addition would extend ten feet (10') into the parking area and a total of sixteen feet (16') at the new entrance.
The Commission has a number of considerations when reviewing a non-conforming building expansion permit, as stated in City Code §10-3-4(D). Some of those considerations include if the expansion is harmonious and appropriate in appearance with the general vicinity or if the expansion would have any adverse impacts to the neighborhood. The proposed additions will not affect hours of operation, increase traffic to the site, or increase the number of employees. The applicants believe there will be no adverse affects to neighboring properties due to any noise, pollution, glare, odor, fumes, or vibration from the existing structure or proposed expansions. The expansions would be to improve aesthetics, improve accessibility, and make the building more energy efficient by keeping out wind and weather.
A letter of opposition to this request was submitted and the nearby property owner cited concerns with traffic and did not want traffic to increase. The applicants are not anticipating any increase to traffic due to the proposed expansion. The use on the property does not seem out of line with the operation of a church in a residential neighborhood.
A non-conforming building expansion permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.

Planner I Reeder 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 & CLOSED WITHOUT INPUT

DELIBERATIONS:WITHOUT CONCERNS

MOTION:
Commissioner Born made a motion to approve the request as presented. 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.

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

VI. UPCOMING MEETINGS:

1. The next Planning & Zoning Commission public meeting is scheduled for March 24th, 2009.

VII. ADJOURN MEETING:

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

CITY OF TWIN FALLS
Planning & Zoning Commission
305 3RD Avenue East Twin Falls, Idaho
Work Session: Tuesday, February 20, 2007 12:00P.M.
Public Hearing: Tuesday, February 27, 2007 6:00 P.M.

MINUTES

PLANNING & ZONING COMMISSION MEMBERS:

City Limits:

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

Area of Impact:

David Kemp | E. Rick Mikesell **Alternate** | Dusty Tenney

ATTENDANCE

PLANNING AND ZONING MEMBERS:

Present	Absent
Frank	
Horsley	
Lezamiz	
Muñoz	
Richardson	
Stroder	
Warren	
Younkin	

AREA OF IMPACT MEMBERS:

Present	Absent
Tenney	
Kemp	
Mikesell	

CITY COUNCIL MEMBERS PRESENT: Dwight

CITY STAFF PRESENT: Fields, Humble, Jones, 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 of the zoning designation of 71.32 (+/-) acres being requested for annexation by Ken Stutzman c/o the Land Group for property located on the east side of the 500-800 blocks of Blue Lakes Boulevard South. (app. 2096)
2. Request for the Commission's recommendation of the zoning designation of 38.60 acres (+/-) being requested for annexation by the City of Twin Falls for property located south of the 2400 through 2550 blocks of Julie Lane, north of the 2400 through 2550 blocks of Falls Avenue East, 900 through 1160 Plain View Drive, 900 through 1130 Desert View Drive, the 2400 block of Prairie View Drive, 1000 through the 1130 blocks of Lakewood Drive, and the 900 block of Hill View Drive. (app. 2097)

B. CONSIDERATION ITEMS:

1. Consideration of the preliminary plat of South View Estates consisting of 165 lots on 47 (+/-) acres to develop a residential subdivision located at the north east corner of Orchard Drive and Harrison Street South, extended.

PLANNING & ZONING COMMISSION
FEBRUARY 27, 2007
PUBLIC HEARING 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.

Tonight is Commissioner Frank's last night to serve on the Commission. Chairman Horsley stated he would like to thank him for all of his time and service. Commissioner Frank was presented a gavel to recognize his years of service as a chairman.

A. PUBLIC HEARING ITEMS:

1. Request for the Commission's recommendation of the zoning designation of 71.32 (+/-) acres being requested for annexation by Ken Stutzman c/o the Land Group for property located on the east side of the 500-800 blocks of Blue Lakes Boulevard South. (app. 2096)

Applicant Presentation:

Scott Allen representing the applicant stated he is here tonight to request a portion of property be annexed into the City of Twin Falls. The annexation is for an R-4 PUD as well as zoning to allow for a nursing home facility. The reason for the PUD is because the property is within the Canyon Rim Overlay. The property at the bottom of Rock Creek Canyon has been maintained by the current owner through grazing and is well manicured. This is going to be residential properties and open space. There is approximately 20 acres at the bottom and the applicant is willing to maintain this area. They are requesting that this PUD include multi-family and single-family / town-homes. The area to the southwest corner of the property would be used for a nursing home / hospice facility. Mr. Stutzman hired a group to do a geotechnical geological study to ask for a setback of 35 feet from the canyon rim. This is one of the requests in the agreement. During the platting process will be the time for negotiating public access trails through the canyon area. Staff has recommended that the area dedicated for the nursing home area be zoned R-6 and that is not a problem.

Questions/Comments:

- Commissioner Horsley asked how much area will there be left if Blue Lakes expands along the northwest corner of the property.
- Mr. Allen stated the northwest portion is one of the major concerns and that is the biggest reason for the setback request of 35 feet.

Staff Review:

In the R-4 zone a nursing care facility is allowed in the residential area for 8 or less residents. If the applicant wants to allow for more than 8 then the R-6 zoning would be indicated. The setback is indicated to be safe at 25 feet to build; the applicant is requesting a 35 foot setback. The minimum setback for rock creek canyon is 50 feet. The report may indicate a 35 foot setback is safe, however staff would not recommend varying from the code setback requirement of 50 feet. Staff has reviewed this request and recommends the following conditions, if approval is recommended:

1. Subject to arterials and collector streets on or adjacent to the property being built and/or rebuilt to current City standards upon development of the property.
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. The area shown as nursing home/hospice facility be designated as R-6 zoning with verbiage stating the R-6 zoning is specific to this use. Residential use shall comply with the R-4 zoning requirements.
4. The minimum building setback be 50' from the canyon rim with an approved geological study.
5. The area currently zoned as open space remains zoned as open space.

Questions/Comments:

- Commissioner Tenney asked staff about the urban residential designation and how an elderly residential home fit into the comprehensive plan.
- Planner Westenskow stated that this area is designated as urban residential and that the R-6 zone would allow for this type of home with a special use permit.
- Commissioner Munoz does the PUD indicate that a special use permit be granted for this area on the master development plan.
- Planner Westenskow stated the PUD is requesting that this area be designated for an elderly residential home, which would override the need for a special use permit.
- Commissioner Munoz - Does the City have the possibility to maintain the 20 acres at the bottom of this development in the future.
- Community Development Director Humble stated he doesn't think that the opportunity for the City to maintain the open space area at a later date could be possible, the problem is that currently the City could not maintain the area as well as it is being maintained by the current owner.

Public Hearing:

- Chatty Ward 692 Blue Lakes South stated she doesn't mind seeing cows, but doesn't really want to be part of the city. She stated that she feels that Twin Falls is growing fast in this area. Her question is what this will create in relation to the water impact and aquifer. Will all of the water, sanitation and safety be addressed? She stated coming from work she sees the there is no trail way area for the people to travel safely along Blue Lakes Boulevard. She also stated this is a wild life trail and there are all kinds of animals seen in this area; development will have an impact on this as well.
- Commissioner Younkin read into the record a letter dated February 11, 2007 from Mr. & Mrs. Stockham and Kenneth Johnston stating they are in support of the request.

Closing Statements:

- Mr. Stutzman stated he has owned this property since 1959 and the property is a special place and it has its challenges. The challenge is making the property fit with the property adjacent being zoned M-2 and having a car wreckage area across the way. It would be his desire to build something to accommodate elderly people and it would be something that would be different for the community. The concern is how to make it a nice area and to allow a look out area down into the canyon verses looking across the canyon at the junkyard. The bottom area would be a place for the retirement group to use for activities such as family reunions, picnic, and fishing. This property has a lot to offer and he stated he could deal with the 50-foot setback however the area close to Blue Lakes would provide a hardship due to the expected expansion of Blue Lakes and the required setbacks. He would ask at a minimum that the commission allow for the 35' setback for this corner of the property.

Deliberation Followed:

- Commissioner Frank with the setbacks requirements along an arterial gateway and the expected expansion of Blue Lakes Boulevard it is understandable why the applicant is requesting a 35' setback from the canyon rim.
- Commissioner Kemp stated the idea of having a place that someone can own and then move to an assisted living and then eventually to a nursing home setting is a great idea however he stated restricting a section of the public areas only to the residents of this area is an issue. Eventually it would be the goal of the City to connect the trail system and the canyon should have public access.
- Commissioner Munoz stated that if we change to the 35' setback the trail would be located on the property owner's back yard.
- Commissioner Tenney stated if the trail is not set now then there would be lots put in with no trail system. He also stated he can see where the portion to the northwest corner will possibly need a 35' setback because from the canyon due to a Blue Lake Boulevard expansion.
- Community Development Director stated currently there are no trail plans however the trail system will most likely be along the bottom.

- Commissioner Kemp asked if this process has to be done again if there is a need for 35' setback or can the commission grant a variance tonight.
- Commissioner Munoz stated we are talking about the northwest corner for a 35' setback and not the entire piece of property and that he would have a issue with granting a 35' setback for the entire project.
- Commissioner Kemp stated he wants consistency and that a variance for a specific portion would be a recommendation however he would not want to grant the 35' setback for the entire site.
- Commissioner Munoz stated he would not have a problem if the motion was specific to a certain portion of the project.
- Commissioner Younkin asked about access to the park area.
- City Attorney Wonderlich stated park access is something that would be platted and reviewed at the time of the preliminary platting process and is not part of the request presented this evening. He also stated that the commission can be specific as to allowing a variance to a portion of the property regarding a 35' setback.

Motion:
Commissioner Frank made motion to recommend a zoning designation of OS, R-6, & R-4 PUD to the City Council with a modification to staff recommendation #4 stating **that a 35' setback variance from the canyon rim with an approved geological study be allowed for the portion of the property north of the entry road into the project from Blue Lakes Blvd. South.** Commissioner Kemp seconded the motion and roll call voted showed all members present voted in favor of the motion.

APPROVED AS PRESENTED WITH MODIFIED STAFF RECOMMENDATIONS

2. Request for the Commission's recommendation of the zoning designation of 38.60 acres (+/-) being requested for annexation by the City of Twin Falls for property located south of the 2400 through 2550 blocks of Julie Lane, north of the 2400 through 2550 blocks of Falls Avenue East, 900 through 1160 Plain View Drive, 900 through 1130 Desert View Drive, the 2400 block of Prairie View Drive, 1000 through the 1130 blocks of Lakewood Drive, and the 900 block of Hill View Drive. (app. 2097)

Applicant Presentation:
Planner Westenskow stated this request for the Commissioner's recommendation of R-2 zoning for property requesting to be annexed. The area is already developed with single family homes zoned R-2 and was connected to city water and sewer services in 2006, with the acknowledgement from the residents that it will be annexed. Tonight is a request for the Commission's recommendation on the zoning designation for this area and staff recommends that the zoning designation of R-2 is appropriate and should remain in place.

- Commissioner Horsley stated before the public hearing is open for comment that for clarification he would like to explain that the Planning & Zoning Commission can only make a recommendation for the zoning of this property and the City Council makes the decision regarding annexation.

Public Hearing:
- Kyle Chandler 106 Blain Drive stated his question is regarding the R-2 zoning and would it allow for animals if the property is annexed.

- City Attorney Wonderlich stated the R-2 zoning is already in place and that if annexation is approved the property owner can apply for an animal permit through the City.

Motion:
Commissioner Warren made a motion to recommend a zoning designation of R-2 to the City Council. Commissioner Stroder seconded the motion and roll call vote showed all members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL WITH AN R-2 ZONING DESIGNATION IF ANNEXED

B. CONSIDERATION ITEMS:

1. Consideration of the preliminary plat of South View Estates consisting of 165 lots on 47 (+/-) acres to develop a residential subdivision located at the north east corner of Orchard Drive and Harrison Street South, extended.

Applicant Presentation:

Todd Ostrom the applicant stated this is a second submittal for the South View preliminary plat request. At that time there was only 40 acres, since the time that the preliminary plat was approved he acquired 7 additional acres located behind the Oregon Trail School. The two parcels were combined at the time of purchase and the plat now consists of 47 acres. Of the 7 acres that were acquired later 3 acres are being donated, 3 acres are going to be a city park, ½ acre is being donated to the boys and girls club and ½ acre will be for a new City PI Station. The addition of the 7 acres added 12 additional lots to the neighborhood portion of the plat.

- Commissioner Frank asked the applicant to point out the area for the boys and girls club.
- Mr. Ostrom stated that block 1 on the plat is going to be donated for the city park, the PI station, and the boys and girls club. The boys and girls club will be located at the northwest end of block 1 on the plat.
- Commissioner Tenney asked if the only access through the subdivision to the school is along the east side of the development.
- Mr. Ostrom stated the intent is to set a greenbelt for the kids to access the school. Where will the kids access the school.
- Commissioner Horsley asked if there is a fence to the left of the school yard.
- Mr. Ostrom stated there will be an access point along the back side of the Oregon Trail School to allow for access from the neighborhood to the school yard.

Staff Review:
Planner Westenskow stated the request is for a preliminary plat approval. The commission has seen this plat before however there was an addition of 7 acres to the north of the plat adding 12 lots, an area designated for a park, and a new City PI Station stated staff has reviewed this request and recommends the following condition(s) be placed on this request, if granted:

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. Make notes on Final Plat about the following issues:
    a. All lots in Block 6 along the eastern portion of the property be constructed to front onto Gregory Way.
    b. No lots will be permitted to have access onto Orchard Drive East. All ingress and egress from lots adjacent to Orchard Drive East will off the lots' other frontages.
    c. Block 1 Lot 1 and Block 2 Lot 2 will be constructed to front Clinton Drive.
    d. Block 2 Lot 1 and Block 4 Lot 1 will be constructed to front onto Houston Drive.
    e. Block 4 Lot 16 and Block 5 Lot 1 will be constructed to front onto Bridget Lane.
    f. Block 4 Lots 17 and 18 and Block 5 Lots 6 through 9 will be constructed with a turnaround adequate to allow vehicles to turn around on the property so that vehicles will not have to back out onto Harrison Street South.

Questions/Comments:

- Commissioner Frank asked if the applicant understands the conditions that staff has recommended.
- Mr. Ostrom stated yes he understood the conditions.
- Commissioner Munoz wanted clarification as to what type of easements was on each side of lot 6 block 3.
- Community Development Director Humble stated they are utility easements.
- Commissioner Tenney asked if there is any pedestrian easements access to the school from Clinton Drive.
- Community Development Director Humble stated that if there is a concern about an access easement it can be part of the conditions attached to the approval of the plat.

Public Hearing:

- Kelly Linbeck 566 Hailee Avenue stated she lives in Phase 2 of Park View Estates. She asked if Harrison is going to be extended to Orchard. There is currently an pedestrian easement located on her property, and she asked if the easement from her property will go away or if there will be a pedestrian easement connected to hers from the South View Estates project.
- John Henchy is concerned about the Harrison Street expansion will it be a half road or the a full road.
- Commissioner Frank stated typically the developer is only responsible for putting in or upgrading the portion of the road adjacent to his property.
- Mr. Henchey then asked that since the City of Twin Falls owns the west portion of Harrison Street are there plans to upgrade this side when Mr. Ostrom does his portion.
- City Engineer stated Mr. Ostrom will be subject to building his half of the street which will be two lanes. The other two lanes will be a while before it gets developed.
- Mr. Henchey asked regarding the irrigation ditch that goes down the center, will the canal company be responsible for covering it up, because he believes that half of the ditch belongs to the City of Twin Falls as well.

Closing Statements:

- Mr. Ostrom stated he would be the one to pipe in and cover the ditch and his intent is to provide a pedestrian easement for access to the school from the neighborhood.

Deliberation Followed:

- Commissioner Kemp asked if the path can be a condition or if the engineering department can do this.
- Commissioner Tenney stated he would like to add it as a condition because a previous easement was not completed in the Park View Estates project; it needs to be a condition.

Motion:

Commissioner Tenney made a motion to approve the request with the addition of a 4th condition to add a pedestrian easement to the plat between Hailee Avenue and Clinton Drive. Commissioner Kemp seconded the motion and roll call showed all members present voted in favor of the motion.

APPROVED AS PRESENTED WITH STAFF RECOMMENDATIONS + CONDITION NO. 4

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Jayco Subdivision-Pre-Plat Perrine Point –Pre-Plat KIDA/TV- Special Use Permit (denial)

SIGNED AND APPROVED

III. APPROVAL OF MINUTES:

February 6, 2007 WS

February 13, 2007 PH

UNANIMOUSLY APPROVED

IV. DATES OF UPCOMING PLANNING & ZONING COMMISSION MEETINGS:

- Work Session: **March 6, 2007 – 12:00 P.M.**
- Regularly Scheduled Public Hearing: **March 13, 2007– 6:00 P.M.**

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

- The next Steering Committee meeting for the Comprehensive Plan Update is on Wednesday March 28, 2007 at 12:00 p.m.
- Commissioner Frank stated he wanted to thank the commission as well as staff for their hard work.

VI. ADJOURN MEETING

Chairman Horsley Adjourned the meeting at 7:45 p.m.

CITY OF TWIN FALLS, IDAHO

PLANNING & ZONING

MEETING CANCELED

* * * *

The regularly scheduled Twin Falls Planning & Zoning Commission Meeting for Tuesday, **March 10, 2009**, has been canceled.

MINUTES
Twin Falls City Planning & Zoning Commission
March 24, 2009-6:00 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		AREA OF IMPACT MEMBERS	
PRESENT:	ABSENT:	PRESENT:	ABSENT:
Bohrn		DeVore	
Cope		Mikesell	
Lezamiz			
Munoz			
Schouten			
Warren			
Younkin			

CITY COUNCIL MEMBERS PRESENT: Heider
CITY STAFF PRESENT: Carraway, Glaesemann, Jones, Reeder, Weeks, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION

1. Consideration of the initiation of the revocation of Special Use Permit #812 granted to Joanne Wilder dba Wilder Appliances to operate an appliance sales, service & repair business on property located 336 4th Ave W c/o Twin Falls City Planning & Zoning

IV. PUBLIC HEARING ITEMS

1. Request for a special use permit to operate a car wash on property located at 1122 Blue Lakes Boulevard North Joe Russell c/o Scott Allen, The Land Group (app. 2292)

2. Request for a special use permit to operate a used automobile and pick-up sales business in conjunction with an existing automobile car wash/detail business and an existing automobile stereo/accessory/sales/installation business on property located at 808 Cheney Drive c/o William A Dobson, III (app. 2293)

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff
3. Election of Officers

Chairman Younkin called the meeting to order at 6:00 P.M. He then introduced the City Staff . The election of officers was the next order of business.

ELECTION OF OFFICERS

Commissioner Bohrn made a motion to keep Commissioner Younkin as the chairman and Commissioner Warren as the vice chairman of the Planning & Zoning Commission. Commissioner Munoz seconded the motion. All member present voted in favor of the motion.

The public hearing procedures were then reviewed with the audience

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): APPROVED
   February 24, 2009

2. Approval of Findings of Fact and Conclusions of Law: APPROVED
   Xavier Subdivision-pre plat
   Heritage Alliance Church-NCBE

III. ITEMS OF CONSIDERATION:

1. Consideration of the initiation of the revocation of Special Use Permit #812 granted to Joanne Wilder dba Wilder Appliances to operate an appliance sales, service & repair business on property located at 336 4th Ave W c/o Twin Falls City Planning & Zoning

   STAFF PRESENTATION:
   Planner I Reeder stated this is a consideration for revocation of Special Use Permit #812 that was granted to Wilder Appliances at 336 4th Avenue West. She reviewed the process for consideration of revocation of a permit. Special Use Permit #812 was granted April 29, 2003 by the Planning & Zoning Commission to operate an appliance service and sales business. The zoning, vicinity and aerial map were reviewed on the overhead. The property is located in the CB zone and requires a special use permit for this type of use. The City received a complaint about the screening of the property and were related to tarps being used along the fence for screening. It was investigated and found that the tarps were not screening the property appropriately and appliances were being stacked above the 6' foot fence. The conditions of the special use permit stated that no appliances were to be stored outside of the building or outside of an area without a sight obscuring fence. This condition is currently not being met and the materials being used don't meet the screening standards.

The property owner has been contacted regarding the requirements and was asked to submit a letter of commitment with a plan and a timeframe for bringing the property into compliance. A letter was not received and therefore the item was scheduled for consideration of revocation.

Planner I Reeder stated upon conclusion staff recommends that the property be brought into compliance by June 1, 2009 and if this requirement is not met the special use permit will be scheduled for public hearing for revocation.

PUBLIC COMMENT:

- Alex Wilder stated that he is here tonight with his former wife who is the actual owner and operator of the business in question. He stated that they don't have any issues with the City however they would like some clarification because slats are not going to be sight obscuring screening and if they hang the tarps on the inside of the fence along with slats it would provide better coverage.
- Joanne Wilder stated that the appliances that are stacked above the fence line are on a trailer that is used to haul them off once the trailer is full. The flat bed is approximately 2 feet off the ground and once you put a 6 foot appliance on it they will be seen over the top of the fence. The trailer is emptied approximately once every two weeks.
- Commissioner Borhn ask why the appliances can't be loaded when they are ready to go to the recycle center instead of stacking them on the trailer until it is full. By putting the stuff on the trailer and hauling if off when it is full it still remains to be a site issue.
- Mr. Wilder stated that it is a space issue and they are trying to work through this situation and be as transparent as possible. He stated that the tarps were approved as a screening previously.
- Commissioner Borhn stated wood, solid vinyl, metal, concrete or concrete block are acceptable materials for screening. The role of the Planning & Zoning Commission is to enforce code.
- Ms. Wilder stated that after the tarps were installed a staff member came out and inspected the sight and approved the tarps.
- Commissioner Borhn stated that code has the screening materials defined and if staff approved something outside of the code then that was done in error.
- Mr. Wilder stated he understood that he just wants to make sure slats in the fence are sufficient to avoid further problems.
- Commissioner Younkin stated that he wants to make sure that they are able to follow through with the recommendation by June 1, 2009 and asked what the holdup has been in resolving the issue.
- Ms. Wilder stated it is a financial issue and coming to a resolution on the acceptable materials has also been a concern.

- Commissioner Munoz asked if a chain link fence classifies as a metal fence and to meet the obscure screening requirements do the slats qualify.
- Zoning & Development Manager Carraway stated that because there are two different sections in the code that address fencing and chain link fence with slats is mentioned staff has accepted this type of screening as long as the slats are obscuring.
- Commissioner Bohrn stated as he understood earlier Mr. Wilder was explaining that a chain link fence with slats is not obscuring and that if they continue to use the tarps on the inside of the slatted fence that would meet the 100% requirement.
- Mr. Wilder stated that is correct a fence with slats is only about 90% obscuring.

DELIBERATIONS:

- Commissioner Bohrn stated that working with applicants is the priority and that if they can meet the compliance date of June 1, 2009 then this situation would be resolved.
- Commissioner Munoz stated that he would be satisfied with the fence being slated to meet a 90-95% obscuring requirement and that he understand the vinyl tarps offer additional obscuring but he doesn't feel that they are necessary and could create a maintenance and safety issue. He would prefer not having the tarps they fall apart over time and they get blown over the fence.
- Commissioner Lezamiz stated that with the slats in place she doesn't have an issue with the tarps.
- Commissioner Bohrn stated as long as the property has been brought into compliance by June 1, 2009 everyone will be satisfied.

MOTION:
Commissioner Borhn made a motion to initiate the revocation of the special use permit #812 if the property is not brought into compliance by June 1, 2009. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Property to be brought into compliance by June 1, 2009 or public hearing for consideration of revocation shall be rescheduled.

IV. PUBLIC HEARINGS:

1. Request for a special use permit to operate a car wash on property located at 1122 Blue Lakes Boulevard North. Joe Russell c/o Scott Allen, The Land Group (app. 2292)

APPLICANT PRESENTATION:
Scott Allen, The Land Group, Inc, representing the applicant introduced the team that was in charge of coming up with the design for the project. He reviewed the history of the property and showed vicinity maps on the overhead. He stated that after the design of the project was completely ready it was presented to the surrounding neighbors on March 4, 2009. During the meeting with the neighbors there were several negotiations made to address the neighbors' concerns. This request is just for a car wash the other items that will be mentioned such as a detail shop will require a special use permit as well but is currently not included in this request. The car wash will be centrally located on the property with an office/customer service area to the south, along the east end of the project will be vacuums that are run by centralized motors that will allow the business to shut the vacuums closest to the residential area off at 7:00 pm. These 10 vacuums will not be operational after 7:00 pm and the remaining 10 vacuums on the west side of the property will be the only ones allowed to operate after 7:00 pm. There will be a 6' block wall fence between the project and the residential area. Fire access has been reviewed with the fire department and the approach to the property form Blue Lakes Boulevard North has been reviewed with the Idaho Department of Transportation and the City Engineering Director has approved the three lane approach. The landscaping on the property will far exceed the code requirements and will consist of approximately 33-35,000 sq. ft. of landscaping. The plan is for the site to feel like the "Garden of Eden". The building will have a chameleon type exterior so that colors from landscaping and autos will reflect and provide movement to give the illusion that the building is smaller than it is. The applicant realizes that the neighbors have lives and have agreed that all of the lights will be shielded and when the establishment shuts down in the evening every other light will be shut off. This project will be a nice addition to the area and hopefully will be a success.

P&Z QUESTIONS/COMMENTS:

- Commissioner Warren asked if there were any concerns raised by the City Engineer or the Idaho Transportation Department regarding people turning left onto Blue Lakes Boulevard North from the site.
- Mr. Allen stated that this issue has been discussed with the City Engineer and the Idaho Transportation Department and the only concern raised was the traffic queue for cars waiting to exit the site. This property is located in the center of the block between the stop light at Falls Avenue and North College Road and both intersections have a one minute cycle it allows for a fair amount of time to exit the site. He stated he went out at noon yesterday and measured the time that it took to make a left hand turn from the site, the average time was 49 seconds so there should not be any problems. This information has also been stipulated in the traffic study submitted to the state department.

STAFF PRESENTATION:
Zoning & Development Manager Carraway stated this request is for a special use permit for a car wash. The property is located along Blue Lakes Boulevard and is zoned C-1. There are homes located adjacent to the property along the north and east. The applicant has worked diligently with the City particularly on the access to the property. There are 20 parking spaces for the vacuums and as mentioned the plan is to turn of the 10 vacuums located at the east end by 7:00 pm. to reduce the impact to the neighborhood. The area designated on the site plan for the auto detail shop would require a special use permit when they decide to move forward with that portion of the development. Staff has reviewed the site, the landscaping far exceeds code requirements, this type of land use does not specify parking requirements however the site plan shows 20 spaces for the vacuum area and additional 10 on the north side with 2 handicap spaces bringing the total to 32 spaces, which should be sufficient. When and if the detail shop came through for a special use permit the parking would be reviewed. As for the screening between a commercial and residential property this has been addressed in their application. It appears that the applicant has tried diligently to work with the neighbors to address their concerns and should be commended for their efforts. The development is consistent with the surrounding area and is recognized by the Comprehensive Plan.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve this request as presented staff recommends the following conditions:

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. Screening being provided on the north and east of site as per City Code 10-11-3.
3. Landscaping on the site to be developed as proposed on the site plan.
4. Lighting on property to be directional and shielded to eliminate light trespass onto adjacent properties.
5. The 10 vacuums located at the east end of the property be turned off at 7:00 p.m.

P&Z QUESTIONS/CONCERNS:

- Commissioner Munoz asked if there is an exit strategy for cars to leave if they want to exit prior to completing the car wash or if there are issues with a vehicle on site.
- Mr. Allen stated that the site is designed to allow for people to maneuver their way through the site without issue. The car washes actually since if cars are backed up and will adjust to accommodate the cars. There will also be several attendants on site as well to assist customers.

PUBLIC HEARING: OPENED

- Mark Wasden, 1135 Elm Street North, his property is east of the site and abuts the end of the property. He is here to advocate for this car wash and has a letter from the other neighbors adjacent to him encouraging approval of this request. He stated the neighbors are incredibly pleased with how the applicant has handled and designed this project.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

- Mr. Allen stated he would like to commend Mr. Russell for the time and effort put into this project.
- Bob Hodge stated he designs car washes and has done that for twenty years. Many people don't want to have a car wash near their homes and he can understand why. From experience he has learned that if you have employees dressed right put in the landscaping and keep the site nice it will pay for itself. This car wash will go way beyond what is typical for a car wash.
- Joe Russell, the applicant, stated he has a long history with this property and his very excited about this car wash much to his surprise. This will be the most modern and the longest car wash in the United States. They want this to be a very successful venture.

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated that he thinks there is going to be a traffic issue at this site between 4:00pm and 6:00pm and he doesn't see the need for a left hand turn from this site.
- Commissioner Warren stated he was pleased with the presentation and he does have some concerns with the left turn issue.
- Commissioner Munoz stated that he agrees with the issue but it is something that goes beyond just this site along this area.
- Commissioner Cope stated when applicants prepare like this it makes the Commissions job easier and he is fine with the project.
- Commissioner Younkin stated that the left hand turn lane will be a self correcting situation as a customer of the car wash people will become familiar with the traffic flow and decide accordingly how to exit the site. He also stated that if this becomes an issue for traffic and the business the site will address this issue if necessary.

MOTION:

Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner Cope seconded the motion. Commissioners Devore,

Lezamiz, Munoz, Schouten, Warren, Younkin, Bohrn and Cope voted in favor of the motion and Commissioner Mikesell voted against the motion. Motion passed 8-1.

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. Screening being provided on the north and east of site as per City Code 10-11-3.
3. Landscaping on the site to be developed as proposed on the site plan.
4. Lighting on property to be directional and shielded to eliminate light trespass onto adjacent properties.
5. The 10 vacuums located at the east end of the property be turned off at 7:00 p.m.

Commissioner Munoz stepped down.

2. Request for a special use permit to operate a used automobile and pick-up sales business in conjunction with an existing automobile car wash/detail business and an existing automobile stereo/accessory sales/installation business on property located at 808 Cheney Drive. William A. Dobson III (app. 2293)

APPLICANT PRESENTATION:
Mr. Dobson, III stated that he is here tonight to request a special use permit he is currently one of the owners of Auto Pride and thought that by moving his automobile sales business to this site would be a great way to have everything located at one site. He stated he has reviewed the conditions recommended by staff and has no problem with following them.

STAFF PRESENTATION:
Zoning & Development Manger Carraway reviewed the vicinity and zoning map on the overhead. The property is located in the C-1 zone along Cheney Drive. In 1996 a special use permit was approved to operate a car wash business on the site. Currently there is a car wash, detail shop, and lube business which does not include auto repair operating on site. This request is to add an auto sales business which requires a special use permit in the C-1 zone. The narrative indicates that there will be no more than 10 vehicles for sale at any given time. The hours of operation would be consistent with the other existing businesses on-site which is Monday thru Saturday 9:00 am to 6:00 pm. There are currently seven employees on site and this will add one additional employee if approved. She reviewed the site plan on the overhead and explained that there is a 20' landscaped area that currently does not have any trees or bushes planted and the property would have to be compliant with current City Code or the PUD agreement which ever is greater. The main building includes an automatic car wash, two drive through lube service bays, a customer service area and office, and two drive through bays for the audio and accessory sales and instillation. There is also a detail shop with five overhead doors and attached canopy over the vacuum area and

back behind the main building. There are five customer parking spaces provided in an area between the main building and the detail shop and an employee parking area

indicated on the southerly portion of the property. The parking area currently is paved however it is not striped and there is not lighting provided. The applicant has indicated that he has no problem meeting these requirements. The other concern is that the front area would be used for parking or display and staff recommends that there continue to be no parking in this area and no display of vehicles in the landscaping. A special use permit would be required for display pad sites. This use should have minimal impacts to the surrounding area and is in compliance with the Comprehensive Plan.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve this request as presented staff recommends approval be subject to the following conditions:

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 more than ten (10) vehicles for sale on the property at any time.
3. All display vehicles for sale to be in paved area south of detail canopy.
4. South parking lot to be stripped and lighting installed as per City Code 10-11-4(D) no later than June 1, 2009.
5. No employee, customer or display vehicles to be parked in the front area of the main building or in the landscaped area along Cheney Drive.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Schouten made a motion to approve the request as presented with staff recommendation. Commissioner Bohrn 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. No more than ten (10) vehicles for sale on the property at any time.
3. All display vehicles for sale to be in paved area south of detail canopy.
4. South parking lot to be stripped and lighting installed as per City Code 10-11-4(D) no later than June 1, 2009.

5. No employee, customer or display vehicles to be parked in the front area of the main building or in the landscaped area along Cheney Drive.

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

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for April 14, 2009

VII. ADJOURN MEETING:

Commissioner Younkin adjourned the meeting at 7:35 pm.

Lisa A. Jones

Lisa Jones
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
April 14, 2009-6:00 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 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	
Cope		Mikesell	
Lezamiz			
Schouten			
Warren			
Younkin			

CITY COUNCIL MEMBERS PRESENT: Heider, Kezele
CITY STAFF PRESENT: Carraway, Glaeseman, Jones, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to serve alcohol for consumption on the premises in conjunction with a restaurant on property located at 835 Blue Lakes Boulevard North, c/o Smokin Cowboys BBQ. (app. 2294) WITHDRAWN

2. Requests a Non-Conforming Building Expansion to add 930 sq. ft. to an existing non-conforming building on property located at 3205 Kimberly Road, c/o Agri-Service, Inc./Cleve Buttars. (app. 2295)

3. Request for a Special Use Permit to operate an automobile and pickup sales service and repair business (which may include RV's, sporting vehicles and motorcycles as trades) on property located at 309 Addison Avenue West c/o Stonecreek Investments, LLC. , dba Diamond G Enterprises. (app. 2296)

I. CALL MEETING TO ORDER:
Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): APPROVED
   March 24, 2009

2. Approval of Findings of Fact and Conclusions of Law: APPROVED
   Joe Russell - SUP
   William Dobson, III - SUP

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to serve alcohol for consumption on the premises in conjunction with a restaurant on property located at 835 Blue Lakes Boulevard North, c/o Smokin Cowboys BBQ. (app. 2294) WITHDRAWN

2. Requests a Non-Conforming Building Expansion to add 930 sq. ft. to an existing non-conforming building on property located at 3205 Kimberly Road, c/o Agri-Service, Inc./Cleve Buttars. (app. 2295)

APPLICANT PRESENTATION:
Doug Ottersburg, General Manager for Agri-Services, representing the applicant stated that he is here tonight to request a non-conforming building expansion permit. They would like to add a total of 930 sq. ft. consisting of 5 offices and a handicap accessible bathroom and an addition emergency exit. The location of the property is at 3205 Kimberly Road and is the headquarters for the Agri-Service business. They don't foresee any negative impacts to the surrounding properties if this request is approved. There were some concerns with the conditions that staff recommended if this request is approved. He stated that the first item of concern is the customer parking area along Hankins. He stated they have used this area for 20 years and is a necessity for the business to keep this parking in place. The traffic in this area is not very heavy and the parking area has enough maneuvering space that the cars don't back out completely onto Hankins Road. The request is that this parking area be allowed until the need arises that Hankins Road has to be widened. The equipment on the north side of Kimberly Road is only parked there for approximately 2 months out of the year and then it is usually moved back to the main office. They would ask that because they have already pre-paid for the use of this space that this be allowed. The third item of concern is the removal of equipment from the landscaped area along Kimberly Road, there are several dealers along this stretch of road that do this same thing and they ask that

this condition not be a requirement. As for the deferral of curb, gutter and sidewalk installation they are fine with that condition.

STAFF PRESENTATION:
Zoning & Development Manager Carraway stated the property is approximately 6.1 acres and is zone C-1 and is located at the southeast corner of Kimberly Road and Hankins Road. She reviewed the vicinity map on the overhead. City Code 10-3-4 defines Non-conforming building or uses as: "A Building Or Use Made Nonconforming But Which Was Lawfully Existing Or Under Construction At The Time Of Adoption." In order to add to an existing legal non-conforming building it requires a public hearing before the Planning & Zoning Commission. The building under discussion is out of compliance with current requirements for building setback. The building was constructed approximately 50 years ago which make it a legal non-conforming building and allows this request to come forward. Both Kimberly Road and Hankins Road are considered major arterial street and the building setback for both of these streets is 93" from centerline of the road. The building setback on Kimberly Road is in compliance however, the current building is not in compliance on Hankins Road.

In August of 2007 a request to add a 320 sq. ft. addition to the non-conforming building was approved. The current request is to add another 930 sq. ft. to the same building. The addition being proposed will be on the east side of the building along Kimberly Road. The expansion will be adding 5 offices and a restroom. City Code 10-11-1 states that if the expansion is greater than a 25% increase over the square footage of the existing building within any three (3) year period from other expansions all of the required improvements under City Code 10-11 shall be a condition of any building permit and must be completed prior to issuance of a Certificate of Occupancy. The last expansion of 320 sq. ft. and the proposed expansion of 930 sq. ft. equals 1,250 sq. ft. which is over a 25% expansion. Compliance with landscaping, parking, streets, curb, gutter and sidewalk, and storm water retention shall be required as part of this project and should be a condition of approval.

A building permit was issued on January 14, 2008 for the 2007 expansion and as of this date a Certificate of Occupancy has not been issued for this expansion. The commission may want to consider placing a condition that the applicant must obtain a certificate of occupancy for the January 14, 2008 building permit prior to the new non-conforming building expansion permit being issued. Currently the applicant has parking spaces indicated on the west side of the existing building. The parked vehicles must back onto Hankins Road to exit. City Code 10-10-2(b) 4 states "backing a vehicle from an off street parking space directly into a public traffic way creates a traffic hazard and shall not be approved by the City Engineer. If the Commission approves this request staff recommends that the applicant work with City staff to either relocate this parking area or to design a safer parking plan along Hankins Road. The City staff understands that this business has

been in operation for a long time and when the 2007 non-conforming building permit was approved there was quite a bit of discussion related to the changes occurring in this area of town and there was a discussion of removing the parking at that time. It was determined that with the signal not installed and the Jayco plant not completed at the time of the request it was difficult to determine what the impacts would be at this intersection however because this expansion is over 25% there is a requirement that the property be brought into compliance with City Code.

The applicant is displaying equipment in the landscaped areas along Hankins Road and Kimberly Road. Per City Code 10-11-2(B)4 "within required landscaped areas, display of vehicles, trailers, pickup shells, tires or any other items for sale is prohibited except upon City approved display pads provided through Planned Unit Development (PUD) agreements or approval through the special use permit process. No such display pads shall be approved within fifteen feet (15') of the sidewalk or future sidewalk". The Commission may want to consider placing a condition on this non-conforming building expansion permit that the applicant must relocate the displayed equipment from the landscaping until a special use permit has been obtained for display pad sites.

Approval of this request will require a complete review by the Building, Engineering, Fire and Planning & Zoning Departments for full compliance with the previous building and non-conforming building expansion permit any conditions of approval and compliance with development standards prior to issuance of a Certificate Of Occupancy.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the request, as presented, 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. No new building construction to encroach into the required front yard setback of 93' from the centerline of Kimberly Road and Hankins Road and/or 35' from property line, whichever is greater.
3. Must obtain a certificate of occupancy for the January 14, 2008 building permit to relocate the front entrance prior to issuance of the new permit.
4. Work with City staff to relocate or design a safer parking plan along Hankins Road.
5. Remove equipment being displayed in the landscaped areas along Kimberly Road and Hankins Road.
6. Full compliance with City Code 10-11-1: Required Improvements
7. Deferral for curb, gutter, sidewalk and arterial approach along Hankins Road

PUBLIC HEARING: OPEN AND CLOSED WITHOUT PUBLIC COMMENT

CLOSING STATEMENT:

- Mr. Ottersburg stated that the only other question he had would be what the requirements are for hard surfacing.
- Zoning & Development Manager Carraway stated that within the C-1 zone all parking and maneuvering areas are required to be hard surfaced so if it is gravel then currently the property doesn't comply with the current City standards.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Lezamiz made a motion to recommend approval of this request with the staff recommendations. Commissioner Schouten 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. No new building construction to encroach into the required front yard setback of 93' from the centerline of Kimberly Road and Hankins Road and/or 35' from property line, whichever is greater.
3. Must obtain a certificate of occupancy for the January 14, 2008 building permit to relocate the front entrance prior to issuance of the new permit.
4. Work with City staff to relocate or design a safer parking plan along Hankins Road.
5. Remove equipment being displayed in the landscaped areas along Kimberly Road and Hankins Road.
6. Full compliance with City Code 10-11-1: Required Improvements
7. Deferral for curb, gutter, sidewalk and arterial approach along Hankins Road

3. Request for a Special Use Permit to operate an automobile and pickup sales service and repair business (which may include RV;s, sporting vehicles and motorcycles as trades) on property located at 309 Addison Avenue West, c/o Stonecreek Investments, LLC., dba Diamond G Enterprises. (app. 2296)

APPLICANT PRESENTATION:
Charmaine Gaskill, the applicant stated she is here tonight to request a special use permit to be reinstated for property located at 309 Addison Avenue West. This location has had several special use permits approved for auto sales and they have made a offer on this

property in order to operate an auto sales business. She stated they do not anticipate any negative impacts to the adjacent properties. Currently they are not offering any repair or services to customers these things are being done offsite. However these uses have been included in the request for this type of use for services and repairs that need to be done to the cars that are going to be sold. They have also included motorcycle, boat, and RV sales and repair for personal use because some of these types of items are in their inventor.

P&Z QUESTIONS/COMMENTS:

- Commissioner Younkin asked if they plan to offer service and repair on site.
- Ms. Gaskill stated the service and repair provided will only be on the cars that are going to be sold from the site, and currently they do not plan to offer service and repair to customers.
- Commissioner Bohrn asked if they had and issues with the staff recommendations.
- Ms. Gaskill stated no they did not have any problems with the staff recommendations.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the vicinity maps on the overhead. She stated this is a request to reestablish and automobile/pick-up saled, service and repair business that may include motorcycles, and RV's as trades. The property is zoned C-1 and a special use permit is required in this zone for automobile sales, service and repair. There is an existing 2580 sq. ft. building that was formally used as an auto repair shop and office. The western portion of the site does not have any structures but is paved and previously used in conjunction with an automobile sales lot several years ago. The applicants intend to operate the business Monday-Saturday from 10:00 am to 5:00 pm and anticipate approximately 5 customers per day. The proposed business would include the display of used cars, trucks, limited number of RV's, sporting vehicles, and motorcycles for resale. Auto service and repair has been requested to be reinstated as a use on this property .

Some concerns regarding auto repair is the accumulation of misc. junk, parts and materials associated with the business being stored outside and the outside storage of vehicles while they are waiting to be repaired. Experience with some repair shops have shown that they can become junk or wrecking yards by code definition over time. Junkyards and wrecking yards are not allowed in the C-1 zoning district. Placing a time limit on how long vehicles may be stored outside that are waiting to be repaired and the condition that all miscellaneous parts be stored inside the building could help keep that under control. There is a fenced storage area behind the building. If this area is used for the vehicles being repaired or storage related to the repair business it will need to be screened according to code- a minimum six foot (6') tall fence, wall, or landscaping is required and must completely obscure the view between the area and the street or adjacent properties. The current fence is chain link with barbed wire on the top and does not have any slating. The site plan has four existing drive approaches the two access along Addison Avenue West are one-way and should be signed accordingly to avoid any confusion if the applicant intends to keep them as one-way approaches. The two approaches on Blake Street are each 22' wide the access are not wide enough to be two-way accesses and staff

recommends that the applicant work with the City Engineering Department to develop an access control plan.

The applicants are indicating a gravel area south of the paved lot is to be purchased; to purchase this area a lot line adjustment between the 317 Addison Avenue West and the property to the south will have to be made or subdivision of the property will have to occur. The southern area indicated as gravel also is part of the Canyon Rim Overlay and auto sales, service and repair is not a permitted use in the Canyon Rim Overlay. The part of the property within the Canyon Rim Overlay may not be used in conjunction with this business. If this request is approved a full review of the site plan will be completed prior to issuance of a Special Use Permit.

The code requirement for the number of parking spaces to be provided for auto sales is one for 250 sq. ft. of area and for a service/repair business is one space per 300 sq. ft. of building area. A full review shall be required prior to the issuance of a Special Use Permit for this property. The landscaping requirement for the C-1 zone is the equivalent of 10% of all parking & maneuvering areas or 3% of the total site, whichever is greater. Addison Avenue West is classified as a gateway arterial. The landscaping requirements along a gateway arterial states that in addition to the standard landscaping requirement there shall be a landscape strip of at least 10' in width behind the sidewalk when properties are being remodeled. Although this site is not being remodeled the previous requests for special use permits included land use changes and major remodeling therefore the gateway arterial landscaping was required. The developed area includes landscaping along Addison Ave W and Blake St which was in compliance with the special use permit condition at the time the landscaping was installed. The landscaping areas equal about 1900 sq ft but has not been maintained. Weeds need to be removed as per City Code 7-5-2. There are five (5) trees and one (1) shrub on site.
Lighting on the property is primarily along the front of the building right now. The Code, §10-11-4, requires stripping and lighting where there is parking for eighteen (18) or more spaces. The Commission may consider a condition requiring stripping and lighting to meet or exceed minimum standards.
The applicant states in the narrative they do not foresee any adverse impacts due to noise, glare, odor, fumes, or vibrations to adjoining properties and feel it should be compatible with the surrounding area as there are similar and related uses in the vicinity.

Zoning & Development Carraway stated upon conclusion should the Commission approve the request, as presented, 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. For the area indicated as "Graveled Area" to be included in this permit a lot line adjustment or subdivision of the property needs to occur prior to the operation of the business and a determination that it is not within the Canyon Rim Overlay district.
3. Access plan on Addison Ave W and Blake St to be reviewed and resolved with the Engineering Department.

4. Landscaping on the site to be developed and maintained as per City Code.
5. Lighting on property to be provided as per code. Lighting to be directional and shielded to eliminate light trespass onto adjacent properties.
6. Parking areas to be striped and indicated as per code.
7. All parts and miscellaneous equipment to be stored inside of buildings or screened area.
8. Assure that no vehicles associated with the repair business are parked outside of an enclosed building, screened area, on adjacent properties or on public right-of-way.

P&Z QUESTIONS/COMMENTS:

- Commissioner Bohrn asked for clarification on the service and repair portion of the request and asked if this is going to offered as part of the operation of the business.
- Ms. Gaskill stated the service and repair of vehicles is currently being done offsite at their other property . This property is large enough to do this however it is not the applicants plan to offer service and repair to customers it will be for the business use only and for the vehicles that will be sold on-site.

PUBLIC HEARING:
Jeff Sharp, with J&C Motorsports and own the property behind this business. He stated that he is happy to see the applicant moving into the building. He stated that he likes what the applicant is doing but is concerned with whether or not they will have enough room along the front of the property to display vehicles and that they maintain their inventory and equipment on their property. In the past there have been issues with previous business owners putting stuff on his property and as long as they continue to maintain the property he will be happy.

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:
Commissioner Cope made a motion to approve the request as presented with staff recommendations. Commissioner Lezamiz 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. For the area indicated as “Graveled Area” to be included in this permit a lot line adjustment or subdivision of the property needs to occur prior to the operation of the business and a determination that it is not within the Canyon Rim Overlay district.
3. Access plan on Addison Ave W and Blake St to be reviewed and resolved with the Engineering Department.
4. Landscaping on the site to be developed and maintained as per City Code.

5. Lighting on property to be provided as per code. Lighting to be directional and shielded to eliminate light trespass onto adjacent properties.
6. Parking areas to be striped and indicated as per code.
7. All parts and miscellaneous equipment to be stored inside of buildings or screened area.
8. Assure that no vehicles associated with the repair business are parked outside of an enclosed building, screened area, on adjacent properties or on public right-of-way.

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

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for April 28, 2009

VII. ADJOURN MEETING:

Commissioner Younkin adjourned the meeting at 6:45 p.m.

Lisa A Jones

Lisa Jones
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
April 28, 2009-6:00 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 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	Mikesell
Cope			
Lezamiz			
Munoz			
Schouten			
Warren			
Younkin			

CITY COUNCIL MEMBERS PRESENT: Heider, Kezele
CITY STAFF PRESENT: Carraway, Glaesemann, Jones, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Consideration of the preliminary plat of the Rex Subdivision PUD-1st Amended preliminary plat, .74 (+/-) acres and 2 commercial lots on property located at the southwest corner of Locust Street North and Pole Line Road East c/o EHM Engineering, Inc. on behalf of Cornelius & Lanoma Blom

IV. PUBLIC HEARINGS:

1. Commission's recommendation on a request for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO for property located at 1029 Washington Street North c/o Landhlaford, Inc. / M. Lynn Dunlap (app. 2297)
2. Commission's recommendation on a request for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO for property located at 1015 Washington Street North c/o Spencer G Williams (app. 2298)
3. Request for a Special Use Permit to operate an in-home daycare facility on property located at 509 Parkway Circle c/o Casy Burgess (app. 2299)
4. Request a Special Use Permit to construct four residential 4-plex buildings on property located at 446, 448, 450, and 452 Filer Avenue West c/o Rod Mathis/Riedesel Engineering on behalf of Santiago Romero / Jim Renaldi (app. 2300)
5. Request for a Special Use Permit to operate a preschool on property located at 1061 Eastland Drive North c/o Amazing Grace Fellowship (app. 2301)
6. Request for a Special Use Permit to operate a dog and cat grooming business on property located at 405 Main Avenue East c/o Elizabeth Tristan (app. 2302)
7. Request for a Special Use Permit to operate a drive-thru coffee shop in conjunction with a commercial nursery and lawn care business on property located at 2862 Addison Avenue East c/o D. W. Land Co., LLC dba Kimberly Nurseries (app. 2303)
8. Requests a Special Use Permit to operate a shelter home in conjunction with an existing religious facility on property located at 450 3rd Avenue West c/o Pastor Anthony Lopez on behalf of Because of Jesus Ministries (app. 2304)
9. Commission's recommendation on a request for a Zoning District Change and Zoning Map Amendment from R-2 to C-1 for 29(+/-) acres on property ¼ mile west of Grandview Drive North and south of Pole Line Road West c/o Gary Slette on behalf of Nelson & Co. (app. 2305)

I. CALL MEETING TO ORDER:
Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:
1. Approval of Minutes from the following meeting(s): April 14, 2009 APPROVED
2. Approval of Findings of Fact and Conclusions of Law: APPROVED
   Agri-Services - NCBE 1135
   Stonecreek Investments, LLC – SUP 1136

III. ITEMS OF CONSIDERATION:

1. Consideration of the preliminary plat of the Rex Subdivision PUD-1st Amended preliminary plat, .74 (+/-) acres and 2 commercial lots on property located at the southwest corner of Locust Street North and Pole Line Road East c/o EHM Engineering, Inc. on behalf of Cornelius & Lanoma Blom

APPLICANT PRESENTATION:
Dave Thibault, EHM Engineering, Inc., representing the applicant, stated this is an application to subdivide a parcel into 2 lots. The property is zoned commercial and is consistent with the comprehensive plan and the surrounding uses. The current piece of property is empty and would be used for an infill project. There are no objections to the staff recommendations and they ask that the Commission approve the request.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the aerial maps on the overhead and stated this is a request for approval of the preliminary plat for the Rex Subdivision-PUD – 1st Amended .74 (+/-) acres and it is zoned C-1 PUD. On May 18, 1998 the City Council approved the request to rezone this property from R-4 to C-1 PUD the property consisted of approximately 2(+/-) acres. On October 13, 1998 the City Council approved the final plat of the Rex Subdivision consisting of 1.77 (+/-) acres subdivided into 2 lots. The request is to re-plat lot 2, of the Rex Subdivision into (2) lots. The site is located southwest of the intersection of Pole Line Road East and Locust Street North and there is an existing commercial building on the site and the lot is being subdivided to allow for the current owners to sell part of their property. Shown on the preliminary plat is an existing 5' easement on Locust Street North. The adjacent EOFF Tract has an existing 10' easement; staff recommends that the Commission place a condition that a ten (10) foot easement be placed behind the right-of-way line on Locust Street North to be consistent with the adjacent easement. The applicant is requesting that the existing sign be allowed to remain as located until road widening occurs on Locust Street North; with the additional right-of-way width the existing location of the sign is in the right-of-way. A condition of the approval of the preliminary plat that a deferral be obtained for the relocation of the existing sign at the time the sign is replaced or locust street north is widened, whichever occurs first, would be appropriate. A full review of required improvements will be made by the Building, Fire, Planning & Zoning and Engineering Departments for full compliance with minimum development standards prior to recordation of a final plat and prior to issuance of a building permit. The plat is consistent with other subdivision development criteria and is in conformance with the PUD agreement and the comprehensive plan.

Zoning & Development Manager Carraway stated should the Commission approve the preliminary plat of the Rex Subdivision PUD, 1st Amended, as presented, staff recommends approval 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 a deferral being obtained for the relocation of the existing sign at the time the sign is replaced or when locust street north is widened, whichever occurs first.
4. Subject to a ten (10) foot easement being indicated on the plat behind the right-of-way line on Locust Street North.

P&Z QUESTIONS/COMMENTS:

- Commissioner Munoz asked if there will be any access changes.
- Zoning & Development Manger Carraway stated nothing has been proposed to change access and this type of change would require a PUD amendment.
- Mr. Thibault stated that off of Locust Street there is a shared access and an easement and to access the lot at the north end there will be an access easement through what is currently a parking lot to that property. The current design for access will not change.

PUBLIC INPUT: WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:
Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner Lezamiz 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.
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 being obtained for the relocation of the existing sign at the time the sign is replaced or when locust street north is widened, whichever occurs first.
4. Subject to a ten (10) foot easement being indicated on the plat behind the right-of-way line on Locust Street North.

IV. PUBLIC HEARINGS:

1. Commission's recommendation on a request for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO for property located at 1029 Washington Street North c/o Landhlaford, Inc. / M. Lynn Dunlap (app. 2297)

Commissioner Schouten stepped down

APPLICANT PRESENTATION:
Lynn Dunlap, the applicant stated that both this property and the property located at 1015 Washington Street North are requesting to be rezoned to R-4 PRO which is in compliance with the Comprehensive Plan. He stated that he believes that with the widening of Washington Street North a professional use is going to be better a use for these properties. There are two available accesses to each of these properties and once the widening has occurred the accesses along Washington Street North will be closed.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the aerial map on the overhead and stated the applicant is requesting that the property be rezoned from an R-4 zoning designation – which is a medium residential density zone to an R-4 with a Professional Office Overlay. If the zoning is approved a special use permit will be required to legally establish a professional office. The property will be required to be brought up to current development standards at that time. The property is located at the south west corner of Washington Street North and Ridgeway Drive and is also located just west of the of the CSI Campus entrance. The applicant indicates that with the impending widening of Washington Street North to five (5) lanes the desirability of residential uses along this corridor will diminish. A professional office use in this area may be implemented with little impacts to surrounding properties as the property is adjacent to an arterial roadway and the CSI Campus. The Comprehensive Plan Future Land Use Map designates this property as residential business. The residential business designation was added to the Comprehensive Plan as a transitional land use category that may include residential uses and professional and light commercial types of uses. Development in this zone would have to meet development standards of the PRO code and required improvements under Code Section 10-11 as required for a change of use on the property. The applicant is anticipating that it would be developed in conjunction with the property to the south, which is also on this agenda with a similar request to change the zoning from R-4 to R-4 PRO. The narrative describes the potential use as a small office park, independent offices, or other consistent use.

Zoning & Development Manager Carraway stated should the Commission recommend approval of this request 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 built or rebuilt to current City standards upon development or change of use of the property.

P&Z QUESTIONS/COMMENTS:

- Commissioner Munoz asked what the differences are between the Professional Office Overlay and the Residential Business.
- Zoning & Development Manager Carraway stated the uses are more like a neighborhood commercial type of zoning designation that would allow for some minor commercial uses currently City Code does not support the Residential Business Zoning therefore the request is for Professional Office Overlay.

PUBLIC HEARING: WITHOUT COMMENT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Lezamiz made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Cope seconded the motion. All members present voted in favor of the motion.
RECOMMENDED FOR APPROVAL 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 built or rebuilt to current City standards upon development or change of use of the property.

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING MAY 26, 2009

2. Commission's recommendation on a request for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO for property located at 1015 Washington Street North c/o Spencer G Williams (app. 2298)

APPLICANT PRESENTATION:
Spencer Williams, the applicant, stated he is requesting the same zoning change for the same reasons as the previous applicant, and would ask that the Commission recommend approval of the request.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the aerial map on the overhead and stated this is a similar request which is to rezone the property from R-4 to R-4 PRO do to the widening of Washington Street North. The applicants feel after the widening that the property use will be more desirable as a professional office rather than a residence.

Zoning & Development Manager Carraway stated should the Commission recommend approval of this request 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 built or rebuilt to current City standards upon development or change of use of the property.

PUBLIC HEARING: WITHOUT CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:
Commissioner Munoz made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Warren seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL 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 built or rebuilt to current City standards upon development or change of use of the property.

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING MAY 26, 2009

Commissioner Schouten returned to his seat.

3. Request for a Special Use Permit to operate an in-home daycare facility on property located at 509 Parkway Circle c/o Casy Burgess (app. 2299)

APPLICANT PRESENTATION:
Casy Burgess, the applicant, stated she is requesting a special use permit so that she can be licensed to operate an in-home daycare. She stated she has 12 children enrolled but normally doesn't have 12 there all at the same time. She works by herself and normally has approximately 8 children as any given time. The children are usually dropped off at approximately 6:00 am she has several children picked up by 3:00 pm and a few others that are picked up by 6:00pm. The total number of 12 includes her own children. She stated that her mom comes over and help sometimes but she does not have an employee. The total number includes her own children. She stated she is moving her business to her home due to the economic constraints and her inability to financially afford to operate a large commercial daycare.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the aerial map on the overhead and stated the property is zoned R-2, which allows for residential single household or duplex dwellings. A special use permit is required to operate an in-home daycare service in this zone. The home is approximately 2840 sq ft and the lot is 10,230 +/- sq ft and has a fenced back yard. On April 26, 2005 Ms. Burgess was granted special use permit #0922 to operate an in-home daycare at this address. As the day care was not established and the 1 year has expired the applicant must reapply for a special use permit to establish an in-home daycare at this location. An in-home daycare service is defined in the code as: *daycare service in a home in which the provider lives full time and is the main on-site caregiver of the service*.

Ms. burgess, lives at the site and is the main caregiver. The hours of operation would be 6:00 am to 6:00 pm, Monday through Friday. The peak traffic times would be in the morning when parents are dropping kids off and in the afternoon when they are picking kids up. She would like to provide services for up to twelve (12) children. Most of the children arrive by 9:00 am and are picked up by 3:00 pm. the applicant has three children of her own that utilize the daycare until 6:00 pm. Ms. burgess is the only full-time employee at this time - she has one volunteer that comes in to help a couple of hours a day and as needed.

As a standard condition, if approved this evening, the applicant will be required to be licensed by the state, apply for a day-care license through the fire department and will be required to comply with requirements for handicap accessibility and fire inspections. Also should the

special use permit be approved this evening the applicant will be required to apply for a certificate of occupancy through the building department.

The back play area is completely fenced. The home is located on the corner of Parkway Circle and Parkway Drive. City Code 10-10-3 requires two (2) parking spaces per teacher. There is enough space for two (2) vehicles in the driveway. The Commission may want to consider placing a condition on the special use permit that the driveway remains vacant for parent parking only during business hours. Signs are not allowed to advertise in-home day cares in residential areas. A special use permit for an in-home day care at this residence would only be valid for the applicant at this location.

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

1. A maximum of twelve (12) children, including the caregiver's children, may be cared for under this permit at any one time.
2. In addition to Ms. Burgess, there may be a maximum of one (1) additional caregiver onsite at any one time.
3. The hours of operation would be 6:00 am to 6:00 pm, Monday through Friday
4. Subject to the driveway being used for parent parking only during business 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 within 3 months of approval of the special use permit.
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:

- Rebekka Bicart, 331 Knottingham Drive, stated that she is in favor of this request.
- Dale Carraway, 483 Parkway Circle, stated he live across the street from the applicant and he has concerns with who enforces the conditions set forth on the special use permit. He also has some concerns for the children's safety with regards to a trampoline that some of the small children have been on which he feels is dangerous. He has also seen three children crawling on top of the suburban that the applicant owns and he is afraid the children are going to get hurt if they fall off. He stated his last concern is the parking and the cars parking with the tail end of the cars block the sidewalk and hangs out in the street. He is opposed to the this request.
- Myron Lee, 465 Parkway Circle, stated he was here the last time this request came up and has concerns with this use in the residential zone and having a business in a neighborhood. He is opposed to this request.
- Nancy Glaessemann,1086 Parkway Drive, stated that she thinks that with the staff recommendations that this shouldn't be an issue.
- Bruce Palmer, 469 Parkway Circle, stated he is opposed to having a business in the residential neighborhood concerns him. He stated that having a business in the area along with the new school being built that the traffic is going to increase in this area. He is opposed to this request.
- Kathie Palmer, 469 Parkway Circle, stated she is concerned about the location of the home and the parking along there with kids walking to school and crowding in this

area. She states that there are several cars several times of the day at this property and she is opposed because it is a bad location for a daycare.

- Maggie Ford, 1834 Shoup Avenue, stated she is in favor of this request.

CLOSING STATEMENT:

- Ms. Burgess stated that the three small children were her own children poking their head through the sunroof on her suburban and she was aware that they were out there. The next door neighbor has offered to allow her to use their driveway for parking if necessary. She does have children that come to the house to visit her children but they can't be there during business hours because the state has told her they would count towards the total number of children in daycare. She stated she does have a trampoline that she allows the children to play on but she doesn't allow the bigger kids to play on the trampoline with the smaller children. She does have insurance and the parents have signed a waiver regarding the trampoline.
- Zoning & Development Manager Carraway stated if a concern is reported to staff then we do go out and follow-up on the complaint. The state also does safety inspections and random checks. There is also a revocation process if the issues cannot be resolved.

DELIBERATIONS FOLLOWED:

- Commissioner Munoz stated the special use permit does have special requirements and code defines what types of things meet the in-home occupation, so the concerns of allowing commercial uses in a residential area are unfounded. These types of services are a benefit to the community, he does have a concern with 12 children and one caregiver however the state licensing regulations allow this as a maximum for an in-home daycare. If there are issues that are unresolved the revocation process is available.
- Commissioner DeVore stated he understands that the state licenses for up to 12 children in an in-home daycare setting but he doesn't see how one adult can take care of this many children.
- Commissioner Cope stated he is concerned with the number of children as well as the increase in traffic that may occur in this area because of the new high school, Wal-mart and the new hospital going in close by.
- Commissioner Bohrn stated that the number of children is not a huge concern for him the location of the property at the corner and the traffic at this corner is more of a concern.
- Commissioner Munoz stated the property is in a better location than some of the other daycares we have reviewed and approved previously.
- Commissioner Warren stated that he still has the same concerns for this location that he had when this previously came through for approval because of the traffic concerns.
- Commissioner Younkin stated that he doesn't see how the traffic patterns will change with the Walmart, the hospital and the high school going in close by. The applicant did state that she agrees to the conditions set forth by the staff and must meet the conditions associated with the licensing process. He stated there are also steps for the neighbors to follow if there are issues regarding this special use permit.

MOTION:
Commissioner Bohrn made a motion to recommend approval of the request with staff recommendations. Commissioner Warren seconded the motion. Commissioners Lezamiz, Munoz, & Schouten voted in favor of the motion and Commissioners Warren, Younkin, Bohrn, Cope and DeVore voted against the motion.

MOTION FAILED

APPEAL TO BE HEARD AT CITY COUNCIL JUNE 1, 2009

4. Request a Special Use Permit to construct four residential 4-plex buildings on property located at 446, 448, 450, and 452 Filer Avenue West c/o Rod Mathis/Riedesel Engineering on behalf of Santiago Romero / Jim Renaldi (app. 2300)

APPLICANT PRESENTATION:
Rod Mattis, Reidesel Enginerring, representing the applicant stated this property is in the 450 block of Filer Ave West; the applicant would like to develop 4 four-plex buildings on 4 lots. The first step of this process is to acquire a special use permit for the 4-plexes. The buildings will be built along the west side of the property they will be on individual lots so that each building may be sold separately and will consist of two and three bedroom units. The parking will meet code requirements with some additional and parking and handi-cap spaces. The access road will be 30 feet wide and will be a fire lane that is marked with no parking. They are working with the fire department on the fire access and hydrants. The applicant has water shares to irrigate the property and plans to provide a private pressurization system. There will be CCR's that require joint maintenance of the access, storm-water retention and the landscaped areas.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the aerial map on the overhead and stated the City has only acquired half right-of-way along Wirsching Avenue so currently there are no plans to extend or develop this street. The property in question is zoned R-4 which is a medium density residential designation that requires a special use permit for 4-plexes. The applicant is looking to develop this property with 4 four-plex units. On March 23, 2009 the City Council approved a parks fee in-lieu of development of a park and a request for a private driveway over 300 feet. The applicants have been working with the Fire Marshall and they are indicating that they will be hard surfacing this driveway and will have it marked as a no parking fire lane. The applicants will have to provide required improvements listed under the property development standards which include landscaping, water retention and possibly screening. Screening is not required by code between the development of residential properties however the City has received a couple calls asking if there could be a provision for screening between the existing properties to the east and the west of this property. Development of the project should cause minimal impact to the surrounding area as this area is appropriate for the medium density residential development which indicates the need for a variety of infill project to accommodate projected population growth. The plan is to plat the property into 4 lots with access from Filer Avenue West.

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

1. Subject to the property being platted and subdivision recorded in accordance with subdivision regulations prior to development of the project.

2. Subject to the dedication of additional right-of-way on Filer Avenue West.
3. Development of curb, gutter, and sidewalk or approval of a deferral for improvements.
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 Cope asked if the applicant had any intent to put up any screening between the adjacent properties.
- Mr. Mathis stated they were not aware of the concerns raised by the neighbors and that he would have to consult with the applicant on the plans for screening.

PUBLIC HEARING:

- Gordon Welch, 498 Filer Avenue West, stated that he is concerned about the watering issues, fire access to the property and how the request can be showing 4 lots when it appears to be one big lot.

CLOSING STATEMENT:

Mr. Matthis stated that the applicant will operate his watering according to what he is allowed and they are working with the Fire Department regarding fire access. As for the application showing four addresses, this was to illustrate that the one lot will be platted into 4 lots through the subdivision process if the special use permit request is approved.

DELIBERATIONS FOLLOWED:

- Commissioner Munoz stated that his concern was with not having enough parking provided, but based on the presentation he is confident that staff and the applicant will keep these concerns in mind.
- Commissioner Younkin stated that he has seen several in-fill projects like these and when the access is addressed for police and fire they have been successful.
- Commissioner Lezamiz stated she does have some concerns with screening between the neighbors to the west of the property.
- Commissioner Warren stated that the application stated that there were 38 parking spaces planned for this development.
- Zoning & Development Manager Carraway stated this parking plan exceeds the minimum requirements and the Commission can add screening as a condition.
- Commissioner Borhn stated that the back yard area for this development is very tight and screening should be an added condition.

MOTION:

Commissioner Bohrn made a motion to approve the request as presented with staff recommendations and the additional requirement that a 6' sight obscuring screening fence being constructed along the west and east side of the property. 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 the property being platted and subdivision recorded in accordance with subdivision regulations prior to development of the project.
2. Subject to the dedication of additional right-of-way on Filer Avenue West.
3. Development of curb, gutter, and sidewalk or approval of a deferral for improvements.
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 a 6' sight obscuring screening fence being constructed along the west and east side of the property.

5. Request for a Special Use Permit to operate a preschool on property located at 1061 Eastland Drive North c/o Amazing Grace Fellowship (app. 2301)

WITHDRAWN TO BE RESCHEDULED FOR MAY 27, 2009

6. Request for a Special Use Permit to operate a dog and cat grooming business on property located at 405 Main Avenue East c/o Elizabeth Tristan (app. 2302)

APPLICANT PRESENTATION:
Elizabeth Tristan, the applicant, stated she is here to request a special use permit to operate a dog and cat grooming business at 405 Main Avenue East. She had to relocate to this property from her previous address and a special use permit is required for this type of use. She operates in approximately 1400 sq. ft. of the building from 9:00 am to 5:00 pm Monday through Friday.

STAFF PRESENTATION:
Zoning and Development Manager Carraway reviewed the aerial map on the overheard. She stated there was a Special Use Permit granted in April 2006 to operate a used vehicle business – due to failure to comply with the conditions of approval the sup was revoked by the Commission in March 2008. The property is located on the northeast corner of the intersection of Jerome Street East and Main Avenue East. The site is zoned CB; central business with a P-1 parking overlay. The lot is 10,125 sq ft (+/-) and has an existing 5,600 sq ft building. The applicant is requesting a special use permit to operate a pet grooming business in approx 1400 sq ft of the building. It is unknown what is operating if anything from the remaining 4,200 sq ft of the existing building. To operate a pet grooming business in the CB zone requires a special use permit. If approved this would be a change of use from retail sales to a service based business and as such a Certificate of Occupancy would be required.
The applicant states in her narrative that the business will operate Monday thru Friday from 9:00 am until 5:00 pm. There are no employees. The applicant anticipates 2 to 3 vehicles from 9:00 am to 10:00 am and another 2 or 3 cars throughout the day. The animals will be kenneled in the same location the applicant will be working. The applicant states in her narrative that this is not a boarding facility but is for pet grooming only. There will not be any overnight boarding done. Noise and odor is anticipated to be minimal.
The property has a P-1 parking overlay. City code 10-10-4 states there is no off-street parking required within the P-1 parking overlay district as designated for outright permitted uses, but

may be required through the special use permit required by the Commission or Council. This provision does not exempt any use from the requirements for off street loading.

Pet grooming is classified as a service based business. Current City Code requires 1 parking space per every 300 sq ft of floor area, which equates to 5 spaces. The site plan indicates there are 5 off-street parking spaces directly off of Main Avenue East.

The CB zone requires that all commercial uses shall have (5%) of the total parking /maneuvering area (10,125 sq ft lot less 5600 sq ft building) to be landscaped -- this equates to 226 sq ft. There is no landscaping at this location at the present time. The Commission may want to consider a condition there be a minimum 226 sq ft of landscaping provided. The Commission may also consider an alternative landscape plan such as pots or xerispace as the site is entirely concrete. The plan can be reviewed at the time the applicant applies for a Certificate of Occupancy through the building department. The approval of a change of use requires the property be brought up to meet or exceed current development standards and compliance with City Code 10-11-1 thru 8; Improvements Required. There is no curb, gutter or sidewalk along Jerome Street East. The Commission may want to consider placing a condition on the approval of this special use permit that a deferral agreement be signed by the property owner for construction of curb, gutter and sidewalk along Jerome Street East.

A full review to ensure compliance with development standards and required improvements will be completed by the Fire, Engineering, Planning & Zoning and Building Departments prior to issuance of the certificate of occupancy.

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

1. Business hours of 9:00 am to 5:00 pm, Monday through Friday.
2. Subject to a landscaping plan providing a minimum 5% of the total parking area being landscaped and an alternative landscaping plan may be approved by staff.
3. Deferral agreement for construction of curb, gutter and sidewalk along Jerome Street East.
4. No overnight boarding of animals is permitted.
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.

P&Z QUESTIONS/COMMENTS:

- Commissioner Bohrn asked if the Commission doesn't require additional off street parking would the landscaping be required.
- Commissioner Lezamiz asked if the entire property is paved.
- Zoning & Development Manager Carraway stated if the Commission chooses not to require additional off street parking then the landscaping would not be required and the entire site is currently paved.

PUBLIC HEARING: WITHOUT CONCERN

DELIBERATIONS FOLLOWED:

Commissioner Bohrn stated he thinks that the off street parking requirement should be deleted as a condition because it would be an undue hardship to require the 5% landscaping.

Commissioner Munoz stated that a service use will be a much better use than previous requests that have come through and been approved.

MOTION:
Commissioner Warren made a motion to approve the request as present with staff recommendations excluding the 5% landscaping requirement or an alternative landscaping plan. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. Business hours of 9:00 am to 5:00 pm, Monday through Friday.
2. Deferral agreement for construction of curb, gutter and sidewalk along Jerome Street East.
3. No overnight boarding of animals is permitted.
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.

7. Request for a Special Use Permit to operate a drive-thru coffee shop in conjunction with a commercial nursery and lawn care business on property located at 2862 Addison Avenue East c/o D. W. Land Co., LLC dba Kimberly Nurseries (app. 2303)

APPLICANT PRESENTATION:
Burt Novak, JUB Engineers, representing the applicant stated the applicant is planning to build a Maxie Java kiosk along the northwest corner of the property. The applicant is anticipating the development of two commercial lot along the Addison Avenue East corridor and will be removing the current building where the Maxie Java is located to proceed with this plan. A cross use agreement has been signed with the neighbors. The kiosk will be approximately 9' x 17' is behind the setback and will provide stacking for up to 6 vehicles as a drive through facility only.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the aerial map on the overhead. She stated the site is located in a C-1, commercial highway zoning district. The applicant is proposing to place and operate a 180 sq ft coffee shop with a drive-through window. Drive-through services require a special use permit in the C-1 zone. The facility is proposed to operate from 7:00 am to 7:00 pm -- Monday thru Saturday. Permitted retail/trade uses operating outside the hours of (7:00) a.m. To (10:00) p.m. Also require a special use permit. Should the applicant decide to operate outside the hours specified in his narrative, he will have to apply for another special use permit. If approved this business would operate as a drive through business only. The site plan shows a building with a window on two sides of the kiosk – the proposed design for stacking is that both traffic lanes would enter from a single approach on the westerly border of the applicant's property and exit on the easterly border of the adjacent neighboring property. There will be one to two employees at any one time.
City Code §10-7-13 states the vehicle stacking requirements for drive-through facilities such as this type of business shall be a minimum of six (6) spaces. Under the current plan - if 6 vehicles are there at the same time there could be vehicle overlapping which could cause a traffic hazard at the applicant's approach and possible congestion at the adjacent neighbor's approach. Staff feels it would be safer if the kiosk were to be moved further to the south to give more access and stacking room for vehicles - both entering and exiting the property. If the Commission feels the use of a drive-through kiosk to be compatible they may approve the request subject to final approval by engineering regarding location of the building and traffic

flow and stacking. A full review to ensure compliance with development standards and required improvements -such as road right-of-way, landscaping, curb, gutter, sidewalk, and storm water retention, etc., will be completed by the Fire, Engineering, Planning & Zoning and Building Departments prior to issuance of the Certificate of Occupancy.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the request as present staff recommends the following conditions:

1. Subject to final approval by City Engineering Department regarding the location of the building, traffic flow and stacking plan.
2. This coffee shop with the drive-through window is permitted to operate from 7:00 am to 7:00 pm Monday through Saturday
3. Subject to obtaining a signed cross use agreement with the neighbor to the immediate west of applicant's property for 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.

PUBLIC HEARING: WITHOUT CONCERN

DELIBERATIONS FOLLOWED:

- Commissioner Bohrn stated this is not going to work for the stacking he stated he can't approve this the way it has been designed.
- Commissioner Munoz stated that the condition for final approval covers the concerns and he trusts that staff will be able to resolve the issues.
- Commission Younkin asked if staff thought these issues could be resolved before the permit is issued.
- Zoning & Development Manager Carraway stated that a building permit would not be issued without the plans meeting code. The staff has met with the applicant and there are options available to resolve the concerns and the applicant is aware of the requirements that need to be met. She also asked the Commission if they had any issues with a window being provided for on the passenger side of the vehicle.
- Commissioner Munoz stated he has seen this type of drive through in the past and it has worked as long as the stacking requirements are met.

MOTION:
Commissioner Lezamiz made a motion to approve the request as presented with staff recommendations. 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 final approval by City Engineering Department regarding the location of the building, traffic flow and stacking plan.
2. This coffee shop with the drive-through window is permitted to operate from 7:00 am to 7:00 pm Monday through Saturday
3. Subject to obtaining a signed cross use agreement with the neighbor to the immediate west of applicant's property for 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.

8. Requests a Special Use Permit to operate a shelter home in conjunction with an existing religious facility on property located at 450 3rd Avenue West c/o Pastor Anthony Lopez on behalf of Because of Jesus Ministries (app. 2304)

APPLICANT PRESENTATION:
Pastor Tony Lopez, the applicant stated they are here to request a special use permit to allow for a shelter home in the bottom portion of their church for rehabilitation of men. It will be a 24 hour operation, the clients are not allowed to drive and they are not allowed to meander around the property. It is a branch of Victory Homes and a spiritual restoration program for addicts and homeless people. He stated that he would like to explain that these people are constantly supervised they are not allowed in the program without background checks, the program works closely with the police department and the individuals are constantly supervised. The Victory Homes program stated in San Antonio, TX in 1972 and is a well known spiritual restoration program.

P&Z QUESTIONS & COMMENTS:

- Commissioner Munoz asked what the ratio is for supervision to client.
- Pastor Lopez stated there will be two leaders in charge of the program with one that will live in the home along with six other individuals that will participate in supervision but will not be living on-site.
- Commissioner Borhn asked if this area is just the sleeping area.
- Pastor Lopez stated there is a dining hall, kitchen, and restrooms/showering area available within the church, this request is for the sleeping quarters in the basement.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the aerial map on the overhead. She stated the site is zoned C-B ; commercial - central business designation with a P-2 parking overlay. There is an existing religious facility on site. The applicant is requesting to operate a shelter home in conjunction with the existing religious facility. Within the C-B zone a special use permit is required to operate a shelter home. A shelter home is defined as a *"building or facility however named, operated on either a profit or nonprofit basis for the purpose of providing a home with necessary supervision for three (3) or more persons not related to the owner and who are unable to care for themselves".* The shelter home, to be called "Victory Home", will operate 24 hours a day, (7) days a week. The narrative states the facility could house a maximum of sixteen (16) beds/(16) residents. The program staff will include two (2) trained home leaders that work daily with the residents from 8:00 am to 11:00 pm. There are also two (2) "home parents" who live in the pastoral living quarters in the church and will be on site 24 hours. There should be minimal impacts to the surrounding neighborhood from distracting lights, fumes, odor, vibrations, or noise issues. The traffic impact would be negligible as the residents are not allowed to drive or have personal transportation. The primary traffic would be employees. The church facility is required to have 45 parking spaces and provides 49 spaces. The Victory Home has been working very closely with the Twin Falls Police Department and County Commissioner, Tom Mikesell. The applicant states every resident is required to have a background check. Under this program no sex offenders are eligible for housing due to the proximity to public schools and churches. The commission may wish to place a condition the shelter home, if approved, operate under these stipulations. The proposed shelter home has partnered with many such organizations in the area, such as South Central Community Action Agency, Valley House, Risen House, Lazarus House, and many churches. Approval of this request will require a Certificate of Occupancy from the

building inspection department for a change of use include a shelter home at this site and may require site improvements. Staff has met with the applicant and he is aware of the improvements that may be required.

Zoning & Development Manager Carraway stated that upon conclusion should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to a maximum of sixteen (16) residents at a time.
2. Subject to "Victory Home" obtaining a Certificate of Occupancy for a change of use through the Building Department.
3. Every resident is required to have a background check. Under this program no sex offenders or child abusers are eligible for housing at this shelter home.
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:

- Angie Burgess,505 3rd Avenue West, stated they are concerned about 16 men living in the basement and where they are going to go for activities. What is the age group, do they work and will someone be available at all times at the location if there are concerns. She has concerns about the people they are trying to assist.
- Jesus Ortega, 1057 ½ Elm Street, state that he has been in the program and has been rehabilitated. He stated this place is very sanitary, with good ventilation and will be a great place for people to get the help they need.
- Benjamin Nesbitt, 450 3rd Avenue West, stated Victory Home has helped to change his life and it is a wonderful program.
- Kim Graham 450 3rd Avenue West, stated he has been in the program and it has helped him get on his feet. This would be wonderful program to provide help to the community.
- Darrel Bradshaw, 450 3rd Avenue West, stated he is a resident at the center and the program has help him begin to establish a life for himself. There is plenty of room at the facility.
- Dennis Garland stated that he is a Chaplin and is very familiar with the program and it has changed people's lives. He would like to see this program be successful and would like to support this request.
- Rachel Bartlett stated that this program has helped her with her life and would like to see this be approved.

CLOSING STATEMENTS:

Pastor Lopez stated that with the program they hope to improve the community. The is a fully scheduled day of activities revolving around praise and worship to aid the clients in developing a foundation in Christ. There are activities such as pool, and faith based movies provided. The age group is 18 and older and it is approximately a 90 day program. The hope is to produce leaders within the community that can establish other "Victory Homes" in other communities. This is a grass roots program that has been very successful since it started in 1972 in Texas. There will be someone available on site at all times to address any concerns that the neighbors may have. They want to be good neighbors and they want the program to be a success.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Warren made a motion to approve the request as presented and Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. Subject to a maximum of sixteen (16) residents at a time.
2. Subject to "Victory Home" obtaining a Certificate of Occupancy for a change of use through the Building Department.
3. Every resident is required to have a background check. Under this program no sex offenders or child abusers are eligible for housing at this shelter home.
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.

9. Commission's recommendation on a request for a Zoning District Change and Zoning Map Amendment from R-2 to C-1 for 29(+/-) acres on property ¼ mile west of Grandview Drive North and south of Pole Line Road West c/o Gary Slette on behalf of Nelson & Co. (app. 2305)

APPLICANT PRESENTATION:
Gerald Martens, EHM Engineering, Inc, representing the applicant stated he is here tonight to request a rezone for 29 acres located on the south side of Pole Line Road and west of the Reformed Church. The rezone is from R-2 to C-1 to conform to the Comprehensive Plan. The zoning as commercial will include a deed restriction that a PUD agreement is to be brought forward once a potential client is identified to address all of the uses that need to be covered with the development of the property. To the immediate east is the Reformed Church, who is willing to work with the developers of the PUD. The development to the south is "The Cottages" and this developer have requested that this project be considered at the time the PUD agreement is developed and requests that the future commercial development provide for buffering of the neighborhood. There are no objections to the staff recommendations and he requests that the Commission make a recommendation to approve the C-1 zoning.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the aerial map on the overhead and stated on October 11, 2005, the City Council approved the annexation of this property. This property is zoned with an R-2, residential single household or duplex district designation. The applicant is requesting that the property be rezoned from the R-2 zoning district designation to a C-1, commercial / retail zoning district designation. The property is located ¼ mile southwest of Grandview Drive North and Pole Line Road West. The site is approximately 29 acres and is currently being farmed. There is an existing residence and out buildings on site. There is agricultural land both to the north and west of the subject property. To the south there is land that is presently agricultural but has recently had zoning approval for an R-4 PUD residential development called "the cottages." - you have a letter from Wills, Inc. That was sent to you via email last Friday, April 24, 2009. And along the easterly border is the Twin Falls Reformed Church - the applicants have been in contact with the church and indicate that they will be sensitive to the use of the church as their neighbor. Pole Line Road West from Grandview Drive North to Rock Creek Canyon is planned to be widened by the State Department of transportation sometime during the next few years. The applicant states that the request is harmonious with the City's Comprehensive Plan. The Comprehensive Plan

future land use map designates this property as appropriate for commercial/retail development. This designation states that commercial/retail uses are planned for existing commercial locations and along major arterial roadways. Development along the Pole Line Road corridor over the past few years has generally come through as planned unit development (PUD) projects. The PUD process allows for development input by the City Council, Planning And Zoning Commission, staff and the general public. As the Pole Line Road corridor has under gone a substantial transformation over the past few years there is a desire to ensure that development in this area is coordinated, consistent and compatible with the City's Comprehensive Plan. The PUD process allows for discussion and review of issues such as traffic impact studies, access to proposed development, additional landscaping and/or berming, parking areas, pedestrian and or public trail connections, additional building setbacks, specific land uses, coordination of building design, color and materials, and signage packages. To name a few.
The applicants have agreed to record a "declaration of deed restriction" on the property that states they will bring through a PUD zoning request before the property is developed. The applicants have indicated that they do not have any specific users at this time but in their discussion with possible tenants they want a guarantee of the ability to develop the property commercially. After obtaining some key or anchor tenants the applicants will be able to develop a meaningful master development plan and address issues related to development along this corridor in the PUD agreement.

Zoning & Development Manager Carraway stated upon conclusion should the Commission recommend approval of this request, as presented, 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 and within the property being dedicated to the city of twin falls and to be built or rebuilt to current City standards upon development or change of use of the property.
3. Subject to the recordation of a "Declaration of Deed Restriction" stating that the property may not be developed until a zoning district change and zoning map amendment and a planned unit development ("PUD") agreement has been approved by the City Of Twin Falls and which may include any other conditions placed by the city council upon approval of this request.

PUBLIC HEARING: WITHOUT CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:
Commissioner Lezamiz made a motion to recommend approval of the request with staff recommendations. Commissioner Warren seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL 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 dedicated to the city of twin falls and to be built or rebuilt to current City standards upon development or change of use of the property.
3. Subject to the recordation of a "Declaration of Deed Restriction" stating that the property may not be developed until a zoning district change and zoning map amendment and a planned unit development ("PUD") agreement has been approved by the City Of Twin Falls and which may include any other conditions placed by the city council upon approval of this request.

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING MAY 26, 2009

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

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for May 12, 2009

VII. ADJOURN MEETING:

Chairman Younkin adjourned the meeting at 8:53 pm.

Lisa A Jones

Lisa Jones
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
May 12, 2009-6:00 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 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	Cope	Mikesell	
Lezamiz	Munoz	DeVore	
Schouten			
Warren			
Younkin			

CITY COUNCIL MEMBERS PRESENT: Heider, Kezele

CITY STAFF PRESENT: Carraway, Glaesemann, Vitek, Jones

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION

1. Consideration of the Commission's approval for two (2) flush wall-mounted signs located at 305 Shoshone Street South c/o Jeff Wendland dba Idaho Carpet Liquidators (app.2312)

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to construct at 2760 sq. ft. detached accessory building on property located at 3552 North 3000 East in the area of impact c/o Donald & Mary Norris (app.2306)

2. Request for a Special Use Permit to operate an outdoor swimming pool and public park with crowd attracting facilities on property located at 807 Wendell Street c/o Kimberly Farnes (app.2307)

I. CALL MEETING TO ORDER:
Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:
1. Approval of minutes from the following meeting(s): NONE
2. Approval of Findings of Fact, Conclusions of Law and Decisions:
Casy Burgess—SUP Findings

III. ITEMS OF CONSIDERATION:
1. Consideration of the Commission's approval for two (2) flush wall-mounted signs located at 305 Shoshone Street South c/o Jeff Wendland dba Idaho Carpet Liquidators (app. 2312)

APPLICANT PRESENTATION:
Mr. Wendland, the applicant, stated he is here to request an approval for 2 signs to update the look of the building and make it more appealing and appropriate to the time period of the building. The signs will be flush mounted wall signs with one located on the north wall of the building and the other on the west wall. He stated he agrees to the staff recommendations and requests that this be approved.

STAFF REVIEW:
Zoning & Development Manager Carraway reviewed the aerial maps on the overhead and stated the subject property is located in the Old Town District with a P-3 parking overlay. The request is to place two (2) wall signs on an existing building. City Code 10-4-13.3(h) requires Planning & Zoning Commission approval for signs installed in the Old Town District. The attached sign elevation shows all the existing and proposed signs. The projecting sign is an existing sign and the applicant is just changing the face –approval for a sign permit is not required. The sign above the main door on the corner of the building is being removed. The two (2) wall signs being requested this evening -- each measures 1.5' x 14.5' which equals 21.75 sq ft for each sign. These signs are described as dark blue letters mounted on the north and west walls of the building. City code 10-9-8(t) defines a wall sign as a sign painted on or erected parallel to and generally extending not more than (12") from the façade of any building to which it is attached, being supported throughout its entire length by the building face. Each non-residential use may have up to (3) sq ft of signage per linear foot of building width. The north wall measures 110' (330 sq ft) and the west wall measures 125' (375 sq ft) the proposed signs appear to conform to the current sign code regulations. If the Commission grants this request a sign permit shall be required to include a complete review to assure compliance with minimum standards prior to a sign permit being issued.

Zoning & Development Manager stated upon conclusion should the Commission grant 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 Full Compliance with City Code 10-4-13.3 and City Code 10-9-1 thru 16.

PUBLIC HEARING: WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION
Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner DeVore 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 Full Compliance with City Code 10-4-13.3 and City Code 10-9-1 thru 16.

IV. PUBLIC HEARINGS:

1. Request for a special use permit to construct a 2760 sq. ft. detached accessory building on property located at 3552 North 3000 East in the area of impact c/o Donald & Mary Norris (app. 2306)

APPLICANT PRESENTATION:
Nevin O'Berg,CNR construction, representing the applicant stated he is here to request a special use permit for a 2760 sq. ft. accessory building to store an RV and other personal items. The 5th Wheel is a 38' fifth wheel, the space has provided for the applicant to be able to walk behind and in front of the 5th wheel, an area to store other personal items along with a workshop area for his tools. This property is approximately ¼ mile off of 3000 East and approximately ½ mile between 3500 North and 3600 North. The only other residence that is close to this property is their neighbor that they share the ¼ mile driveway with to access the property. The rest of the area is agricultural this use will allow them to put things under cover and give the applicant a place to store his tools. There should be very little impact to the surrounding area and the building will be designed to match the surrounding buildings and the home.

STAFF REVIEW:
Zoning & Development Manager Carraway reviewed the aerial maps on the overhead and stated the property is zoned R-1 VAR; residential single-household district in the City's Area of Impact. The request is to construct a 2,760 sq ft detached accessory building. In

the R-1 VAR zone a special use permit is required for a detached accessory building over 1,000 sq ft in size. The property is approximately 2 acres in size and has an existing home, covered patio, and an existing detached garage. There is approximately 150' to the north and 35' to the eastern property line and 110' to the western property line, showing no issues with setbacks. The applicant has indicated that they want to have a large detached accessory building to store personal property out of the weather – personal property to include items such as a large travel trailer, a boat, trucks, and a tractor. There will also be an area for a work bench and tools. The applicant indicates that the building would be for personal use only, no commercial uses and no residential living quarters. The structure is designed to blend in with the existing residence and will have white vertical steel siding and a black steel roof. If approved this evening a building permit shall be required and a full review to assure compliance with fire, building and zoning codes will be completed prior to issuance of a building permit. The addition of this building is also in compliance with the Comprehensive Plan which designates this area as medium density residential and should cause minimal impacts to the surrounding area.

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 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 2,760 sq. ft. detached building would be for personal use only, no commercial uses and no residential living quarters, see attached letter of request.

PUBLIC HEARING: WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION
Commissioner Lezamiz made a motion to approve the request as presented with staff recommendations. Commissioner Schouten 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 the 2,760 sq ft detached building would be for personal use only, no commercial uses and no residential living quarters, see attached letter of request.

2. Request for special use permit to operate an outdoor swimming pool and public park with crowd attracting facilities on property located at 807 Wendell Street c/o Kimberly Farnes (app. 2307)

APPLICANT PRESENTATION:
Kimberly Farnes, the applicant, stated this is an existing outdoor swimming pool. The last time this pool was open was in 2005, the main street is Wendell Street and the adjoining roads are Lawrence and Robbins Avenue. She stated she would like to provide a safe place for children and their parents to go and have picnics and fun. There have been a lot of improvements made to the pool and the building itself is 45 years old. They have made improvements and repairs to the building and the pool to make sure it's a safe place for families to play. The area behind the building will be a park area that has been fenced to provide a secure play area for the kids. The existing out building will be enclosed and used as a shed. There has been a lot of growth on this side of town and there have been a lot of neighbors showing interest in the re-opening of the pool. She thinks this will be a positive use in the neighborhood and hopes it will be a success. She stated the paving requirement is something she is aware she needs to meet but she would like for the Commission to consider a 3 year deferral so that the project can move forward.

STAFF REVIEW:
Zoning & Development Manager Carraway reviewed the aerial maps on the overhead and stated the property is 1.2 acres +/- and is zoned R-2, residential single household or duplex district. The applicant wishes to operate an outdoor swimming pool and public park area with crowd attracting facilities. An outdoor swimming pool and public park and playground area with crowd attracting facilities require a special use permit in this zone. There is currently an outdoor swimming pool with a water slide. There is also an existing 1664 sq ft building that was used as a snack bar & pool admittance area. The facility has been closed for several years. There is documentation that there has been a public swimming pool and park area at this site since the mid 1970's. The applicant intends to operate the swimming pool Monday thru Sunday from 10:00 am to 9:00 pm during the summer season. There will be 6 to 7 lifeguards, 2 of which will be CPR certified. The applicant has also indicated the northern area will be used for a sand volleyball pit, horseshoe pit, picnic area and a small pre-school aged playground with water toys on the grassy area west of the pool. The property is completely fenced and the gates will remain locked for the children's safety.

City Code 10-11-1 thru 9; required improvements, must be complied with if the special use permit is approved. Minimum standards with regards to landscaping, screening, parking areas, streets, and storm water retention must be addressed prior to operation. The applicant is aware a building permit is required prior to operation. A full review of required improvements to assure compliance will be completed as part of the building permit process. At the present time the parking and maneuvering areas are not hard surfaced. City Code 10-11-4(b) requires all parking and maneuvering areas be hard surfaced with portland concrete or asphalt surface material. City Code 10-11-1 allows for a deferral of

improvements that may be staged over a 3-year period of time if the cost of improvements (in this case the paving) is more than 25% of the private improvements. The applicant is asking the Commission to consider a deferral of the hard surfacing of the parking and maneuvering area at this time. Wendell Street is a collector street and currently has a 39' center line road right-of-way. The owner of the property will be asked to dedicate additional road right of way on Wendell Street. Although development of curb, gutter and sidewalk are required improvements the City Engineering Department would be receptive to recommending deferral of curb, gutter, sidewalk and approaches on Wendell Street, Lawrence Avenue and Robbins Avenue West. There is also an open ditch along Robbins Avenue; the City Engineering Department would be willing to allow for a deferral for the piping of the ditch. There are no street improvements on the Wendell Street frontage of the property at this time. The City Engineering Department is requesting that the applicant have only one access on Wendell Street. The remainder of the street frontage should be barricaded to direct traffic to this access. The code requirement for the number of parking spaces to be provided for public swimming pools and public parks with crowd attracting facilities is not specifically defined in City Code and as such shall be determined by administrator. There are some guidelines provide for in the American Planning Association regulations which is what will be used to calculate the parking requirements. The landscaping requirement for the R-2 zone is 10% of the site for all nonresidential uses and shall comply with the provisions of City Code 10-11-2. The applicant believes there is a need for this type of facility in the area with the recent growth and development of single family homes and apartment complexes. She believes the facility would provide family recreation and good exercise for the neighborhood. The use is in compliance with the Comprehensive Plan which designates this area as medium residential density and the operation of the facility should cause minimal impacts if developed to meet minimum code standards.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the request as presents staff recommends the following conditions:

1. Subject to execution of deferral agreement for curb, gutter, sidewalk and approaches on Wendell Street, Lawrence Avenue and Robbins Avenue West.
2. Subject to execution of a deferral of piping the ditch on Robbins Avenue West.
3. Subject to a deferral of parking and maneuvering improvements that may be staged over a 3-year period of time if the cost of improvements (in this case the parking & maneuvering areas being hard surfaced) is more than 25% of the cost of private improvements.
4. If the deferral of parking and maneuvering is approved the parking and maneuvering area shall be applied with dust control until hard surfaced.
5. Subject to the Wendell Street frontage being barricaded to direct traffic to one ingress/egress.
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.

PUBLIC HEARING:

- Jim Gibson, 808 Wendell Street, stated he would like to speak in support of this request. They have seen this property be used by several owners and they have not had any problems with the establishment. The current applicant has really done some great property improvements and with the increase in children it will be a well used facility and great for the neighborhood.
- Brett Semple, 828 Wendell Street, is in support of this request and only has a question regarding the projection of music from the pool area into the neighborhood. He would like for that to be addressed.

CLOSING STATEMENTS:
Kimberly Farnes stated that they intend to have a radio but don't plan to have large speakers any noise will be mostly from the children. She stated she is willing to work with the neighbors if they have any issues or concerns. They want to be good neighbors.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION
Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner Lezamiz seconded the motion. All members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to execution of deferral agreement for curb, gutter, sidewalk and approaches on Wendell Street, Lawrence Avenue and Robbins Avenue West.
2. Subject to execution of a deferral of piping the ditch on Robbins Avenue West.
3. Subject to a deferral of parking and maneuvering improvements that may be staged over a 3-year period of time if the cost of (in this case the parking and maneuvering area being hard surfaced) improvements are more than 25% of the private improvements.
4. If the deferral of parking and maneuvering is approved the parking and maneuvering area shall be applied with dust control until hard surfaced.
5. Subject to the Wendell Street frontage being barricaded to direct traffic to one ingress/egress.
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.

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

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for WEDNESDAY May 27, 2009

VII. ADJOURNED MEETING:

Chairman Younkin adjourned the meeting at 6:50 pm

Lisa Jones
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
May 27, 2009-6:00 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 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
Cope	Munoz		
Schouten			
Warren			
Younkin			

CITY COUNCIL MEMBERS PRESENT: Heider, Kezele

CITY STAFF PRESENT: Fields, Glaesemann, Jones, Vitek, Weeks, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

I. ITEMS OF CONSIDERATION:

1. Consideration for approval of the Baker Subdivision preliminary plat .81 (+/-) acres to be subdivided into 2 lots for property located one lot west of Wendell Street , south of Lawrence Street and north of Robbins Avenue c/o Brad Wills/EHM Engineering, Inc.
2. Consideration of the reactivation of Special Use Permit #1091, granted on April 22, 2008 to Gold Key Auto c/o Larry Burton for the purpose of operating and automobile sales business on property located at 529 Addison Avenue West. c/o Larry Burton (app. 2219)
3. Preliminary PUD presentation for a Zoning District Change And Zoning Map Amendment from R-2 to NCO PUD for 4.71 (+/-) acres to allow a planned development consisting of a combination of neighborhood commercial uses and a convenience store/gas station on property located at the northwest corner of Eastland Drive North and Addison Avenue East, c/o Maverik Inc. (Brad McDougal). (app. 2314)

II. PUBLIC HEARINGS:

1. Request for a special use permit to operate a preschool on property located at 1061 Eastland Drive North c/o Amazing Grace Fellowship (app. 2301)
2. Request for a special use permit to operate a bar and nightclub that serves alcohol for on-site consumption on property located at 222 4th Avenue South c/o Brett Semple (app. 2308)
3. Request for a special use permit to expand an existing shelter home on property located at 507 Addison Avenue West c/o Valley House/Doug Strand (app. 2309)
4. Request for a special use permit to operate an automobile and pickup sales business on property located at 703 and 713 Washington Street North and 128 Caswell Avenue West c/o RTF Holdings, Inc. / C.P. Colby Tripp (app. 2310)
5. Requests a special use permit to operate a truck rental business with extended hours of operation in conjunction with an existing drive-through convenience store on property located at 2634 Addison Avenue East c/o T's Beverage Barn, LLC / Leroy Atwood (app. 2311)

I. CALL MEETING TO ORDER:

Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): April 28, 2009 & May 12, 2009
2. Approval of Findings of Fact and Conclusions of Law:
   Santiago Romero-SUP Elizabeth Tristan-SUP LDS-SUP
   D.W. Land Co c/o Kimberly Nurseries-SUP Because of Jesus Ministries-SUP
   Rex 1ST Amended Subdivision- A PUD -Pre Plat Norris-SUP Farnes-SUP

City Engineer Fields stated that when North Haven and Wal-mart came through in the platting process, the Commission was very supportive regarding the placement of a median in Washington Street North. As Wal-mart moves forward the Washington Street North, Phase 3 project has not yet been completed. The City needs to do something to alleviate some traffic concerns in the interim. Wal-mart has one approach on Washington Street which is the main approach to the parking lot. This approach is a right in and right out only approach. In the middle of Washington Street North there will be a ribbon curb median and in the short term a partially improved intersection at Cheney Drive. Until the Washington Street North project is complete there will be one lane heading north and one lane heading south. Fields believes the northbound left queue at Cheney Drive will block the northbound lane and cause significant congestion. For the interim, access will be allowed in the Wal-mart parking lot via a left hand turning lane placed on the west side of the ribbon median at Washington Street North. This will provide some stacking capacity and should help deal with the challenge of getting people into and out of the Wal-mart property until the Washington Street North, Phase 3 project is completed.

III. ITEMS OF CONSIDERATION:

1. Consideration for approval of the Baker Subdivision preliminary plat .81 (+/-) acres to be subdivided into 2 lots for property located one lot west of Wendell Street, south of Lawrence Street and north of Robbins Avenue c/o Brad Wills/EHM Engineering, Inc.

   APPLICANT PRESENTATION:

   Brad Wills, the applicant stated he would like to request approval of a small subdivision of property located on the west side of Wendell Street and south of Lawrence Street. The property has been divided before which requires platting to subdivide again. A parks in-lieu and a deferral for improvements has been approved and the plan is to have an access easement from Lawrence Avenue. He requests that the Commission approve this request so the project can move forward to construct another residence on the second parcel.

   STAFF PRESENTATION:

   Planner I Weeks stated this is a request for the Commission's approval of the preliminary plat of .81 (+/-) acres consisting of two residential lots on property located at 736 Robbins Avenue West. As for the history on the property the Quilici Subdivision was recorded in July of 1951. On January 20, 2009 the Council approved a request for a Parks in-lieu contribution for proposed Baker Subdivision.

The preliminary plat for the Baker Subdivision includes .81 acres and is zoned R-2. The request is to plat 2 residential lots. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. 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 R-2 zone allows a minimum 6,000 square foot single family lot, a 10,000 square foot minimum lot size for a duplex. The plat meets or exceeds the minimum lot size requirements for development in the R-2 zone.

The subdivision is adjacent to two public streets Lawrence Avenue to the north and Robbins Avenue West to the south. The Engineering Department is approving deferrals of curb, gutter and sidewalk construction on Lawrence and Robbins Avenues. Development of the roadways on the streets is also being deferred. An access from Lot 2 to Lawrence Avenue will be developed.

To meet the requirements for pressure irrigation the lots will maintain their gravity irrigation and it will be the individual homeowners' responsibility to provide pumps to pressurize their systems. The plat is in conformance with the new Comprehensive Plan land use map which designates this area as appropriate for Medium Density Residential development.

Planner I Weeks stated upon conclusion should the Commission approve the preliminary plat of Baker Subdivision, 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, including correction of plat notes.
2. Subject to deferrals for curb, gutter, sidewalk and road construction on both Lawrence Avenue to the north and Robbins Avenue West.

PUBLIC COMMENT: OPENED AND CLOSED WITHOUT PUBLIC COMMENT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

APPROVED 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, including correction of plat notes.
2. Subject to deferrals for curb, gutter, sidewalk and road construction on both Lawrence Avenue to the north and Robbins Avenue West.

2. Consideration of the reactivation of Special Use Permit #1091, granted on April 22, 2008 to Gold Key Auto c/o Larry Burton for the purpose of operating and automobile sales business on property located at 529 Addison Avenue West. c/o Larry Burton (app. 2219)

APPLICANT PRESENTATION:
Lisa Burton, representing the applicant, stated the property located at 529 Addison Avenue West was granted as special use permit on April 22, 2008. By the time the special use permit was approved the applicant had signed a one year lease on April of 2008 at another location. The lease expired April of 2009 they were not aware that the special use permit would expire after one year. The intent was to improve the property so they are asking the Commission to approve the reactivation of this special use permit so they can move forward.

STAFF PRESENTATION:
Planner I Weeks stated on April 22, 2008 the Commission granted special use permit #1091 to allow the operation of an automobile and pick-up truck sales business on property located at 529 Addison Avenue West 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.

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; the commission may call for a new special use permit application". If the Commission determines the surrounding area and/or facts and circumstances have not changed since the special use permit was approved they may not require a new special use permit but, by motion, may reactivate the expired special use permit.

Planner I Weeks stated upon conclusion staff recommends approval of the request to reactivate special use permit #1091.

PUBLIC COMMENT: OPENED AND CLOSED WITHOUT PUBLIC COMMENT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

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 motions.

REACTIVATION OF SPECIAL USE PERMIT #1091 APPROVED

3. Preliminary PUD presentation for a Zoning District Change And Zoning Map Amendment from R-2 to NCO PUD for 4.71 (+/-) acres to allow a planned development consisting of a combination of neighborhood commercial uses and a convenience store/gas station on property located at the northwest corner of Eastland Drive North and Addison Avenue East, c/o Maverik Inc. (Brad McDougal). (app. 2314)

APPLICANT PRESENTATION:
Brad McDougal, the applicant stated he is here to make a presentation. Maverick operates a chain of 200 (+/-) stores. They look at locations based on certain criteria to determine profitability and there are two types of market locations one is a destination location and the second type is a convenience location. An example of a destination location would be going to a specific grocery story to shop. A convenience location is one that is located along the route typically driven to and from home and provides a quick place to stop within their travel pattern. The other considerations for a site are good traffic counts and good business population base.

If you look at the master transportation plan it shows this intersection as arterial gateways. This corner provides a location that would present a location that people would access in their travels.
The current property owners own the entire 4.7 (+/-) acres and there are four homes located on the property. The owners are requiring Maverik to purchase the entire piece of property and the request for the rezone requires a master plan as part of the presentation. The plan shows the Maverik convenience store located at the corner that will use approximately 1.5 (+/-) acres. The proposal for the remaining portion of the property would be possibly a fast food restaurant and professional office buildings. The architecture of the buildings would be designed to have pitched roofs and blend with the neighborhood and look more like a home. The businesses would operate during typical professional office hours. By surrounding the property with the professional office buildings it should reduce the impact of the businesses on the residential area.

P&Z QUESTIONS/COMMENTS:
- Commissioner Warren asked how they plan to manage the irrigation ditch that runs through the property. He also asked if the traffic coming out of the parking lot will be allowed to turn left to get onto Addison Avenue.
- Mr. McDougal stated the plan is to run it through the property pipe it and then daylight it at the property boundary to maintain the flow of water. He will be meeting with Engineering Department to determine what will be required to handle the canal. As for the left turn there is enough room for the traffic to make a left turn from the approach on Addison Avenue however the traffic studies will need to be done and a discussion with the Engineering Department will have to take place to determine if this will work.

STAFF PRESENTATION:
Planner I Weeks reviewed the aerial maps on the overhead and stated that the staff makes no recommendations at this time. She stated the public hearing for this item is schedule for June 9, 2009 and staff will present their analysis at that time.

PUBLIC COMMENTS: OPENED
- Doug Christensen, 2176 Addison Avenue asked if there is a possibility that these structures will be postponed or will the other buildings be constructed at the same time. The other question is what kind of property improvements will be required by the applicant.
- Mr. McDougal stated the plan would be to construct the gas station and sell of the other portion of the property to a developer that would be interested in constructing a professional office complex and a fast food restaurant.
- Staff Engineer Glaeseman stated that it has been typical with this type of development that a right hand turn lane would be constructed at the intersection. The master transportation plan would have to be reviewed but it would not be uncommon to require this type of improvement.

- Commissioner Bohrn asked where the retention area would be located on the property.
- Mr. McDougal stated that the storm water all runs into inlet boxes and then into the canal the plan is to put a retention basin in along with an oil water separator in it and then have it percolate into the canal.
- Curtis Webb ask how many gas dispensing stations will be under the canopy.
- Mr. McDougal stated there will be 5 islands allowing up to 10 cars to fuel at the same time.
- Gale Heideman asked if there are photos of a current Maverik location that has the residential appearance like what is being shown. She also asked if they have anyone interested in purchasing the other portion of the property.
- Mr. McDougal stated they would only be building the Maverik the other structures on the plan would be developed by the person that purchases the other portion of the property. He stated that they have the property under contract and currently they don't have anyone interested.
- Doug Christensen, 2176 Addison Avenue asked who would be in control of the other portion of the property that is to be sold and if the selling of the property can change the planned use.
- Mr. McDougal stated the zoning would determine the uses and the design requirements for the entire parcel and the Planned Unit Development criteria would have to be met. The Planned Unit Development would have to be amended.
- Chairman Younkin asked the applicant to incorporate the information that was requested at tonight's presentation in the public hearing presentation on June 9, 2009.

PUBLIC COMMENT: CLOSED

PUBLIC HEARING SCHEDULED FOR JUNE 9, 2009

IV. PUBLIC HEARINGS:

1. Request for a special use permit to operate a preschool on property located at 1061 Eastland Drive North c/o Amazing Grace Fellowship (app. 2301)

APPLICANT PRESENTATION:
Rex Baker, representing the applicant, requests to operate a preschool for ages 2-5 and will operate 8am to 4pm Monday through Friday. There will be 2-3 employees with plans to enroll 36 children. There should not be a change in the traffic pattern to the property because there are activities at the church daily. The pre-school will be located in the southwest corner of the building and should not create any addition impact to the residential area.

P&Z QUESTIONS/COMMENTS:
Commission Warren asked if the open space to the south side of the church is used for parking.
Mr. Baker stated the five acres south of the church does belong to the church and is used for parking as an overflow.

STAFF PRESENTATION:
Planner I Weeks stated on July 28, 1992 the Commission granted Special Use Permit #324 to construct and operate a religious facility on the site. On May 31, 1994 the Commission reviewed and denied a request for a message center sign. On July 13, 2004 the Commission granted Special Use Permit #885 to expand the religious facility on the site. Amazing Grace Fellowship made an application to amend a Special Use Permit #885 to allow modification of the specific landscaping requirement that they plant 6 foot Thuja Occidentalis on the entire length of the northern property line at 36 inch on center as a condition of approval; this request was denied.

The property is zoned R-2, residential single household or duplex district. The applicant is requesting a special use permit to operate a preschool on the site. A special use permit is required for a private school in the R-2 zone. The proposed hours of operation of the preschool would be from 8:00 am to 4:00 pm, Monday through Friday. The preschool would serve children ages 2-5 years old. The use would initially involve 2-3 employees and around 36 children. The preschool would occupy two church school classrooms, the youth chapel and fellowship hall. The church has over 150 parking spaces and the requirement for a preschool is two spaces per teacher.

The undeveloped land to the south of the church is not part of this land use and should not be used for parking. It was observed that on May 17, 2009 there were 13 vehicles parked in this area at approximately 12:30 pm. At a July 13, 2004 public hearing for a request from Amazing Grace Fellowship it was noted in the Findings of Fact and Conclusions of Law that the applicant agreed that if the undeveloped area was used for parking that it would have to be paved according to City Code requirements. If this area is to be used for parking the church needs to work with the Engineering, Building and Zoning Departments to ensure that it is developed to meet minimum development requirements. If the area is not going to be developed it cannot be used for parking.

The preschool land use is different from what the current Certificate of Occupancy had been issued for. The applicant will have to apply for a Certificate of Occupancy through the building department for the change of use to allow a preschool. If the special use permit is granted this evening it is not transferable from one parcel of land to another, but may be transferable from one owner to another, provided all conditions of the special use permit continue to be met.

Planner I Weeks stated upon conclusion should the Commission grant 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 compliance with all state and city preschool licensing requirements.
3. Preschool to operate Monday through Friday, 8:00 am to 4:00 pm
4. Compliance with previous conditions of approval on existing special use permits for the property.

PUBLIC HEARING: OPENED

Elaine Claiborne 2164 Julie Lane, she lives north of this property and the actual parking lot for this property has impacted her and her neighbors' quality of life. She stated her property sits quite a bit lower than the property where the church parking lot is located. The church has not met the landscaping requirements to help shield her property from the noise and traffic that is generated by the church. The lighting requirements have not been enforced and the lights are left on causing her property to be lit continuously. She stated she has no privacy because people can see over the screening fence into her back yard. She has had people wave to her from the parking lot, watch her get in and out of her hot tub and the church has still been unwilling to work on resolving the issue. She stated that she has heard that the plan for this building is to eventually convert it to a school once a new church has been constructed. She stated her fear is that none of these issues have been addressed and that if this request is approved it is just going to make things worse.

CLOSING STATEMENTS:
Mr. Baker stated that the church will write a letter in response to her testimony. He stated the church has tried to respond to her issues. The facility will be located farthest away from her property to reduce the impact to the area; and at this point he hasn't seen any 2-5 year olds driving cars to school.
PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated the vacant gravel lot being used for overflow parking needs to be either screened to prevent people from parking on the vacant lot or it needs to be paved.
- Commissioner Warren stated that he recalls that there were issues with landscaping and that the trees that were planted did not meet the specifications of the special use permit conditions.
- Commissioner Younkin stated he does recall that the trees, the vacant lot, and the lighting were all issues related to this property when they came in for a special use permit request before. The church was asked to work with neighbors keeping in mind the difference in elevation and to be considerate but it seems that these issues still have not been resolved.
- Commissioner Bohrn stated that the drop off and pick up of children may not justify paving the vacant lot. As for the conditions not being met on the previous special use permit revocation may need to be considered.
- Commissioner Mikesell stated they are adding a use to the building which in his mind justifies addressing the paving condition. They should meet the agreements related to the previous special use permit before this special use permit is approved. Currently they are in violation of 3 out of the 5 conditions listed on the other special use permit: lighting, landscaping & parking.
- Commissioner Warren stated that if only 2 out of 5 of the conditions are not being met on the previous special use permit and we approve this special use permit with additional conditions how do we know they are going to be met.
- Commissioner Bohrn stated the revocation process should be initiated for the other special use permit.

MOTION:
Commissioner Mikesell made a motion to approve the request subject to conditions as stated and subject to a commitment by the church to meet all of the previous conditions on the previous special use permits prior to operating the pre-school. Commissioner Cope seconded the motion. Commissioners Cope, Shouten, Warren, Younkin and Mikesell voted in favor of the motion. Commissioner Bohrn voted against the motion. Motion passed 5-1.

APPROVED 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 compliance with all state and city preschool licensing requirements.
3. Preschool to operate Monday through Friday, 8:00 am to 4:00 pm
4. Compliance with previous conditions of approval on existing special use permits for the property.
5. Subject to commitment by the church to meet all of the previous conditions on the previous special use permit prior to operating the pre-school.

2. Request for a special use permit to operate a bar and nightclub that serves alcohol for on-site consumption on property located at 222 4th Avenue South c/o Brett Semple (app. 2308)

APPLICANT PRESENTATION:
Brett Semple, the applicant stated he recently purchased the buildings commonly known as the Globe Feed & Seed and the Northwest Feed buildings. The buildings are situated on five city lots on 4th Avenue South in the Old Towne Historic Warehouse District. All of the buildings share the address of 222 4th Avenue South, but this request only involves two of the five lots. He is essentially trying to clean up and renovate two of the five lots. Lots 1 and 2 consists of an unoccupied distressed building and an adjacent empty lot. The plan is to renovate the property to be an upscale western theme nightclub with an entertainment atmosphere for country music fans. He stated they will be hiring local engineers and construction crews to facilitate the renovation and local personnel to staff the establishment.

This request for a special use permit applies to the two city lots at the southwest corner of 4th Avenue South and Hansen Street. The buildings last use was a warehouse space that is now an empty building shell with a concrete pad both in a state of disrepair. The special use permit is critical to the buildings renovation and its proposed use. Considerable costs will be encountered in the inspection, stabilization, architectural planning and renovation of the building. From both a cost and a design stand point Mr. Semple stated he needs to be sure the proposed use is allowed before proceeding with any engineering or architectural planning.

He stated he is partnering with other local business owners on the project. Dan Fuches from Dick's Pharmacy will own the actual business and liquor license. John Urrutia Jr. and his wife Debbie owners of The Cove will manage the facility and he will own the building and aid in the management. Currently on lot 1 is a 50' x 80' structure. Three sides of the building are brick and the fourth side is stick built and is exposed to the elements due to the removal of an attached structure by a previous owner. There are settling issues with the build as well as roof problems. EHM Engineering has been contacted to provide a complete engineering inspection of the property to determine building stability, architect Russ Lively has been detained to assist in designs for renovations and exterior finishes and Darren Hall Construction has been hired to do the actual renovation and construction of the project.

There is potential for expansion at the front of lot one which he is proposing to house the restroom facilities and the entrance to the building. A final floor plan has not been completed, however all changes to the existing structure will be dependent upon City Planning & Zoning and the Historic Preservation approval. Lot 2 is a concrete floor remaining from a previous structure that a previous owner tore down. Mr. Semple is proposing that lot 2 be used as a court yard or patio with landscaping, outdoor seating and enclosed. There has been discussion with other interested parties to use lot 3 as a restaurant and a shared court yard between the two buildings would be a very desirable asset.

The proposed target clientele would be patrons 30+ years of age, the hours of operation will be 3:00 pm to 11:00 pm Monday thru Thursday and 3:00 pm to 1:00 am Friday and Saturday. Live country music is planned for Friday and Saturday Nights. The nightclub will provide employment for approximately 10 -20 mixed full and part time employees including band members. The rule of thumb will be to provide 3-4 staff members to 75 patrons. On call staffing will be available for up-staffing when necessary. With a 5,000 sq. ft. building they anticipate an approved occupancy of 250-

300 people depending on the final layout of the facility. The maximum occupancy is not expected on the weekdays but may be met on weekends or during special events. Food will not be offered at this time.

Traffic numbers are expected to be between ¼ and ½ of the actual approved occupancy. He believes there is ample public parking available to support this venture. A survey of the immediate area showed approximately 260 public parking spaces including 169 spaces in three distinct public parking spots nearby and 95 on street parking within a block of the location. Many of the properties in this location are currently or have been used as bars or restaurants. Neighboring properties are not expected to be impacted by this proposed use. The live music will be contained within the building and will not begin until after 7:00pm when other local businesses are closed. As for security a plan will be coordinated with the Twin Falls Police Department.

In closing he hopes that the special use permit is approved and he looks forward to working with Urban Renewal, Historic Preservation, and Planning & Zoning. With approval of the special use permit it is our hope that revitalization will continue in this area.

STAFF PRESENTATION:
Planner I Weeks stated staff was unable to find any zoning history. The building department records go back to 1972 and indicate the property has been a part of the Globe Seed and Feed Facility since at least that time. The applicant would like to operate a bar/night club on the property. The property is zoned OT WHO P-3. The lot is in the Old Towne district with a Warehouse Historic Overlay and a P-3 Parking Overlay. A special use permit is required for the retail sale of alcoholic beverages when consumed on premises where sold, retail uses operating outside the hours of 7:00 am and 10:00 pm and for indoor recreation facilities which includes a dance club/night club.

The property consists of 2 lots, 12500 sq. ft. and is currently vacant commercial property. There is an existing 4000 sq. ft. building that was formerly used as a warehouse. The southwestern portion of the site does not have any structures but is paved. The applicant is proposing a western themed bar and night club. The existing building is settling in the back of the building and exposure due to demolition of an adjoining structure has caused some degree of dilapidation. The applicant has consulted with a local engineering firm to assess the renovation required on the building. The applicant is aware of the requirements to review any alterations to the exterior of the building with the historic preservation commission.

The western bar and night club is intended to attract a clientele of 30+ years of age. The proposed hours of operation would be from 3:00 pm to 11:00 pm, Monday through Thursday and 3:00 pm to 1:00 am on Friday and Saturday. The applicant anticipates approximately 250 to 300 customers. The business would likely include 11 to 20 full and part time employees with a ratio of 3 to 4 per 75 customers, plus security staff.

There are similar uses in the area such as Red's Trading Post, Sidewinders Saloon, Blue Room, Woody's and Pandora's. As there is limited parking in this area there is a concern this business would create a traffic problem. In review of other bar and night club uses there are typically four areas of concern. They are noise, parking, security and litter. There have been many complaints of

noise from similar businesses in the area. The applicant is proposing an outside patio area and the maximum decibel level from outside the facility would be difficult to manage.

The site is located in the Old Towne District with a P-3 Parking Overlay. The purpose of the Old Towne District is to encourage redevelopment of existing properties. The City Planning Administrator may waive strict conformance to the requirements for parking, landscaping and/or surface water retention when such waiver would not be contrary to the public interest. The P-3 Parking Overlay District states "due to the desire of the City to retain the character of the P-3 District, special consideration may be given on a case by case basis to the parking requirements, if the standard requirements cannot be applied. Examples of special consideration may be a variance on number, leased on street parking and remote parking. A bar requires 1 space per every 4 seats and a dance club requires 1 space per 250 sq. ft. of total floor area. The parking requirement for this site would be 38 spaces. There is no off street parking available for this site. The code indicates that off street parking spaces on private property must be off street and the business entrance must be within 350' of the property being used for parking. There must be a signed lease agreement in place with the owner of the property used for parking and the business needing the spaces. The property used for parking would be required to comply with current standards which include paving, landscaping and storm water retention. The applicant believes there is on street parking available along 4th Avenue South and Hansen Street South that equals 86 spaces. There are 2 paved parking lots which are owned by the Urban Renewal Agency in the area. One is located adjacent to 5th Avenue South and Hansen Street South that has 34 spaces and is located within 350'. The other is not within the 350' requirement. The other similar types of businesses in the area also utilize the paved parking lots and public on-street parking. The applicant has stated this business may bring in an additional 150 to 200 vehicles per night which would negatively impact the existing businesses in the area. There is not any guaranteed or leased parking provided with this request.

The applicant indicates that the training of security and general staff will be the responsibility of the lessee and he has made contact with Staff Sergeant Wilson with the City of Twin Falls Police Department and is going to work with him and Officer Luke Allen to develop a security plan. Similar businesses have been required to submit a full security plan to include security cameras and a security system in place. As of this date there has not been a security plan submitted. The applicant indicates outside clean up around the entire perimeter will be contracted to a cleaning crew to ensure that the property is maintained daily.

Planner I Weeks stated should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Noise level is not to exceed 78 decibels at any point ten feet from the exterior walls of the building.
2. No one under 21 within the facility during operating hours.
3. Subject to a signed contract or a signed letter of commitment to ensure litter associated with the business is to be picked up at the end of each business night.

4. Security plan to be approved by the City of Twin Falls Police Department and in place prior to operating the business.
5. Subject to a signed lease agreement to secure a minimum of 38 off street parking spaces within 350' of the front door of the subject business prior to operating the business.
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.

PUBLIC HEARING:

- Chairman Younkin read a letter into record that has been filed with the application.
- Officer Luke Allen, Twin Falls Police Department, stated the main concern is lighting and parking. Security can't be considered until the inside floor plan has been designed. The lighting along the street is insufficient along the outside and parking is being accounted for by other businesses in the area.
- Kurt Handley owns Pandora's restaurant said his main concern is the parking issue. He is however in support of this request and to get this business in this area it would help to rejuvenate the area. He would like to encourage the approval of this business.
- Russ Lively stated that he is one of the people involved in this project and was on the Historical Preservation Committee when this area was designated as the Old Town Warehouse District. The fact of the matter is that this area of town is going derelict and we as a City should be doing something to support the businesses in this area. He stated he is listening to concerns about the lighting and the parking in this area, and if the property is 5 lights short and 10 parking spaces short is the City willing to say we don't want your business. If anyone has seen this building they would know and understand that it is on the verge of total structural collapse. For someone to come in and want to spend thousands of dollars to preserve a piece of history in a district in a downtown area, it's amazing to me that the City is only concerned with a few lights and parking spaces. This business needs to go in this area for some salvation of this area.
- Tom Frank, representing the Urban Renewal Agency, stated that the agency is taking a stand against this development as it is presented. There are two concerns, one is the type of business, the agency is all for redevelopment but at this time they are not desiring a bar at this location. He reviewed an aerial map of the properties that the Urban Renewal Agency owns in this area and the concept that the agency has in mind for this area. The concern is the "type" of business not "a" business going in; if it were a restaurant then the agency would be more supportive. The concern is that it will be a full blown bar, traffic patterns and when you mix alcohol and people sometimes common sense goes out the backdoor and creates issues. Again the agency is for development they are just not in support of this type of business. The design concept for this area is a proposed four block redevelopment area and the idea is to have the commercial businesses along the main thoroughfare with residential development on the perimeter areas to support the downtown area. This is a concept plan and we will see this happen as soon as funds are available. The agency is marketing to find the developer dollars and with a bar at this location it may deter a developer from investing. They have no problem with development of this property it's the bar that is the concern. The parking is the second issue and is part of the code that the Commission has to find a way to address. He reviewed the 350' parking radius map on the overhead and reviewed the spaces that are being accounted for in this request. From reviewing the application he would think that 200 spaces would be needed to accommodate the patrons and staff for this business and that is not available because there are other businesses in this area that already use the available public parking in this area. The people want to park close to where they are going to be so parking is going to be an issue and the lot closest to this property

is owned by the Urban Renewal Agency. It is a gravel lot and they don't want people parking there. They have no plans to build a parking lot at this time they have committed their funds to another project at this time. He stated they would like to see the applicant supply some private parking. The parking doesn't meet the needs of this business and the type of business being proposed is the other concern.

- Dave Woodhead 251 5th Ave East, stated he is compelled to speak because he is the owner of Woody's, Blueroom, and Sidewinders and is one of the first owners to do anything in this area. The types of businesses that were there before were The Lamphouse Theater, a nice restaurant and a high-end furniture store that are not there anymore because they were not successful. Finally after trying several things, he started a bar to make some money. The point is that the pictures that were shown as a concept for this area have been talked about for 15 years. He supports the concept but in the mean time some of these buildings are falling apart and he wants to know how long we have to wait for something wonderful to happen. It never happens, if things aren't happening and someone else can come in and is willing to invest in the area we should get out of the way and let them. The parking spaces in this area are used and there will be an issue with parking.
- Dan Fuches, 3072 Heatherwood Road, stated that he will be leasing the building and stated that he has a timing issue on the liquor license within the next 3 days and the feasibility of the building for this use. The time restraint is the concern related to approval of this request.
- Mr. Semple stated the lighting issue can easily be resolved, however parking has always been and always will be an issue in this area. He reviewed the maps presented by Mr. Frank for this area on the overhead and stated that if this project does get completed there will be a lot of public parking available for this area. The question is will the Urban Renewal Agency complete this development and if so would that parking be available for use after hours because it is within 350' of his property. Should he wait for the development to come or should he be allowed to move forward with his project. He stated he understands the parking in this area is used by the businesses in the area but it is public parking. The parking area in front of the Hepworth building was built by the Urban Renewal Agency because he told them if they will build it he will renovate the building. That is public parking and is not being used by him after 7:00 pm, and because he has decided to develop a project now does that preclude him from being able to count the public parking as space for his patrons. Whoever gets there first decides where they want to park. The Minidoka lot has 64 spaces that is out of the 350' radius by 50' and if the people want to go to this area they will park and are willing to walk. These lots can be used and should be able to be used by any business in this area. If and when the Urban Renewal Agency develops their project parking will be resolved.
- Steve Kohntopp 2186 E 4200 N stated he didn't come to speak on this item however he is in real estate and he sold this property to Mr. Hepworth and it has been vacant for approximately 8-10 years. The building is historic and in disrepair, he thinks it is unconscionable to have someone from the Urban Renewal Agency say we can't afford to put a parking lot. This area is an extension of the City. The agency is buying land, paying cash for the land and then telling someone that is wanting to invest thousands of dollars in a project in this area but they don't want it developed because it is not the type of business they want in this area. If the agency is worried about a bar in this area, there are bars just a block over from this location and if the concern is safety all the bars are in the same location the security can be centralized. If Urban Renewal is concerned with parking they should build more parking and assist the businesses.
- Tom Frank stated the Urban Renewal Agency currently doesn't have any plans to address parking. If a group of people want to come down to the Urban Renewal Agency and submit a

request/proposal for parking they can be go through the process. However right now the agency has a memorandum signed to provide a parking area for another establishment. The agency has a limited cash flow, but they do get the money back through value increases of the properties. The agency just hasn't been approached for a parking lot to be constructed in this area. The applicant is correct all of the parking in this area is public.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated that the only entity that is against the request is the group that should be supporting business. He sees it as the Urban Renewal Agency trying to protect their own interests at the cost of someone else. He stated it's a bar, we are not biased against businesses in Twin Falls. If they want to open up a bar and parking is available it should be fine. Why should Urban Renewal try to protect their interest when someone with a plan of action and funding is going to come in and invest in the area. Urban Renewal at best has a wish for this area that has still not happened. It's a business and as for the parking there is plenty of parking in this area. Everyone that goes to this area walks. If he were making a motion he would do away with the parking requirement and let the project move forward.
- Commissioner Cope stated he agrees, he thinks that Urban Renewal should be backing this project fully and looking at the parking. When you have someone with funding and the desire to invest in the area, it seems very silly to be opposed to this project. He stated also that the parking requirement should be done away with also.
- Commissioner Warren stated the applicant has said they will be lighting the building to provide for a safe area around the building. They are working with the police department on a security plan and with the staff recommendations this should be fine.
- Commissioner Bohrn stated the term "bar" is not completely accurate. The gentlemen stated it is going to be a dance club which in his mind is very different from a beer bar. It will be an upscale establishment that they are going to invest a ton of money into and he doesn't understand why the Urban Renewal Agency isn't knocking on the applicant's door wanting to help. We want to revitalize this area and we have someone that wants to invest and put in a nice establishment that will draw business to the area. As for the parking requirements that should not be a condition for approval.
- Commissioner Younkin stated this could be a night club district and the other businesses that are here tonight are not opposed to the request. He stated parking seems to be available and if people choose not to walk they will go elsewhere. If the business is desirable people will walk and wait in line. The applicant has addressed the trash issue, and is willing to put lighting in to provide for a safe environment. He stated having these types of businesses centralized should make it easier to manage. He stated he would be in favor of approving this request.

MOTION:
Commissioner Bohrn made a motion to approve the request as presented excluding condition #5 the parking requirement. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED SUBJECT TO THE FOLLOWING 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 during operating hours.
3. Subject to a signed contract or a signed Letter of Commitment to ensure litter associated with the business is to be picked up at the end of each business night.
4. Security plan to be approved by the City of Twin Falls Police Department and in place prior to operating the business.
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 a special use permit to expand an existing shelter home on property located at 507 Addison Avenue West c/o Valley House/Doug Strand (app. 2309)

APPLICANT PRESENTATION:
Doug Strand, representing the applicant, stated they want to add an 870 sq. ft addition to this property and the request is required because this will total a 26% increase to the property within the last three years. The area will be used as a community room and should have very little impact to the surrounding area.

STAFF PRESENTATION:
Planner I Weeks stated on September 27, 2004 the City Council approved a request to rezone the southern part of the property at 507 Addison Avenue West from R-4 to C-1. This request rezoned entire property to C-1 commercial highway district. Valley House was issued a Certificate of Occupancy in December 1994. They have received the following building permits:

1. March 1996 288 sq. ft. single family unit
2. September 1997 726 sq. ft. duplex
3. July 1999 1344 sq. ft. lodging house
4. June 2005 1344 sq. ft. lodging house
5. July 2007 1344 sq. ft. lodging house

She stated the property is approximately 1.2 acres and is zoned C-1, commercial highway district. To operate a shelter home in the C-1 zone requires a special use permit. The applicant is requesting an expansion of 870 sq. ft. to add a multipurpose room. City Code 10-13-2.2(C) states an application for special use permit shall be filed with the Administrator by at least one owner or lessee of property for which such special use is proposed or for which an expansion of more than twenty five percent (25%) over the original square footage approved through the special use permit process or a total increase in square footage over ten thousand (10,000) sq. ft. whichever is less, or relocation of an existing special use is proposed. The Valley House added a 1344 sq. ft. lodging house in July of 2007. They are proposing an 870 sq. ft. expansion at this time. The total expansion in three (3) years is 2214 sq. ft. which is an increase of 26%.

The addition of a multipurpose room is needed for the mandatory client classes and weekly and holiday dinners for the clients and their families. The proposed hours of operation would be from 9:00 am to 5:00 pm, Monday, Wednesday, Thursday and Friday. Tuesday's hours are 9:00 am to 7:00 pm. The Valley House employs 2 fulltime and 3 part time people. The valley house provides housing to individuals that are homeless. They also provide the tools needed to live productive and self-sufficient lives.

City code 10-11-1 states that an expansion greater than 25% within a 3 year period from the date of completion of other expansions requires compliance with all of the required improvements. The required improvements include landscaping, parking, streets, curb, gutter and sidewalk, and storm water retention. Approval of this request will require a complete review by the Building, Fire, and Planning and Zoning Departments to assure full compliance with required improvements and minimum development standards prior to issuance of a Certificate of Occupancy.

If the Special Use Permit is granted this evening it is not transferable from one parcel of land to another, but may be transferable from one owner to another, provided all conditions of the special use permit continue to be met.

Planner I Weeks stated upon conclusion should the Commission approve this request as presented 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 compliance with City Code Title 10; Chapter 11; Required Improvements

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC COMMENT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

APPROVED 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 compliance with City Code Title 10; Chapter 11; Required Improvements

4. Request for a special use permit to operate an automobile and pickup sales business on property located at 703 and 713 Washington Street North and 128 Caswell Avenue West c/o RTF Holdings, Inc. / C.P. Colby Tripp (app. 2310)

APPLICANT PRESENTATION:
Colby Tripp, the applicant, stated he wants to have an upscale automobile sales business, with approximately 5 employees on the property located at Washington Street and Caswell Avenue. He stated they have no plans for extended hours of operation and will be keeping the parking lot area orderly with no outside PA systems. The vehicles will not be delivered on large loading trucks they will be unloaded at another site and driven to this location. He stated he feels this location will provide a good space for the business. Screening has been installed, the manufactured home has been removed and the gravel lot will be paved. Lighting around the building will be installed to provide light to the property without impacting the surrounding area. He asks that this special use permit be approved so that he can proceed with his business.

STAFF PRESENTATION:

Planner I Weeks stated on January 27, 2004 the Commission approved Special Use Permit #860 to allow for a musical instrument business. On March 30, 2004 the Commission approved 2 special signs on the property. On August 2, 2004 the City Council approved rezoning 703 Washington Street North and 128 Caswell Avenue West from R-4 to C-1. On February 9, 2005 the City Council approved the rezone of 713 Washington Street North from R-4 to C-1. On October 14, 2008 the Commission approved a Special Use Permit for the purpose of operating a sporting vehicle and motorcycle sales and repair business with 4 sporting vehicle display pads. This use was not established and the pad sites were not installed.

The property is zoned C-1, Commercial Highway District. To operate an automobile and pickup sales business in the C-1 zone requires a special use permit. The applicant is not requesting display pad sites as part of this special use permit. There is no indication that there will be any vehicle repair work done at this location. Should the applicant wish to do minor repair work to the vehicles for sale on site, any vehicles, parts or miscellaneous equipment must be stored within an enclosed building. The proposed hours of operation would be from 9:00 am to 7:00 pm, Monday through Saturday. There will be four employees working at any given time. The applicant anticipates 15 customers per day and three vendors. The applicant states they will use cell phones to communicate with the employees. They anticipate one vehicle transport truck per week because there is another location that will receive 90% of the inventory.

Washington Street North is a gateway arterial; the landscaping requirements for gateway arterial are a 10' landscaped strip behind the sidewalk or future sidewalk on developed lots and a 30' landscaped strip on vacant properties. Currently there is no sidewalk along Washington Street North. There was a landscaped strip approved when the property 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 4' tall when planted. Staff's review of this special use permit application has indicated the landscaping still does not meet code. The applicant has met the required parking for a motorized vehicle sales use. Screening is required between trade and residential zoning districts; the screening requirement has also been met.

Staff and the applicant have met regarding the gravel area on the southwest corner of the proposed location. This area must be paved before it can be used as part of this business. Should the applicant decide not to use this area, it would have to be fenced completely and not used for any storage or parking.

There is a curb cut on Washington Street North which is currently blocked by a grassy strip. Staff recommends this curb cut remain blocked at this time. The Idaho Department of Transportation may possibly relocate this access to the northern boundary at the time of the Washington Street North widening. The grassy strip must be landscaped to meet City Codes 10-7-12 and 10-11-2(a). The access off Caswell Avenue West on the southeast portion of the property will be relocated to the southwest portion of the property when Washington Street North is widened. A full site plan review will be required to assure compliance with applicable City Codes and standards.

If the special use permit is granted this evening it is not transferable from one parcel of land to another, but may be transferable from one owner to another, provided all conditions of the special use permit continue to be met

Planner I Weeks stated should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to the area indicated as "vehicle display" on the southwest corner of the proposed site be paved to the curb before any use.
2. Screening being provided on the west and north sides of the property as per City Code 10-11-3.
3. Access on Washington Street North to remain blocked.
4. Landscaping on site to be developed and maintained as per City Codes 10-4-8, 10-7-12 and 10-11-2(a).
5. Lighting on the property to be provided as per code. Lighting to be directional and shielded to eliminate light trespass onto adjacent properties.
6. Customer parking areas to be striped and indicated as per code.
7. No public address system permitted.
8. All parts and miscellaneous equipment and/or car lot vehicles being repaired to be stored inside of buildings.
9. 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 COMMENT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Cope 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 SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to the area indicated as "vehicle display" on the southwest corner of the proposed site be paved to the curb before any use.
2. Screening being provided on the west and north sides of the property as per City Code 10-11-3.
3. Access on Washington Street North to remain blocked.
4. Landscaping on site to be developed and maintained as per City Codes 10-4-8, 10-7-12 and 10-11-2(a).
5. Lighting on the property to be provided as per code. Lighting to be directional and shielded to eliminate light trespass onto adjacent properties.
6. Customer parking areas to be striped and indicated as per code.
7. No public address system permitted.
8. All parts and miscellaneous equipment and/or car lot vehicles being repaired to be stored inside of buildings.
9. 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. Requests a special use permit to operate a truck rental business with extended hours of operation in conjunction with an existing drive-through convenience store on property located at 2634 Addison Avenue East c/o T's Beverage Barn, LLC / Leroy Atwood (app. 2311)

APPLICANT PRESENTATION:

Elaine Bowman, representing the applicant, stated she is here to request a special use permit for the operation of a UHAUL business and to operate from 6am to 11pm. T's Beverage Barn has operated the UHAUL business at this location but was not aware of the zoning requirement for a special use permit. There has not been any impact to the neighborhood currently and they have no issues with the staff recommendations.

STAFF PRESENTATION:
Planner I Weeks stated the Commission approved special use permits for custom farming operations on the property in 1996, 1997, 1998 and 1999. On July 12, 2005 the Commission approved Special Use Permit #0931 for T's beverage barn to construct and operate a drive-thru facility in conjunction with a retail business on the site. The applicant would like to operate a truck rental business with expanded hours of operation in conjunction with an existing drive-thru convenience store on the property. The property is zoned C-1, commercial highway district. To operate a truck rental business and to operate a retail business outside the hours of 7:00 am to 10:00 pm in the C-1 zone requires a special use permit.

The property is approximately 1 (+/-) acre and the northern most .7 (+/-) acre is currently developed as a drive-thru convenience store. The southern portion of the property is undeveloped and therefore not part of this use request. There is an existing 3200 sq. ft. building on the property. The proposed hours of operation would be from 6:00 am to 10:00 pm, Monday through Thursday and 6:00 am to 11:00 pm on the weekends.

The applicant anticipates 1 to 5 additional customers per week for pick up and drop off of the UHAUL vehicles. There would not be any additional employees. As the property is adjacent to Addison Avenue East, traffic impacts should be minimal to surrounding uses. Based on the current usage parking requirements are 13 spaces, they have 21. There are 8 spaces that can be used for storage of the rental equipment. The Commission may want to limit the amount of rental vehicles and/or trailers to 6 to ensure required parking is maintained.

No new construction is proposed and this use is not a change of use, therefore code does not require any additional improvements to the site. Weeds on the undeveloped portion of the lot need to be maintained as per City Code 7-5-2. This use came to the City's attention because it was already operating on the site and there was signage up. Should this request be approved, any signage would need to be reviewed by the building department as a sign permit may be required.

Planner I Weeks stated upon conclusion should the Commission grant 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. No more than six rental vehicles and/or trailers on site at any time.
3. All rental vehicles and/or trailers are to be parked in paved areas in parking stalls.
4. Signage approval is not part of this special use permit request.

PUBLIC HEARING: OPENED
Brad Ling, 618 Rimview Drive, stated this is a community dealership that provides a location so that the customers don't have to travel long distances for the UHAUL equipment. As soon as we were aware of the zoning violation the special use permit application was submitted and the signs were

removed. There is a need for this type of service and we request that the special use permit be approved.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:

Commissioner Mikesell made motion to approve the request as presented with staff recommendations. Commissioner Bohrn seconded the motion. All members present voted in favor of the motion.

APPROVED 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 more than six (6) rental vehicles and/or trailers on site at any time
3. All rental vehicles and/or trailers are to be parked in paved areas in parking stalls
4. Signage approval is not part of this Special Use Permit request.

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

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for June 9, 2009

VII. ADJOURN MEETING:

Chairman Younkin adjourned the meeting at 9:15 p.m.

Lisa A Jones

Lisa Jones
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
June 9, 2009-6:00 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 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	Warren	Mikesell	DeVore
Cope			
Lezamiz			
Munoz			
Schouten			
Younkin			

CITY COUNCIL MEMBERS PRESENT: NONE
CITY STAFF PRESENT: Glaesemann, Jones, Reeder, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Consideration of the Preliminary Plat for the Dry Creek Subdivision, .44(+/-) acres consisting of two (2) residential lots on property located at 1969 Shoup Avenue East c/o EHM Engineering, Inc.

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate a religious facility on property located at 455 Addison Avenue c/o Islamic Cultural Community Center (app. 2313)

2. Request for the Commission's recommendation on a Zoning District Change And Zoning Map Amendment from R-2 to NCO PUD for 4.71 (+/-) acres to allow a mixed use planned development consisting of a combination of neighborhood commercial uses and a convenience store/gas station on property located at the northwest corner of Eastland Drive North and Addison Avenue East, c/o Maverik Inc. (Brad McDougal). (app. 2314)
WITHDRAWN

I. CALL MEETING TO ORDER:
Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR: APPROVED
1. Approval of Minutes from the following meeting(s): May 27, 2009
2. Approval of Findings of Fact and Conclusions of Law:
Baker Subd- Pre plat Amazing Grace –SUP Brett Semple-SUP
Valley House-SUP RTF Holdings-SUP T's Beverage Barn-SUP

III. ITEMS OF CONSIDERATION:

1. Consideration of the Preliminary Plat for the Dry Creek Subdivision, .44(+/-) acres consisting of two (2) residential lots on property located at 1969 Shoup Avenue East c/o EHM Engineering, Inc.

APPLICANT PRESENTATION:
Tim Vawser, EHM Engineering, Inc., representing the applicant stated this is a small two lot subdivision proposed on Shoup Avenue just west of Sunrise Boulevard. It is a little large for one residential lot and so the applicant is proposing to split the lot into two pieces. It is just north of Smith's and west of Sunrise Boulevard. It is .44 (+/-) acres the two lot subdivision is in conformance with the R-4 zoning. Last year sometime the applicant has a special use permit approved for single family residence and a four-plex and has since then reconsidered and decided to build two single family residents on the property. He requests that the Commission approve this preliminary plat.

STAFF PRESENTATION:
Planner I Reeder reviewed the aerial maps of the property location on the overhead. She stated the Preliminary Plat for the Dry Creek Subdivision includes 0.44 (+/-) acres and is zoned R-4. The request is to plat 2 residential lots as part of a residential subdivision. The Planning and Zoning Commission saw Special Use Permit requests in March and April of 2008 for a four-plex on this property and a Special Use Permit was approved. However as was indicated, Mr. Bradshaw is not intending for development of a four-plex on this property anymore. The plat request is to provide for two single-family lots. The R-4 zone allows a minimum 4,000 square foot single family lot. Lot 1 will be 7,875 sq ft. Lot 2 will be an 8,673 sq ft. The plat meets or exceeds the minimum lot size requirements for development in the zone.

It is noted on the plat that all utilities will be located underground. The storm water retention on the site is calculated to meet the need for both lots when developed. Water

retention is provided for in an underground seepage bed located in the proposed driveway. The subdivision is adjacent to Shoup Avenue East on the southern boundary. The Engineering Department is requiring construction of Shoup Avenue East to the center of the roadway. The applicant is dedicating a total of 32' of road right-of-way.
The City Engineering Department's review of the preliminary plat disclosed that the property's southern most portion is located within the flood plain. The developer will be required to comply with City Code 10-12-5-8 Subdivision Within A Flood Plain. There is also a requirement for a parkland dedication as part of residential plat. Applicants may request to pay a contribution in-lieu of parkland dedication. The applicant must apply and be approved for the parks in-lieu before development of this project is complete. The Parks and Recreation Commission received an in-lieu request for this plat earlier today and it was unanimously recommended to the City Council for approval. Approval of the request by the City Council is recommended as a condition of approval for the preliminary plat. The plat is in conformance with the new Comprehensive Plan land use map which designates this area as appropriate for Medium Density Residential development.

Planner I Reeder stated upon conclusion, should the Commission approve the preliminary plat of the Dry Creek Subdivision, staff recommends approval be subject to the following conditions:

1. Subject to final technical review by the Engineering, Fire and Zoning Department to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the legend stating the intended residential use/density, ie; single family, duplex, tri-plex or four-plex
3. Subject to a parks fee in-lieu of land dedication recommended by the Parks & Recreation Commission and approved by the City Council

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC COMMENT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Bohrn made a motion to approve the request as presented with staff recommendations. 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 final technical review by the Engineering, Fire and Zoning Department to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the legend stating the intended residential use/density, ie; single family, duplex, tri-plex or four-plex
3. Subject to a parks fee in-lieu of land dedication recommended by the Parks & Recreation Commission and approved by the City Council

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate a religious facility on property located at 455 Addison Avenue c/o Islamic Cultural Community Center (app. 2313)

Chairman Younkin stated this a land use item, and if there are public comments he will be limiting the presenter to two minutes and will not entertain comments regarding religious beliefs, the comments should be limited to land use concerns.

APPLICANT PRESENTATION:
Bakridtin Yusopov, the applicant, stated that he is from Russia and moved to this country three (3) years ago. He stated they want to open an Islamic Cultural Center here in Twin Falls so that he may teach children about Islam and good things about life.

P&Z QUESTIONS/COMMENTS:

- Commission Munoz asked what is the maximum number of people they expect to attend at the facility.
- Mustafa Golcuklu , applicant representative, stated the hours of operation will be 6:00 am to Midnight and they expect possibly a maximum of 60 people twice a year. At noon on Fridays possibly 10-15 people, during the rest of the week most of the people pray at home, but on special occasions they may come to the facility to pray.
- Commissioner Lezamiz asked about the hours of operation and classes for children.
- Mustafa Golcuklu explained that the facility will be only open during the couple of hours that prayer is scheduled and the facility will be locked in between these times. The doors will have to be unlocked if someone wants to use the facility for prayer. Currently they do not have any classes for children. It is something they would like to do in the future but first they have to have a facility.
- Commissioner Cope asked if it will be an open door or will someone be there to supervise the place.
- Mustafa Golcuklu stated it will be locked and there will be three people available to go and open the facility. There will not be anyone on-site except to possibly clean.
- Chairman Younkin asked if the applicant understands the conditions recommended by staff and if there will be any exterior lighting or possibly any exterior noise with an amplifier system.
- Mustafa Golcuklu stated they have no public address systems and there will not be any exterior lighting that is out of the norm for a residential property. The only noise that will be generated from the property will be the cars parking and accessing the property.

STAFF PRESENTATION:
Planner I Reeder reviewed the aerial maps of the property location on the overhead and stated the property is zoned R-4 PRO, medium-density residential with a professional office overlay district. The applicant would like to establish an Islamic Community Center.

A Special Use Permit is required for religious facilities in this zoning district which is why the applicant is making this request at this time. A special use permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. A special use is defined as a use that may be allowed with conditions under specific provisions of the City Code zoning regulations and when not in conflict with the Comprehensive Plan.

The building on the property was originally a residence as early as 1950. A Special Use Permit was approved in 1983 to construct a professional office at this location but it was never implemented. It continued as a residence until January of 1997 when the Planning and Zoning Commission approved a Special Use Permit for conversion of the existing building to a professional office. The building was converted to business use. The proposed use is a change of use and may require application and review for a new Certificate of Occupancy. This could entail bringing the building up to current standards for issues such as handicap accessibility.

The site is approximately 0.31 (+/-) acres or 13,500 square feet. The building on the property is about 800 sq ft on the main level with a basement the same size that was used for storage. The main level has two rooms and one bathroom. The building is accessed from Van Buren Street. The access is existing and 30' wide. There is a one-car garage that is accessed adjacent to the alley from Addison Avenue. A condition of the last Special Use Permit issued on this property stated that no access was allowed to Addison Avenue. The driveway of this garage should not be used for vehicular traffic as it poses a hazard for vehicles to back out of the garage onto Addison Avenue.

The hours of operation would be various times throughout the day from 6:00 am up to midnight to accommodate Islamic prayer times. Worship times are generally an hour at 6:00 am, 12:00 pm, 4:00 pm, an hour before sunset, and three hours after sunset. Two times a year the hours may be extended to accommodate religious holidays. During the noon worship time on Fridays and the holiday month of Ramadan are when the highest traffic numbers are anticipated. The applicant indicated up to 60 people could attend during Ramadan.

Currently the site has an area that is surfaced in a similar manner to the alley surfacing and an overgrown garden area. Any areas used for parking and maneuvering would need to be hard-surfaced according to City Code §10-11-4(B) with a Portland concrete or asphaltic concrete surface. The Code requirement for parking for a religious facility is one (1) parking space per four (4) seats or eight (8) feet of bench in the main auditorium.

There isn't an indication of the interior layout of the building to determine the amount of parking that would be required however the eight (8) spaces could provide for up to thirty-two (32) people. Building and Fire codes are also used to establish a maximum occupancy for the building. The area where the garden is located could provide additional parking if it was hard-surfaced. However in the PRO overlay land uses requiring over fifteen (15) parking spaces are not permitted. This would also have to be balanced with landscaping requirements.

As this property has a professional office overlay zoning designation along Addison Avenue it requires 25% of the site to be landscaped. This would be 3375 sq ft. Currently there is approximately 2385 sq ft of landscaping along Addison Avenue and adjacent to the building. Along Van Buren there is approximately 330 sq ft. The back garden area has not been maintained but at least 660 sq ft will need to be maintained in landscaping. To meet the minimum landscaping requirement of 3375 sq ft of landscaping there will need to be at least seven (7) trees and thirty-four (34) bushes. There are a number of trees and bushes on the property and compliance with the required numbers would be reviewed as part of review of the Certificate of Occupancy.

In previous special use permits on this property the sidewalk along Van Buren was a concern as it was in poor condition. It was reconstructed and there is existing curb, gutter, and sidewalk on the Addison Avenue and Van Buren Street frontages of this property. If the alley is to be used for accessing this property it will be required to be paved.

The property is adjacent to residential property to the north and so a screening fence at least 6' in height would be required to separate the properties and uses. It appears that there was a fence there but there isn't one currently in place. There is a fence along the alley and along Addison Avenue. The east, south, and west sides of the property are bordered by roadways. Along the Addison Avenue professional office overlay corridor there are medical offices, professional offices for services such as law, realty, and accounting.

Staff has received three written statements and six phone calls expressing objection to the request. The land use related objections were that this is a residential area and that additional traffic is not needed. The increase of traffic on Addison Avenue may be negligible as it is a high volume arterial roadway. The access on Van Buren is on the corner and so there may be little impact to that area overall. The Comprehensive Plan designates this corridor as appropriate for Residential Business development such as this property which has a residence converted to business use on a small scale. The applicant does not anticipate any negative effects such as additional noise, glare, odor, fumes, or vibrations. City Code §10-13-2.2(D) standards applicable to Special Uses were reviewed.

Planner I Reeder stated upon conclusion, should the Commission grant 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 all parking and maneuvering areas to be hard-surfaced according to City Code 10-11-4(B) with a Portland concrete or asphaltic concrete surface
3. Subject to the issuance of a Certificate of Occupancy for a religious facility
4. Subject to no access allowed to Addison Avenue, including from the garage
5. Subject to the alley being paved if it is to be used for access to the property

P&Z QUESTIONS/COMMENTS:

- Chairman Younkin asked for clarification regarding the maximum of 15 spaces restriction in the Professional Office Overlay.
- Planner I Reeder stated the Professional Office Overlay only allows for a maximum of 15 parking spaces. If it is determined that the use would require more than 15 parking spaces it would not be permitted. The number of parking spaces is determined by the use and the occupancy of the building. The area on the property would accommodate more than 15 spaces but the zoning limits the number of parking spaces to 15.
- Chairman Younkin asked the applicant if they have had any conversations with the Fire Department to determine what the occupancy load would be for this building to see if they can have 60 people in the building. He stated also that part of this process will be handled through the Building and Fire Department and this will be one of the issues that will need to be addressed.
- Mustafa Golcuklu stated they have not had any conversations with the Fire Department.

PUBLIC HEARING: OPENED

- Stan Hoobing stated he is an ordained Lutheran Pastor who is in favor of this request and would be willing to find people to assist the applicants with meeting the building code requirements. He supports their request to have a place to worship.
- Derik Thomas, CSI student, state he is in favor of the request because it will add to the diversity of our community and he is in support of religious freedoms that has been guaranteed by the Constitution.

CLOSING STATEMENTS:

Mustafa Golcuklu stated he would like to thank everyone here that supports the request. He would also like to state that if this building is not enough for them to meet their needs, any assistance from the Planning & Zoning Department would be appreciated in identifying a location that could meet our needs. They plan to be very good and respectful neighbors

because they don't want their facility to impact the surrounding area. He would be grateful for any assistance.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Bohrn stated that he is in support of this request with the staff recommendations.
- Commissioner Munoz stated that he thinks this will serve their purpose well however the occupancy restrictions may limit the number of people that can be in the building. It meets all of the standards for special use permit approval and he has no issues with the request.
- Chairman Younkin stated as long as the applicant functions as a good neighbor there should not be any concerns. There were two people here to support the request; the staff recommendations may present some difficulties before this becomes a reality but he is in support of the request.
- Commissioner Lezamiz stated she is in support of this request and that it should be an improvement to the property and will give the applicants a place to worship.

MOTION:
Commissioner Munoz made a motion to approve the request as presented with staff recommendations. Commissioner Bohrn 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 all parking and maneuvering areas to be hard-surfaced according to City Code 10-11-4(B) with a Portland concrete or asphaltic concrete surface
3. Subject to the issuance of a Certificate of Occupancy for a religious facility
4. Subject to no access allowed to Addison Avenue, including from the garage
5. Subject to the alley being paved if it is to be used for access to the property

2. Request for the Commission's recommendation on a Zoning District Change And Zoning Map Amendment from R-2 to NCO PUD for 4.71 (+/-) acres to allow a mixed use planned development consisting of a combination of neighborhood commercial uses and a convenience store/gas station on property located at the northwest corner of Eastland Drive North and Addison Avenue East, c/o Maverik Inc. (Brad McDougal). (app. 2314)

WITHDRAWN

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

NONE

VI. UPCOMING MEETINGS:
Next Planning & Zoning Commission public meeting is scheduled for June 23, 2009

VII. ADJOURN MEETING:
Chairman Younkin adjourned the meeting at 6:50 p.m.

Lisa A. Jones

Lisa Jones
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
June 23, 2009-6:00 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 **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	Bohrn	DeVore	
Lezamiz	Munoz	Mikesell	
Schouten			
Warren			
Younkin			

CITY COUNCIL MEMBERS PRESENT: **NONE**
CITY STAFF PRESENT: Carraway, Jones, Vitek

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION

1. Preliminary presentation for a PUD Amendment of the Sto-N-G-Self-Storage PUD to allow a truck rental business in conjunction with a storage unit facility on property located at 1830 Washington Street North c/o Sto-N-G-Self-Storage & Dale Frazell (app. 2316)

2. Preliminary presentation for a PUD Amendment of the Canyon Ridge High PUD to allow sponsorship panel signs along North College Road West on property located at 300 North College Road West. c/o Twin Falls School District #411(app. 2317)

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to add 576 sq. ft. to an existing 1344 sq. ft. detached accessory building on property located at 310 Filer Avenue West c/o Kathryn L Peterson (app. 2315) **WITHDRAWN**

I. CALL MEETING TO ORDER:

Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): June 9, 2009

2. Approval of Findings of Fact and Conclusions of Law:
   Islamic Community Center-SUP

III. ITEMS OF CONSIDERATION:

1. Preliminary presentation for a PUD Amendment of the Sto-N-G-Self-Storage PUD to allow a truck rental business in conjunction with a storage unit facility on property located at 1830 Washington Street North c/o Sto-N-G-Self-Storage & Dale Frazell (app. 2316)

APPLICANT PRESENTATION:

Kathleen Keys, the applicant, stated she is requesting and amendment to the PUD Agreement to allow for a truck and utility trailer rental business. The office that is on-site currently would be used for the operation of the rental service. All of the trucks and utility trailers will be parked inside the security gates within the facility. None of the equipment will be visible outside the property. There are approximately 3-4 customers per day associated with this service. The rental service provides employment to local citizens and provides a good service to the community. There is a letter with conditions listed in the original PUD agreement and after review the request meets the conditions. After the property has been built to capacity with storage units the rental service will close to operate at this location.

P&Z QUESTIONS/COMMENTS:

- Commissioner Warren asked when the applicant expects to have the storage units built to capacity and if the rental service will close at this time.
- Ms. Keys stated that phase 2 will begin soon and she foresees that it should be completed in approximately a year.
- Commissioner Younkin asked if the rental service is already operating.
- Ms. Keys said yes they are currently operating the U-Haul service.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the aerial maps on the overhead and stated that the staff makes no recommendations at this time. She stated the public hearing for this item is schedule for July 14, 2009 and staff will present their analysis at that time.

PUBLIC COMMENTS: OPEN & CLOSED WITHOUT PUBLIC INPUT

Public Hearing Scheduled for Planning & Zoning Commission July 14, 200

2. Preliminary presentation for a PUD Amendment of the Canyon Ridge High PUD to allow sponsorship panel signs along North College Road West on property located at 300 North College Road West. c/o Twin Falls School District #411(app. 2317)

APPLICANT PRESENTATION:
Brady Dickinson, Principle of Canyon Ridge High School stated in the original planned unit development agreement they were allowed to build a message center sign. As part of the bonding of the project the message center reader board was not included and funds had to be procured to be able to purchase the reader board. A non-profit organization has asked to be recognized on the sign as providing the reader board. There will be two panels added to the sign to recognize the organization and its contributing members.

P&Z QUESTIONS/COMMENTS:

- Commissioner Lezamiz asked if the request is limited to just two panels.
- Mr. Dickinson stated yes two panels that will be placed just below the message center reader board.
- Mr. Freeman stated that the panels will be approximately 18" x 3'4" wide and will be interchangeable so that contributing members can be recognized for their donation and will be on both sides of the structure.
- Commissioner Younkin asked if the message center reader board is one color or multi-color.
- Mr. Dickinson stated that he can check but is fairly sure it is just one color.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the aerial maps on the overhead and stated that the staff makes no recommendations at this time. She stated the public hearing for this item is schedule for July 14, 2009 and staff will present their analysis at that time.

PUBLIC COMMENTS:
Linda Roberts, 209 N College Rd W, asked if the applicant could show on the overhead where the sign will be placed on the property. She was concerned with the height of the sign, the size of the panels, the lighting of the panels and the hours of operation.

CLOSING STATEMENTS:
Ron Freeman, stated the panels will be approximately 18'' x 40" and will be interchangeable. The panels will be frosted white and will be illuminated from behind. The sign will be surrounded by landscaping. The hours of operation have not been determined for the sign. The names that will be on the sign are of people that have made donations to the foundation, it will not be a space that can be purchased and there will not be any other type of advertisement. The goal is to let people know that the Twin Falls Education Foundation exists and that they are willing to sponsor things that support the Twin Falls School District.

Public Hearing Scheduled for Planning & Zoning Commission July 14, 2009

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to add 576 sq. ft. to an existing 1344 sq. ft. detached accessory building on property located at 310 Filer Avenue West c/o Kathryn L Peterson (app. 2315) **Rescheduled for July 14, 2009 public hearing**

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

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for July 14, 2009

VII. ADJOURN MEETING:

Chairman Younkin adjourned the meeting at 6:45 p.m.

Lisa A. Jones

Lisa Jones
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
July 28, 2009-6:00 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 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	
Cope		Mikesell	
Lezamiz			
Schouten			
Warren			
Younkin			

CITY COUNCIL MEMBERS PRESENT: Heider, Kezele

CITY STAFF PRESENT: Carraway, Glaesemann, Jones, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

1. Request for a Comprehensive Plan Amendment which would amend the Future Land Use Map, Map 2-4, for property located south of Cheney Drive West, west of Park View Drive, and north of North College Road West from Medium Density Residential to Office/Professional c/o Osprey, LLC (app. 2320)

2. Request for a Special Use Permit to operate a drive-thru coffee shop on property located at 778 Falls Avenue c/o Lisa McClain (app. 2321)

3. Request for a Special Use Permit to operate a private school in conjunction with an existing religious facility on property located at 401 6th Avenue North c/o Heritage Alliance (app. 2322)

4. Request for a Special Use Permit to establish four (4) display pad sites on property located at 3205 Kimberly Road c/o Agri-Service (app. 2323)

I. CALL MEETING TO ORDER:
Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

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: NONE

IV. PUBLIC HEARINGS:
1. Request for a Comprehensive Plan Amendment which would amend the Future Land Use Map, Map 2-4, for property located south of Cheney Drive West, west of Park View Drive, and north of North College Road West from Medium Density Residential to Office/Professional c/o Osprey, LLC (app. 2320)

APPLICAN PRESENTATION:
Gerald Martens, EHM Engineering, Inc., representing the applicant stated the purpose of this request is to amend the Comprehensive Plan so that a rezone of this particular property can be made. The goal is to rezone the property from R-2 to R-2 with a Professional Office Overlay. He stated the property in question is a remnant from the high school construction project at the west end adjacent to Parkview Drive and across from the North Pointe Park residential subdivision. The property is approximately 6 (+/-) acres and faces Parkview Drive the area is substantially developed the roadways are in on the three sides the utilities have been installed. If this request is approved the next step will be to modify the Canyon Ridge High PUD to rezone this parcel with a Professional Office Overlay. This change would have a positive impact on the area by providing a transition from residential area and the developing commercial property.

P&Z COMMENTS/QUESTIONS:
- Commissioner Warren asked if the applicant had plans for the development of the property.
- Mr. Martens stated that the plan is to have multiple professional office buildings. The buildings will be residential in character, single story, with a lot of landscaping to provide a buffer for the residential area. There is a large irrigation easement along the western portion of the property and the uses will be geared towards serving the adjacent residential area as well as the high school population to the east.

STAFF PRESENTATION:
Zoning & Development Manager Carraway stated this is a request to change the City Of Twin Falls' Comprehensive Plan –Future Land Use Map 2-4 from Medium Density Residential to Professional/Office for an area 6 +/- acres in size located on the west side of

the 1300-1400 blocks of park view drive – west of the new Canyon Ridge High School. This site is currently zoned R-2 PUD and is part of the Canyon Ridge High School PUD. To the south and west of the proposed site are developed residential neighborhoods, to the north is a major collector with developing commercial property and to the west is the new Canyon Ridge High School. As you have just heard – the applicant is requesting this change in order to allow them to proceed with a PUD modification at this site for the development of a professional office complex. The property is currently zoned R-2 PUD and is part of the Canyon Ridge High School PUD approved in January of 2007.

The Comprehensive Plan Future Land Use Map recognizes an existing and future land use pattern of Medium Density Residential uses within this area. The property is adjacent to three (3) major collector streets; with developing commercial property to the north. The proposed change could have a positive effect in the area by providing a better transition of uses with lesser impacts between the existing residential neighborhoods and developing commercial uses and the new high school. Development of a professional office complex would have limited direct access to Park View Drive versus a potential driveway for each residence. The proposed use may also be less intensive in terms of increased traffic and use of City Services than residential development that could take place on this property.

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.
If this request is granted by the City Council, a PUD Amendment of the Canyon Ridge High School PUD Agreement for this 6+/- acres site from R-2 PUD to R-2 PRO PUD shall be required prior to development of a professional office complex.

Zoning & Development Manager Carraway stated upon conclusion should the Commission recommend approval of this request, 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.

PUBLIC HEARING: OPENED

- Sandy Sanstrom, 576 Sarah Avenue, asked how many buildings are planned for the development, where the parking will be located, if landscaping will be provided, what types of uses would be allowed in the buildings, and how the traffic will flow through the area.
- Brian Hall, 1434 Tara Street, stated the back of his property is adjacent to this parcel and he would like to know what size the easement is behind his property and if the professional office designation allows for restaurants or gas stations.

CLOSING STATEMENT:

- Mr. Martens stated the preliminary plan is to have 4-6 professional buildings so that the buildings are not extremely large; this allows for approximately ¾ of acres per building which will accommodate a 6-9000 sq. ft. building. To date there has been interest shown for medical and dental offices and other medical uses geared towards high school population. As for traffic flow Cheney Drive will be completed and will extend from Washington Street North to Grandview Drive North. Parkview Drive which is a road along the east boundary of the property will extend all the way to Pole Line Road where a traffic signal will be constructed at the time St. Luke's is completed. The easement width on the west side of this property is 58' wide with a minimum requirement of 20' for landscaping. The primary parking will be in the front of the buildings or along the sides. The professional office overlay district does not allow for restaurants or gas stations a specific list of allowed uses can be requested through the City.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Warren made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL 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.

PUBLIC HEARING SCHEDULED FOR CITY COUNCIL AUGUST 24, 2009

2. Request for a Special Use Permit to operate a drive-thru coffee shop on property located at 778 Falls Avenue c/o Lisa McClain (app. 2321)

APPLICANT PRESENTATION:
Lisa McClain, the applicant, stated she is here to request a special use permit to construct and operate a double sided drive through coffee shop. Plans have been submitted and the design meets stacking requirements, it will be strictly drive through traffic and located between the Turf Plaza and the Turf Club on Falls Avenue. The hours of operation will be 7am to 6pm Monday through Friday, 8am to 1pm Saturdays and closed on Sundays. The building will be approximately 112 sq. ft. and will be placed on a permanent foundation. The lot will be leased and the owner of the property is aware of this request.

STAFF PRESENTATION:
Zoning & Development Manager Carraway stated the property is located at 778 Falls Avenue and is zoned C-1; Commercial. The request is to develop a lot, currently landscaped, with a drive-thru coffee kiosk. Any facility with a drive-thru service requires a

special use permit in the C-1 zone. The facility is proposed to operate within the permitted retail hours of operation of 7:00 am to 10:00 pm. Should the applicant decide to operate outside permitted retail hours another special use permit would be required. If this request is approved this evening the business would operate as a drive through business only. The site plan shows a building with a window on both sides of the kiosk.

CITY CODE §10-7-13 STATES --vehicle stacking requirements for drive-thru facilities other than a fast food restaurant is a minimum of six (6) spaces. The proposed traffic plan is for vehicles to either come in from Falls Avenue with space for (2) two vehicles or for vehicles to come from the south off of Fillmore through the Turf Club Plaza parking area with space for four (4) vehicles, for a total of six (6) stacking spaces. This request, if granted this evening, would require a building permit for construction and development of the lot. The landscaped area would be carved out to provide for the kiosk and stacking lanes. On the west edge of the lot there is a retaining wall. In the building permit review process the Engineering Department would like to see that storm water retention is managed in a way to ensure that the retaining wall is not undermined with the addition of this use. A cross-use agreement between the Turf Club Plaza and Turf Club for shared parking and access through the properties shall be required as part of the building permit process. a full review to assure compliance with required improvements such as road right-of-way, landscaping, curb, gutter, sidewalk, parking and storm water retention, etc., will be completed as part of the building permit process.

Zoning & Development Manager Carraway stated upon conclusion should the commission approve this request, as presented, 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 a cross-use agreement for parking and access between the lots of the Turf Plaza subdivision and the Turf Club.
3. Hours of operation, as presented, from 7:00 am to 6:00 pm Monday through Saturday.

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 Cope seconded the motion. All members present voted in favor of 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 a cross-use agreement for parking and access between the lots of the Turf Plaza Subdivision and the Turf Club.
3. Hours of operation from 7am to 6pm Monday through Saturday.

3. Request for a Special Use Permit to operate a private school in conjunction with an existing religious facility on property located at 401 6th Avenue North c/o Heritage Alliance (app. 2322)

APPLICANT PRESENTATION:
Jim Evans, Pastor of the church, the request is to accommodate a small Christian college until they can get established within the Twin Falls Community. The intent is not to maintain a school after the College has moved from this location. The College anticipates it will take approximately 2 years to get established in the area. There will be two teachers and approximately 10-20 students. They are moving the program from Jerome to Twin Falls because of space limitation in their current building.

STAFF PRESENTATION:
Zoning & Development Manager Carraway stated the property is zoned R-6, a Medium Density Residential District. The Heritage Alliance Church is currently operating at this site. The request is to add a private school. To operate a private school in the R-6 zone requires a special use permit.
The building is located on the western corner of two local downtown streets: 6th Avenue North and Eden Street North. The site is approx ½ acre and consists of a church, parking area, and landscaping.
Heritage Alliance Church typically operates from 8:30 am to 5:30 pm during the week with two (2) services held on Sunday - one at 9:00 am and one at 10:30 am. The paved parking area has thirty-five (35) parking spaces which meets minimum parking requirements. There are two (2) accesses off of 6th Avenue North. If this request is approved as presented this evening there should be minimal traffic impacts to the residential neighborhood.

The narrative states the school is a private college. The students are generally older adults preparing to serve an outreach ministry program. They anticipate an enrollment of twenty-five (25) students. The college typically would hold classes during times when the church is not having regular services. A condition the private school would not operate during days & times of regular church services should be considered. The code does not specify standards for operation of a private school; for example number of students/teachers or class schedules for days and/or times. If this request is granted the Commission may consider a condition that this permit is specific to this private school as presented.

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 site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Approval subject to this private school only. Any change will require a special use permit.
3. Subject to the school not operating during regular church service times.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:
Commissioner Lezamiz made a motion to approve the request as presented with staff recommendations. Commissioner Schouten seconded the motion. All members present voted in favor of 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. Approval subject to this private school only. Any change will require a special use permit.
3. Subject to the school not operating during regular church service times.

4. Request for a Special Use Permit to establish four (4) display pad sites on property located at 3205 Kimberly Road c/o Agri-Service (app. 2323)

APPLICANT PRESENTATION:
Clint Schnoor, Agri-Service Operations Officer, stated he is here to formalize what they currently do which to display equipment along Kimberly Road and Hankins Road. In previous permitting processes he wasn't sure that they were made aware that a special use permit is required for the display areas, he is here tonight to request approval of a special use permit for the display pads. The four proposed pads are in gravel or landscaped areas along the grounds of the property, they are requesting that they can restrict these areas as designated pad sites. The pads would be trimmed out with landscape pavers and filled with gravel. The equipment they intend to display along Kimberly Road would include compact equipment and small tractors. The equipment they intend to display at the corner of Hankins Road and Kimberly would be lawn tractors. This is a visual aid to help with sales and most of the lawn tractors do not exceed the 3' requirement for the sight triangle regulations. They would ask for an exception to be made

for the actual materials used for the display pads and that gravel be allowed versus hard surfacing. They would also like to request that the verbiage for the sight triangle read that the equipment displayed in this area cannot exceed 36 inches.

STAFF PRESENTATION:
Zoning & Development Manager Carraway stated the site is zoned C-1 and is approx 6 acres this agricultural equipment dealership has operated at this location for approx 50 years. The applicant is requesting to establish four (4) equipment display pad sites within their landscaped area along Hankins Road and Kimberly Road. To establish display pad sites requires a special use permit in the C-1 zone. Non-conforming building expansion permits were issued in august of 2007 and April of 2009 both of these expansions required full compliance with the landscaping requirements for gateway arterial roadways.
City code 10-7-12 states, " …..a landscaping strip at least ten feet (10') in width shall be provided immediately behind the sidewalk or future sidewalk when existing buildings are being remodeled…." Staff has reviewed the site plan and the proposed locations for the four (4) display pad sites. The proposed display pad site along Hankins Road appears to be located within future road right-of-way. At the time Hankins Road is widened this display pad will have to be removed if located in right-of -way. Display pad sites are considered to be parking areas and are required to comply with City code §10-11-4(b) which states …"all parking and maneuvering areas shall be hard surfaced with Portland concrete or asphaltic concrete surface material". Sight obstruction and sight visibility are major concerns at intersections. The traffic sight triangle for a typical intersection is the area within a triangle with legs that extend forty feet (40') along the intersecting roads. There cannot be any obstructions taller than three feet (3') within this area, including displayed merchandise. To ensure that the view of traffic is not hindered from the display pad site on Hankins Road a condition the a review shall be completed by the Engineering Department to assure that it would not encroach into the visibility triangle of this intersection would be appropriate.

The business is currently operating under one entity with 3 separate parcels. Building permits, special use permits and required improvements have been reviewed and approved with this site being considered as one parcel. A condition the total site be combined as one legal description would assure the property remain in compliance with minimum code requirements.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve this request, as presented, 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 the 6 (+/-) acres site, as presented with this application, be combined as one legal description.
3. Subject to display pad site being hard surfaced Per City Code 10-11-4(B)
4. Subject to landscaping and setback of display pad sites to comply with City Code 10-7-12, Gateway Arterial Landscaping requirements and City Code 10-11-2(B)4.

5. Subject to a review by the Engineering Department to ensure traffic safety and to assure the display pad sited do not cause any sight obstructions
6. At the time Hankins Road is widened the display pad site at the intersection of Hankins Road and Kimberly Road will be removed if it is located in right-of-way.
7. Subject to a Certificate of Occupancy being issued on any active building permits prior to use of approved display pad sites.
8. Subject to full compliance with previously approved special use permits prior to use of approved display pad sites.

P&Z QUESTIONS/COMMENTS:
Commissioner Mikesell asked if the clarification for the sight obstruction the applicant is requesting is the same verbiage as the code.
Zoning & Development Manager Carraway stated yes the verbiage is the same in the code, the applicant just needs to understand the measurement is from the top of curve not the top of berm, visibility is the issue.

PUBLIC HEARING: OPENED

CLOSING STATEMENT:

- Mr. Schnoor stated they are in the process of completing the final building expansion. The only item would like the Commission to reconsider is condition that would not allow use of the display pads until the Certificate of Occupancy is obtained for the active building permit. They would like to be able to use the display pads immediately because since the equipment has been pulled from these areas sales have dropped and customers have asked if they no longer carry the product line because the displays have been empty.
- Commissioner Younkin asked if the equipment has been removed from the display pads.
- Mr. Schnoor stated that they have removed the equipment and it has not been on display from the time they realized they needed a special use permit.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Borhn stated he has no problem approving this request as long as the conditions remain the same. The hard surfacing is a code requirement.
- Commissioner DeVore asked what the purpose is of condition #7 requiring a Certificate of Occupancy being issued prior to use of the display pads.
- Zoning & Development Manager Carraway stated that it is to keep the property in compliance the Certificate of Occupancy ties all the permits together. The applicant is correct they have not had equipment on display since this application was submitted.
- Commissioner Mikesell asked if condition #8 is covered in condition #7 being that a Certificate of Occupancy will not be issued unless all conditions are met.

- City Attorney Wonderlich stated it is better to leave both conditions in place.
- Commissioner Bohrn asked if the applicant has met all of the conditions placed on the previous special use permits and the non-conforming building expansion approvals.
- Zoning & Development Manager Carraway stated no not all of the conditions have been met.
- Commissioner Bohrn stated that is why he thinks all of the conditions must remain as presented
- Commissioner Mikesell agreed

MOTION:
Commissioner Bohrn made a motion to approve the request as presented with staff recommendations. Commissioner Schouten seconded the motion. All members present voted in favor of 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 6 (+/-) acres site, as presented with this application, be combined as one legal description.
3. Subject to display pad site being hard surfaced Per City Code 10-11-4(B)
4. Subject to landscaping and setback of display pad sites to comply with City Code 10-7-12, Gateway Arterial Landscaping requirements and City Code 10-11-2(B)4.
5. Subject to a review by the Engineering Department to ensure traffic safety and to assure the display pad sited do not cause any sight obstructions
6. At the time Hankins Road is widened the display pad site at the intersection of Hankins Road and Kimberly Road will be removed if it is located in right-of-way.
7. Subject to a Certificate of Occupancy being issued on any active building permits prior to use of approved display pad sites.
8. Subject to full compliance with previously approved special use permits prior to use of approved display pad sites.

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

VI. UPCOMING MEETINGS:
Next Planning & Zoning Commission public meeting is scheduled for Tuesday, August 11, 2009

VII. ADJOURN MEETING:

Chairman Younkin adjourned the meeting at 7:05 p.m.

Lisa A. Jones

Lisa Jones
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
August 11, 2009-6:00 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		AREA OF IMPACT MEMBERS	
PRESENT:	ABSENT:	PRESENT:	ABSENT:
Bohrn		DeVore	
Cope		Mikesell	
Lezamiz			
Munoz			
Schouten			
Warren			
Younkin			

CITY COUNCIL MEMBERS PRESENT: Heider, Kezele
CITY STAFF PRESENT: Carraway, Jones, Reeder, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Consideration of the Revocation of Special Use Permit #800, granted to David Hall on January 28, 2003, to operated an automobile sales business on property located at 1102 Kimberly Road c/o City of Twin Falls (app. 2324)
2. Consideration of the Revocation of Special Use Permit #1106, granted to Adam Climer on July 8, 2008, to operate an automobile detail shop on property located at 810 2nd Avenue West c/o City of Twin Falls (app. 2325)
3. Request for a Special Use Permit to construct and operate an optometrist's office on 1.22 (+/-) acres of undeveloped land on property located north of 1031 Eastland Drive c/o G&R Sturgill, LLC (app. 2326)
4. Request for a Special Use Permit to add a daycare facility to an existing private school on property located at 139 6th Avenue East c/o St. Edward's Catholic School (app. 2327)

I. CALL MEETING TO ORDER:

Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minute: July 14, 2009 & July 28, 2009 UNANIMOUSLY APPROVED
2. Approval of Findings of Fact & Conclusions of Law: UNANIMOUSLY APPROVED

Fieldstone 1st Amended – (pre-plat) Kathryn Peterson – (SUP 1150)
Burks Tractor – (SUP 1152) McClain –(SUP 1153) Heritage Alliance – (SUP 1154)
Agri-services – (SUP 1155) Kim Ostrom – (SUP 1151)

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Consideration of the Revocation of Special Use Permit #800, granted to David Hall on January 28, 2003, to operated an automobile sales business on property located at 1102 Kimberly Road c/o City of Twin Falls (app. 2324)

STAFF PRESENTATION:

Planner I Reeder stated this is a request to consider revocation of Special Use Permit #800, granted to David Hall to operate an automobile sales business. Auto sales under this special use permit began in January of 2003 with the following conditions: 1-Assure compliance with all Zoning & Building Code including gateway arterial requirements; 2-The westerly curb cut is to be closed and arterial landscaping to be placed across it; and 3- The shared driveway is to be kept open at all times.

In September of 2005 this permit was revoked by the Planning & Zoning Commission because the property was not in compliance with the landscaping conditions. In November of 2005 the property owner appealed the Planning & Zoning Commissions decision and the City Council reinstated the special use permit subject to the original conditions of approval and to include the following conditions: 1-there are to be four (4) trees and nineteen (19) shrubs on the site; 2-the plantings are to be kept, weeded, watered, and arranged as adaptable to the site; and 3- the applicant has one (1) year to come into compliance with the Special Use Permit.

In December of 2007 complaints were received about the westerly access being re-opened and landscaping that was removed. The applicant was notified of the conditions not being met and the applicant agreed to block the access and stated he would be submitting an application to request an amendment to the condition that would allow the access to be opened; an application was never received.

Spring of 2009 a complaint was received about the property not being maintained and the access not being blocked. After correspondence with the applicant a gate was installed across the access however the landscaping was not replaced. Due to some of the difficulties related to landscaping on this site City staff was willing to work with the applicant on an alternative landscaping plan that was to include a maintenance agreement for the site.

Upon re-inspection of the property in June of 2009 the landscaping plan had not been submitted and the landscaping was not in place on the site. The special use permit was scheduled for consideration

to proceed with the revocation process. Since the July 2009 meeting, watering hoses have been put in place and flowers have been planted on the site; however, the City still has not received a landscaping/maintenance plan. The three pending issues that were of major concerns at the Planning & Zoning Commission meeting in June are: 1-Westerly Access is not permanently blocked; 2-landscaping was not installed across the westerly access; and 3-A landscaping/maintenance plan had not been submitted.

Staff recommends revocation of the special use permit if the three items are not completed and approved by staff and the Commission.

P&Z QUESTIONS/COMMENTS:

- Commissioner Warren asked if this property is in full compliance as of today.
- Planner I Reeder stated that the property is not in compliance.
- Commissioner Warren asked if the car ports are allowed under this special use permit.
- Planner I Reeder stated they are not allowed under this special use permit and require a building permit. Code does not allow for outside storage and display of merchandise. If the applicant wishes to keep brochures related to the car ports on site, removes the advertising signs from the carports and gets the appropriate building permits they may remain onsite.
- Commissioner Lezamiz asked if there is a timeframe for completion of the three items listed or was this meeting the deadline date and has a landscaping plan been received.
- Planner I Reeder stated efforts have been made to meet some of the requirements but they are not all completed. A landscaping plan has not been received.

PUBLIC HEARING: OPENED

Raymond Hayken, 2799 Carriage Way, owner of Twin City Autos stated he was not aware of the request for a landscaping plan and he has closed off the westerly access to the property. The buildings that are sitting there are anchored and have been there for 2-3 years. The driveway approach was put in place in 1987 and would be a better approach to the property. As for the landscaping currently there are 3 trees and 12 plants on the property.

CLOSING STATEMENT:

- Planner I Reeder stated that there has been correspondence with the property owner and the tenant. The property owner is the one that handled the appeal in November of 2005. Plants have been put in place however the landscaping does not comply with the required landscaping as per City Council and a plan for maintaining the landscaping has not been submitted. This issue has been ongoing since 2003 and staff would like a commitment from the applicant that the property will be brought up to compliance and kept in compliance so that this process can be avoided in the future.

- Commissioner Lezamiz asked about the access letter from Idaho Transportation Department.
- Planner I Reeder stated that the access has to be permanently closed, a gate that can be opened and closed does not satisfy this requirement, and the Idaho Transportation Department made a request that this be a condition if the special use permit was approved.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Munoz stated the miscommunication seems to have been between the property owner and the tenant. The conditions need to be met by the property owner and the tenant has attempted to meet some of the conditions, so possibly a little time could be given to meet the conditions.
- Commissioner Warren stated the special use permit was revoked in 2005 then reinstated and the property owner/applicant was given a year to bring the property into compliance. The property is not in compliance as of August 2009 ample time has been given.
- Commissioner Lezamiz stated the miscommunication seems to have been between the tenant and the property owner. She will not allow for this special use permit to continue being active with the gate in place, because that is not permanently closed off. If fencing is installed and landscaping is put into place across the access then additional time could be given but not too much.
- Commissioner Munoz stated the signs need to be removed from the carports advertising that they are for sale the special use permit is approved for car sales not the sale of carports and the code does not allow outside display of merchandise for sale. The landscaping needs to be put into place across the westerly access and a more permanent closure needs to be put in place. The three items that staff has requested are not difficult and possibly 3 months would be ample time to comply.
- Commissioner Cope stated that in April 14, 2009, June 26, 2009 there were letters sent to the tenant and time has been given to the tenant and the owner to meet the requirements. It also states permanent closer is required and that condition has not been met. There has been plenty of time given.
- Commissioner Younkin stated he has not seen much change in the conditions since the special use permit was approved in 2003. This property is not the most attractive piece of property but the Commission needs to vote on this item; he too feels that it has gone on long enough.

MOTION:

Commissioner Warren made a motion to approve the revocation request as presented with staff recommendations. Commissioner DeVore seconded the motion.

DISCUSSION OF THE MOTION:

- Zoning & Development Manager Carraway stated that the motion is that the three items listed are completed to staff and Commissions approval. She asked for clarification; does the Commission intend to give the applicant time to bring the property into compliance or is the special use permit revoked because it is not in compliance as of today.
- Commissioner Warren stated it is not in compliance as of today therefore it should be revoked.
- Commissioner Warren withdrew the motion.

MOTION:

Commissioner Bohrn made a motion to revoke Special Use Permit #800 because the property is not in compliance with the special use permit conditions. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

SPECIAL USE PERMIT #0800 REVOKED

2. Consideration of the Revocation of Special Use Permit #1106, granted to Adam Climer on July 8, 2008, to operate an automobile detail shop on property located at 810 2nd Avenue West c/o City of Twin Falls (app. 2325)

Commissioner Schouten stepped down

STAFF PRESENTATION:

Planner I Reeder stated Special Use Permit 1106 was issued on July 2008 for property located at 810 2nd Avenue West to operate an auto detailing business. The special use permit was issued with the following five (5) 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. The permit was approved as presented. The reason for the revocation request is because the business is not being operated as approved and presented. The applicants narrative and presentation to the Commission stated that the auto detailing would include washing and detailing inside the bay-not outside and if there are vehicles that had a lot of mud or debris they would be taken off-site to a carwash facility.

In March of 2009 City staff was on-site and spoke to that applicant regarding the conditions of his special use permit and informed him that he needed to wash the vehicles inside the bay area or at a carwash facility not outside in the parking lot.
In April of 2009 City staff spoke to the applicant on-site and on the phone reminding him that the cars were not to be washed in the parking lot and the special use permit was issued based on his presentation that this was how the business would operate.
In June of 2009 pictures were taken showing that the applicant was continuing to wash vehicles in the parking lot. The item was scheduled for consideration of revocation at that time. In July of 2009 the Commission made a motion to move forward with a public hearing for revocation and the motion was unanimously approved. There are some pending items related to this permit such as a certificate of occupancy not being completed; and the business not being operated within the bay of the building and if there was progress made towards bringing the property into compliance it would be reported at this meeting. Since the meeting in July staff has not been contacted by the applicant, no efforts have been made to bringing the property into compliance and the applicant continues to wash vehicles in the parking lot.

P&Z QUESTIONS/COMMENTS:

- Commissioner Warren asked if the landscaping meets code.
- Planner I Reeder stated the landscaping does not meet code. This was not a condition attached to this permit however in terms of operating a business a Certificate of Occupancy is required. If there are code requirements that need to be met for the entire site it can impact the individual tenant's ability to receive their Certificate of Occupancy. Since the last meeting there has not been any response from the property owner or the tenant.

PUBLIC HEARING:

Jim Schouten, 229 Tyler Street, stated the property owner is aware of the compliance issues and the City needs to make the property come into compliance. The building has been occupied for two years by tenants and the only suite/bay that was issued an occupancy permit was the suite that his business used to occupy-he has since moved his business to different location.

DELIBERATIONS FOLLOWED:

Commissioner Munoz stated it seems clear there is no willingness to bring the property into compliance so he has no issues with revoking the special use permit.

MOTION:

Commissioner Borhn made a motion to revoke Special Use Permit #1106 because the property is not in compliance with the special use permit conditions. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

SPECIAL USE PERMIT #1106 REVOKED

Commissioner Schouten returned to his seat.

3. Request for a Special Use Permit to construct and operate an optometrist's office on 1.22 (+/-) acres of undeveloped land on property located north of 1031 Eastland Drive c/o G&R Sturgill, LLC (app. 2326)

APPLICANT PRESENTATION:

Tim Vawser, EHM Engineering, representing the applicant stated the request is to construct and operate an optometrist's office on Eastland Drive. The optometrist's office is currently being operated from the existing building on the property. If the special use permit is approved this evening a preliminary plat will be submitted for the entire piece of property and construction will not begin until the plat is finalized and recorded. The building design will be constructed to look more residential in nature. The hours of operation will be from 8:00am to 5:00pm and should have very little impact to the surrounding area.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated the property is zoned R-2 PRO; residential with a professional office overlay. The request is to construct and operate an optometrist's office at this location. A special use permit is required to establish a doctor's office in the R-2 PRO zone.

The properties to the north and to the south are zoned R-2 PRO with existing professional offices. There are residential properties to the west with Eastland Drive and the K-mart store to the east. The Lighthouse Christian Church and School is located southeast of this property.

This site is currently undeveloped and shows the parking area, the landscaped areas and the Eastland Drive accesses as a common / shared use. The Commission may wish to place a condition a cross-use agreement for the shared accesses and parking area and an agreement for maintenance of the landscaping and storm water retention areas be provided prior to issuance of a certificate of occupancy.

When the development is complete there will be three (3) office buildings – the existing one, this doctor's office- if approved this evening - and a future office building. If the request is granted this evening the permit will be for the one (1) medical office building only. Prior to development of a future office building a special use permit will be required.

The narrative states this doctor's office will operate typical business hours of Monday through Friday from 8:00 am to 5:00 pm.

The proposed office building is close to a zone "A" flood plain. The flood plain runs down Eastland Drive. Upon development the Engineering Department will complete a full review to determine if a flood plain certificate will be required.

The proposed building is a total of 4,324 sq ft. The site plan shows fifty-two (52) parking spaces. Requirements such as parking, landscaping, screening, lighting, retention, etc. will be reviewed by the Building, Fire and Planning & Zoning Departments to assure compliance with required improvements prior to issuance of a building permit and/or certificate of occupancy.

The applicants have submitted an application for a subdivision to plat the entire site into three (3) lots. The preliminary plat for the proposed subdivision will be presented to the commission at a later date. .

A condition no building permit be submitted until the platting process has been completed, the final plat is recorded and construction plans are approved would be appropriate.

The proposed use is compatible with adjoining properties and is in compliance with the Comprehensive Plan.

Zoning & Development Manager Carraway state upon conclusion should the Commission grant 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 installation of screening fence between the project and residential properties as per City Code 10-11-3.
3. Maintain undeveloped area and keep dust and weed free.
4. No building permit shall be submitted until the platting process is complete, the final plat is recorded and construction plans approved.
5. Subject to a recorded cross use agreement for access and parking being furnished.
6. Subject to an agreement for maintenance of the landscaping and storm water retention areas being provided.

P&Z QUESTIONS/COMMENTS:

- Commissioner Lezamiz asked who is responsible for keeping the vacant lot dust and weed free.
- Zoning & Development Manager Carraway stated it is the property owner's responsibility.

PUBLIC HEARING: OPENED

- Curtis Webb, 2158 Addison Avenue East, stated that his property is directly west of this location. In 1999 there was a special use permit approved that required a fence that was never completed. The special use permit also required that the property be maintained and it has not been. He stated this development will be an improvement to the vacant lot however there still will be a vacant lot left to manage until the third building is built. One thing he would like to request is that the fence be installed prior to beginning construction on the site to reduce dust from the construction. The second concern is that the middle lot be maintained and if minimal landscaping could be required. Is there some type of recourse that he would have if the property is not maintained. He is glad that the new building will be constructed on the north lot but in the past the statement that the lot be maintained has not had much impact. If there is separate ownership of each lots who then is responsible for maintaining the property.
- Rob Sturgill, 3415 Moonlight Drive Kimberly, ID, he is the optometrist and is the owner of the property. He stated he does not have any issue with building the fence prior to construction. He stated they will maintain the property and that adding landscaping that would later need to be removed for construction does not make much since. He thinks this will be a good use for this property and will be an improvement to the area.
- Kristy Webb, 2158 Addison Avenue East, stated that they have lived for 10 years with nothing but dust and a weed lot next to their property and she asked that the Commission please put some kind of requirements that a mowing plan be submitted.

CLOSING STATEMENT:

- Mr. Vawser stated the weed issue should take care of itself. The City has adopted a weed plan that is part of every new development. If the development is not taking care of the weeds the City can enforce the plan. The owners are very anxious to get started on the development and have plans to make improvements to the existing landscaping as well. The fence will be completed before construction begins and once the building permit has been issued.
- Commissioner Lezamiz asked if the fence will be constructed the entire length of the property or if it will be constructed just the length of the parcel where the new building will be constructed.
- Mr. Sturgill stated currently the only area that is not screened is the westerly portion of the property that is adjacent to Mr. & Mrs. Webb's property. As soon as a building permit is issued the fence will be installed before construction begins.
- Commissioner Munoz stated for clarification that a fence along the westerly side of the parcel will extend the entire length of the development.

- Mr. Webb stated that he would like to make sure that the fence be installed prior to construction and that be placed in the conditions of approval. The fence that is located between the middle parcel and the neighbor was installed by the neighbor not the owner of this property, even though this was a requirement on the special use permit approved in 1999. Because the property has not been maintained and the fence was not installed as required, he is very leery that these items will be taken care of with this special use permit approval.
- Mr. Sturgill stated that the building that is currently on the property was approved through a special use permit. He stated the special use permit for this building was requested not to long after the first one was approved and it expired; which is why this request is before the Commission tonight. He would be more than willing to agree to maintain the property to neighbor's standard.

PUBLIC HEARING CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Munoz stated he would like for the neighbors to be aware that they do have some recourse if the property is not maintained. They have the ability to file for a request to revoke this special use permit based on non-compliance with the conditions. The development will be an improvement to this area.
- Commissioner Mikesell stated he would like to see that the requirement for the fence also include that it be installed prior to any construction taking place. As for the weeds he understands that there are weed control plans however they don't work the City cannot mow every vacant lot that is not maintained. It would be much easier to spread grass seed over the area and mow it regularly than it is to have someone come out and spread weeds and keep the dust under control. Weeds look terrible even when they are mowed regularly, a grassy area would be nice for the people that will work in the building. Weed control does not work and somewhere along the way we need to look at conditions that would require better maintenance.
- Commissioner Munoz stated that currently there is not something in code that mandates landscaping of vacant lots. If there is an issue with the property not being maintained then the revocation process can be initiated.
- Commissioner Bohrn asked if restrictions can be placed on the middle lot if the special use permit is being issued for the lot to the north.
- Zoning & Development Manager Carraway stated currently this is one lot and platting is required before construction can begin and the platting process does have a mechanism for requiring a weed control plan. City staff can have the property mowed and the developer is charged.
- Commissioner Mikesell stated the fence requirement is tied to the building permit and the condition should be attached to the special use permit requiring it be installed prior to construction.

MOTION:

Commissioner Mikesell made a motion to approve the request as presented with staff recommendations with an amendment to Condition #2 that the entire fence along the westerly boundary be completely installed prior to construction of any building. Commissioner Borhn seconded the motion. All members present voted in favor of 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 installation of screening fence between the project and residential properties as per city code 10-11-3, to include installation of screening fence along the entire westerly boundary being completed prior to construction of the site.
3. Maintain undeveloped area and keep dust free and weed free.
4. No building permit shall be submitted until the platting process is complete, the final plat is recorded and construction plans approved.
5. Subject to a recorded cross use agreement for access and parking being furnished.
6. Subject to an agreement for maintenance of the landscaping and storm water retention areas being provided.

4. Request for a Special Use Permit to add a daycare facility to an existing private school on property located at 139 6th Avenue East c/o St. Edward's Catholic School (app. 2327)

Commissioner Mikesell & Commissioner Munoz stepped down.

APPLICANT PRESENTATION:

Kevin Bushman the principle at St. Edwards School, he has had several requests from parents to provide a daycare facility for the younger siblings of the students. The classroom would include the ages of 18 months to 4 years of age. The hours would be the same as the school. There would be a limitation to 12 students in compliance with Idaho state daycare regulations. The change in the classroom should not have any adverse affects to the adjacent property. The traffic pattern should remain the same

STAFF PRESENTATION:

Zoning and Development Manager Carraway stated the property is zoned R-6 PRO, residential multi-household with a professional office overlay. The request is to operate a commercial day care facility in conjunction with an existing private school. A special use permit is required to operate a commercial day care facility in the professional office overlay zone. As you have just heard the applicant would like to convert an existing classroom to a daycare facility for children between the ages of 18 months to 4 years of age. The hours of operation of the daycare are proposed to be from 7:30 am to 5:30 pm, which is the same as the existing school. The narrative states they will limit the daycare to a maximum of 12 children at any given time.

To establish a day care facility requires a Certificate Of Occupancy issued by the Building Inspection Department. Staff recommends the applicant consult with the Building Department to determine if this change is considered a "change of use" thereby requiring a building permit. If this request is approved this evening the applicant will be required to comply with all state and local

requirements and they will also be required to comply with requirements for handicap accessibility and fire inspections. This request is in compliance with the Comprehensive Plan. Approval of this request should have little impacts to the surrounding neighborhood.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve this request, as presented, 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 at any one time.
3. 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, receive a day care center license from the City of Twin Falls Fire Department and, if required, a certificate of occupancy from the building inspection department.

PUBLIC HEARING: OPENED

Gerardo Munoz, 410 Aspenwood Drive, stated he is a member of the community and he believes the property is appropriate for this type of use. The quality of care is very good and he would request that the Commission approve this permit.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner DeVore seconded the motion. All members present voted in favor of 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 maximum of twelve (12) children may be cared for under this permit at any one time.
3. 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 a Certificate of Occupancy from the Twin Falls Building Department if necessary.

Commissioner Mikesell & Commissioner Munoz returned to their seats.

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

Zoning & Development Manager Carraway reviewed the decision that were made at City Council on items that were previously presented to the Commission.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for August 25, 2009

VII. ADJOURN MEETING:

Chairman Younkin adjourned the meeting at 7:40pm.

Lisa Jones
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
August 25, 2009-6:00 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:

AREA OF IMPACT MEMBERS
PRESENT: ABSENT:

CITY COUNCIL MEMBERS PRESENT:
CITY STAFF PRESENT:

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

I. ITEMS OF CONSIDERATION:

1. Consideration for initiation of the revocation of Special Use Permit #1130, granted to Canyonside Towing & Recovery, Inc. on January 27, 2009, as presented, to operate an automobile impound yard on property located at 421 B Locust Street South, c/o City of Twin Falls.(app. 2333)

II. PUBLIC HEARINGS:

1. Request for a Special Use Permit to add a preschool to an existing community center building on property located at 1122 Washington Street South c/o Community Council of Idaho (app. 2328)
2. Request for a Variance to allow a double-faced non-illuminated pole sign with a height of 14' tall on property located at 600 Harrison Street c/o Harrison Elementary School PTA. (app. 2329)
3. Request for a Special Use Permit to operate an indoor recreation facility operating with extended hours of operation and to serve alcohol for consumption on the premises on property located at 348 4th Avenue South c/o Edward M Sabia (app. 2330)
4. Request for a Special Use Permit to operate an in-home daycare facility on property located at 2033 Maple Avenue c/o Crystal Felter (app. 2331) WITHDRAWN BY APPLICANT

I. CALL MEETING TO ORDER:

Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

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 for initiation of the revocation of Special Use Permit #1130, granted to Canyonside Towing & Recovery, Inc. on January 27, 2009, as presented, to operate an automobile impound yard on property located at 421 B Locust Street South, c/o City of Twin Falls.(app. 2333)

STAFF PRESENTATION:

Planner I Reeder stated this a request for the Commission consideration of the revocation of Special Use Permit #1130 granted to Canyonside Towing & Recovery, Inc. The property is zoned M-2. This permit was issued in January of 2009 with seven conditions: 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; No auto salvage permitted, the impound yard is for storage only; No stacking of vehicles; A minimum 8' solid site-obscuring screening fence constructed around the entire perimeter of the impound yard; a building permit is required to be completed by July 1, 2009; A plan for the management of storm water and any vehicle fluids or chemicals be submitted to the Engineering and Planning staff for review and implementation by the applicant before Special Use Permit is issued; Subject to all reasonable precautions being taken to prevent particulate matter from becoming airborne; Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and Standards.

The permit was issued January 27, 2009 prior to this approval the applicant received the staff report, the applicant was aware of the conditions, the fencing condition was discussed at the meeting and the applicant was present at the meeting. January 28, 2009 the day after the hearing a letter was submitted by the applicant stating that the 8 ft fence would be installed within the allowed time frame which is July 1, 2009. As a typical procedure after the permit is approved then staff prepares the findings of fact and sends them out to the applicant. The letter that accompanies the findings of fact outlines the conditions attached to the special use permit, with an explanation that proof of compliance within six months or approval or the special use permit will be void. Staff has not received any further correspondence from the applicant after March 5, 2009

June 23, 2009 a reminder letter was sent to the applicant regarding the conditions that had not been met and that that permit would be void if the conditions were not met. The applicant came in an collected information regarding what he needed to do to be able to install and 8 ft. fence. July 31, 2009 a letter was mailed out requesting a letter from the applicant be submitted by August 7, 2009 with a commitment to meet the conditions or approval and to provide a specific date of completion, if a letter was not received the matter would be scheduled for consideration of revocation. Staff did not receive any correspondence from the applicant and the business is not operating as approved.

The 8 ft fence is required for automobile wrecking or salvage yards and the purpose is to provide screening because vehicles can be in various stages of disrepair and can be on the property for an extended period of time. A building permit is required for a fence that is over 6 ft in height because it needs to be structurally sound and meet wind load requirements.

In conclusion staff has made several attempts to contact the applicant and has not received any response or commitment to bring the property into compliance; therefore that is why the matter is being brought to the Commission as a request to consider revocation. If the Commission approves this request a public hearing will be scheduled and the applicant will be notified.

P&Z QUESTIONS/COMMENTS:
Commissioner Warren asked if the property is in compliance currently.
Planner I Reeder stated the property is not in compliance, because it doesn't meet the sight obscuring requirement and a plans have not been submitted for a building permit.
Commissioner Borhn stated he would like clarification on the drain pans and absorbent sheets for chemicals that may seep from the vehicles. He didn't see anything under the vehicles in the photos.

PUBLIC HEARING:
Hans Vander Meer Jr., the applicant, stated time got away from him. He stated there is a one foot grade drop on the south side of the property and that portion of the fence is 8 ft. When the permit was approved he was under the impression that the fence had to be solid sight obscuring and that slats would not be sufficient because you can see through those. Do slats meet code because you can see through those, if that meets code then that would cost less than installing a solid fence. The fence and the gate are 7'6'' except for the south portion. Is it okay for him to install slats on that part of the fence and put coiled barbed wire across the top. He stated he is confused about a lot of things and that's why he didn't reply to the letters. It wouldn't take long to put slats in but if he has to buy new posts and add on to the fence that is a really costly venture and it will come out of his pocket not the property owners. As for the drain pans he puts those in place on vehicles that are draining fluid. He requested that he get an extension on the permit so that he can put the slats in along with a 6 inch extension to the fence but he wasn't sure if he would have to go through engineering with the fence already existing. The property is surrounded by buildings and will mainly get wind from the west and south. He is just trying to figure out what he can do

because he isn't making the income he thought he would because of the economy. If he could have a little more time he would work with Planning & Zoning; he has looked around at other properties and seen some that are screened and some that aren't and he doesn't know why there is such a difference. He just needs enough time to do this in steps that won't stress him out financially and will make everyone happy.

P&Z QUESTIONS/COMMENTS:
Zoning & Development Manager Carraway stated that the code lists materials that are allowed for a screening fence for a towing, impound and salvage yard a metal fence is one of the allowed materials and in the past slats have been allowed in some cases but the key is that the sight obscuring screening is required the full 8 ft. If the applicant can find some slats that completely fill in the width of the chain link fence and they extend to 8 ft the City would be willing to review that plan.

DELIBERATIONS FOLLOWED:
Commissioner Bohrn thanked the applicant for clarifying the vehicle fluid plan. He stated that a building permit was required to be issued by a certain date and he understands that when you are busy time slips up on a person but 6 months is way too long to be busy. He also has an issue with how the applicant is going to extend the fence with slat, he is not aware of a product that is available in 8 ft lengths. He would recommend that the item be scheduled for a public hearing for revocation and if the matter is resolved prior to then it can be withdrawn from the agenda.
Commissioner Shouten stated he agrees that a resolution needs to happen the tenant and the property owner are both going to have to make an investment to bring the property into compliance.
Commissioner Mikesell stated even if we go ahead and recommend that a public hearing be scheduled there is still time to get the matter resolved. Six months is plenty of time the applicant knew the requirements and the permit stated it had to be done by July 1, 2009.
Commissioner DeVore stated he agrees it is clear what is expected and he does not see any reason to prolong the process.
Commissioner Cope stated he also agrees the applicant has had several opportunities to respond and work with staff to get clarification on what would meet the requirements and nothing has been done. By the time it comes to us for a public hearing it should be resolved.

MOTION:
Commissioner Warren made a motion recommend approve of the request to initiate revocation procedures for Special Use Permit #1130 Commissioner DeVore seconded the motion. All member present voted in favor of the motion.

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to add a preschool to an existing community center building on property located at 1122 Washington Street South c/o Community Council of Idaho (app. 2328)

APPLICANT PRESENTATION:
Maria Fuentes stated she is here tonight to apply for a special use permit to house a preschool in and existing Community Center. The Community Center is approximately 1700 sq. ft and is used only on weekends. The Community Council of Idaho has been in the area for approximately 23 years providing head start services to children of migrant and seasonal families. This area has had an increase in agricultural work and in the assessment of this area it was found that there is approximately 94 children in this area that are waiting for head start services and because there is not enough room in the current classroom area they are requesting the addition of two classrooms in the Community Center there would be approximately 37 children added. They have worked with the Fire Department to ensure that the building meets fire code and handicap accessibility. For headstart purposes one child has to have 35 sq. ft. There is adequate bathroom space and the room will be divided into two classrooms with 17 children in on area and 20 children in the other.

STAFF PRESENTATION:
Zoning & Development Manager Carraway stated this site is zoned R-4 PUD. The site is approximately 39 acres and includes residential housing, an office & community center and head-start /pre-school facilities for migrant and seasonal workers. The head start facilities are operating on the property under several special use permits. The request is to add 2 pre-school classrooms within the existing community center building. The community center is located southwest of the current location used for the head start facilities. A special use permit is required to include a pre-school in the community center building. The facility is accessed off of Washington Street South, which is an arterial roadway and so impacts to traffic should be minimal. The narrative states the proposed addition is anticipated to serve an additional 37 children. The Commission may wish to have clarified how many children and teachers will there be in the program if this request is approved this evening. There are no major changes anticipated to the day to day operations of the head start program. If this request is approved this evening a full review of required site improvements, which may include landscaping, parking, hard surfacing, storm water retention, screening/fencing will take place as part of the building permit application review process to acquire a Certificate of Occupancy. Approval of this request should cause minimal impacts to the surrounding neighborhoods and the use is in compliance with the Comprehensive Plan.

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 compliance with all state & local requirements to establish a day care facility, including receiving certification from the Idaho State Department of Health and Welfare, receive a Day Care Center License from the City Of Twin Falls Fire Department and, if required, a Certificate of Occupancy from the building inspection department.
2. Subject to parking and maneuvering areas being hard surfaced, as per 10-11-4.

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.

P&Z QUESTIONS/COMMENTS:
Commissioner Lezamiz asked how many children will be on site.
Ms. Fuentes stated there are going to be a total of 133 children with 83 additional children in the community needing services that we don't have room to assist.

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 Cope seconded the motion. All members present voted in favor of the motion.

APPROVED AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. Subject to compliance with all state & local requirements to establish a day care/pre-school facility, including receiving certification from the Idaho State Department of Health and Welfare, receive a Day Care Center License from the City Of Twin Falls Fire Department and, if required, a Certificate of Occupancy from the Building Inspection Department.
2. Subject to parking and maneuvering areas being hard surfaced, as per 10-11-4.
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

2. Request for a Variance to allow a double-faced non-illuminated pole sign with a height of 14' tall on property located at 600 Harrison Street c/o Harrison Elementary School PTA. (app. 2329)

Commisisoner DeVore stepped down

APPLICATION PRESENTATION:
Jennifer Hall, Secretary of Harrison Elementary PTA, she stated she is here tonight to request variance to the current sign code so that the school may install a reader-board sign that is 14 ft. height which is out of compliance with the current 8 ft. code allowance. The current sign at Harrison Elementary School is attached to the wall of the building and to her knowledge all of the other schools in the district have a stand only reader-board sign. The current sign is approximately 30 years old and was a second hand sign when it came to the school. The school thought that with all of the new construction that the district is doing with the new high school and Harrison got a new gym that this would be a good time to install a new sign. The school applied for a grant last fall but did not receive the grant. In June when

the school was closing their books they found a way to pay for the reader-board and when the sign was submitted for a permit they discovered the sign did not meet the new sign code requirements. The sign is 14 ft. height it is a standalone reader-board it has the name of the school on the sign it will not be eliminated and it will not be used for any advertising. The sign will be placed so that it can be seen from Harrison Street traveling north or south. A few issues with the current reader-board one is safety because you have to look to the left or right to read the board that is on the wall it could cause an accident or distract the drivers attention and the other issue is that you have to be directly in front of the board to read it; so it is not very visible from the street. The issues that the school has with the 8 ft. height limitation is that with the location of the new sign taller profile vehicles parked across the front of the school could block the signs visibility and the other issue is that the 8 ft height could allow for some vandalism to occur because the letters are moveable. She stated that a reader-board sign that is 8 ft tall will not be able to overcome these issues. She knows that this 14 ft height does not meet the current code sign but they would hope to avoid being penalized for finally being able to find the money to purchase the sign and get it installed.

STAFF PRESENTATION:
Zoning & Development Manager Carraway stated this property is zoned R-4, medium density residential. It is the location of Harrison Elementary School which was constructed in the 1960's. The request is for a variance to the City Code Sign Regulations that restrict the height of a free-standing sign to (8') for non-residential uses such as a school in a residential zone.

A 24 sq ft reader board sign was placed on the west wall, facing Harrison Street, in 1994. "religious and educational facility signs" were only allowed thru special approval of the Commission. It allowed for one (1) free-standing and (1) wall sign per street frontage. The maximum sq ft allowed for each sign was 32 sq ft and a sign could not be taller than the existing building roof line.

In December of 2008, after two years of citizen input and many public hearings the City Council approved an amendment to the sign code

City Code Section §10-9-8(G) 2.C.5 states, "….that free-standing signs for non-residential uses in residential, open space and professional office overlay districts are permitted in the following manner:

a) a lot is allowed a maximum of one (1) freestanding sign per street frontage.
b) the maximum area is sixty (60) square feet per sign.
c) the maximum height is eight (8) feet.

Harrison Elementary School is a non-residential use on a residentially-zoned property. The applicant submitted an application for a sign permit to the building department for a free-standing sign that was 32 square feet in size (4' x 8'), double-sided, and fourteen feet (14') in height. The maximum height allowed by City Code is (8') therefore this is a request for a variance to allow an additional (6') in height for a total of (14') in height to be permitted for this sign.

The applicant provided a narrative that addresses the five (5) criteria and its is included as an attachment to this report. The five (5) criteria 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.

The applicant states that while Harrison Elementary School is on property that is zoned residential this is a unique situation since the orientation of the building and the surrounding area do not give it any direct residential neighbors. The property is adjacent to roadways on three sides- Harrison St to the west, Wirsching Avenue to the south, and Polk Street to the east. To the north is agricultural land owned by St. Edward's Catholic Church.
Staff's review of this condition would indicate that there is not a special condition or circumstance specific to this property or building that would provide a need for a fourteen foot (14') tall sign instead of a sign that meets code of a maximum eight feet (8') in height.

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 current terms of this title.

The applicant indicates that the majority of schools in the Twin Falls School District are located in residential zones and have free-standing reader board signs on their property. As Harrison Elementary's sign is located on the building face and is hard to read the students, parents, and the public are missing important announcements about the school and its activities.

Staff's review of this condition would indicate if the applicant is not granted this variance request they would not be denied the right to have a free-standing sign. The majority of the other schools in the school district do have free-standing signs – some were approved as educational signs permitted by the commission and some are pre-existing and determined to be legal non-conforming signs.

Signs at the elementary schools; Bickel, Lincoln, Morningside, Sawtooth, & Oregon Trail were all established between 1994 and 2007. Harrison elementary had the same option to establish a free-standing sign during that time and elected to only put up a single wall sign. While literal interpretation of the code limits the height allowed for new requests it allows for an additional signage that was not available to previous sign requests – previous - maximum of 32 sq ft while current - maximum area is 60 sq ft.

C. That special conditions and circumstances do not result from the actions of the applicant.
The applicant states that a special condition exists as a sign lower than the proposed fourteen feet (14') would be susceptible to vandalism by children and others could move and rearrange the letters on the reader board portion.

Staff review of this condition indicates that the applicant's concern is a direct result of the applicant's action in designing the sign in this specific manner. The sign does not have to have changeable copy and/or there are mechanisms to protect the sign such as being within a lockable cabinet.

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.
The applicant states that they will not be receiving any special privilege as other schools and churches in the city have signs within the requested height range.

Staff review concludes other schools and churches were required to comply with the code that was in place at the time and that signs not meeting those standards were not granted variances outside of the code requirements.

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.

The applicant states that a hardship would be created as the current wall-mounted sign is not effective for its intent as it is difficult to see and that a free-standing sign within code would be susceptible to vandalism that could make it unusable to the school.

Staff review concludes it does not find that literal enforcement would create an unnecessary hardship as a reasonable conforming use/sign can be located on the property. The sign code regulations do allow for a free-standing sign for this property. While the applicant has concerns about vandalism to the sign there are other options that would be allowed by code for the sign, such as a locked cabinet, that could decrease vandalism.

The city code states that a variance shall not be granted unless the commission makes specific findings of fact based directly on the particular evidence presented to it which support conclusions that all five (5) of the above mentioned standards and conditions have been met by the applicant. (ord. 2466, 2-6-1995)

Zoning & Development Manager Carraway stated upon conclusion_staff does not find that any of the five (5) required criteria are met in this request. Should the commission determine all five (5) criteria have been met and approve the request, staff recommends approval 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 the freestanding sign being allowed a height as determined by the Commission or a maximum of fourteen feet (14'), as presented, and as approved by the Commission.
3. Subject to the sign being compliant with all other regulations of City Code §10-9-8(G), including providing a 24" wide base.

PUBLIC HEARING: OPENED

CLOSING STATEMENT:
Mrs. Hall stated that purchasing a cabinet style casing for the sign still does not address the visibility issue and would create additional costs for which they don't have funds.
PUBLIC HEARING : CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Borhn stated that he sympathizes with the applicant but the request doesn't meet the variance criteria. There was a lot of work and a lot of people that helped adopt the new sign code and the duty of the Commission is to uphold the code. He stated he is sure there are many different sign companies that can design a sign within the schools budget that will meet their needs.
- Commissioner Warren stated he would like for the school to have a nice sign but this requires doesn't meet the requirements for a variance approval.
- Commissioner Cope stated that code is code and this does not meet the variance requirements.
- Commissioner Lezamiz stated there is a way to design a unique sign that will meet the schools needs and she would recommend talking to several different sign companies.

MOTION:
Commissioner Lezamiz made a motion to approve the request as presented with staff recommendations, Commissioner Warren seconded the motion. All members present voted against the motion.

DENIED

3. Request for a Special Use Permit to operate an indoor recreation facility operating with extended hours of operation and to serve alcohol for consumption on the premises on property located at 348 4th Avenue South c/o Edward M Sabia (app. 2330)

APPLICANT PRESENTATION
Edward Sabia, the applicant state he currently owns the 360 Bistro and is here to request approval of a special use permit for a banquet/entertainment room to use in conjunction with his business. The building they would like to use is located at 348 4th Avenue South. The building would be used for banquets, fund raisers, theater, comedy nights, art shows and other such events. The 360 Bistro has a special use permit in place currently to allow for these types of uses however the facility is to small for most events. He stated the facility at Main Street will not be closed however they would like to use this facility as a catering room for events that are too big to host at the 360 Bistro. The building will not have a liquor license and the events will be catered only with approved permits from the City. The building is surrounded by warehouses and a vacant lot across the street so the impact should be minimal to the surrounding neighbors. They would like the opportunity to use this building in conjunction with the restaurant that he already operates.

P&Z QUESTIONS /COMMENTS:

- Commissioner Mikesell asked if the catering permit will be completed for every event.
- Mr. Sabia stated the building will be open to the public to rent and if the private individual would like to have their event catered they will need to apply for a catering permit through the City. The alcohol would be provided through the 360 Bistro but each event would have individual catering permits.
- Commissioner Bohrn asked will does the alcohol for consumption on premises have to be approved for this request if each event has to go through a catering permit process.
- Mr. Sabia the special use permit has to include the uses that are going to occur on site.
- Commissioner Younkin asked if the 360 Bistro will be the only catering service offered.
- Mr. Sabia stated that his catering services would be an option; it would be up to the individual to decide who they would like to cater the event.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated this property is located in the Old Town-Warehouse Historic Overlay District with a P-3 Parking Overlay. The request is to operate a community event center as an indoor recreation facility which would entail charity/fundraiser events, comedy/theater/music/art shows and private events and shows. The applicant would like the ability to have alcohol and/or food catered at these events.

A special use permit is required for the retail sales of alcoholic beverages when consumed on premises where sold, retail uses operating outside the hours of 7:00 am and 10:00 pm, and for indoor recreation facilities. The property consists of a 17,555 sq ft lot with a vacant 7089 sq ft commercial building. The western portion of the property has a paved and striped parking lot consisting of 20 parking spaces.

The narrative states the requested hours of operation would be Sunday thru Thursday 11:00 am to 1:00 am and Friday and Saturday 11:00 am to 3:30 am, which is consistent with existing bar type facilities in the area rather than a community event center. It may be more appropriate to have the hours at each event reviewed as part of the special events permitting process. The applicant anticipates the traffic to vary depending on the nature of the show or event. There will be 4 to 10 employees per show including security depending on the nature of the show or event.

Parking is a big concern in this area of downtown. The required parking for indoor recreation facilities is 1 space per 250 sq ft this equals 28. There are 20 off street parking spaces provided on this site. However, the site is located in the Old Town District with a P-3 Parking Overlay.

The purpose of the Old Town District is to encourage redevelopment of existing properties, the City Planning Administrator may waive strict conformance to the requirements for parking, landscaping, and/or surface water retention when such waiver would not be contrary to the public interest. The P-3 parking overlay district states that due to the desire of the City to retain the character of the P3 district special consideration may be given on a case by

case basis to the parking requirements, if the standard requirements cannot be applied. Examples of special considerations may be a variance on the number, leased on street parking, and remote parking. Due to the considerable differences in the types of events that are being proposed at this site it may be appropriate to require a specific parking plan be reviewed prior to each planned event.
Trash can be a concern after an event or show. The commission may wish to place a condition on this special use permit to have the applicant present a clean-up plan as part of the review and/or special events permit application process prior to each event/show. The applicant also states in his narrative that the facility will be a smoke free facility with a designated smoking area.
The proposed facility is in the WHO, warehouse historical overlay district. Any exterior improvements will have to be approved by the City of Twin Falls historical preservation commission and would be part of the building permit review process. As part of our standard inter-department review process the police department has reviewed this special use permit application and are here this evening to address some of their concerns.

Officer Dan McAtee stated that staff and officers met today to discuss this request and there are several concerns with this request and this location. One of the major concerns at this location is Minidoka Avenue because it is a truck route and trucks travel this route continuously there have been several accidents that have involved bodily injuries along this route in this area and so public safety is a concern. The parking in this area from an emergency response perspective can be delayed because of cars parked along the streets making it difficult to maneuver. The biggest concern is alcohol being served at the facility with underage individuals co-mingling with adults. It is very difficult to enforce the underage drinking laws when this occurs.
Another concern is the hours of operation being allowed until 3:30am, if it is an event center the hours of operation should be determined by the type of event being hosted. In the City there is a curfew set at 10:59pm for minors 16 and under; and the curfew is set at 12:00am for 17and18 years of age. The special events application process establishes the hours allowed for the event for each venue and 3:30am is just a little excessive. For example Radio Rendezvous offers this type of service and every event that is hosted at this facility is reviewed and approved through the special events application process.

P&Z QUESTIONS/COMMENTS:

- Commissioner Mikesell asked if Officer McAtee knew the allowed occupancy would be for this building.
- Commissioner DeVore asked how these events are handled at the Radio Rendezvous.
- Officer McAtee stated that they review each special event application and they are particularly interested in events that are catered because of alcohol, time and the number of people expected to attend. This establishment's management has worked very closely with the police department to make their events safe and successful. The special events process allows the police department to determine the number of security officers need to be on site and what kind of security is needed for each event. The special events application process takes approximately 45 days to complete. According

to the staff recommendations this facility would have to go through the special events application process for each event as a condition of approval.

- Commissioner Younkin asked about serving alcohol from a bar area.
- Officer McAtee stated if there are underage individuals at the event there has to be a designated area for ID's to be checked and bracelets to be put on if alcohol is being served at the event.
- Commissioner Warren asked if there is a time designated that they are no longer able to serve alcohol.
- Officer McAtee stated there is a last call and a time frame for when the alcohol has to be put away.

Officer Jennifer Foster stated she is here to review with the Commission the requirements for catering and serving alcohol at events. She brought with her the definitions in the Idaho State Statues: Title 23 Alcoholic Beverages Chapter 9 Retail Sale Of Liquor By The Drink 23-934a.Alcohol Beverage Catering Permit -- Application.

- An alcohol beverage catering permit is a permit issued pursuant to this section which authorizes the permittee to serve and sell liquor by the drink, beer and wine, or beer, or wine, at a party or convention, and not to exceed three (3) consecutive days. An alcohol beverage catering permit shall be limited to authorization to sell liquor or beer or wine, or any combination thereof, based upon the type of license which the applicant possesses. Applications for such permit shall be made to the city within which the liquor, beer or wine is to be served, or if not within a city then to the county, on such form as prescribed by the city or county.

For each event the applicant would be required to apply for the alcohol permit. She is responsible for processing the request. The special event application is attached to the alcohol permit request and is reviewed with the applicant to ensure that all of the checks and balances are completed. As for the storage of alcohol on the premises the alcohol has to be brought in for each event, broken down and removed from the premise the same day. There cannot be any delivery for sale or storage of alcohol at the site without having the facility fully licensed.

Under the definitions there are only two exceptions which are catering events and parties. The definition for convention and party are as follows under:
Title 23 Alcoholic Beverages Chapter 9 Retail Sale Of Liquor By The Drink
23-902A DEFINITIONS. The following words and phrases used in this chapter shall be given the following interpretation:

- "Convention" means a formal meeting of members, representatives, or delegates, as of a political party, fraternal society, profession or industry. For Example if the Moose Lodge or Elks Lodge wanted to hold and event at this location and have it catered alcohol would be permitted.
- "Party" means a social gathering especially for pleasure or amusement and includes, but is not limited to, such social events as weddings, birthdays, and special holiday celebrations to include, but not be limited to, New Year's celebrations, Super Bowl Sunday, St. Patrick's Day, the Fourth of July and Labor Day.

Based on these definitions some of the special events allow the serving of alcohol to be permitted. However, there will be cases where the special event will be denied, or the event would be permitted but alcohol would not be allowed to be served. The concern that she has with the request and dealing with the Alcohol and Beverage Control Department (aka ABC) is the hours of operations. She would like to know why the hours of operation need to be the same as his restaurant and explained that the state will not permit an alcohol license to be use regularly at two different locations because it is considered double dipping. For example if the plan is to host private events at this other location the ABC will at some point required both facilities to have a liquor license. The special events are approved on a case by case basis and if the applicant wants the event to last until 3:30am it should be part of the request.

P&Z QUESTIONS/COMMENTS:

- Commissioner Younkin asked if there is concern about having to many catered events with alcohol being served at the events. For example for events a week with alcohol served would be considered saturation.
- Ms. Foster stated yes it is a concern and the ABC has had the exact same issue occur in Boise in the past year and they have actually taken licenses. The bar owner was using an event center once or twice a week and catering in the alcohol calling it a certain type of party and it was really determined to be an over/under club; so this is why the hours of operation are a major concern. That is why there are questions about the types of events to be held on site and how often these events would be scheduled so that it was clear to us and the applicant what is allowed and what is being approved.
- Commissioner Younkin asked if the type of license the catering service has limits the type of alcohol allowed at the event.
- Ms. Foster stated yes it is limited to the type of alcohol allowed on site; if they have a beer and wine license that is all that is allowed on-site. Two businesses are not allowed to cater on top of each other; for example if someone wants a restaurant to cater that only has a beer and wine license but also wants liquor to be available another establishment with a liquor license cannot cater the event too, there can only be one establishment that caters the event.
- Commissioner Mikesell asked if there is an event where alcohol is to be served if it has to go through the special event process.
- Ms. Foster stated any establishment that is not licensed to serve alcohol but wants to host an event where alcohol is served has to come through the special event process. The catering permit follows the code requirements and asks specific information related to the event, the location of the event and the purpose. If the application is incomplete the applicant will be contacted for more information.
- Commissioner Mikesell asked if there are several events back to back scheduled at this location with alcohol to be served can this be addressed through this process or does the ABC have to be involved.
- Ms. Foster stated that if this were to occur they would contact the person that operates the facility and the person having the event to discuss the matter in detail so that

things don't get approved that haven't gone through the correct process. The main concern for her and the state was if this is an event center then there should not be hours of operation the hours of operation should be established with each individual event.

- Commissioner Cope stated with the 45 day processing period for each special event application the applicant would have to line things up fairly well to have something going three or four times a week.
- Ms. Foster stated yes for example the Kruzers establishment had concerts in the summer however they were on-site where the liquor license was held. However the parking lot was not included as part of his liquor license so he would submit usually in April all of the special event applications he wanted to hold during the summer so that they could all be approved in advance. Radio Rendezvous has worked very hard with the police department to do the same thing and he has packets included in the rental agreement that are prepared for the individuals ahead of time that include catering permits and all of the applications that they will need to have completed and approved prior to the event occurring.

Officer Pullin stated that he has one request that the special use permit have an expiration date so that the permit can be reviewed in order to determine whether or not there have been any issues with compliance or calls to the site for disturbances.

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 the applicant contacting the City of Twin Falls Police Department on every event/show to determine if a special events permit and/or catering permit are required.
2. Subject to the applicant contacting the City of Twin Falls Police Department on every event/show to determine if security would be required.
3. Subject to a trash clean-up plan being approved by City Staff prior to each event/show.
4. Noise level is not to exceed 78 decibels at any point ten (10) feet from the exterior walls of the building.
5. Subject to exterior modifications being approved by the City Of Twin Falls Historical Preservation Commission, as per City Code §10-4-22; warehouse historic overlay district.
6. Property improvements, including signage, to comply with City Code 10-4-13.3; old town district and 10-11-1 thru 9; required improvements.
7. A Certificate of Occupancy shall be issued prior to any use on the property.
8. Permit shall expire in six months (February 25, 2010)
9. 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:

- James Titmarsh, stated that he represent an organization that serves the gay, lesbian, bi-sexual and transgender group in the community. The approval of this

request would provide an affordable space as well as a safe and friendly atmosphere to host events. There are few places in town that offer these types of services and fewer still that are cost effective. He would like to request that this special use permit be approved.

- Kelly Dickered, came here tonight to request that the event center be approved and there are very few places like this to go in the community and it would be a good business for the area.
- Kurt Handley, Pandoras Restaurant owner, stated he is in support of this request and with the amount of time, money and effort it takes to get a business going a year would be more reasonable as an expiration date for the applicant to get established.
- Riley Juker, 354 7th Avenue East stated he is a college student and would like to have a place to host a comic event; he has asked the applicant several times about establishing an event center and he would be in support of the request.
- Alex Williams, 341 Pheasant Road West stated he has been in charge of security for the 360 Bistro and he has previously worked for The Department of Corrections. His main objective as security is to make sure this building is secure. He would like to have a place that provided entertaining events as well as a safe place to go. He has quite a collection of fake ID's and he takes pride in not allowing underage drinking to occur.
- Dave Woodhead, Woody's Bar Owner stated he was here when he approved the special use permit for Mr. Semple and he is in support of this request. His only concern is that the parking is going to have to be addressed in this area. The problem may not be insurmountable, but it does need to be addressed. He stated it is the right building just the wrong location. When the concerts were being held at Kruzer's the parking was consumed by that event. He is very much against the afterhours request be it just leads to trouble. Generally it brings groups of people that would not normally associate with one another to one location and there may not be any alcohol but personalities still clash and it invites conflict. The law says you can serve until 1:00am and the customers have to be gone by 1:30am. That seems adequate for everyone else otherwise it is just inviting tragedy.
- Mr. Williams stated that he understands the concerns and there are always going to be people that have problems with other people no matter what the time. He has worked in this type of establishment before and he has no problem with making people leave the establishment if they are acting inappropriate. He is there to ensure people are safe and he takes his job very seriously.

CLOSING STATEMENT:

Mr. Sabia stated that we got sidetracked with this request. He owns the 360 Bistro and currently has a special use permit at this location, he is aware of the catering laws and what is allowed with a alcohol license. He has operated with the same time of use at this establishment has not had any problems. He is coming through with this request because would like to us this additional space to provide a place for customers to host banquets, fund raisers and social events it is not going to be a nightclub or bar. The hours requested

are the same hours that are at his current establishment, and the reason for this is because he is trying to plan ahead. In May of 2010 his lease will expire at the current location and instead of starting over if this building already has the hours established and he needs to move to this new location this part of the process is complete. He has customers that want to use his catering services and the 360 Bistro is not big enough to handle these types of events. He found this bigger building and has spoken to the owner about the possibility of putting in a kitchen later down the road if necessary. If things work out and the business takes off and he wants to relocate the 360 Bistro he would like to have this building as an option. As for parking he has approached the owner of the vacant lot across the street about using that space for additional parking. Staff explained to him that improvements to the lot would have to be made and a cross use agreement would be needed for this to be an approved parking area.

He would like to address the traffic concern along Minidoka Avenue Woody's Bar, Pandoras Restaurant and Sidewinders are a located along Minidoka and there are even parking spaces available across from these venues that people use. These three venues will be drawing more of a crowd continuously to the area then any event hosted in this building. He has no plans to have concert events like Kruzers, what he wants is to establish a small intimate location where people can come for theater or a comedy event and if they would like to have a cocktail it would be available.

He stated with regards to the parking it is an issue for most places in the downtown area, when the Radio Rendezvous hosts events their clientele park all the way down the street and in front of the 360 Bistro. There are businesses that share parking all along the down town area and businesses that have requested that no one use their parking spaces. He stated they work with their customers to make sure that they don't park in these areas. He has worked with the police department regarding the afterhours and once the person is in the building they are not allowed to come and go they have to stay in the building until they are ready to leave; this has worked well. The average wedding will have between 150-250 people and the building will not allow for thousands of people it is not large enough for that type of event. He has been talking to a taxi service about bussing people to and from the site if necessary.

He stated he wants to provide an economical option for people that want to host special events and has chosen this location because it is in need of revitalizing and is not located near a residential area. The building is large enough to host events and has space on the upper floor that would be large enough for a kitchen in the future if he chooses to move the bistro to this location. There will also be enough space for him to house an office for his other four businesses. He will have security cameras on site and if alcohol is on site it will only be there with the proper permits. He has no problems with abiding by all of the conditions that are placed on this permit.

PUBLIC HEARING : CLOSED

DELIBERATIONS FOLLOWED:

- Zoning & Development Manager Carraway stated that in the future should the applicant choose to move his restaurant/lounge to this location and want to establish a bar/nightclub at this facility he will need to come back through the special use permit process. As for the parking a cross use agreement would be

required however it would require the lot to be brought up to current City standards such as paving.

- Commissioner Warren asked if all of the events will have to go through the special event process. If there is some kind of outlandish event requested do they have the authority to deny the application.
- Zoning & Development Manager Carraway stated this request is for a land use the special event application is another process and is ultimately approved by the City Council per event; and the City Council can deny a request.
- Commissioner DeVore stated he is confused about the extended hours associated with the request because if each event has to be reviewed by the police department and the hours are reviewed for each event why is it necessary to have extended hours attached to the building.
- Zoning & Development Manager Carraway stated there are not specific hours of operation set for the building these will be set for each event.
- Commissioner Younkin stated he is still not completely clear is this an indoor recreation facility that will have activities scheduled every night or an event center with special events schedules just once or twice a week.
- Zoning & Development Manager Carraway stated the request stated Community Event Center however code defines it as an indoor recreation facility and all of the activities he has described fit under this definition. A nightclub if approved is a nightclub all the time every day. Each event would come under review to be determined if it requires a special event application or if it can occur without a special event permit. Not all of the events will required a 45 day review process if alcohol is involved it would trigger a special event application.
- Commissioner Bohrn stated his conditions did not include the time limited approval of 6 months.
- Zoning & Development Manager Carraway stated that the time limit condition was added after the meeting with the police department; it states that the permit shall expire in six months (February 25, 2010)
- Commissioner Bohrn stated that he has an issue with the six month limitation because with the review process taking possibly 45 days for each event it will take more time to prove themselves and a year would be more adequate.
- Zoning & Development Manager Carraway stated that the conditions listed are recommendations only and that the Commission can amend the conditions.
- Commissioner Younkin asked for clarification stating that every function in this building would not be an event.
- Zoning & Development Manager Carraway stated that every function may not be classified as a special event. Each event would have to be reviewed to see if it requires a special event application.
- Commissioner Younkin asked if someone called this week and said they would like to rent the facility to host a comedy show next Thursday the 45 day review process would prevent that from occurring.
- Zoning & Development Manager Carraway stated that if no alcohol was served at this event and the building and parking area could accommodate the number of

people expected to attend then it could be quite possible for this event to take place.

- Commissioner Mikesell stated that if there are extended hours attached to the building and there is no alcohol on premises then if the 360 Bistro has a large crowd afterhours then he could move that crowd of people to this location without needing a special event permit.
- Zoning & Development Manager Carraway state that the hours of operation are limited to retail businesses only and not to service businesses like this request. Unless you specify hours it would fall under code requirements. If any event occurs the applicant is to contact the Police Department.
- Commissioner DeVore stated that for every event the applicant will have to contact the Police Department.
- Zoning & Development Manager Carraway explained that is how the conditions are listed on this request it does not mean an application has to be submitted for every event just that each event is submitted to the Police Department for review.
- Commissioner Bohrn stated that as long as a review process is going to take place for each event then he doesn't have a problem with the request.
- Commissioner Cope stated that it seems the applicant has done his homework and as long as the building is brought up to code and he abides by the conditions of the permit then he doesn't have a problem with the request. It's also going to bring life to the downtown area; and it seems to be a good idea. He would prefer this type of business in this area rather than around a residential area.
- Commissioner Mikesell stated that he is totally confused and if there is a one year expiration date put on the permit things should become clear if there are no complaints great; but he does agree six months is not enough time. He has personal knowledge of the applicants security and it does work.
- Commissioner Borhn stated revocation can occur as well if there are problems.

MOTION:
Commissioner Borhn made a motion to approve the request with staff recommendations and a one year expiration date. 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 the applicant contacting the City of Twin Falls Police Department on every event/show to determine if a Special Events Permit and/or Catering Permit are required.
2. Subject to the applicant contacting the City of Twin Falls Police Department on every event/show to determine if security would be required.
3. Subject to a trash clean-up plan being approved by City Staff prior to each event/show.
4. Noise level is not to exceed 78 decibels at any point ten (10) feet from the exterior walls of the building.

5. Subject to exterior modifications being approved by the City Of Twin Falls Historical Preservation Commission, as per City Code §10-4-22; Warehouse Historic Overlay District.
6. Property improvements, including signage, to comply with City Code 10-4-13.3; Old Town District and 10-11-1 thru 9; Required Improvements.
7. A Certificate of Occupancy shall be issued prior to any use on the property.
8. Permit shall expire in one year (August 25, 2010)
9. 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 operate an in-home daycare facility on property located at 2033 Maple Avenue c/o Crystal Felter (app. 2331) WITHDRAWN BY APPLICANT

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

VI. UPCOMING MEETINGS:
Next Planning & Zoning Commission public meeting is scheduled for WEDNESDAY, September 9, 2009

VII. ADJOURN MEETING:
Commissioner Younkin adjourned the meeting at 8:35 pm.

Lisa A. Jones

Lisa Jones
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
September 9, 2009-6:00 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 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	Cope	DeVore	
Munoz	Lezamiz	Mikesell	
Schouten			
Warren			
Younkin			

CITY COUNCIL MEMBERS PRESENT: Heider
CITY STAFF PRESENT: Carraway, Jones, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION

1. Consideration of the Preliminary Plat of the KRP Subdivision consisting of 1 single family residential lot on property located south of 1575 Falls Avenue West within the Area of Impact c/o John Root

2. Consideration of staff review of Special Use Permit #1008 granted to Elwood Lee Wilson October 24, 2006 for the purpose of operating a counseling business as a home occupation on property located at 1509 Richmond Drive c/o City of Twin Falls

IV. PUBLIC HEARING ITEMS

1. Request for a special Use Permit to replace a legal non-conforming use by another non-conforming use on property located at 276 Eastland Drive North c/o Amanda Dastrup (app. 2332)

I. CALL MEETING TO ORDER:

Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): UNANIMOUSLY APPROVED
   August 11, 2009 & August 25, 2009

2. Approval of Findings of Fact and Conclusions of Law: UNANIMOUSLY APPROVED
   Adam Climer (SUP-revocation) Strugill (SUP) Ed Sabia (SUP)
   Harrison Elementary (Variance –denial) Community Council of Idaho (SUP)
   St. Edwards (SUP) Twin City Auto (SUP-revocation)

III. ITEMS OF CONSIDERATION:

1. Consideration of the Preliminary Plat of the KRP Subdivision consisting of 1 single family residential lot on property located south of 1575 Falls Avenue West within the Area of Impact c/o John Root

APPLICANT PRESENTATION:

John Root, All Points Land Surveying, representing the applicant stated the applicant is requesting approval of a preliminary plat that if approved this evening will move forward for final plat approval. He stated it is approximately a 1 (+/-) acre lot that is located south of 1575 Falls Avenue West within the City's Area of Impact. He stated the applicants are aware of the staff recommendations and ask that the Commission approve this request.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated this preliminary plat for the KRP subdivision is a one (1) lot subdivision consisting of one 1 (+/-) acre and is zoned SUI CRO within the City's Area Of Impact. A little history: Thiebert Subdivision, a Conveyance Plat was submitted for review in 2008. The property was an existing 2+/- acre residential property with a single family residence. The plat, consisting of 2 lots on 2+/- acres, was recommended for approval by the City Council on August 18, 2008, approved by the Board of County Commissioners on September 8, 2008 and was recorded December 22, 2008. City code section 10-12-2-5 states: "a conveyance plat may be used for the purpose of subdividing land and the recording of same……". "a conveyance plat does not constitute approval for development of the property……"

The request this evening is to plat lot 2 of the Theibert Conveyance Plat, into a 1 lot subdivision so the property owner may build a new single family residence. The SUI zone provides for primarily agricultural and single family residential uses. For residential development the minimum lot size for a single family dwelling is one (1) acre or as set forth by the South Central District Board of Health, whichever is larger. The lot is to be developed in conformance with the SUI standards.

City water and sewer services are not available in this area. The development of this residence shall require a personal well and septic system. The plat has been approved by South Central District Health Department for a well and septic system as proposed.

The developer is asking for a variance to the City's pressurized irrigation requirements – which is transfer of water shares equal to the acreage of the sub-division prior to recordation. The City of Twin Falls Engineering Department has stated the water shares for this property may stay with the land provided there shall be an appropriate irrigation system installed for landscaping and providing at such time that pressurized irrigation is available in the area, the water shares will be transferred to the City. Staff recommends a condition that a deferral agreement be provided prior to recordation of the final plat.

Curb and gutter are required improvements in the SUI zone, however, the City Engineer has indicated she will accept a deferral agreement, as provided for in 10-11-5(b)1(a). Staff recommends a condition that a deferral agreement be provided prior to recordation of the final plat. The property accesses a private road (extension of 2700 East) that is not maintained by the Highway District. The Twin Falls Highway District approved the plat without road improvements. Staff recommends a condition that a deferral agreement be provided prior to recordation of the final plat.

A Parks in Lieu request was approved by the City Council on November 3, 2008, in the form of an in-lieu payment. Storm water retention is provided in a retention area in the southeast corner of the property. The retention area is designed to retain more storm water than required.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. It has been determined the plat is in conformance with the Comprehensive Plan Future Land Use Map which designates this area as appropriate for rural residential development.

A full review of required improvements will be made by the Building, Planning, and Engineering Departments for full compliance with development standards prior to issuance of a building permit.

Zoning & Development Manager Carraway stated should the Commission approve the preliminary plat of the KRP 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 a recorded deferral agreement for the curb and gutter to be provided before recordation of the final plat.
3. Subject to a recorded deferral agreement for access improvements to be provided before recordation of the final plat.
4. Subject to an irrigation system, approved by the City Engineering Department, being installed for landscaping, prior to issuance of a certificate of occupancy.

5. Subject to a recorded deferral agreement for the transfer of water shares to be provided before recordation of the final plat.

PUBLIC HEARING: OPENED

- Gary Fornshell, 855 Sunway Drive North, stated he has a couple questions. If development occurs on this lot will there be another public hearing process and how will his water rights be impacted.
- Zoning & Development Manager Carraway stated that this is a residentially zoned lot and the only development that can occur is for a single family residence and would only require the applicant to apply for a building permit. There will not be another hearing process required.
- Assistant City Engineer Vitek stated the gentleman's water shares will not be impacted, the applicant is still responsible for delivering the same water shares to the same location.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner Shouten seconded the motion. All members present voted in favor of 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 a recorded deferral agreement for the curb and gutter to be provided before recordation of the final plat.
3. Subject to a recorded deferral agreement for access improvements to be provided before recordation of the final plat.
4. Subject to an irrigation system, approved by the City Engineering Department, be installed for landscaping, prior to issuance of a Certificate of Occupancy.
5. Subject to a recorded deferral agreement for the transfer of water shares to be provided before recordation of the final plat.

2. Consideration of staff review of Special Use Permit #1008 granted to Elwood Lee Wilson October 24, 2006 for the purpose of operating a counseling business as a home occupation on property located at 1509 Richmond Drive c/o City of Twin Falls

STAFF PRESENTATION:
Zoning and Development Manager Carraway reviewed the history: On October 24, 2006 the Planning and Zoning Commission granted Special Use Permit #1008 to Mr. Elwood Lee Wilson to allow the operation of a counseling business as a home occupation subject to (7) conditions. The conditions stated on the permit are as follows:

1) The practice will be limited to family or individual counseling for non SED (seriously emotionally disturbed) clients. no counseling of clients who can be served in state programs.

2) The hours of operation will be limited to Monday – Friday 5:00 P.M. -9:00 P.M. & Saturday 9:00 A.M. – 9:00 P.M.
3) The special use permit shall expire in 1 Year.
4) Counseling services are to be provided by appointment only with no overlapping appointments.
5) Counseling clients are to park in the driveway only.
6) The special use permit is restricted to Mr. Wilson at this location.
7) Site plan amendments as required by Building, Fire, Engineering, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Condition #3 states the special use permit shall expire in 1 year, which would have been October 24, 2007. Upon review of the minutes the motion actually states the special use permit "shall come under review" in 1 year, so although it should have been reviewed by October 24, 2007--it did not expire. You have in your packet a "corrected" special use permit. Staff is presenting Special Use Permit #1008 for the Commission's review.

The property at 1509 Richmond Drive is still a single family residence in the R-2, residential zoning district. Mr. Elwood Wilson confirmed that he is still the property owner & resident and that he is still operating a counseling service as a home occupation as approved on October 24, 2006

Staff has not received any complaints or inquiries on the property or the operation of the home occupation since the meeting in October of 2006. Mr. Wilson's residence has one direct neighbor on Richmond Drive. This neighbor was contacted on September 1, 2009. They were asked if there had been any issues or concerns with the home occupation and they responded that there had been none and that "they have been very good neighbors". The police department had nothing to report on the property. As Per CITY CODE 10-13-2.3, should there be any problems in the future there is a revocation process for additional review or removal of the use.

Zoning & Development Manager Carraway stated upon conclusion as there have been no issues or concerns regarding Mr. Wilson's operation of a counseling business as a home occupation, staff recommends that there is no need for further action on the permit at this time and the business can continue to operate as approved.

P&Z QUESTIONS/COMMENTS:

- Commissioner Warren asked if all of the 7 conditions have been met by the applicant.
- Zoning & Development Manager Carraway stated yes the conditions have been met and the applicant has been operating as approved.
- Commissioner Borhn asked if the neighbors had been notified of this item.
- Zoning & Development Manager Carraway stated no they had not. If the permit had expired the neighbors would have been notified because the applicant would have to come back through a public hearing process for a new special use permit. The original motion very clearly stated just a review was required and not an expiration of the special use permit.

PUBLIC INPUT:

- Lee Heider, 1631 Richmond Drive, stated that he can't leave his home without passing the applicants house and there has never been any disruptions in the area, there has never been an issue with cars blocking the street and to his knowledge the applicant has operated in compliance with the special use permit conditions.

APPROVED TO CONTINUE WITH NO FURTHER ACTION NEEDED

I. PUBLIC HEARINGS:

1. Request for a Special Use Permit to replace a legal non-conforming use by another non-conforming use on property located at 276 Eastland Drive North c/o Amanda Dastrup (app. 2332)

APPLICANTS PRESENTATION:
Marcy Blass, applicant, stated this request is for a special use permit to replace the daycare use located at 276 Eastland Drive North. They would like to use the building for professional offices. The offices will be available for rent for alternative therapies such as reflexology, acupressure and reiki. The focus of the center is to provide complimentary therapies to promote healing for patients undergoing traditional medical care for illnesses such as cancer. The goal is to offer this community a center with therapeutic modalities in a calm and relaxing environment. This center would afford the City a model of care that is not available at the present time. The hours of operation would be offered from 6:00 am to 9:00 pm, and is totally driven by patient needs. Such as her clients that have cancer the cancer does not have time limits and the difficulties that need to be addressed such as side effects from the chemo and radiation therapies require her to be flexible and available and to operate on and on-call basis. She has yet to go in at 6:00am but has had appointments as early as 7:00am with a client that was very ill prior to their radiation treatment. On numerous occasions she has had 5:00pm clients due to their work schedule. Occasionally there would be weekend use but it should have no impact to the surrounding neighbors. The appointments are scheduled on an hour basis and any practitioners that will come in to the other offices will be required to meet these standards and criteria so that the patients are scheduled on an hourly basis with no overlapping and there is usually to her knowledge there has never been more than one person at a time in the waiting room waiting for the other practitioner. The feasibility and success of this center requires the other 5 offices be rented in addition to the one office that she currently occupies. With these types of therapies it is estimated that 3-4 offices will be used at once, the message therapy and reflexology therapies are very flexible. In addition to promoting the healing environment they would like to offer tea and a pre-mixed healthy cup of coffee would be available to the clients, the families and to the public to promote this model of care in the community; this will not be an espresso coffee house. The site does have 14 marked parking spaces 3 which are painted for compact car use; extending the striping of two of these spaces would still maintain a compliant drive isle. In addition there is practitioner parking on the north side of the lot, it is not marked at this time however it has been measured off at 30' across and meets 24' drive isle requirement. This building has a current fire inspection on record and so in conclusion she would request that a permit be approved so that a permanent use that would allow uninterrupted patient care on a long term basis.

P&Z QUESTIONS/COMMENTS:

- Commissioner Younkin asked if they are requesting to have five offices or six offices. Does an office space constitute one room, and is there a receptionist area.
- Ms. Blass stated that they are requesting to have 6 office spaces and there is not a receptionist area. The appointments are made over the phone the patient arrives and they are taken into the treatment room which is also the office. A normal appointment last 45-50 minutes with an hour blocked out on the schedule, so that the patient is gone prior to the next patients arrival. The practitioners that occupy this office will have to meet the criteria that is complementary to the traditional care they are currently receiving for their illness. This type of use will have minimal impact to the area compared to the daycare that was licensed for 63 children and the traffic that use generated.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated the Planning and Zoning Commission granted Special Use Permit #0559 on July 28, 1998, to allow the construction and operation of a daycare facility at this location with the condition that a drainage plan be provided. The property was zoned R-2. A Certificate of Occupancy was issued in April of 1999. This property is still zoned R-2, which is a residential single family or duplex zoning district. This site has been operating as a commercial daycare under a Special Use Permit since 1998. The building is approximately 3100 sq. ft. in size on approximately a 20,000 (+/-) sq. ft. lot. At the time the facility was constructed in 1998 the City Code did not distinguish between a commercial day care facility vs. an in-home day care facility. The code allowed for "daycare facilities" in residential zones by special use permit. A Zoning Title Amendment to the City Code was subsequently approved that now lists commercial day care facilities and in-home day care facilities as separate land uses. The Zoning Title Amendment that changed the land use is what established the subject property as a legal non-conforming use. A retail use was not permitted in the R-2 zone in 1998 nor is it permitted under the current code. The commercial daycare facility ceased operations within this past year and the building is currently vacant.

City Code 10-3-4(A)1e allows for replacement of a legal non-conforming use with another non-conforming use by special use permit <u>if</u> said legal nonconforming use has not been discontinued for more than five (5) years <u>and</u> if it can be shown that the building cannot <u>*reasonably*</u> be converted to a conforming use. The applicant is requesting that the legal nonconforming use of a commercial day care facility at this site be replaced with another nonconforming use -- professional offices and a retail tea & coffee shop; more specifically -- "alternative therapies" such as "reflexology" and "reiki".

The existing building has a total of six (6) rooms that potentially could be rented out as individual offices. The property owners, Amanda Dastrup & Marcy Blass, intend to occupy one (1) of the offices for "alternative therapies" with the other five (5) rooms that could potentially be leased to five (5) other professionals. The narrative states the facility would be managed as a "center for complementary therapies" to promote healing for patients undergoing other traditional medical care.

In addition to professional services --the applicant is proposing that part of the facility be used as a retail tea & coffee room that would offer herbal teas and healthy coffee to clients as well as to the general public.

The property is screened/fenced from surrounding properties which includes residences to the north, east and south. Eastland Drive North is to the west separating the facility from a church and another residential neighborhood. Within 500' of this property there are only two (2) other non-residential uses, the Church of The Ascension directly to the west and the Eastside Southern Baptist Church further south on the east side of Eastland Drive.

Professional/medical office uses generally have hours of operation that are typical to business hours of 8:00 am to 5:00 pm, Monday through Friday - which also helps mitigate possible negative impacts to residences. As you have just heard the proposed hours of operation are to be 6:00 am to 9:00 pm with no mention of which days of the week the facility is proposed to be open. These hours are outside of typical office hours – to lessen the impacts to the surrounding residential neighborhoods the Commission may wish to limit operation of the facility to typical to business hours of 8:00 am to 5:00 pm, Monday through Friday.

The operation of the facility, as proposed, may have relatively minor impacts to the surrounding residential area & may even produce less impacts; such as noise- than the previous commercial day care facility. Both professional & small medical offices are often considered good buffers between a high traffic roadway like Eastland Drive; which is considered a major collector or arterial, and a residential area. It is not generally desirable to have a residence fronting a collector or arterial roadway.

Staff does have a concern regarding the addition of retail uses to this property. The tea and coffee shop component of the request would be adding a more intensive and commercial land use to the site and to the existing residential area. The Comprehensive Plan Future Land Use Map designates the Eastland Drive corridor -- from the Eastside Southern Baptist Church to the corner of Falls Avenue East -- as a residential corridor. The addition of a commercial/retail use may not be in character with the existing residential neighborhoods in the area.

In addition to the land use concerns staff also believes there are issues with parking on the site. The site has eleven (11) standard parking spaces- 9' x 20' - and three (3) "compact" parking spaces – 7' x 15' - which cannot be counted as they do not comply with minimum parking standards today. The City Code used to allow for "compact" spaces but the code has since been amended to delete this standard. As measured from the submitted site plan, if the parking stall length was extended to the current standard of 20' then the drive aisle behind the space would not be in compliance. The striping of these stalls need to be removed. a single parallel parking space could be provided instead -- which would provide a total of twelve (12) spaces onsite. The minimum parking requirement for the 3100 sq ft building --as an office -- would be one (1) space per 300 sq ft of building or eleven (11) spaces. If this facility has a therapy professional renting each office space then staff would potentially be taking up 50% or more of the available on-site parking. The coffee and tea shop would require additional parking based on the amount of seating provided --which is unknown at this time.

The therapy use – as proposed for this facility - is actually more closely related to the parking requirement standard for a business such as a beauty salon or medical offices where the minimum parking requirement is three (3) spaces per station or physician. When an individual is providing a service to another individual then generally three (3) parking spaces are required

– 1-to accommodate the professional, 2-their current client and 3-a waiting client. At this standard the subject property would be able to accommodate a maximum of four (4) offices or individual professionals, which would be staff's recommendation.

The Comprehensive Plan designates this property as appropriate for medium density residential uses; staff recommends that a retail use is not appropriate for this location.

Zoning & Development Manager Carraway stated if the Commission finds that the existing building cannot reasonably be converted to a conforming use and finds that a professional office specific to "alternative therapies", as presented, to be an appropriate use for this site, staff recommends the following conditions:

1) The business to be limited to alternative therapies only, as presented.
2) The special use permit is restricted to Amanda Dastrup & Marcella Blass, property owners, at this location. a change of ownership shall require a new special use permit.
3) Subject to a maximum of four (4) individual professionals operating at the facility at any one time.
4) Operation of the facility to be limited from 8:00 am to 5:00 pm, Monday through Friday.
5) Subject to removal of the compact car parking spaces and assure compliance with parking requirements, as per 10-10-1 thru 3.
6) Subject to issuance of a Certificate Of Occupancy from the building inspection department for a change of use prior to operation of the business.
7) The special use permit shall expire in 1 year. (September 9, 2010)
8) Site plan amendments as required by building, fire, engineering, and zoning officials to ensure compliance with all applicable city code requirements and standards.

P&Z QUESTIONS/COMMENTS:

- Commissioner Mikesell asked for clarification that specific therapeutic services provided only, and if that means no retail allowed.
- Zoning & Development Manager Carraway stated retail would not be conducive to what is currently in the area and it would be restricted to alternative therapy only.
- Commissioner Munoz asked if the change of use would require more landscaping.
- Zoning & Development Manager Carraway stated this is a residentially zoned piece of property therefore gateway arterial landscaping is not a requirement.
- Commissioner Bohrn asked if there was a Professional Office Overlay zoning for this property require the arterial landscaping.
- Zoning & Development Manager Carraway stated the building is in compliance with the 10% requirement as per City Code for a professional office.
- Commissioner Younkin asked if the retail business would take up an office space.
- Ms. Blass stated the building has a full kitchen with a counter that separates the kitchen from the main open area where people would wait and this would be the retail space -- it would not take up any of the office spaces. The purpose of this service is to provide hot tea or coffee to the clients and their families; however if there are people that stop by and want to consider the center for services they would be able to purchase a cup of hot coffee or tea. Its designated as retail because the families and the visitor from the public are not her clients.

PUBLIC HEARING:OPENED

Jack Bishop, 2214 Longbow Drive, stated he owns the property just north of this location. This area is part of the Kingsgate Subdivision and most of the lots located along this area have the same configurations 150' deep and 80' wide. The way this area has developed would make this a transition type area and he agrees with staff that a special use process is practical in this case. He is concerned with allowing another non-conforming use replacing another non-conforming use, to him it seems like a spot zone. He would prefer that since the property is R-2 zoned that a Professional Office Overlay be placed on this property and the other properties along this location extending from Hillcrest to Kingsgate, so that it would be clearer as to when a special use permit would be required. He stated he is sympathetic to the use that the applicant is presenting however as a neighbor to this property he would prefer that the permit be issued to the owner of the business rather than the property owner; because as a license holder for medical treatment from the State of Idaho she would have more at stake for operating the business according to the conditions. As for the other professionals the uses and plans for their operation have not been included in writing so it is difficult to understand what is going to be done at this facility, and that should be part of the considerations. He is also concerned about the parking area to the north with a retaining wall located on the property line. He has a fence 6 inches from the retaining wall and the 6 inches belong to him and if they are going to put parking in this location parking bumpers will be needed to keep the cars from bumping and destroying the fence.

CLOSING STATEMENTS:

- Ms. Blass stated that she understands the neighbor does not want his fence destroyed. She would request that the hours and days of operation be considered because of the type of clientele for which she will be providing service. If the permit expires in one year she would need to understand what the steps would be to continue to operating without having a lapse in patient care.
- Commissioner Younkin asked what that yard and playground area left from the daycare will be use for.
- Ms. Blass stated that the playground area will be used for a labyrinth and the back area they plan to plant a flower garden making the area much more attractive.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated that he is familiar with cancer and that it doesn't run on a Monday through Friday 9-5 so he would like to see this condition changed.
- Commissioner Shouten stated time before and after work would allow people that can't take time during work hours to receive care.
- Commissioner Bohrn stated he thinks that it has been established that conversion of the building to a use that is approved in this zone such as a duplex would be unreasonable; so in his understanding of the code he could see the professional use being approved, however, he would not be able to allow for the retail use because if we allow retail in a professional zone it will open a can a worms we will never be able to close.
- Commissioner Munoz stated he understands the public portion making it retail but if it is similar to a beauty salon they also sell products to the public. The way the applicant has presented the request he sees it as more of a service offered to their client not a

retail business like a coffee shop. He understands the volume is different but to allow the use with restrictions would be difficult to enforce. As for the hours of operation he thinks these hours are too restrictive and the daycare probably operated outside of these hours. With the recommendation that the permit expire in a year if the extended hours becomes a problem then it could be that the permit is not renewed. He does feel the one year expiration is appropriate because it is not clear what the exact uses of each office are going to be and this give the City an opportunity to monitor and track any issues that may arise from this type of use.

- Commissioner Bohrn stated that it could become a destination place to purchase the specialty teas and coffee making it retail. If they provide the tea and coffee on a donation basis then that would be different.
- Commissioner Munoz stated that he understands that it would be an exception to a rule.
- Commissioner Bohrn stated that the hours are too restrictive and the type of treatment she is offering will have such a small impact on the area he would not be opposed to 8am to 9pm.
- Commissioner Munoz stated he would recommend 7am to 8pm.
- Commissioner Younkin asked the Commission to review the conditions and asked if there is any need for discussion on the number of professionals in the building.
- Commissioner Bohrn stated that staff had this condition because of parking availability.
- Zoning & Development Manager Carraway stated the concern with the number of individuals with their spaces was based upon a site plan staff had available to review. The applicant has indicated that they have measured and perhaps the site plan from 1998 is not accurate. If there can be more than 12 parking spaces, then the condition could be worded to allow for more offices with a minimum of 3 parking spaces provided for each office.

MOTION:
Commissioner Borhn made a motion to approve the request with staff recommendations to be amended; 1- to allow for a minimum number of parking spaces required for each office be 3 spaces and 2-that the hours of operation to be 8am to 8pm seven days a week. Commissioner Warren seconded the motion.

DISCUSSION ON THE MOTION:

- Commissioner Munoz stated he still has an issue with the 8am opening time because a lot of the doctor visits will be scheduled at 8am and there will be patients that need assistance prior to seeing their physician.
- Commissioner Mikesell stated he would recommend 6am as appropriate because it would allow for the patient to get therapy prior to their chemo appointment.
- Commissioner DeVore stated the applicant requested 6am to 9pm.

MOTION AMENDED:
Commissioner Borhn amended his motion to approve the request with staff recommendations and as amended - Condition #3 be amended; to allow for a minimum of 3 parking spaced per each professional operating at the facility at any one time, and Condition #4 be amended; to allow the hours of operation to be 6am to 8pm seven days a week. Commissioner Warren seconded the motion. All members present voted in favor of the motion.

APPROVED AS PRESENTED WITH STAFF RECOMMENDATIONS

1. The business to be limited to alternative therapies only, as presented.
2. The special use permit is restricted to Amanda Dastrup & Marcella Blass, property owners, at this location. A change of ownership shall require a new special use permit.
3. Subject to a minimum of 3 parking spaces per each professional operating at the facility at any one time.
4. Operation of the facility be limited from 6:00 am to 8:00 pm, seven days a week.
5. Subject to removal of the compact car parking spaces and assure compliance with parking requirements, as per 10-10-1 thru 3.
6. Subject to issuance of a certificate of occupancy from the building inspection department for a change of use prior to operation of the business.
7. The special use permit shall expire in 1 year. (September 9, 2010)
8. Subject to site plan amendments as required by Building, Fire, Engineering, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

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

Pastor Lynn Schaal made a presentation to the Commission.

Zoning & Development Manager Carraway presented an update on recent City Council action.

III. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for September 22, 2009

IV. ADJOURN MEETING:

Chairman Younkin adjourned the meeting at 7:25pm.

MINUTES
Twin Falls City Planning & Zoning Commission
September 22, 2009-6:00 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 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	Warren	DeVore	
Cope		Mikesell	
Lezamiz			
Munoz			
Schouten			
Warren			
Younkin			

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Carraway, Caton, Jones, Vitek

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION

1. Consideration of the Preliminary Plat of Eaglefield Commercial Subdivision 4.3 (+/-) acres consisting of 8 commercial lots and located north or Kimberly Road and east & west of Meadowview Lane c/o The Land Group on behalf of Dirk Parkinson
2. Consideration of the Preliminary Plat of Eastland Professional Subdivision 1.22 (+/-) acres consisting of 3 commercial lots and located on the west side of the 1000-1100 block of Eastland Drive c/o EHM Engineering, Inc. on behalf of Rob Sturgill
3. Preliminary PUD Presentation for a PUD Amendment to Canyon Ridge High School R-2 & C-1 PUD Agreement to allow for commercial development for 5(+/-) acres located at the southwest corner of Cheney Drive West and Washington Street North c/o The Land Group on behalf of Wiley Dobbs/TF School Dist #411 (app. 2337)

IV. PUBLIC HEARING ITEMS

1. Request for a Zoning Title Amendment to delete Washington Street North from Twin Falls City Code 10-7-12(A): Special Landscaping Requirements For Gateway Arterials; (A) Gateway Arterials . c/o Todd & Kim Ostrom (app. 2334)
2. Consideration of the revocation of Special Use Permit #1130, granted to Canyonside Towing and Recovery, Inc. on January 27, 2009 to operate an automobile impound yard on property located at 421 B Locust Street South c/o City of Twin Falls (app. 2333)
3. Request for a Special Use Permit to operate a water treatment plant on property located at 179 Canyon Springs Road c/o City of Twin Falls (app. 2335)

I. CALL MEETING TO ORDER:
Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:
1. Approval of Minutes from the following meeting(s): September 9, 2009

2. Approval of Findings of Fact and Conclusions of Law:
KRP (pre-plat) Datstrup (SUP)

MOTION:
Commissioner Borhn made a motion for approval of the minutes and findings of fact Commissioner Shouten seconded the motion. All members present voted in favor.

III. ITEMS OF CONSIDERATION:
1. Consideration of the Preliminary Plat of Eaglefield Commercial Subdivision 4.3 (+/-) acres consisting of 8 commercial lots and located north or Kimberly Road and east & west of Meadowview Lane c/o The Land Group on behalf of Dirk Parkinson

APPLICANT PRESENTATION:
Scott Martin, representing the applicant, stated this request is for approval Eaglefield Commercial Subdivision a 4.3 (+/-) acre parcel zoned C-1 the applicant would like to subdivide into 8 commercial lots. The property is located on Kimberly Road just east of the Oregon Trail Campground and south of Timberlake Apartments. He would like to request that the preliminary plat be approved.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the request with overhead projections and stated this preliminary plat for the Eaglefield Commercial Subdivision includes 4.3 (+/-) acres and is zoned C-1. The request is to plat eight (8) lots for commercial development. The property is zoned C-1 and there is not a minimum lot size requirement in the C-1 zone. The code states; "the lot area is to be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping." The southern property boundary is along Kimberly Road. Kimberly Road is designated as a gateway arterial. City Code 10-7-12: special landscaping requirements for gateway arterials will have to be met. The requirements include a 30' wide landscape strip immediately behind the sidewalk or future sidewalk with a 12" minimum height undulating berm. There is to be (1) tree for every 500 sq ft of required landscaping and (1) bush for every 100 sq ft of required landscaping. The developer indicated he plans on shared parking, drainage, and utility easements across the entire development. A condition there is to be a note on the plat that specifies that there will be cross use for parking, drainage, and utility easements across the entire development and a recorded cross-use agreement prior to recordation would be appropriate. A deceleration lane has been constructed on Kimberly Road by another developer. Sidewalk, curb and gutter are to be completed by the

Eaglefield Commercial Subdivision developer. 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.

It is also indicated on the preliminary plat notes that there will be a pressure irrigation (P.I.) system on the site. A water model and sewer model have been completed for this development. As a result of the sewer model there will be a note on the preliminary plat that reads "additional off-site sanitary sewer improvements as outlined in "technical memorandum – sewage collection system modeling results for Eaglefield Commercial Subdivision, Twin Falls," prepared by Murray, Smith & Associates, shall be completed prior to final plat and construction drawing approval. Approval of this Preliminary Plat in no way guarantees a commitment by the City of Twin Falls to provide sanitary sewer service to this subdivision". 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. Approval of this Preliminary Plat in no way guarantees a commitment by the City of Twin Falls to provide sanitary sewer service to this subdivision".

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the preliminary plat of the Eaglefield Commercial 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 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 recorded cross-use agreements being provided prior to recordation of final plat.
4. Subject to note on the Preliminary Plat that reads "Additional off-site sanitary sewer improvements as outlined in "Technical Memorandum – Sewage Collection System Modeling Results for Eaglefield Commercial Subdivision, Twin Falls," prepared by Murray, Smith & Associates, shall be completed prior to Final Plat and Construction Drawing approval. Approval of this Preliminary Plat in no way guarantees a commitment by the City of Twin Falls to provide sanitary sewer service to this subdivision".

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Mikesell made a motion to approve the request as presented with staff recommendations. Commissioner Cope seconded the motion. All members present voted in favor of 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 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 recorded Cross-Use Agreements being provided prior to recordation of final plat.
4. Subject to note on the Preliminary Plat that reads "Additional off-site sanitary sewer improvements as outlined in "Technical Memorandum – Sewage Collection System Modeling Results for Eaglefield Commercial Subdivision, Twin Falls," prepared by Murray, Smith & Associates, shall be completed prior to Final Plat and Construction Drawing approval. Approval of this Preliminary Plat in no way guarantees a commitment by the City of Twin Falls to provide sanitary sewer service to this subdivision".

2. Consideration of the Preliminary Plat of Eastland Professional Subdivision 1.22 (+/-) acres consisting of 3 commercial lots and located on the west side of the 1000-1100 block of Eastland Drive c/o EHM Engineering, Inc. on behalf of Rob Sturgill

APPLICANT PRESENTATION:
Tim Vawser, EHM Engineering, Inc, representing the applicant stated this is a request for a preliminary plat approval for the Eastland Professional Subdivision a 1.22 (+/-) acre subdivision that the applicant would like to subdivide into 3 commercial lots. The property is zoned R-2 PRO and is located across from Kmart on Eastland Drive. Currently there is a building located along the southerly portion of the property and the other portion of the property will be divided making this a 3 lot subdivision. The goal is to develop the northerly portion of the property for a new optometrists office leaving one lot available for development. The applicant would like to start development as quickly as possible because they have run out of space at their current office. He asks that the preliminary plat be approved.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the request with overhead projections and stated this is a request for approval of the preliminary plat for the Eastland Professional Subdivision includes 1.22 (+/-) acres and is zoned R-2 PRO; residential single household or duplex district with a professional office overlay. The request is to plat three (3) lots for professional office development. A special use permit was approved on August 11, 2009 to allow a professional office to be built on one of the proposed lots – subject to final plat recordation. There is a cross use agreement note on the plat that states the access, parking, drainage, utilities and maintenance of the development is to be shared. There will also be a recorded cross-use agreement stating the access, parking, drainage, utilities and maintenance of the development are to be shared. The eastern property boundary is along Eastland Drive. The road right-of-way has increased along Eastland Drive since the development of the existing professional office – 1031 Eastland Drive North. Dedication of additional right-of-way is a requirement at this time however, the developer will not be required to remove and replace the existing curb, gutter and sidewalk. The preliminary plat indicates there is an existing six foot (6') screening fence on the portion of the west property boundary that is developed. A screening fence on the remaining western boundary north of the existing professional office

shall be completed to match the existing fence prior to development. The proposed subdivision is close to a flood plain - Zone "A". The flood plain runs down Eastland Drive. Upon development the Engineering Department will complete a full review to determine if a Flood Plain Certificate will be required.

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.

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

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the preliminary plat of Eastland Professional Subdivision, as presented, 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 dedication of additions right-of-way on Eastland Drive North to meet current minimum standards.
3. Maintain undeveloped area and keep dust free and weed free.
4. Subject to landscaping plan submittal and approval by staff.
5. Subject to a recorded cross-use agreement for access, parking, drainage, utilities and maintenance of the development being furnished.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Munoz made a motion to approve the request as presented with staff recommendations. Commissioner Schouten seconded the motion. All members present voted in favor of 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 Dedication Of Additional Right-Of-Way On Eastland Drive North To Meet Current Minimum Standards.

3. Maintain Undeveloped Area And Keep Dust Free And Weed Free.
4. Subject To Landscaping Plan Submittal And Approval By Staff.
5. Subject To A Recorded Cross Use Agreement For Access, Parking, Drainage, Utilities And Maintenance Of The Development Being Furnished.

3. Preliminary PUD Presentation for a PUD Amendment to Canyon Ridge High School R-2 & C-1 PUD Agreement to allow for commercial development for 5(+/-) acres located at the southwest corner of Cheney Drive West and Washington Street North c/o The Land Group on behalf of Wiley Dobbs/TF School Dist #411 (app. 2337)

APPLICANT PRESENTATION:
Scott Allen, The Land Group, representing the applicant stated this is a preliminary presentation for a PUD Amendment to the Canyon Ridge High School Riverhawk PUD. The school district and the Canyon Ridge High School received approval of a plat a few years ago. The platting of the property created three remnant parcels which the school district did not see a use for immediately. Mr. Allen reviewed on the overhead the locations of these three parcels. The school district has no intentions of being a developer for these parcels. In the original PUD Agreement safeguards where put in place to require a PUD Amendment for anyone that purchased these parcels to develop so that the uses and the design of the development could be reviewed to ensure that it would be in line with what the school district had in mind for the parcels. The school does not want a use that would adversely affect the school campus or create security issues. One of the remnant parcels was part of a land trade with the LDS Church so that a seminary could be constructed. The second and third remnant parcels were put up for auction. The residential piece received enough from the auction to be sold and the bid for the commercial remnant did not meet the state standards for auction and therefore was not sold. Taking into consideration the economy the school district felt that if this third parcel were subdivided into smaller parcels it could be sold in pieces making it more feasible for investors to purchase and develop the property. Therefore the request is to amend the PUD Agreement removing all of the items that dealt with North College Road the R-2 zoning uses and the school uses. The commercial uses that were allowed in the original PUD Agreement have been maintained and are still part of this new PUD Agreement. The setbacks, landscaping, sidewalk etc are still the same as the original PUD Agreement; this amendment has just been designed to address the commercially zoned parcel. The school needs to dispose of this property through sale or auction and by subdividing the parcel it is felt this will make it easier to achieve this goal.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the request with overhead projections and stated City Code requires a preliminary presentation for a PUD Amendment and that the staff makes no recommendations at this time. She stated the public hearing for this item is schedule for October 13, 2009 and staff will present their analysis at that time.

SCHEDULED FOR PUBLIC HEARING OCTOBER 13, 2009

IV. PUBLIC HEARINGS:

1. Request for a Zoning Title Amendment to delete Washington Street North from Twin Falls City Code 10-7-12(A): Special Landscaping Requirements For Gateway Arterials; (A) Gateway Arterials c/o Todd & Kim Ostrom (app. 2334)

APPLICATION PRESENTATION:
Kim Ostrom, the applicant stated she is here to request a Zoning Title Amendment to delete Washington Street North from the City Code 10-7-12(A). The reason for the request is that because her and her husband constructed a building along Washington Street North the Zulu Bagel /TKO Office with the required 30' of landscaping and over the past year they realized they need a lot more parking. After looking at other properties in this area along Washington Street North they realized they are not the only ones with this problem. As people try to develop the commercially zoned lots that were once residential trying to fit the 30' of landscaping makes it difficult to make improvements to a building and meet the needs of the development such as parking. Therefore with this request she is hoping to help other people along Washington Street North that want to develop their property. She has reviewed the staff recommendation and would agree that an amendment to the code section stating that between

Addison Avenue and Caswell Avenue North could be changed to require a 10' landscaping buffer verses a 30' landscaping buffer it would help a lot of the properties along this area as well as assist in meeting her needs for parking on her property.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the request with overhead projections and stated this request is for a Zoning Title Amendment to amend City Code Title 10 Chapter 7; Section 12 by deleting the requirement for gateway arterial landscaping on commercial & industrially zoned properties fronting on Washington Street North. She reviewed some code history and stated prior to 1990 there wasn't a landscaping requirement along a street frontage. Under each zoning district are "property development standards". Those standards include a requirement for a specific square footage of landscaping based on a percentage of the property or required parking area. The "special landscaping requirements for gateway arterials" section of the code was adopted in October of 1990. This section required a minimum of a ten foot (10') landscaping buffer from the back of the sidewalk or future sidewalk for listed arterial roadways-Washington Street North was included in the list. This new section was proposed to provide landscaping along the major roads that were most travelled and were considered the "connectors" within the community -- and which provided a visual impression of the City. The American Planning Association defines a gateway as: *"a street or parkway which is a heavily traveled entrance to and through the City. These routes link major employment areas, shopping centers, and recreational areas used regularly by a large number of residents and visitors and present a visual impression of [the city's] character."* The code section was amended in 1999 to require a minimum thirty foot (30') landscape buffer for vacant land or when land was cleared for development. This change was in keeping with the American Planning Association standards. In the past ten (10) years a number of properties on the Washington Street North corridor have developed subject to the gateway arterial landscaping requirements. Some of these developments include: Chevron/Mcdonald's Twin

Stop, Mi Pueblo, Zulu Bagels & Java Jungle, Progressive Auto, First Federal Bank, Sawtooth Surgery Center, Wal-Mart, Walgreen's, and Sto-N-Go Self-Storage. The area of Washington Street North from Heyburn Avenue to Caswell Avenue was originally a residentially zoned corridor with lots that average a depth of approximately 150', this corridor has since been zoned commercial. Many of these properties have converted to professional and commercial uses. Smaller business have utilized the existing older homes and turned them into businesses. The areas north of Caswell are residentially zoned up to Wal-mart. North of Pole Line Road the property on the east was zoned commercial in 1993 while the properties on the west have remained residentially zoned. The map of this area was reviewed on the overhead projector. The only area that would be impacted by this code change would be properties just north of Caswell Avenue south to Addison Avenue. The Comprehensive Plan supports a residential/business land use on Washington Street North from Addison Avenue to North College Road.
As you have just heard, the applicant is requesting this Zoning Title Amendment specifically as a way to reduce the gateway arterial landscaping requirement on their property located at 565 Washington Street North so that they can expand their parking area. This request is specific to address a need of the applicant but the applicant feels it would also serve other properties along Washington Street North by allowing more flexibility for people to utilize property and encourage development along this corridor as the current requirement may be making development prohibitive.

City Council and City Staff are interested in reviewing this code section more comprehensively and it is among a listing of code sections that in need of a review. Washington Street North has been included in the 10-7-12 City Code section since it was added to the code in 1990 the intent was and still is to provide attractive landscaped and maintained corridors into and through the City. The removal of Washington Street North from this code section would mean that development would not have to provide landscaping adjacent to the street at all which staff does not support from an aesthetic and safety standpoint for both vehicular and pedestrian traffic. However due to the narrow nature of the majority of lots on Washington Street North from Addison Avenue to Caswell Avenue coupled with the acquisition of additional frontage on lots in this area to widen Washington Street North it may be appropriate to allow for the ten foot (10') minimum landscape buffer in this area; even if the property is vacant or cleared. The properties north of Caswell are still zoned residential up to the Wal-Mart site where it is still appropriate for a 30' landscaping buffer for the commercially zoned properties. They are generally larger and deeper lots, developed under Planned Unit Development Agreements with guidelines similar to the gateway arterial landscaping requirements.

Zoning & Development Manager Carraway stated upon conclusion staff recommends the Commission recommend approval of this request as presented, subject to the following condition:

1. The words "Washington Street North" remain in City of Twin Falls Code §10-7-12(A) and the following phrase be added to §10-7-12(B): "Washington Street North from Addison Avenue to Caswell Avenue will be required to provide a landscaped strip at least ten feet

(10') in width immediately behind the sidewalk or future sidewalk when an existing building is being remodeled or vacant land or cleared land is being developed."

P&Z QUESTIONS/COMMENTS:

- Commissioner Mikesell asked if the new comprehensive plan designation for the properties between Caswell Avenue and Addison Avenue is full commercial. He also asked if someone wants to purchase a piece of land that is adjacent to a piece of the C-1 property and rezone it to make their lot size larger would the recommended change only require the 10' landscaping buffer.
- Zoning & Development Manager Carraway stated the new comprehensive plan still designates these specific properties as commercial. If someone wanted to incorporate additional lots into their development and rezone the property to commercial the 10' landscaping would be all that would be required if this requested amendment is approved.
- Commissioner Younkin asked if a comprehensive revision of the City Code is something the City Council is considering and is in the process of reviewing.
- Zoning & Development Manager Carraway stated when the comprehensive plan went through its changes this is one of the items that came up specifically by the City Council to take a look at the corridors. There are several areas throughout the city that are developed as commercial that were once residential and are smaller lots and the 30' landscaping buffer may be more than what the properties can support and still develop. The applicant has brought this forward so that it can be considered by the Commission and the City Council. The action the Commission makes tonight is a recommendation and the Comprehensive Plan already directs the City to review the City Code and make amendments as needed. If this is the same type of amendment made or if the entire section were to be revised it has not been determined. Staff would be supportive as long as at minimum a 10' buffer is required.
- Commissioner Mikesell asked when Washington Street is widened how much off of the front of these properties in this area will be taken.
- Mrs. Ostrom stated that in order to maintain the 30' landscaping requirement once Washington Street is widened they installed 42' of landscaping along the front of their property. The widening is going to take approximately 12' of their frontage. If 10' of landscaping was all that was required it would provide them with 20 more feet of land and allow for more parking on their property.
- Commissioner Munoz asked if there are developments that expand their property to include additional adjacent properties and rezone those to commercial can additional landscaping be a condition of approval attached to the rezone.
- Zoning & Development Manager Carraway stated development conditions cannot be added as a condition of approval on a rezone unless it is coming through as a planned unit development.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED:

- Commissioner Bohrn stated that when the widening of Washington Street occurs it is only going to leave about 10' in front of most of the lots. He stated as long as the change is restricted to between Caswell Avenue and Addison Avenue he sees this as a positive change.
- Commissioner Munoz stated the change to recommend approval restricting the change to lots between Caswell Avenue and Addison Avenue makes since.
- Commissioner Schouten stated this issue could fit a lot of other locations around town such as Addison Avenue between Washington and Eastland and the same issue along Blue Lakes Boulevard South to Kimberly Road; his will be brought forth again for these areas.

MOTION:
Commissioner Lezamiz made a motion to recommend approval of the request as presented. Commissioner DeVore seconded the motion. Commissioners DeVore, Lezamiz, Munoz, Younkin, Bohrn, and Cope voted in favor of the motion and Commissioners Mikesell and Schouten voted against the motion. Motion passed 6-2

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL , AS PRESENTED WITH STAFF RECOMMENDATIONS

1. The words "Washington Street North" remain in City of Twin Falls Code §10-7-12(A) and the following phrase be added to §10-7-12(B): "Washington Street North from Addison Avenue to Caswell Avenue will be required to provide a landscaped strip at least ten feet (10') in width immediately behind the sidewalk or future sidewalk when an existing building is being remodeled or vacant land or cleared land is being developed."

SCHEDULED FOR PUBLIC HEARING BEFORE THE CITY COUNCIL ON OCTOBER 19, 2009

2. Consideration of the revocation of Special Use Permit #1130, granted to Canyonside Towing and Recovery, Inc. on January 27, 2009 to operate an automobile impound yard on property located at 421 B Locust Street South c/o City of Twin Falls (app. 2333)

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the request with overhead projections and stated this item was brought before the Commission August 25, 2009 as a consideration of revocation due to non-compliance with one of the conditions of approval. The condition required an 8' screening fence around the property. Staff has spoken with the tenant/applicant regarding this requirement and he stated that the owner of the property was not supportive of putting any money into the property. The applicant is currently looking for another location to relocate his business to and is aware that the industrial zone is the only kind of zone that supports this kind of use and it will require a special use permit with the same conditions. Staff is working with the applicant and would recommend that the special use permit be revoked but allow the applicant to have time to relocate the business. This timeframe can be 4-6 weeks and staff has a couple of dates that can be used (October 21, October 28, or November 4, 2009).

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC COMMENT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Bohrn made a motion to revoke the Special Use Permit #1130 as of November 4, 2009 to allow the applicant time to relocate. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

SPECIAL USE PERMIT #1130 REVOKED AS OF NOVEMBER 4, 2009

3. Request for a Special Use Permit to operate a water treatment plant on property located at 179 Canyon Springs Road c/o City of Twin Falls (app. 2335)

APPLICATION PRESENTATION:
Jon Caton, Public Works Supervisor, state he is requesting a special use permit to operate a water treatment plant located at 179 Canyon Springs Road. The intent of the project is to replace the way that the City chlorinates the City's water. The purification system used now is very old and hazardous and needs to be replaced. The new system will require a larger building for management and storage of the equipment necessary to operate the system, hence the need for the expansion. The operation of the facility will not change, the neighbor is aware of the project and should not be impacted by the change.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the request with overhead projections and stated this is a request for a special use permit to operate a water treatment plant on property located at 179 Canyon Springs Road. The property is zoned OS; open space. Government facilities, including a water treatment plant, require a special use permit in this zoning district. 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 existing water treatment plant building is 2500 (+/-) sq ft. The City is proposing to construct a 1000 (+/-) sq ft building to house a new chlorination system. This expansion is over 40% of the current facility. The City is requesting this expansion to provide a water tight, self contained building that will house the mechanical equipment, solution tanks and bulk salt storage for the new chlorination system. The City is replacing a highly hazardous chlorine gas system. This is an integral and necessary part of the City's water system and could create a hazardous situation if left undeveloped. The improvement will secure and satisfy the concerns of the City to provide a safe and clean water system for the citizens of the City of Twin Falls.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant this request, as presented, staff recommends 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, otherwise site plan and elevations as presented.

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. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED AS PRESENTED WITH STAFF RECOMMENDATIONS

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, otherwise site plan and elevations as presented

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

- Zoning & Development Manager Carraway updated the Commission on the recent City Council decisions.
- City Councilman Heider stated that he wanted to thank the Commission for the job that they do and explain that as the Commission the City Council understands that there are restrictions that do not allow the Commission to make changes to the code but that the City Council does have some ability to make exception and that in the case of the Burks Tractor appeal to change the requirement for paving related to their heavy equipment the City Council felt it was necessary to approve the appeal and he hopes the Commission understands why the City Council made this decision.
- Chairman Younkin stated the Commission is aware that the code cannot take into account every set of circumstances and that some exceptions have to be made.

VI. UPCOMING MEETINGS:
Next Planning & Zoning Commission public meeting is scheduled for October 13, 2009

VII. ADJOURN MEETING:

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

Lisa A. Jones

Lisa Jones
Administrative Assistant
Community Development Department

City of Twin Falls
Planning & Zoning Commission
305 3RD Avenue East Twin Falls, Idaho
Public Hearing: October 24. 2006 6:00 P.M.

PUBLIC HEARING MINUTES
OCTOBER 24, 2006
CITY COUNCIL CHAMBERS

PLANNING & ZONING COMMISSION MEMBERS:

City Limits:

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

Area of Impact:

David Kemp | E. Rick Mikesell **Alternate** | Dusty Tenney

ATTENDANCE

PLANNING AND ZONING MEMBERS:

Present	Absent
Frank	Warren
Horsley	
Lezamiz	
Munoz	
Richardson	
Stroder	
Younkin	

AREA OF IMPACT MEMBERS:

Present	Absent
Mikesell	Kemp
Tenney	

CITY COUNCIL MEMBERS PRESENT: None

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

AGENDA ITEMS FOR PUBLIC HEARING AND CONSIDERATION

A. PUBLIC HEARING ITEMS:

1. Request of Tom and Joan Parnell for a Special Use Permit to construct a 1280 sq. ft. detached accessory building (app. 2067)
2. Request of Idaho Power Company for a Special Use Permit to construct an electrical distribution substation (app. 2068)
3. Request of Elwood Lee Wilson for a Special Use Permit to operate a counseling service as a home occupation (app. 2069)
4. Request of Esidoro Nieto, Jr. for a Zoning District Change and Zoning Map Amendment (app. 2070)
5. Request of Todd and Kim Ostrom fro a Zoning District Change and Zoning Map Amendment (app. 2071)

B. ITEMS OF CONSIDERATION: NONE

PUBLIC HEARING 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 City Staff present.

A. PUBLIC HEARING ITEMS:

1. Request of Tom and Joan Parnell for a Special Use Permit to construct a 1280 sq. ft. detached accessory building on property located at 224 Filer Avenue West. (app. 2067)

Applicant Presentation:
Tom Parnell, applicant, explained his request using exhibits. Mr. Parnell stated he that the plan had a large building located on the north side of the lot and it faced south. He stated te second overhead shows the plan to use a smaller garage with it facing west and a lawn building. In his original presentation in 2003 the lawn building was discussed and he stated that he wanted to have this building considered for the Special Use Permit he is requesting tonight in addition to the garage to avoid having to repeat this procedure again.

It attaches to the driveway of the home; the west part will house motorcycle and camp-trailers. The east half will house a four wheeler, riding lawnmower and a tractor. This building is to store the lawn items I just mentioned. There is a small area between this building and the garage, this area will have a roof over it that is not attached to the shop, this area is to cover a boat, it is hidden by the lawn building, hidden by the garage and a six foot privacy fence to the east.

The actual garage itself will be used for a kit aircraft, a large camper and pick-up and the original building I designed was not big enough for this, the new size would allow for me to maneuver around these items. The design of the area allows for a hobby room, computer repair area, and a workshop. Until the house is built and the four-plexes are complete this building will be used for storage of construction materials. The building has 16' walls and the buildings to the north the four plexes are two story and both the garage and the four-plexes will have matching exteriors. The garage is about half the size of the four-plexes and will not look out of place next to these buildings. Behind the structure is a parking lot there are no view obstructions that he is aware of and I do want you to consider not only this garage but the lawn building as well in this Special Use Permit so he doesn't have to come back and do this again.

Staff Review:
Planner I Westenskow reviewed the request using overhead projections. The zoning in this area is R-4 which does require a Special Use Permit for an accessory building larger than 1000 sq. ft. The original plans that were received when the four plexes were presented the garage was at 930 sq. ft. which would not require a Special Use Permit. We apologize for the delays and the misunderstandings, however the garage was different sizes throughout the process, when the permit request was submitted to building it was at that time the size was discovered to be larger than allowed without a Special Use Permit. The building will be used for personal use, it is incompliance with the building code and staff is recommending the following condition(s) be placed on this permit, if granted:

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

Questions/Comments:
Commissioner Frank stated Mr. Parnell has also mentioned the separate unattached lawn building and that he would like to have that building considered as well this evening. Even though the application was submitted with the garage plans does that other structure need a Special Use Permit or is it outright permitted in this area.

Planner I Westenskow stated that the need for a Special Use Permit is determined by square footage. The lawn building was checked in addition to the other buildings the plans that were submitted show the lawn building at 416 sq. ft . as it meets set back requirements it does not require a Special Use Permit .

Public Hearing: Opened

Janet Fisher, 290 Filer Avenue West , my concern is the dead end streets in this area and so many places where you can't get through why can't La Habra be a through street from Filer to Caswell.

Commissioner Frank stated these issues were discussed two years ago, and tonight the issue being presented is a request for a Special Use Permit for a detached accessory building.

Chairman Horsley stated this issue cannot be addressed however Mr. Parnell may address this issue in his closing statement if he would like to at that time.

Closing Statements:
Mr. Parnell stated he will address the concern brought forward, he stated that there is an elevation change with the sewer in this area/. The City did attempt to work out a system to lower the grade of his property substantially however this was not successful and could not be done.

Community Development Director Humble asked the applicant if he stated the lawn building would be attached to the garage.

Mr. Parnell stated that the lawn building would not be attached it simply covers and outdoor area and will be supported by poles.

Deliberation Followed:
Commissioner Frank stated he believes the reason this has been presented is because of some square footage technicalities that were not caught earlier. He stated he has no problem with granting the request.

City Attorney Wonderlich stated he thinks there might still be some confusion concerning the lawn building and I don't want Mr. Parnell to think we have approved the lawn building along with the 1280 sq. ft garage he has presented this evening. There may be building code issues that this body can't address or approve on this building. There is not enough information regarding the lawn building for the Commission to approve.

Commissioner Munoz stated the request was submitted for the 1280 sq. ft detached building. The additional lawn building is not something this body can consider this evening and additional information would have to be submitted for this to be part of the request submitted for this evening.

Motion:
Commissioner Stroder made a motion to recommend approval of the request as presented with staff recommendations for the 1280 sq. ft detached accessory building. Commissioner Munoz seconded the motion. Roll call vote showed all members present voted in favor or the motion.

Unanimously Approved

Commissioner Mikesell stepped down at this time.

2. Request of Idaho Power Company for a Special Use Permit to construct an electrical distribution substation on 1.4 (+/-) acres on property located 1500' west of 2700 East Road on Pole Line Road. (app. 2068)

Applicant Presentation:
Kristi Purdue**,** representing the applicant, stated there is a need for a substation in this area to accommodate the record amount of growth in this area and the amount of growth expected for this area. The Twin Falls Highway District did approve access to the substation from Pole Line Road on October 18, 2006. The site plan meets and exceeds the City Code building and landscaping standards and is in fact a smaller substation than the one located at the intersection of Filer and Harrison Street. The plan is to ensure that all persons planning to purchase property in

this area are made aware that this is going to be the site for a substation and the plat for the Stone Ridge Development will document such information. There will be no parking outside of the substation, traffic into and out of the substation area once built will be limited to approximately twice a month. There will be high voltage warning signs placed on the fence and a sign stating the name of the substation. The access into the substation will be paved, the landscaping for the area will meet City standards with the appropriate number of trees and brushes required. The substation will provide up to 80 mega watts of power. The substation will serve west to 3300, north along the river, to the east of Grandview and to the south of 3250 North. Currently this area is serviced by the Twin Falls Substation that is at capacity, without this substation there is not electricity to support anymore development in this area.

Questions/Comments:
Commissioner Frank asked the applicant representative if they are you planning to use barbed wire at the top of the fence and how does Idaho Power plan to take care of the landscaping until the subdivision is developed.

Ms. Purdue stated Idaho Power intend to use a drip loop system that will be provided from the irrigation system but it is not uncommon for them to hand water plants until a permanent water source is made available. The fence will be barbed wire at a 45º angle at the top of the fence to prevent someone from climbing over and entering the substation area.

Commissioner Stroder ask the applicant representative if Idaho Power submitted a full attachment copy of the research article relating to the safety of substation.

Ms. Purdue sated she provided a summarized version of the article to the Planning and Zoning Department for the staff report as well as a full copy of each article.

Staff Review:
Planner I Westenskow reviewed the request using overhead projections. She stated Staff has reviewed this request and recommends the following condition(s) be placed on this permit, if granted:
1) Subject to Twin Falls Highway District approval of Pole Line Road access(es) to the site.
2) Subject to providing screening as discussed above and provided an approved landscape plan.
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.

Public Hearing: Opened

Scott Straubhar, 2785 Bogus Basin Road, Boise Idaho, representing St. Luke's and the Twin Falls School District, stated that this substation is needed in order to support the new hospital and high school being built in this area. The hospital is over 1.5 million sq. ft and the high school is approximately 200, 000 sq. ft and they will both need power before and after the projects are built. Each of his clients are very much in favor of this substation.

Sherry McCallister stated she owns the property to the east which she and her husband farm. The only concern she and her husband have is if they will be able to continue crop dusting their farm with the new substation going into the area.

Lance Fish, project manager for Settler's Ridge, stated his project has been approved however they are building on their last available lot until more power becomes available. He stated he is in support of this substation and requests that the Commission approve the Special Use Permit.

Brad Wills, 222 Shoshone Street West, also a developer in this area, stated they are at a standstill with their projects as well until a substation can be built. He stated he is also in support of this request.

Don Acheson 629 Magan Court, stated he has been impacted both on a personal and business basis by the lack of power in this quadrant. He stated he is in favor of this substation as well. The demand for utilities is essential for the growth to occur.

Commissioner Younkin read into the minutes a letter from EHM Engineering stating they are also in favor of this substation in order for development to occur. This letter has been placed in the applicants file.

Closing Statements:
Kristi Purdue, representing the applicant, stated the applicant is more than willing to work with the City on the landscaping plan. The utility poles in the area currently are approximately 45' above the ground with the addition of the substation the poles will come from Washington down Pole Line will be increased in height to approximately 65'-75' above the ground. She stated she is not sure how this will affect the planes that are used to dust the crops but she hoped that this answered the question that was asked previously.

Deliberation Followed:
Commissioner Frank stated that he understands the concern of the property owner that uses aerial application for taking care of their crops and unfortunately there is not anyone here that can answer the question. He stated he does however have to support this proposal.

Commissioner Muñoz, stated he does feel for the property owners to the east that farm, however one of the biggest concerns from the community is infrastructure and this will address the power issues for this area of town, therefore he supports the request.

Motion:
Commissioner Frank 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 of the motion.

Unanimously Approved

3. Request of Elwood Lee Wilson for a Special Use Permit to operate a counseling service as a home occupation on property located at 1509 Richmond Drive. (app. 2069)

Applicant Presentation:
Elwood Lee Wilson, applicant stated he is a licensed clinical and professional counselor that would like to provide counseling services to people from his home. He would like to see clients week days from 5pm-9pm and Saturday 9am-9pm. There should be minimal impact to the neighborhood, not much more than someone having a visitor come to their home. He stated he has reviewed the conditions that staff recommended if his request is approved, and has added some additional statements. He submitted a list of signatures of neighbors in support of the request.
The additions made to the conditions are as follows:

1) Limit the practice to non SED (seriously emotionally disturbed) clients, with no counseling to be provided to individual that qualify for state programs.
2) The hours of operation will be limited to M-F 5pm-9pm and Saturday 9am-9pm.
3) Counseling services limited by appointment only no signs on the property and no walk-ins.
4) Site plan Amendments as required by Building, Fire, Engineering, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
5) Counseling clients to park on driveway only.
6) If the applicant ever moves from the property the applicant will request that the Special Use Permit be non-transferable and become null and void.

Questions/Comments:
Commissioner Frank asked the applicant if he has done this type of counseling from his home before and if he had any problems. As a licensed professional is he required to have personal liability insurance?

Mr. Wilson stated that he has provided these types of services outside of Twin Falls, in Carey, Idaho and Iowa and he incurred no problems. As for insurance he stated he is required to carry liability insurance that will cover his in-home practice.

Staff Review:
Planner I Westenskow reviewed the request using overhead projections. She stated staff has reviewed this request and does not support this request however recommends the following condition(s) be placed on this permit, with the additional changes submitted by Mr. Wilson in his October 18, 2006 letter that was presented this evening.

1) The practice is to be limited to family counseling only.
2) The hours of operation be limited to 5:00 p.m.- 9:00 p.m. M-F and Saturday 9:00 a.m.-9:00 p.m.
3) The Special Use Permit shoud be reviewed after one year to determine whether the use should be continued.
4) Counseling services would be by appointment only.
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

Commissioner Younkin read into the minutes three letters requesting denial of the Special Use Permit one letter to which 10 additional signatures supported requesting denial. In addition Commissioner Younkin read another letter that supported the applicant's request. All of these letters have been placed with the applicants file.

Judy Konvig, 1603 Richmond Drive, stated that she is representing several of the neighbors, all of which are against this request being approved. She requests that the application for the Special Use Permit be denied; on the basis that the neighborhood does not want any type of business in the neighborhood and because of their concern with the type of clientele it may bring.

Rocky McClemens, stated he lives across the street from Mr. Wilson. Up until this evening he stated he sat on the fence about whether he was for or against this request. As of tonight he stated he has no issue with the request, his concerns have been addressed by the conditions, he would however like the Special Use Permit if approved to clarify that it is non-transferable should Mr. Wilson move out of the neighborhood.

Closing Statements:
Mr. Wilson stated that he does not have a waiting room that would allow for more than one client to be at the house. He stated he has no intentions of having a waiting room. In addition this is his home and the safety of his family is as important to him as the safety of the neighbors and their families. He stated he has no problem with the Special Use Permit expiring if he were ever to move. The one year date for review is not an issue for him either and he is willing to follow the conditions set forth.

Deliberation Followed:
Commissioner Frank stated that Mr. Wilson answered a lot of the questions and concerns that he had, and it is obvious that Mr. Wilson is not going to jeopardize his job with the state by allowing persons into his private practice that qualify for state services. He stated this seems like a reasonable request and would have even less of an impact than a daycare would have on the neighborhood. He has no problem with the request.

Commissioner Munoz, stated he had concerns as well even some of the same concerns that the neighborhood had, but after hearing Mr. Wilson's presentation he has no problem supporting the request either.

Chairman Horsley stated the one point he wants to make is that a Special Use Permit can be revoked and the one year review does give the neighbors the opportunity to observe the situation and forces the applicant to tow the line and to make sure this is conducive to the neighborhood. With the staff recommendations he stated he has no problem with this request.

Commissioner Younkin stated that with the 10 years of experience Mr. Wilson has counseling he does have an obligation to the State and can not take clients eligible of state services. This make his clientele base very small and the person he will be dealing with don't qualify for state services and some of his work may be on a voluntary basis for persons wanting help to make their lives better. He stated he thinks there is a need for this in the community it is not designed to be a business and he would be in support of the request. These letter have been placed in the applicants file.

Motion:
Commissioner Younkin made a motion to recommend approval of the request as presented with staff recommendations as revised below:

1) The practice will be limited to family or individual counseling for non SED (Seriously Emotionally Disturbed) clients. No counseling of clients who can be served in state programs.
2) The hours of operation will be limited to Monday - Friday 5:00 p.m. -9:00 p.m. & Saturday 9:00 a.m. – 9:00 p.m.
3) The Special Use Permit to expire in 1 year.
4) Counseling services are to be provided by appointment only with no overlapping appointments.
5) Counseling clients are to park in the driveway only.
6) The Special Use Permit is restricted to Mr. Wilson at this location.
7) Site plan Amendments as required by Building, Fire, Engineering, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Commissioner Stroder seconded the motion. Roll call vote showed all members present voted in favor of the motion.

Unanimously Approved

4. Request of Esidoro Nieto, Jr. for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 for the wests 122' of Lot 2, W.J. Young Subdivision a.k.a. 449 Washington Street North. (app. 2067)

Applicant Presentation:
Roger Laughlin, representing the applicant, stated the applicant currently owns Mi Pueblo on 4th Avenue East but has grown out of the building. They have purchased the property at 449 Washington Street North with the intent to build a new building and expand his business. After studying the property it became obvious due to the restraints of the property the first 180 ft being zoned C-1 with the 120 ft to the back being zoned R-4. To try to place a building on the front portion as well as meet the parking requirements would not be practical. They are here asking that the commission make a recommendation that the entire property be rezoned to C-1.

Questions/Comments:
Commissioner Frank stated with regards to residents to the back of the property does Mr. Nieto have any plans to put a fence between the properties to protect the surrounding neighbors.

Mr. Laughlin stated that the applicant is willing to work with the neighbors to provide privacy from the commercial activity that will occur at the business.

Mr. Nieto, stated he has operated his current business on 4th Avenue East for almost 6 years and they have not had any complaints from the neighbors regarding smell or business. All of the food handling is also governed by the health department.

Commissioner Munoz asked if there is going to be a seating area in the building for customers.

Mr. Nieto stated that there is going to be a small eating area for customers to enjoy a taco, or coffee and baked goods.

Staff Review:
Planner I Westenskow reviewed the request using overhead projections. She stated staff has reviewed and recommends approval of the request.

Public Hearing: Opened

Jim Lynch, 146 Dubois Avenue, stated he is the neighbor that lives immediately to the west of the property. He stated he has a 6 foot cedar fence between his property and the property of Mr. Nieto. He stated that the concern he has is that his property has a higher elevation than Mr. Nieto's property. Mr. Lynch stated that due to the higher elevation of his property the fence does not help much with noise reduction and requests that instead of putting another fence on Mr. Nieto's property to separate the commercial area from the residential area greenery would be his landscaping blockade of choice. If big greenery were planted on the west side of Mr. Nieto's property it would provide a better sound barrier and a better buffer between the commercial property and the residential property. Mr. Lynch also stated he has concerns with traffic flow at this intersection as well and asks that this be considered when making decision.

Patricia Baltran, 4211 North 1410 East , stated she supports the request and hopes that the commission will support the request as well.

Commissioner Younkin read into the minutes a letter from Lavern Rudolph, stating she is not in favor of this request. This letter has been placed in the applicants file.

Deliberation Followed:
Commissioner Horsley stated he would like to get a clarification from staff regarding commercial adjacent to residential.
City Attorney Wonderlich stated a 6 foot screening fence, is required however special conditions cannot be put on the rezone.
Commissioner Horsley stated there is a requirement for screening between the two types of properties and stated the clarification was necessary to assure the concerned resident that spoke tonight and the resident that wrote a letter to the commission.
Commissioner Frank stated this is a change of use for splitting the property, he stated he is supportive of this especially considering that the lot would never be developed as a residential property. This request also supports growing young businesses in the area. He stated he would encourage the applicant to work closely with the neighbors and to try and put a buffer between the business and the homes around the property.

Commissioner Stroder stated she is in support of the requests and also recommends the applicant work with the surrounding neighbors to provide a buffer between the homes and the business.

Commissioner Muñoz stated he is in favor of the request and this is an appropriate plan for this property.

Community Development Director Humble stated that the code does require a 6 foot screening fence but that the screening can be landscaping rather than a wood or vinyl fence. With the commissions encouragement the applicant may be willing to request some form of a living screen rather than a wood or vinyl fence.

Motion:

Commissioner Frank made a motion to recommend to the City Council the approval of this request as presented with staff recommendations with the Commission encouraging the applicant to work with the neighbors regarding a landscaped screening between the residential and commercial properties as well as other issues that such as lighting that may impact the surrounding residential properties. Commissioner Stroder seconded the motion. Roll call vote showed all members present voted in favor of the motion.

Unanimously Recommended

PUBLIC HEARING SCHEDULED FOR CITY COUNCIL NOVEMBER 27, 2006

5. Request of Todd and Kim Ostrom fro a Zoning District Change and Zoning Map Amendment from R-4 to C-1 for the westerly 50' of property located at 585 and 591 Washington Street North (app. 2071)

Applicant Presentation:
Kim Ostrom, stated she and her husband own Java Jungle located on Addison. The request tonight is to extend the C-1 zoning of the property at 585 and 591 Washington Street be extended 50 feet in order to build a coffee and bagel shop with a drive-thru on the property.

Questions/Comments:
Commissioner Frank asked if the customers would access the drive-thru from Wirshing or from Washington Street.

Kim Ostrom stated that depending on the entrance and exit placement they would either enter from Wirshing or exit onto Wirshing.

Staff Review:
Zoning and Development Manager Carraway reviewed the request using overhead projections. She stated staff has reviewed and recommends approval of the request.

Public Hearing: Opened and closed without public input.

Deliberation Followed:
Commissioner Frank stated as the road widened this area lost its appeal for residential. The plan for the property makes since and he has no issues with the request.
Commissioner Horsley stated it seems the applicant has a good history of having a business next to residential and has proven to be a good neighbor. He stated he has no problem with recommending approval of this request.

Motion:
Commissioner Frank made a motion recommend to the City Council the approval of this request as presented with staff recommendations. Commissioner Muñoz seconded the motion. Roll call vote showed all members present voted in favor or the motion.

Unanimously Recommended

PUBLIC HEARING TENTATIVELY SCHEDULED FOR CITY COUNCIL DECEMBER 11, 2006

B. ITEMS OF CONSIDERATION: NONE

C. FINDINGS OF FACT AND CONCLUSIONS OF LAW:

a. Corrected Special Use Permit ------Oregon Trail Campground c/o Lisa & Denie Mason (SUP 0996)
b. Special Use Permit -----Urban Renewal #0898 Amendment (SUP 0898)
c. Special Use Permit -----The Batter's Box (SUP 1003)
d. Special Use Permit -----Gary Jeff (SUP 1005)

e. Special Use Permit ------Industrial Development, LLC (SUP 1004)
f. Preliminary Plat -----Hunter's Estates Subdivision c/o Todd Ostrom
g. Preliminary Plat -----Golden Eagle Subdivision No. 3
h. Special Use Permit-----Canyon Crest Dining (SUP 1002)

UNANIMOUSLY APPROVED

D. APPROVE MINUTES:

October 10, 2006 PH Minutes	**September 26, 2006 PH Minutes**	**September 12, 2006 PH Minutes**
October 3, 2006 WS Minutes	September 19, 2006 WS Minutes	September 5, 2006 WS Minutes
August 29, 2006 PH Minutes	**August 8, 2006 PH Minutes**	
August 22, 2006 WS Minutes	August 1, 2006 WS Minutes	

Motion:
Commissioner Frank made a motion to recommend approval of the minutes. Commissioner Stroder seconded the motion. Roll call vote showed all members present voted in favor or the motion.

UNANIMOUSLY APPROVED

E. DATES OF UPCOMING PLANNING & ZONING COMMISSION MEETINGS:

- Work Session: **November 7, 2006** – 12:00 P.M.
- Regularly Scheduled Public Hearing: **November 14, 2006** – 6:00 P.M.

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

II. ADJOURN MEETING:

Chairman Horsley adjourned the meeting at 8:32 p.m.

Lisa A. Jones

Lisa Jones
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
October 27, 2009-6:00 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 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
Cope			Mikesell
Lezamiz			
Munoz			
Schouten			
Warren			
Younkin			

CITY COUNCIL MEMBERS PRESENT: Heider
CITY STAFF PRESENT: Carraway, Jones, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION

1. Preliminary presentation for an amendment to PUD #211-College View Park, R-4 PRO PUD Agreement to delete th requirement for the building roof to be constructed with a 4:1 or steeper slope utilizing wood or architectural asphalt shingles and to delete the 20' landscaping buffer requirement along the eastern border of Lot 6, Block 1, College View Park Subdivision aka 176 Falls Avenue. c/o Christy Davies on behalf of Clinton and Anna Dille' (app. 2346)

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to construct and operate a medical facility on property located at 176 Falls Avenue c/o Christy Davies on behalf of Clinton and Anna Dille'. (app. 2345)

2. Request for a Comprehensive Plan Amendment which would amend Future Land Use Map, 2-4, for property located south of Cheney Drive West, west of Park View Drive, and north of North College Road West, from Medium Residential to Office/Professional c/o EHM Engineering, Inc/Osprey Inc. (app. 2320)

3. Request for an amendment to PUD Agreement #247 - Canyon Ridge High School – Riverhawks R-2 and C-1 PUD Agreement for a Zoning District Change and Zoning Map Amendment from R-2 PUD to R-2 PRO PUD for 6.8 (+/-) acres aka Lot 1, Block 2 Riverhawk Subdivision-a PUD located west of Canyon Ridge High School on Park View Drive to allow for professional office development. c/o Osprey, LLC and EHM Engineering, Inc. (app. 2339)

4. Request for an amendment to PUD Agreement #C-2291 - Northbridge No. 2, C-1 PUD Agreement to allow for a zip-line tour business to operate on property located north and east of the Canyon Crest Restaurant and Convention Center, 330 Canyon Crest Drive. c/o Magic Valley Flight Simulation (app. 2340)

5. Request for a Non-Conforming Building Expansion Permit to add 900 (+/-) sq. ft. to an existing non-conforming building on property located at 261 Locus Street South c/o Bro-Scott, Twin Falls Automotive/Gretchen Scott. (app. 2341)

6. Request for a Zoning Title Amendment to amend Twin Falls City Code Title 10; Chapter 4; Section 8.3(D) by adding a section to allow outdoor or patio seating, including associated canopies or coverings, at a food service establishment providing the outdoor seating area including any canopies or coverings does not exceed a property line setback of

fifteen feet (15') or the minimum required arterial landscaping is provided, whichever is greater. c/o Anchor Bistro and Bar, LLC (app. 2343)

7. Request for a Special Use Permit to operate an RV and camping park on property located at 2733 Kimberly Road c/o Oregon Trail Campground/Denie & Lisa Mason (app. 2344)

8. Request for a Special Use Permit to construct a 1200 (+/-) sq. ft. maintenance building at the Twin Falls Municipal Golf Course on property located on the east side of the 600-900 blocks of Grandview Drive c/o City of Twin Falls - Dennis Bowyer Parks & Recreation Director (app. 2342) WITHDRAWN

I. CALL MEETING TO ORDER:

Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): October 13, 2009
2. Approval of Findings of Fact and Conclusions of Law: Abbott (SUP)

Motion:

Commissioner Warren made a motion to approve the minutes and the findings of fact and conclusions of law. Commissioner Bohrn seconded the motion. All members present voted in favor of the motion.

III. ITEMS OF CONSIDERATION:

1. Preliminary presentation for an amendment to PUD #211 - College View Park, R-4 PRO PUD Agreement to delete the requirement for the building roof to be constructed with a 4:1 or steeper slope utilizing wood or architectural asphalt shingles and to delete the 20' landscape buffer requirement along the eastern border of Lot 6, Block 1, College View Park Subdivision aka 176 Falls Avenue. c/o Christy Davies on behalf of Clinton and Anna Dille'. (app 2346)

APPLICANT PRESENTATION:

Clinton Dill'e, the applicant, stated the PUD amendment is being requested because they want to construct a two story building on this parcel and have a flat roof. When the original PUD was approved it appeared that the landscaping requirement was to try and provide a buffer for the residences that surrounded the property. However since the approval the property is surrounded by other commercial properties and by deleting the extra landscaping area it would allow them to provide additional parking.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead projector and stated this is a request for an amendment to PUD agreement #211 College View Park, R-2 PRO PUD Agreement to delete the requirement for the building roof to be constructed with a 4:1 or steeper slope -- utilizing wood or architectural asphalt shingles and delete the 20' landscape buffer requirement along the eastern border of lot 6, block 1, College View Park Subdivision aka 176 Falls Avenue. The amendments are being proposed to be specific to this property.

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 at the presentation meeting. A public hearing regarding this request will be heard at the regularly scheduled Planning and Zoning Commission public meeting November 10, 2009. Further analysis by staff will be given at that time.

PUBLIC COMMENT: OPENDED AND CLOSED WITHOUT PUBLIC COMMENT

SCHEDULED FOR PLANNING & ZONING PUBLIC HEARING NOVEMBER 10, 2009

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to construct and operate a medical facility on property located at 176 Falls Avenue c/o Christy Davies on behalf of Clinton and Anna Dille'. (app. 2345)

APPLICANT PRESENTATION:
Clinton Dille, the applicant stated this parcel is the last vacant lot of the PUD. He is here tonight to request a special use permit to construct and operate a medical office on this parcel. There are at least two other buildings in this PUD that have a special use permit for medical offices. He asked that this request be approved for the same type of use.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the request on the overhead projector and stated on July 21, 1997 the City Council approved a rezone from R-4 to R-4 PRO PUD for this 5.5 acre site located at the south east corner of Washington Street North and Falls Avenue. The City Council approved the College View Park PUD agreement in February 1998 and the agreement was recorded in April.

The College View Park PUD Subdivision was also recorded in 1998. First Federal Savings Bank was granted SUP #0508 and the bank was constructed in 1998. The medical office building to the south was built in 2000. The call center facility was granted SUP #0916 and was constructed in 2006. As you have just heard---the applicants have also submitted a request for an amendment to this PUD agreement; if approved it will impact development requirements for this property.

The property is zoned R-4 PRO PUD and is located within the College View Park PUD. The applicant would like to construct and operate a medical facility at this location. A special use permit is required to establish a medical facility in this zone. This is the last undeveloped lot within the College View Park PUD subdivision. It is approximately 1 (+/-) acre in size the site plan shows a future two-story office building and traffic will have ingress and egress from an existing vehicular, utility and drainage easement which is accessed from Falls Avenue, Washington Street North and Meadows Drive. The PUD agreement currently requires a twenty foot (20') landscaping buffer along the eastern property line. The submitted site plan shows this area as parking which is not in compliance as of today. The building elevation is also not in compliance with the PUD agreement as it does not indicate a minimum 4:1 pitched roof slope as required. As previously mentioned, the applicants are pursuing a PUD agreement amendment to remove these two conditions at this time. Restrictions were put on this property at the time of the zoning of the PUD because the eastern boundary of the property was adjacent to residentially-zoned property at the time. The property to the east of the subject property has been since been rezoned to include a professional office overlay and has been developed as a professional office. Prior to any development on this property a full review by the Engineering, Building, Fire and Zoning Departments shall be completed to ensure compliance with code regulations and the PUD agreement as it stands today or if approved - as amended. The proposed development requires (39) parking spaces based on the ratio of (1) space per 300 sq ft for a professional/medical office use. The site plan shows forty-four (44) spaces. Which is including 10 spaces shown along the eastern property line – this is the area proposed for an amendment.

The landscaping onsite will be required to be a minimum of 10% of the total site and in addition Falls Avenue will be required to comply with City Code 10-7-10; which the CSI landscaping standards, as per the PUD. The narrative states the facility will operate normal business hours of Monday thru Friday 7:30 am to 5:00 pm. There are planned to be ten (10) to fifteen (15) employees. The office currently sees a maximum of thirty (30) patients a day and they don't foresee this number changing. Traffic generated would be during normal business hours and may not be noticeable as the property is adjacent to high-volume roadways. The proposed use is compatible with adjoining properties and their uses. The proposed use of a medical facility is consistent with zoning and the PUD and should have little impacts to the surrounding area.
The request is in compliance with the comprehensive plan which designates this area as appropriate for office and professional uses.

Zoning & Development Manage Carraway stated upon conclusion should the Commission grant 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 approval of the amendment to the College View Park PUD agreement, as proposed, or development to be in compliance with the College View Park PUD agreement specifically in regards to building and landscaping standards as it is today.

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 Cope 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 approval of the amendment to the College View Park PUD Agreement, as proposed, or development to be in compliance with the College View Park PUD agreement specifically in regards to building and landscaping standards as it is today.

NOTE: Items IV-2 and IV-3 applicant presentation has been combined. The public hearing and motions are separate for each item.

2. Request for a Comprehensive Plan Amendment which would amend Future Land Use Map, 2-4, for property located south of Cheney Drive West, west of Park View Drive, and north of North College Road West, from Medium Residential to Office/Professional c/o EHM Engineering, Inc/Osprey Inc. (app. 2320)

3. Request for an amendment to PUD Agreement #247 - Canyon Ridge High School – River Hawks R-2 and C-1 PUD Agreement for a Zoning District Change and Zoning Map Amendment from R-2 PUD to R-2 PRO PUD for 6.8 acres (+/-) aka Lot 1, Block 2 Riverhawk Subdivision-a PUD located west of Canyon Ridge High School on Park View Drive to allow for professional office development. c/o Osprey, LLC and EHM Engineering, Inc. (app. 2339)

APPLICANT PRESENTATION: ITEM IV-2 & IV-3
Gerald Martens, EHM Engineering, Inc, representing the applicant stated he is here tonight regarding a request on a 6 (+/-) acre parcel just west of the new Canyon Ridge High School at the northwest corner of Park View Drive and North College Road West. This was a remnant parcel from the Riverhawk PUD that was sold in an auction. There are two items on the agenda related to this parcel; the first of which is a request to amend the Comprehensive Plan Map and the second is a request to amend the PUD Agreement to rezone for professional office. The request to amend the Comprehensive Plan Map has been heard before however it was discovered that the notification list was incomplete for the surrounding property owners which is why the request is being heard again. The second request will consist of a new draft PUD Agreement which has been submitted. He reviewed the location of the property and the zoning on the overhead projector. If these requests are approved the parcel will be developed as campus like professional office with commonly maintained landscaping area and the development will serve as a buffer between the intensive uses at the high school and the residential area. In developing this there will be only two approaches off of Park View Drive and the hours of

operation would be limited. The preliminary plat will consist of approximately eight potential office buildings that will be oriented towards Park View Drive with parking a fire lane provided for on the west side of the building, smaller offices on the south along North College Road West. All of the property that is not parking or building will be commonly maintained and landscaped to provide a uniform and astatically pleasing development. He stated the staff reports for both of these requests have been reviewed and the staff recommendations are acceptable.

P&Z QUESTIONS/COMMENTS:

- Commissioner Warren asked if any retail will be allowed in this development.
- Mr. Marten stated the PUD list the allowed uses for this development and they are limited to professional uses only.
- Commissioner Schouten asked about the plan to use the west side of the property as parking for employees and a fire lane will be over the canal.
- Mr. Marten stated the canal easement is 58 ft wide and there will be a 5 ft pipeline that overlays the canal company easement which will not only allow access for fire but also access should they need it for the canal company to maintain their structures. There is typically also a City sewer line within these easement and an all weather access road in this instance it will be a paved road and the easements will remain intact and unrestricted.

SITE HISTORY:

Zoning & Development Manager Carraway reviewed the request for items IV-2 & IV-3 separately on the overhead projector and provided the following history on the site. January 8, 2007 the City Council approved the annexation and zoning of an 80 (+/-) acre site located at the southwest corner of Cheney Drive West and Washington Street North from R-2 to R-2 PUD and C-1 PUD subject to conditions ; one of which is that this 6 +/- acre parcel shall be developed in compliance with the R-2 zoning regulations. Any changes would require an amendment through the public hearing process. The Riverhawk PUD Subdivision was recorded on January 14, 2008 and subsequently a building permit was issued to construct a new high school which is currently operating under a temporary Certificate of Occupancy.

STAFF PRESENTATION IV-2

On January 05, 2009 the City Council approved 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. This 6.8 (+/-) acre site was designated as appropriate for medium density residential land uses which was consistent with the approved R-2 PUD zoning of the property. A request to amend the Comprehensive Plan from medium density residential to professional office on this 6.8 +/- acre lot was recommended by the Commission on July 28, 2009 and on August 24, 2009 the City Council approved the request, as presented, followed by the adoption of resolution #1822 on September 14, 2009. It was later brought to staff's attention by the developer that the property owner list was incomplete and not all the property owners were notified of the public hearing. The request was re-advertised and re-noticed.

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.

Zoning & Development Manager Carraway stated upon conclusion should the Commission recommend approval of this request, as presented, 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.

STAFF PRESENTATION IV-3

Zoning & Development Manager Carraway stated this request is to modify PUD Agreement #247 - Canyon Ridge High School-Riverhawks R-2 & C-1 PUD by rezoning Lot 1, Block 2 Riverhawk subdivision-a PUD under a new PUD Agreement the Riverhawk Plaza R-2 PRO PUD Agreement. If approved this would require subdivision of this lot which would allow the lots to be sold separately for professional office uses. The proposed professional office space will incorporate residential architecture and extensive landscaping to enhance the transition between the high school facilities and the established residential neighborhoods. The uses, setbacks, parking and fences shall conform to City Code section §10-4-18; professional office overlay. Signage, landscaping and lighting uses are further restricted by the proposed Riverhawk Plaza R-2 PRO PUD Agreement.

The master development plan shows eight (8) lots that vary in size from ¼ acre to almost 2 acres in size; there is no size limitation in the PRO zone for professional uses; the lot size shall be of sufficient size to provide for the building, off-street parking and landscaping. Residential uses shall comply with the property development standards of the underlying R-2 zone. The draft PUD Agreement states professional office hours of operation shall be 6:00 am to 9:00 pm unless approved by special use permit and no single building shall be larger than 12,000 sq ft with a maximum height of 35 feet. Buildings are to be of residential character with exteriors of architectural masonry, stone, stucco or architectural steel. Building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations and other architectural treatments to break up large uniform surfaces. Roofs shall be pitched not less than 3 in 12. Roofing material shall consist of architectural asphalt shingles, architectural metal or tile. There is a proposed minimum 20-foot wide landscape buffer, measured from the back of curb and including sidewalk, pathway or other hard-surfaced landscape improvements along Park View Drive and a minimum 20-foot wide landscape buffer, measured from the property line, will be constructed along the western boundary. In all cases, the landscaping, as defined in the draft PUD Agreement, will meet or exceed the minimum requirements of the City Of Twin Falls Zoning and Subdivision Regulations. Signage shall conform to City Of Twin Falls sign regulations ordinance subject to the following: Building signage shall be limited to wall mounted signs as per the sign code or monument type signs as per the sign code with a maximum height of ten feet (10') measured above the adjacent curb. Site way finding signs shall be as per the sign code. The maximum height of site way finding sign shall be 6 foot above the adjacent curb. Animated or flashing signs are not allowed, signs shall be internally illuminated, or lighted with exterior fixtures provided with shielding to preclude the light source from being visible from adjacent properties.

The ingress/egress to this proposed development is limited by the proposed Master Development Plan showing two (2) accesses off Park View Drive. There shall be no access off North College Road West. The Commission may wish to place a condition on this request that the PUD Agreement contain verbiage regarding access number and location as approved by the City and Cross-Use Agreement(s) for storm water, detached sidewalk, outside lighting, landscaping and parking be provided prior to plat recordation and/or development. The preliminary/final plats are currently being reviewed by the Engineering Department. The preliminary plat will be brought to the Commission for their consideration at a future public meeting. The Comprehensive Plan indicates this area being developed as medium residential. Approval of the Comprehensive Plan Amendment, as presented this evening, should be a condition of approval on this request

Zoning & Development Manager Carraway stated upon conclusion should the Commission recommend approval of this request, 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 the PUD agreement containing verbiage limiting the number of accesses and location to two (2) on Park View Drive, or as approved by City Engineering.
3. Subject to cross-use agreement(s) for storm water, detached sidewalk, outside lighting, landscaping and parking be provided prior to plat recordation and/or development.
4. Subject to an approved PUD agreement.
5. Subject to approval of a Comprehensive Plan Amendment from medium density residential to professional/office.

ITEM IV-2

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

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

ITEM IV-3

PUBLIC HEARING: OPENED

- Mr. Martens wanted to make a clarification that each lot will own their own parking and the cross-use agreement will be for access so that traffic can loop through the development.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Warren made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Schouten seconded the motion. 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 the PUD Agreement containing verbiage limiting the number of accesses and location to two (2) on Park View Drive, or as approved by City Engineering.
3. Subject to Cross-Use Agreement(s) for storm water, detached sidewalk, outside lighting, landscaping and parking be provided prior to plat recordation and/or development.
4. Subject to an approved PUD Agreement.
5. Subject to approval of a Comprehensive Plan Amendment from medium density residential to professional/office.

BOTH ITEM 1V-2 & IV-3 ARE SCHEDULED FOR CITY COUNCIL PUBLIC HEARING ON NOVEMBER 23, 2009

Commissioner Lezamiz stepped down.

4. Request for an amendment to PUD Agreement #C-2291 - Northbridge No. 2, C-1 PUD Agreement to allow for a zip-line tour business to operate on property located north and east of the Canyon Crest Restaurant and Convention Center, 330 Canyon Crest Drive. c/o Magic Valley Flight Simulation (app. 2340)

APPLICANT PRESENTATION:

Jody Tatum, the applicant, stated she is here tonight to request and amendment to a PUD Agreement for a specific 20' x 20' section of the canyon rim to allow for the sky tour and zip-line venture. She stated they took the Commission's advice from the preliminary presentation meeting and incorporated some pictures into the presentation, there is a power point presentation available, met with the media, conducted a public meeting and also met with the private home owners. She said that they have heard from the community that this is an absolutely wonderful idea, the owners on the property rim think it's a good idea but don't want it in their back yard. As a whole for the community it is a benefit, and they have done their best to accommodate the concerns that they have heard. The launching area would be located at the Canyon Crest Restaurant because it is ideal, because it has the parking needed and full facilities available. The scenic view point as well as the walking path add to the attraction. The primary entrance would be through the scenic overlook and the handicapped entrance would be off of the walking path just above the scenic overlook. They are looking to serve 6 people per hour, on person every 10 minutes. It's not an activity where there is going to be 100 people waiting in line and backed up onto the walking path. The tickets will provide the launch time so the people can leave and come back at their assigned time. The launch has a natural depression within the rock so they would not have to do very much excavation at all to prepare the site. They would be drilling into the rock and will not be making any kind of dent into the rock. If it turns out the venture does not thrive and has to be shut down this is a perfect place because the anchors can be cut off, the launch pad removed and landscaping can be replaced returning the site to its original state. The existing PUD requires that the project blind into the canyon and follow the landscaping. The structural engineer has already done a site inspection of the location and believes it will pass a geological survey that would be required with this request. On the east end the cable anchor will be 3-5 ft. high, it is off of the walking path and is not visible. The trolley will not go all the way up to the anchor point but will stop approximately 100 ft from the rim turn 180˚ and bring the trolley back to the launch pad, the midpoint is approximately 200 ft below the canyon rim, and the cable itself is 3558 ft. One of the concerns raised by the property owners along the rim was the noise that this will create with people screaming. She stated the trolley is equipped with a two-way communication device and they do have the ability to cut the persons trip short. She stated they can post that if the person creates an undo disturbance while on the ride they will abbreviate the trip and their money will not be refunded; which should deter any problems. The trolley has an electric motor and they have modified the trolley design for a shield to be put on the front of it to try an encapsulate some of the noise. Another concern was riders being intoxicated before they ride the trolley, this will not be allowed not only because it is a health hazard but also because it would be an insurance risk. Hopefully, people coming into town to partake in this adventure will plan to spend time in the area and take advantage of the other things Twin Falls has to offer adding to the local economy.

As for safety parameters, the project has to be inspected, approved or certified by OSHA, Idaho Outfitters, Rope Courses, and Engineering. They have to perform a geological study to insure integrity of the site and will be insured up to $20 million dollars. As for safety procedures it is required that there

be a visual inspection of the cable daily, and x-ray of the cable twice a year, OSHA inspections at least once a year, they have to have OSHA and Outfitter approved staffing, safety policies and procedures and equipment maintenance manuals and schedules available. If someone were to get hurt on this ride it would close the business down, therefore a $10,000.00 bond will be posted as a reserve to remove the equipment and restore the site to its original state.

They did a demonstration cable so that people would have the opportunity to see what the cable will look like. This was an educational process for them as well and brought a lot of other factors that they were not aware of for the project. The cable will not be visible against the canyon rim wall. In addition this is a part of the canyon where a road has been constructed, people do not usually look at this part of the canyon for beauty they are typically looking off at the water fall and towards other places in the canyon so they don't believe that this is going to distract from the beauty of the canyon.
The cable will be 200' below the canyon rim, and the individual property owners along the rim would be able to see the cable from the windows of their homes and some will be able to see it if they walk out into their back yards. The property owners to the east end of the cable would be able to see the launch site at the Canyon Crest Dining facility but it would be at a distance and not invasive of their view of the canyon. The location and the elevation of where you are standing will determine how much of the cable is visible. If you are at Canyon Crest level with where the cable is at you can see that it is above the waterfall and it is not actually below the waterfall until it is over the hairpin corner of the road, the cable will also be further away for the canyon wall than originally thought which will protect the bird species in this area of the canyon and it will be approximately 70'-80' above the roadway.

As for environmental impacts a preliminary report has been done by Redwillow Research Organization to give them an idea of what kind of affect the cable and the riders will have on the surrounding area. The organization is going to help them identify any problem areas and work with them on resolving these issues. A gentleman for the Department of Fish and Game is also going to be working with them to make sure the wildlife is being protected. There were concerns about the integrity of the rock area where the ramp is going to be constructed; a geological study has to be done to insure that the launch area picked will be safe. The ramp will hang over the rim but the support structure for the ramp and the anchor is further back so there will not be any direct pressure along the rock wall. As someone drives down the ramp along the hairpin corner it would be possible for them to see a rider but it would not be visible again until they returned back up the road and reached the hairpin corner again. It would not be a continual distraction because the riders would be spaced out every 10 minutes. The business is locally owned and they are trying to be community and environmentally minded, because they are in the early stages of the project it allows them the opportunity to make adjustments to address issues as they arise. They are working with wildlife specialists and the historical society to maximize the educational opportunity. Canyon Crest Dining has offered to modify their interior space along the hall to provide history about the canyon. Redwillow Research has also agreed to do a bird study to provide education to the people on the ride so that they may identify birds they see while on the ride.

The 20' x 20' space identified for this venture they believe is an ideal location due to the parking available, the access to the rim and it would not obstruct the view of the canyon. The location also would be good for businesses in the area.

<u>P&Z QUESTIONS/COMMENTS:</u>

- Commissioner Warren asked if the trolley gets stranded what is the exit strategy for rescuing a rider.

- Dave Fairbanks, stated they are going to use a drone system. The charger system that the trolley returns to is very similar to a cordless phone when you put it in the base it automatically starts to charge. The charging system is a drone it can go out by itself and remote control charged the receiving portion of it would grab the trolley and it would come back with it, they anticipate it would take less than 60 seconds to retrieve any person that was stranded. If for some reason the drone could not pull the person back it is also hooked up to a pulley cable that could be used to manually bring the trolley back to the launch site.
- Commissioner Younkin asked if the rider has control of their own safety, would they be able to unhook that system.
- Dave Fairbanks, stated that no it has to be undone by the operator.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead projector and stated in April 1993 the City Council approved the Northbridge PUD which was an annexation and rezone of approximately 180 (+/-) acres from R1-43,000 to R-4 PRO and C-1 PUD for property located at the northeast corner of Pole Line Road East and Washington Street North. On May 16, 1994 the City Council approved an amendment to the original Northbridge PUD agreement, creating the Northbridge No. 2 C-1 PUD, which encompassed approximately 100(+/-) acres located south of the canyon rim and east of Washington Street North to the Breckenridge Farms Estate. The Northbridge No. 2 C-1 PUD has since been modified: 1) In May 2005 the City Council approved a modification to allow for a storage unit facility aka Sto-N-Go Storage to be constructed on a 3.6 acre portion of the property; 2) In 2007, the PUD was amended with the creation of the River Vista PUD which split out 16.25 (+/-) acres located southeast of Washington Street North & the canyon rim - creating its own PUD and 3) This amended PUD was also modified in July of 2009 to allow for truck and trailer rentals for U-Haul moving services at the Sto-N-Go Storage facility. A preliminary PUD presentation on this request was held on Tuesday, October 13, 2009, to familiarize the Planning and Zoning Commission and public on the request.

This is a request for an amendment to PUD Agreement #C-2291 - Northbridge No. 2, C-1 PUD to allow for a zip-line tour business to be added as an allowed land use limited to the specified area within the limited commercial and open space zones- the specified area is limited to the Canyon Crest Restaurant and Convention Center site and a portion of the specified canyon rim overlook site- adjacent to the Canyon Crest Restaurant within this PUD.

As per the applicant's narrative the zip-line amusement ride is proposed to start at the overlook area adjacent to the Canyon Crest Restaurant. There would be a platform set below the overlook that would anchor the zip-line cable. The cable would extend along the Snake River Canyon Rim to be anchored to a point east of the residential area approximately 3,558 feet away on the canyon rim. The ride is accessed from the canyon rim trail the Canyon Crest Restaurant would be the location of some support services such as parking, ticketing, waiting area, and restroom facilities. The ride would be for one person at a time either sitting or laying on a six-6' trolley type platform. The traditional zip line is run by gravity –however--this zip line will be run by electric motor. The zip line speed will be controlled by the rider and has a maximum speed of 90 mph. The trolley will travel 90% of the cable length and then slows to a stop --rotates 180 degrees and returns to the platform at the overlook launch site. The total trip is 1.3 miles (7116 feet) long; 3558 feet one way. Travel time is four (4) to six (6) minutes and ride operators are in contact with riders throughout the trip by way of two-way radios.

The business is intended to operate year-round during daylight hours, weather permitting. The applicants anticipate that they will be able to operate about 200 days a year and sell an average of sixty (60) tickets a day. This venture is expected to create about twenty jobs and there would be a minimum of two (2) staff members at the facility at any time. To ensure the safety of operation there will be a safety fence around the platform and anchor fence. A geologic study will be required to verify the integrity and stability of the anchor locations and state licensed engineers will be doing the structural design and inspections. The narrative states the anchor points, trolley, launch equipment, and cable will be inspected daily before allowing any riders and the cable will be inspected annually and x-rayed as required for cable-based operations such as gondolas and ski lifts. Staff has a few concerns regarding this project: 1- location, 2- noise, and 3- visual impacts within the canyon and along the canyon rim area. City staff has concerns over the location on the canyon overlook and utilization of canyon rim trail areas. There is a discrepancy between the applicants' ownership claims and surveys and deeds for City ownership of the area. The matter of property ownership will have to be resolved prior to any development of the property. At the preliminary presentation on this request on October 13, 2009, there were comments from citizens expressing that they did not feel this was an appropriate location on the canyon rim. It is in a very visible portion of the canyon and while the applicants feel this is a benefit as it will allow the canyon to be experienced in a new way some residents felt it would detract from the natural state and ambience that has been a priority for the community. There is wildlife in the area- specifically a lot of birds around the Perrine Coulee waterfall and this may be a safety hazard to riders and the ride may deter the birds from their habitat.
Noise and visual impacts were also concerns expressed at the preliminary presentation. The zip-line is operated by an electric motor and the applicant explained that it sounds similar to a golf cart. This seems like a minimal amount of noise even with the way that sound carries in the canyon, however, as this is a thrill-type ride there was also concern over people yelling and screaming while on the ride. This would be an impact to adjacent residents and to people using the canyon. Concerns have been raised that this type of visual impact is not the desire for the canyon or along the canyon rim was strongly expressed. There could also be a concern with the zip line being a distraction for motorists driving on canyon rim road watching the rider instead of the road. If the Commission finds that this is an appropriate land use to add to the Northbridge No. 2 PUD then staff believes it would be important to have language regarding removal of the equipment should the use be discontinued as it could be a safety hazard if not maintained. The City Code has language regarding the removal of wireless communication facilities for the same reason and similar language could be added as a condition on this request. Based on City Code §10-7-17(e) a condition could read: "upon abandonment or discontinuation of use, the owner shall physically remove the zip-line facility and associated structures within ninety (90) days of the date of abandonment or discontinuation of use, and restore the site to its original condition. The carrier shall provide to the City, prior to issuance of a permit, a performance bond in the amount of twenty thousand dollars ($20,000.00) or a bond equal to a written estimate from a qualified engineers or contractors to guarantee that the facility will be removed when no longer in use. The City shall be named as an obligee in the bond and must approve the bonding company."

The Snake River Canyon is an iconic part of the local landscape of Twin Falls and is a significant feature in terms of a tourist draw and as a recreational and natural asset to the community. While the proposed zip-line ride intends to highlight this community feature it would also impact it and may have specific impacts to the adjacent property owners that need to be considered.

Zoning & Development Manager Carraway stated upon conclusion staff recommends that if the Planning and Zoning Commission send a favorable recommendation to the City Council, based upon the presentation this evening, that it includes 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 the ownership of the subject property being resolved prior to development.
3. Any significant changes to the operation and or facility, as presented, will require an amendment to the PUD.
4. Upon abandonment or discontinuation of use, the owner shall physically remove the zip-line facility and associated structures within ninety (90) days of the date of abandonment or discontinuation of use, and restore the site to its original condition. The owner of the business shall provide to the City, prior to issuance of a permit, a performance bond in the amount of twenty thousand dollars ($20,000.00) or a bond equal to a written estimate from a qualified and/or licensed engineer or contractor to guarantee that the facility will be removed when no longer in use. The City shall be named as an obligee in the bond and must approve the bonding company.

PUBLIC HEARING:

- John Lezamiz, 847 Canyon Springs Road, stated he is speaking in opposition of the zip-line for a number of reasons. The first being the issue of land ownership, it has been indicated in the applicants business plan that the property is owned by McCollum industries and that they will be acquiring easements and legal rights to the property. That is not a factual statement, when he first heard of the zip-line he stated he knew that at was going to start at Canyon Crest Restaurant but was not aware of where it was going to end. So last week the applicants were invited to his home to show him exactly where the anchor sit was going to be located. The applicant walked out into his back yard and just about 20' inside his property line was the site, they were going to come into his yard, drill into the bedrock 60' and set the anchor which will stick up approximately 4' on the property. He stated that McCollum had deed the property to the previous owner and that owner deeded the property to him. He thought that this would be the end of the matter but instead the applicant has chosen to continue with this hearing. He stated he understands the Commission will not be the ones to decide land ownership, but as stated there are still concerns from the City as to who owns the property at the staging area to the west and there is a concern regarding property ownership at the east end where the anchor is to be placed. When the demo cable was placed the anchor site was place on the outside of his fence along the canyon trail which he is certain the will be an issue as to who owns that as well. The point is that if in fact the applicant does not own the land it seems pointless to proceed with the hearing process until the land issues are resolved. Another issue is the volume of noise this will create, in the presentation it was stated the riders would be 10 minutes apart and what is stated in the businesses plan is that it will be operated year round with up to 60 rides per day, with a minimum of 200 days a year and equals 12,000 riders per year. The idea is that a person can purchase a ticket and wait in the Canyon Crest Bar area until your scheduled to ride and once on the trolley you can push the turbo boost and it will get up to a speed of 90 mph. The yelling and noise that will occur with this activity should be easy to imagine and with all due regard a sign requesting that the rider be quiet will not fix this issue. The noise within the canyon vibrates off of the walls and can be heard and amplifies as it rises. A band can be heard from Centennial at his home louder then when you are at the actual event down in the canyon. The issue of noise is not only significant to the property owners along the rim but also to people who frequently use the canyon trial as well as to the wild life that inhabit the area. Safety is another concern related to this request; if the facility is approved people are going to want to go the launch site, down by the anchor site, and down Canyon Springs Road to see where the zip-line goes to see people riding. As was indicated a demo line was stretched across with some flags attached to it and if you drove down that way, every

person driving in their car did a full stretch to see the line and where it was going. This road is a road that many people frequently travel on foot and bike, on one side there is a rock wall and along the other side it drops off. The speed has been reduced on this road recently from 35 to 25 because of safety concerns and you add to this people stopping and stretching to look at this zip-line ride it becomes even more of a safety concern. Another safety issue that is of concern are the winds in the canyon. The ride will last from 4-6 minutes long and the winds be calm but within that short of time winds can gust through and significantly impact the ride. If there is a rider stranded on the line during one of these times it could be very dangerous. Visibility is another concern, the cable is visible from the Canyon Crest Restaurant, it is visible from the anchor site and it is certainly visible from the Canyon Springs Road. One of the nicest things about living on the canyon is the sheer beauty, peace, serenity, and wild life that are in this area. If this is approved and there are in fact 12,000 rides per year this will significantly impact the animal habitats. In terms of a precedence being set, if this is a change that is allowed, what other types of request will be generated from this approval. He has also heard that the City allows base jumping off of the Perrine Bridge, this is not the same thing. The city made a decision to not regulate base jumping so that if someone was hurt or killed they would not be liable. The zip-line is presently prohibited as a use and what the applicant is saying is that they would like to amend that allowed uses to allow the zip-line. If the amendment is approved and allowances are made for the zip-line to run the liability associated with zip-line would exist because the City approved the amendment. There was a petition signed by the home owners in the area, because of the negative impact this will have on the canyon, on their standard of living, and on their property values. Most of the land along this area has been developed and people have invested lots of money into having a nice place to live, when people build amusement parks it is not something you bring to a residential area. The amusement parks are built in other areas. In this case the homes were here first, it would be different if the amusement park was there and the houses were built later. He has no problem with the applicants wanting to make a profit and bringing business to the area, the more the merrier, but not at someone else's expense. This is not a good fit for this area, the applicants will argue that the property owners are opposed to it because they don't want it in their back yard but at the same time he doesn't want it in anyone's back yard. The video shown at the preliminary presentation showed the test zip-line they constructed at Devil's Coral which is an absolutely great place for this type of venture, where no one is impacted. Idaho is a unique state in that 2/3 of the state is publicly owned, there are 1000's of places that this could be put that would not be in anyone's back yard. This is the wrong use for this particular location. For all of the reasons listed he asks that the Commission not recommend approval of this request.

- Cal Jensen, 713 Canyon Springs Road, stated he is here to agree with the previous presenter. He has been a resident in this area for 23 years. He chose to live there because of the things referenced tonight, the natural beauty, the peacefulness, and the wildlife. It was stated that anything along the rim should blind in, and he cannot imagine that someone riding on a trolley down a cable and back is going to blind in with the canyon. His home is 35' away from the rim and he can see the demo zip-line that has been installed.
- Donna Clark, 643 Riverview Drive, stated she is on the exact opposite of where the Lezamiz live and will certainly be able to see and hear the zip-line. If people were asked if they would like this next to their home they would say no. No one has talked much about the liability to the City, there are no barriers along the pathway that runs in front of these homes which could present another safety issue for people who want to get a closer look at the ride. It is advertised as the world's first powered zip-line with speeds up to 90 mph. If this is the case,

and the riders can go this fast, it becomes a thrill ride not a ride to enjoy the scenery of the canyon. This not the best location for this type of use.

- Ronald Rogers, 659 Riverview Drive, stated he has lived in this area for 14 years and he requests that this be denied, because we need to protect the beauty of the canyon.
- Lamar Orton, 867 Filer Avenue West, stated he has reviewed the newly approved Comprehensive Plan and the goal relative to the canyon rim overlay and the open space was to protect special view points and corridors. The executive summary under community design states the goals are to maintain views from the Canyon Rim to the river bottom, discourage development near the Canyon Rim that impacts view and the sense of nature experienced from the Canyon Bottom and areas beyond the rim, allow the natural landscape of the Canyon Rim and corresponding views to prevail in the vicinity of the Canyon Rim. The Magic Valley Flight Simulation Business plan states the sky tour is just west of the I.B. Perrine Bridge in Twin Falls, ID., it will be visible to all traffic crossing the I. B. Perrine Bridge approximately 2,000 cars a day. Major brand companies will be offered to advertise their logo on the sky tour casing assembly, and the question is do we want major brand companies advertising on the line and to have that visible to the traffic on the bridge and along the canyon rim trail. He stated he has also reviewed the allowed uses in the Open Space zone and he can't find anything in the table of allowed uses without a great deal of stretching the imagination that would allow for a zip-line to be constructed in the Open Space zone. He stated he is not opposed to the concept of a zip-line however he is opposed to the location of this zip-line. Upon conclusion this is not in conformance with the Comprehensive Plan and it is not a use that is allowed by the zoning ordinance and thirdly with a PUD modification in process, who has to sign off on this change, there are a lot of property owners that would need to sign off on this change that had an understanding of what would be allowed within that PUD. Do all of the property owners have to sign off on this change and if they don't have that right then they have no protection on the investment they have made within that PUD. This would have a negative impact on the visual corridor and the canyon rim.
- Katie Breckenridge, Picabo, Idaho, she stated she agrees with everything so far so she will be brief. She stated she has a few concerns with the request, one is with the notification process for this hearing. At the last meeting it was asked how close to the rim does the line come to her property and the answer was approximately 175'-200' away from the rim. If you look at noticing property owners, this is not at the point of connection it should include all of the properties the line crosses in front of as well. The second concern is the applicant states there is no impact to the owners parallel to this cable, if you look at the number of rides they want to do 60 per day which depending on how long each ride is could mean that up to 6 hours per day there will be traffic, noise and chaos associated with the zip-line. The other point she would like to make is that the sky tour will be insured, and having been a part of a major ski operation in the past, and when this type of equipment breaks down the ski companies have a major part of their budget reserved to have people removed from the chairlifts. Her concern is not with the insurance it is with who they will have to get these people off when the plan they have in place doesn't work. Is the property owner liable if the rescue team has to come onto their property to retrieve the rider. Liability is a huge issue and requires a huge budget, trained rescue people, she thinks it is something that needs to be considered. Finally, they can remove the equipment if it doesn't work out but what about the investment the property owners along the rim have made, and the liability of the canyon rim should be considered.
- Rosalie Orton, 867 Filer Avenue West, she stated that the visitors that come to the area are amazed by the beauty of the gorge. They don't comment on the beauty of the homes and businesses they comment on the beauty of the canyon. Recently she viewed a show on

national parks and how important it is to preserve the natural wonders. The canyon is a natural wonder and she wants to see it preserved. We don't want to see the zip-line when we are driving to Centennial Park, coming across the bridge or when we are looking at Perrine Falls, if this is allowed you have to wonder what else will be allowed to desecrate our natural beauty of wonder; this is not the place to build a zip-line.

- David Mead, 2045 Hillcrest Drive, stated he you can probably not stop the next circus from coming in if this one is approved. The canyon cannot be improved upon by adding things to it, it is beautiful as it is, so why do people insist that these types of things will be an improvement.
- Bill Gehrke, 711 Canyon Springs Road, stated he is one of the newer home owners on the canyon rim. He stated he built a retirement home in this area that is two stories; he displayed some photographs on the overhead taken from his deck that shows the demo zip-line clearly running in front of his property. This will impact the property owners along this area not just the property owners in the PUD, it will impact the wildlife and natural beauty of the canyon. Canyon Springs Road will not be able to handle the additional traffic that this would create, due to people wanting to get a better view of the riders and their friends on the ride. He doesn't want this to be approved and doesn't think it belongs in this location.
- Dan Willie, owner of Canyon Crest Dining, stated he understands the home owners feel this is not a good thing, however he thinks it would be a great thing for Twin Falls, because it brings tourism in to the area. He said he has about a $7 million dollar investment along the canyon rim and they have people that sit out on the deck that enjoy the view all summer; this would be something fun to watch. He stated he admires the applicant for what they are trying to do and he is willing to work with them.
- Ralph Klinsky, 2451 Cedarchip Road, stated he understands the home owners concerns, the applicant has explained that if there is a noisy rider they will have the ability to communicate with the rider and stop the ride if necessary. He stated one of the home owners expressed that we need to leave the canyon rim like it was 100 years ago and if that is the case then all of the businesses, the bridge, the golf course and the homes along this area need to be removed. Someone is going to build this along the rim, there are already high rises going in along the rim that distract from the view, this would help to stimulate the economy and maybe bring people to Twin Falls instead of having business go to Boise. The canyon is still going to be awesome, still going to be beautiful and a hand full of home owners don't own the view and don't speak for all of Twin Falls.
- Chuck Bro, 3160 Longbow Drive, on Sunday morning he rides his bike along the canyon. He moved here because the canyon is beautiful and he would like to see it remain beautiful. Another concern is that a bond of ($20,000.00) may not be enough if someone closes this venture it is going to be because they are bankrupt, and it will be difficult to get money at that time. He would hope that the bond is equal to the construction cost.
- Rusty Satterwhite, 648 Wirsching Avenue, stated he understands the concerns of the home owners but having traveled the world with the military, and having seen a lot of places he can think of two places close by, Park City, Utah and Sun Valley, Idaho, both of these are examples of places that have homes set up right next to all of the ski lifts that bring in millions of dollars to their city. The money is because of the ski lifts and this zip-line could be an opportunity for the community to prosper because of the canyon rather than a few individuals prospering because they are able to afford to build homes on the canyon rim. We should all benefit from the canyon.
- Carolyn Baird, 14 Robbins Avenue, stated she uses the canyon quite frequently to kayak and would like to keep the canyon a quiet and peaceful place for people to enjoy. The zip-line does not belong in this area.

- Dennis Hunting, Meridian, Idaho, stated he is in favor of a zip-line project for the Twin Falls area. He is been a part of the zip-line industry for four years, a member of the Professional Ropes Course Association, Association Of Challenge Course Technologies, and the International Association of Amusement Parks and Attractions. Being involved with some of the zip-lines in this state, it is very simple to remove the equipment associated with the zip-line and the cost is very minimal. As he has read from local media and television coverage as well as the information submitted to the City office, his concern is that the proposed operation is infringing on patents that are pending without a written or verbal agreement between the parties involved, therefore he would like to request that the Commission postpone the decision on this request to allow Magic Valley Flight Simulation the opportunity to comply with patent laws.

CLOSING STATEMENTS:

- Ms. Tatum stated that by installing the demo line it became apparent that the trolley and the cable were not as invisible as expected; therefore some of the original statements in the business plan were not accurate. There have been a lot of things that have come up from the time the plan was submitted in July to the current day. Property ownership is one issue, they thought was resolved. They have a lot of work still to do with this project, they decided to continue with this request so that the information could be distributed to the public, what the goal is and getting thing out into the open for discussion. As for the patent pending, changes they are making to the belt system and things they are modifying to make the ride more efficient does not infringe on the patent at all; their attorney has reviewed this concern. The 12,000 riders per year listed in the business plan was a maximum number put into the business plan, they do not have the ability to do anymore than that in a year, because of regulations and safety requirements that have to be met. They plan to address the noise issue by installing a shield to encapsulate the rider and reduce the noise. The Canyon Springs Road speed limit has been changed from 35 to 25 mph and it is still dangerous with or without the zip-line.

DELIBERATIONS FOLLOWED:

- Commissioner Munoz stated there are still a lot of unresolved issues. It is a work in progress however this does not seem to be the most optimal place for this use. He appreciates that we can't impede progress however progress has to go at reasonable paces, and this does not seem to be the right time or the right place for this venture.
- Commissioner Schouten stated he was a tour guide on the canyon and because the rim has been commercialized so much the animals are just not there like they use to be. He doesn't see an issue with this being in the canyon.
- Commissioner Munoz stated that there is an issue and by adding this use it just compounds those issues. He stated he hates to be negative because he likes new businesses and this is a local venture. Commissioner Cope stated he is very much in support of this idea however he is not convinced that this the right location.
- Commissioner Warren stated he doesn't live on the canyon but he can see the concern the residents have with this request. He stated this is the wrong place but the idea is great.
- Commissioner Younkin stated he believes this is a great venture however the canyon in itself is a destination and this does not have to be in the same location it could be a destination in itself at another location in the Twin Falls area. He can support this request for this location.

MOTION:

Commissioner Warren made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Schouten seconded the motion. Commissioners Bohrn and Schouten voted in favor of the motion. Commissioners Warren, Younkin, Cope and Munoz voted against the motion.

REQUEST WAS RECOMMENDED FOR DENIAL BY A VOTE OF 4-2 TO THE CITY COUNCIL
TO BE SCHEDULED FOR CITY COUNCIL PUBLIC HEARING AT A LATER DATE

Commission Lezamiz returned to her seat.

5. Request for a Non-Conforming Building Expansion Permit to add 900 (+/-) sq. ft. to an existing non-conforming building on property located at 261 Locus Street South c/o Bro-Scott, Twin Falls Automotive/Gretchen Scott. (app. 2341)

APPLICANT PRESENTATION:

Gretchen Scott, the applicant, stated she is here tonight to request approval of a non-conforming building expansion. She is one of the owners of the Twin Falls Automotive and her husband is the manager of the facility. The property when they purchased it 6 years ago had a large oil tank in front of the building, a dirt lot and apple trees along the property line that were dying; they hauled off 70 tires and 12 broken down car. Since they purchased the property they have made several property improvements, they painted the exterior, removed the oil tank, asphalted the lot to try and improve the appearance of the property and function of the facility. She reviewed photos on the overhead; she stated that the larger structure on the right of the office houses two bays with lifts, and the smaller structure to the left of the office is a garage however it does not contain a lift. Business has grown significantly and they have hired a third mechanic which is why there is a need for this expansion. The first thought was that they could use the garage on the left hand side for the new mechanic. It is very small and the area is very difficult for him to use. The proposal is to demo this mason portion of the building that is the garage and to replace it with a metal building that would be the same height and structure as the one on the right side of the office. They have submitted plans and the 900 (+/-) sq. ft. is coming down to money. They have gotten some bids for the project and what they are able to afford will determine the final square footage. It will look exactly as described but the frontage that comes out from the existing building will determine the size. They have moved forward with this process because they would like to make these changes and improvements during their slow period which is essentially during December. Originally they had discussed building the structure up to the property line however because of fire code requirement it was found that they would need to move the building further away from the property line to avoid having to have and interior and exterior firewall which doubled the cost of the project. Cost is a major factor for this project because they are a small local business. A new office would be included in this project along with a customer bathroom. The reason that this building is classified as a non-conforming building is because the building setback is 62' from centerline and the structure to the right of the office is in this setback. Two things that were recommended by staff that she would like to discuss are the storm water retention requirements and the second is landscaping. She stated that when they first asphalted the property it required an approved storm water retention plan from the City. They asphalted to the street frontage and created two approaches. Once the project was completed there was a spring storm causing the water that came straight north on Locust to run onto the asphalt and into the adjacent property. After this they happened they had the asphalt cut and installed valley gutters to stop the water from running onto the adjacent property and force it to run in the correct direction. She stated they thought that this had addressed the storm water issue however once this request was posted the adjacent property owner expressed a concern related to the storm water. There is an additional requirement for storm water because of this expansion and they are willing to resolve any of the storm water retention issue the neighbor may have. As for the landscaping

requirement there is a space where the oil tank sat that they have used as a planter, it is a large concrete box; in additional the only other spot where there could possibly be some landscaping would be the area by the street frontage located between the two approaches. She stated they are willing to work with the City on a landscaping plan and are open for any suggestions.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead projector and stated the site is located in the M-2; Heavy Industrial Zoning District and is approx ¼ acre. The request is to expand an existing legal non-conforming building. City Code 10-3-4 defines legal 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." Title 10 was adopted in July 1981 -- the existing building was constructed over 35 years ago therefore this building is considered a legal non-conforming building. In order to add to an existing legal non-conforming building it requires a public hearing before the Planning & Zoning Commission. The building is considered non-conforming because it is within required front yard setback. The building setback from Locust Street South is 62' from the centerline of the road. The building foundation is 34 ½ feet from the centerline which is a 27 ½ foot encroachment. The proposed expansion will not encroach any further into the front yard setback. The M-2 district does not have rear or side property line setbacks. If the expansion is approved this evening the applicant does not anticipate any change to the operation of the business. The surrounding properties include a custom auto repair, an electrical company and several other businesses. There are also some privately owned vacant lots adjacent to Twin Falls Automotive site. The proposed site plan indicates parking along the north boundary of the property. City Code 10-10-3 requires one parking space per 300 sq ft of total floor area for automotive repair. The required parking would be 13 spaces. The parking would be reviewed at the time of building permit application process. The property is currently all paved. City Code section 10-11-8(f) states that "all commercial and industrial developments shall design and construct storm water retention facilities to retain the 50-year 24-hour rainstorm event". "no discharge of storm water will be allowed from these areas". Staff has received some concerns about storm water retention. It has been brought to our attention that storm water has caused problems with flooding on adjoining properties. The Commission may want to place a condition on this non-conforming building expansion permit that all storm water is to be retained on site. City code section 10-4-10.3(f)1 states nonresidential uses shall provide landscaping equal to 2 sq ft per lineal foot of frontage and shall be placed between the building and the street. This requirement may be waived by the Commission for existing facilities where buildings exist with zero setbacks on street frontages. The required amount of landscaping for this property is 250 sq ft. The Commission may want to consider placing a condition on this non-conforming building expansion permit that an alternative landscaping plan be submitted for consideration. A full review will be completed by the building inspection department prior to issuance of a building permit. The Commission has a number of considerations when reviewing a non-conforming building expansion permit, as stated in City Code §10-3-4(d). Some of those considerations include if the expansion is harmonious and appropriate in appearance with the general vicinity or if the expansion would have any adverse impacts to the neighborhood. The proposed addition will not affect hours of operation or increase traffic to the site. There should be minimal impacts to neighboring properties due to any noise, pollution, glare, odor, fumes, or vibration from the existing structure or the proposed expansion.

Zoning and 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 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 100% of storm water being retained on site, as per City Code 10-11-8(f).
3. Subject to an alternative landscaping plan being submitted for Commission consideration.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED:

- Commissioner Munoz state he has no problems with the request it will be an improvement to the property and as for the landscaping they do have a very limited space for planting. This property is also within the manufacturing district as well so the landscaping may not be an issue.
- Commissioner Cope stated it seems like a reasonable request and the landscaping seems odd there are not too many mechanics you see that are out planting daisies so whatever we can come up with to work it out he would be in agreement.
- Commissioner Lezamiz stated given the location of the property and the lack of space for landscaping she stated she would not be opposed to waiving the landscaping requirement.
- Commissioner Bohrn stated that access to water would be an issue as well as space and he has no problem excluding the landscaping requirement.
- Commissioner Younkin asked if they can comply with the storm water retention and if it will be a major cost to the project.
- Assistant City Engineer Vitek stated they have several options and they will not require a huge investment to meet the requirements.

MOTION:
Commissioner Borhn made a motion to approve the request as presented with staff recommendations with the exclusion of the landscaping requirement. 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 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 100% of storm water being retained on site, as per City Code 10-11-8(F)

6. Request for a Zoning Title Amendment to amend Twin Falls City Code Title 10; Chapter 4; Section 8.3(D) by adding a section to allow outdoor or patio seating, including associated canopies or coverings, at a food service establishment providing the outdoor seating area including any canopies or coverings does not exceed a property line setback of fifteen feet (15') or the minimum required arterial landscaping is provided, whichever is greater. c/o Anchor Bistro and Bar, LLC (app. 2343)

APPLICANT PRESENTATION:
Tim Obenchain, the applicant, stated he is asking for an amendment so that he can retain the canopies located in front of the Anchor Bistro along Blue Lakes Boulevard North. The City has made recommendations to the request and he has no issue with those changes. The canopies are an essential part of their business; it is a very inviting area.

P&Z QUESTIONS/COMMENT:

- Commissioner Younkin asked what the capacity of the building is on the inside and if they plan to heat the space.

- Mr. Obenchain stated the occupancy for inside the building is (78) seventy eight, and the capacity of the outside patio is approximately (30) thirty. They had heaters out on the patio however they will not be using them because it costs approximately $1000.00 a month to heat the area.
- Commissioner Munoz asked if they plan to have live music on the outside patio area.
- Mr. Obenchain stated they have a single guitar player that plays inside, this same person may play outside on the patio, but there are no plans for amplified music.
- Commissioner Schouten ask if they plan to dismantle the canopies for the winter.
- Mr. Obenchain stated they will remain in place through the winter.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated the City Code §10-4-8.3(D) the C-1 Zone Development Improvements was amended in 2003 when City Council approved Ordinance #2773 which included a number of Zoning Title Amendments. The C-1 Commercial front yard setback section was amended to include this statement "front yard shall conform to the following standards or City Code section §10-7-6 of this title whichever is greater." City Code §10-7-6 references front yard setbacks and was approved in 1999 with Ordinance #2620. This section lists arterial, collector and other major roadway sections and establishes a building setback from the centerline of the named road section. As roadways have been added to this city section has been amended to reflect new construction and to amend roadway widths with standards. Amendments were made in 2002 by approval of Ordinance #2662, 2003 by approval of Ordinance #2773 and again in 2006 by approval of Ordinance #2850. The resent adoption of the Master Transportation Plan also affects these standards along this corridor.

The request is for a Zoning Title Amendment to amend City Code Title 10; Chapter 4; Section 8.3 (D) by adding a section to allow outdoor or patio seating, including associated canopies or coverings, at a food service establishment providing the outdoor seating area, including any canopies or coverings, does not exceed a property line setback of 15' or the minimum required arterial landscaping is provided, whichever is greater.

Presently the City Code reviews the setback of a building based on a setback from the front property line and from the centerline of any adjacent streets. The C-1 zone establishes that a building has to be set back 35' from property line on a major arterial street or 15' from property line on a local street or comply with City Code section §10-7-6; whichever is greater. City Code §10-7-6 establishes a minimum setback from the centerline of an adjacent road depending on the classification of the roadway. These standards were established to provide an adequate setback for new construction to provide for a safe distance from vehicular traffic. The setback distance is greater on roads with higher speeds; to provide for adequate ingress and egress approaches and additional right-of-way should the road need to be widened at some point to provide for additional traffic needs. Any new construction is required to meet the greater of the two required building setbacks.

Many buildings in the C-1 district are considered legal non-conforming structures as they were built to the applicable setback standards at the time of their construction but subsequent code changes make the building non-compliant with current regulations. If a building in the C-1 zone is proposing to add to the front of the building then it would be required to meet the current building setback requirements. If the building is considered legal non-conforming then a non-conforming building expansion permit is required to expand. Further encroachment into a front yard setback beyond the current building or

roofline is not supported. This process can also apply to a patio or seating area expansion. Typically if there are expansions such as an attached deck, raised patio, attached canopies, or coverings these are considered a structural expansion to the building and require a building permit. In review, if these "structural expansions" encroach into a required front yard setback they are not allowed. Placement of a structure, such as a self-supported canopy, requires a building permit if it is larger than 120 sq ft., if it is placed within a front yard setback it would not be permitted. There is an allowance for paving, pavers, and fencing in front yard setback areas if it is not in conflict with landscaping requirements. The city has allowed for seating and umbrellas as they are not permanent and can be removed due to weather or if there is a conflict or hazard. During the remodeling of their existing building the applicants put up two metal canopies and were later informed these structures would need to be removed as they encroached within the front yard building setback. The applicants are requesting this Zoning Title Amendment as a way to allow them to keep the two metal canopy structures in the front setback of their food-service establishment, the Anchor Bistro & Bar at 334 Blue Lakes Boulevard North.

While the Anchor Bistro & Bar has made significant improvements to Blue Lakes Boulevard North, a gateway arterial, there are some concerns with making an amendment to the code that would allow for encroachment into established setbacks, such as permanence, safety, and design control.
One of the purposes of setbacks is to allow for modifications to the right-of-way as needed to meet changing travel needs of the community and in particular to an arterial roadway such as Blue Lakes Boulevard to allow for a larger arterial approach off of the faster traveled and heavier traffic roadways. Extensions of the patio areas may be temporary in nature such as a portable canopy attached to the building that can be removed however other "extensions" are more permanent in nature such as extension or the addition of a deck or concrete foundation. While the intent may be for a seasonal amenity if sides are put on a metal canopy to allow for it to be heated and used in cold weather the seating area may gradually become a more permanent addition to the structure. There are allowances in the downtown area for outside seating but this hasn't required any structures to date.
Safety is a very high concern traffic on roadways with C-1 Zoning have speeds of 25-45 mph --which is a high speed for an outside seating area with as close of a proximity as 15'. A minimum 20' setback would provide 5' more of safety for the patrons sitting outside. The final concern about this request is the design control aspect. The Anchor Bistro & Bar has provided an example of quality materials that tie in with the building and improve the "curb appeal" of the property however the proposed amendment does not include any design controls that would regulate the kinds of materials, coordination, and quality of a seating area extension to any other businesses. As the Planning & Zoning Commission is charged with providing guidance and assistance in land use issues it may be appropriate to require commission review/approval of any outside seating area proposal. In conclusion, to address some of these concerns the amendment may need some modifications such as: "An outdoor or patio seating setback, including associated canopies or coverings, at a food service establishment may be less than the required arterial street setback or requirement of City Code §10-7-6, providing that the property line setback is not less than twenty feet (20'), or that the minimum required arterial landscaping is provided, whichever is greater. Any outdoor or patio seating area that includes associated canopies or coverings and are proposed within a required setback must be approved by the Planning & Zoning Commission."

Zoning & Development Manager Carraway stated upon conclusion should the Commission recommend approval of this request, as presented, staff recommends approval 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 the amendment as follows: "An outdoor or patio seating setback, including associated canopies or coverings, at a food service establishment may be less than the required arterial street setback or requirement of City Code §10-7-6, providing that the property line setback is not less than twenty feet (20'), or that the minimum required arterial landscaping is provided, whichever is greater. Any outdoor or patio seating area that includes associated canopies or coverings and are proposed within a required setback must be approved by the Planning & Zoning Commission

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Munoz made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Lezamiz seconded the motion. 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 the amendment as follows: "An outdoor or patio seating setback, including associated canopies or coverings, at a food service establishment may be less than the required arterial street setback or requirement of City Code §10-7-6, providing that the property line setback is not less than twenty feet (20'), or that the minimum required arterial landscaping is provided, whichever is greater. Any outdoor or patio seating area that includes associated canopies or coverings and are proposed within a required setback must be approved by the Planning & Zoning Commission

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING ON NOVEMBER 23, 2009

7. Request for a Special Use Permit to operate an RV and camping park on property located at 2733 Kimberly Road c/o Oregon Trail Campground/Denie & Lisa Mason (app. 2344)

APPLICANT PRESENTATION:
Lisa Mason, the applicant, stated they are her this evening to request approval of a special use permit to operate their RV and camping park. She stated that all of the conditions on the request have been met. The landscaping has been put into place and the fence has been constructed around the storage area. She reviewed pictures of the fencing and landscaping on the overhead.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the request on the overhead and stated the site is located in the C-1; Commercial Highway Zoning district. A Special Use Permit it required for RV and camping parks in the C-1 zone. An RV and camping facility was initially established in 1995 under Special Use Permit #0401. The permit was granted to allow an outside go-cart fast tract, an indoor game room and temporary overnight camping. The park has gone through subsequent expansions in 2006 and 2008, receiving Special Use Permits #0996 and #1113 respectively. The changes included removal of the outside go-cart fast track and increasing the overnight spaces. Special Use Permit #1113, approved by the City Council on October 20, 2008, has a condition the special use permit expires in 1 year so to continue the use of the expanded area the applicants are requesting a special use permit to continue the use. The facility operates year-round and is open daily as an overnight RV and camping area and has provided a needed service to the area. The Masons are the only

employees at the facility. The facility has 76 spaces that serve recreational vehicles and a grassed area that allows for ten (10) tent sites. The facility provides amenities to guests such as a laundromat, restrooms, playground, arcade, and electrical, water, and sewer services. The applicant has indicated that all the requirements of the special use permits have been completed. The applicant has met the engineering department's requirements for storm water retention. The storage area along Kimberly Road was fenced with a solid vinyl 6' fence that was in place previous to June 1, 2009. There is a condition that the storage area is for facility guests only. There have not been any complaints regarding the storage area since it was fenced. The curb, gutter, and sidewalk improvements were completed according to Idaho department of Transportation standards on September 23, 2009. The landscaping area was impacted by the construction area and to meet gateway arterial requirements there needs to be twenty-five (25) bushes and five (5) trees at least 4' in height along the frontage of the property from the entrance to the eastern boundary. The arterial approach and paved driveway was completed and the interior surface road was approved by the fire department. State plumbing and electrical inspectors have approved the additional hook-ups that were part of the last expansion, and the site was hooked up to city sewer and water. Staff would recommend the addition of any conditions that are associated with the operation of the facility that were part of Special Use Permit #1113 as it is expiring. This includes that the storage area be for guests only and that the storage area be screened.

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 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 secure parking storage area being screened at all times with a 6' sight-obscuring fence.
3. Subject to storage area on the site being for facility guests only.
4. Subject to compliance with gateway arterial landscaping requirements within six months from special use permit approval date (April 27, 2010)

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Schouten made a motion to approve the request as presented with staff recommendations. 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 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 secure parking storage area being screened at all times with 6' sight obscuring fence.
3. Subject to storage area on the site being for facility guests only
4. Subject to compliance with gateway arterial landscaping requirements within six months from special use permit approval date (April 27, 2010)

8. Request for a Special Use Permit to construct a 1200 (+/-) sq. ft. maintenance building at the Twin Falls Municipal Golf Course on property located on the east side of the 600-900 blocks of Grandview Drive c/o City of Twin Falls – Dennis Bowyer Parks & Recreation Director (app. 2342) WITHDRAWN

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

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for November 10, 2009.

VII. ADJOURN MEETING:

Chairman Younkin adjourned the meeting at 9:30pm.

Lisa A. Jones

Lisa Jones
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
November 10, 2009- 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 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	Bohrn	DeVore	Mikesell
Schouten	Lezamiz		
Warren	Munoz		
Younkin			

CITY COUNCIL MEMBERS PRESENT: Heider, Kezele
CITY STAFF PRESENT: Jones, Reeder, Vitek

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION

1. Consideration of the Preliminary Plat of the Magic Valley Marketplace Subdivision PUD, a re-subdivision of Lot 6 Block 2, Westpark Commercial Subdivision #3, a 2.98 (+/-) acre lot, consisting of 3 commercial lots located at the northeast corner of Washington Street North and Pole Line Road, c/o KM Engineering, LLP on behalf of Hawkins Companies, LLC.

2. Consideration of the Preliminary Plat of the Romero Estates Subdivision, a 1.22 (+/-) acre parcel consisting of 4 residential lots located on the north side of Filer Avenue West between Rose Street North and Sparks Street, c/o Rod Matthis/Riedesel Engineering, Inc on behalf of Santiago Romero.

3. Consideration of the Preliminary Plat of the Riverhawk Plaza Subdivision PUD, a re-subdivision of Lot 1 Block 2, Riverhawk Subdivision PUD a 6.81 (+/-) acre lot, consisting of 8 Residential/Professional lots located south of Cheney Drive West, west of Park View Drive and north of North College Road West, c/o Osprey, LLC and EHM Engineering, Inc.

IV. PUBLIC HEARING ITEMS

1. Request for an amendment to PUD Agreement #211 College View Park, R-4 PRO PUD Agreement, to delete the requirement for the building roof to be constructed with a 4:1 or steeper slope utilizing wood or architectural asphalt shingles and to delete the 20' landscape buffer requirement along the eastern border of Lot 6, Block 1, College View Park Subdivision aka 176 Falls Avenue, c/o Christy Davies on behalf of Clinton and Anna Dillé . (app. 2346)

2. Request for a Special Use Permit to operate an indoor recreation facility as a 24-hour fitness club on property located at 562 Blue Lakes Boulevard North aka Lynwood Shopping Center, c/o Anytime Fitness/Paula & Carl Weeks. (app. 2347)

3. Request for a Special Use Permit to operate a massage therapy business as a home occupation on property located at 688 Braden Court, c/o Candice Hymas. (app. 2348)

I. CALL MEETING TO ORDER:

Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): NONE

2. Approval of Findings of Fact and Conclusions of Law:
   Dillé (SUP) Twin Falls Automotive (NCBE) Oregon Trail Campground (SUP)
   UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. Consideration of the Preliminary Plat of the Magic Valley Marketplace Subdivision PUD, a re-subdivision of Lot 6, Block 2, Westpark Commercial Subdivision #3, a 2.98 (+/-) acre lot, consisting of 3 commercial lots located at the northeast corner of Washington Street North and Pole Line Road, c/o KM Engineering, LLP on behalf of Hawkins Companies, LLC.

   APPLICANT PRESENTATION:
   Brandon Whallon, the applicant, stated they are here tonight to request approval of a preliminary plat for their project located at Pole Line Road and Washington Street North. He stated they started this project by first requesting an amendment to the PUD Agreement changing the zoning of the property from R-4 PRO to C-1 PUD. Once that was approved the second step of this project was to come through for a special use permit for their electronic reader board, hours of operation and their drive-through for the Walgreen's pharmacy. The Walgreen's has been constructed and tonight they are here to have a preliminary plat approved for the 2.98 (+/-) acres to subdivide into 3 commercial lots. They have worked closely with the Engineering Department to ensure that they have provide easements for utilities, provided water and sewer hookups for the remaining property, and have signed a pressure irrigation agreement with the City of Twin Falls. They have a marketing team that is working to find leads for future development of this property, however at this time they do not have any prospects. They request that the Commission approve this preliminary plat.

   STAFF PRESENTATION:
   Planner I Reeder stated this is a request for approval of preliminary plat for the Magic Valley Marketplace Subdivision PUD. The property is located at the northeast corner of Washington Street North and Pole Line Road. This parcel is part of the Northbridge PUD that was approved in 1993 with a zoning of R-4 PRO and C-1. Since this approval this parcel has been rezoned from R-4 PRO to C-1 and is part of the Westpark Commercial Subdivision. This plat is actually a request to re-subdivide Lot 6. The site has been developed with a Wal-Greens that came through Planning & Zoning for approval of a Special Use Permit . The parcel will be subdivided into 3 lots one of which Wal-Greens occupies. As indicated by the applicant there is not a specific use for the remaining lots however the uses would be regulated by the PUD Agreement and the C-1 zone. This PUD Agreement was in effect prior to the pressure irrigation requirements; however this development has signed an agreement with the City to connect to the pressure irrigation system. This plat is consistent with the subdivision criteria and is in conformance with the PUD Agreement and the Comprehensive Plan.

   Planner I Reeder 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. 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 recorded Cross-Use Agreements being provided prior to recordation of final plat.
4. Subject to compliance with the Hawkins Companies and City of Twin Falls pressure irrigation agreement.

PUBLIC COMMENT: OPENED & CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner DeVore 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 and within the property being rebuilt or built to current City standards upon development of the property.
3. Subject to recorded Cross-Use Agreements being provided prior to recordation of final plat.
4. Subject to compliance with the Hawkins Companies and City of Twin Falls pressure irrigation agreement.

2. Consideration of the Preliminary Plat of the Romero Estates Subdivision, a 1.22 (+/-) acres parcel consisting of 4 residential lots located on the north side of Filer Avenue West between Rose Street North and Sparks Street, c/o Rod Mathis/Riedesel Engineering, Inc. on behalf of Santiago Romero.

APPLICANT PRESENTATION:
Rod Mathis, Reidesel Engineering, Inc. representing the applicant stated this property is located along the 400 block of Filer Avenue West, it is a long narrow piece that is 100'x 542' on the south third of the property is a single-family residence. He would like to develop this as a 4 lot four-plex subdivision. A special use permit has been approved for the four-plexes, City Council has approved the extended driveway length as well as the parks-in-lieu. He reviewed the site on the overhead projector. The property is zoned R-4 and is surrounded by other residential properties. Water and sewer will be provided for this project . There will be a 30' driveway that has been approved by the Fire Department with a turnaround in the middle and property posted no parking signs. There will be ingress and egress easements with the appropriate cross-use agreements provided. The buildings will be two story with two units on top and two units on the bottom. They ask that the Commission approve this request.

STAFF PRESENTATION:
Planner I Reeder reviewed the request on the overhead projector and stated this is a request for approval of a preliminary plat for 4 residential lots. The zoning for the property is R-4 zone which does allow for four-plexes with approval of a special use permit. Earlier this spring there was a special use permit approved for the four-plexes. One of the conditions for the special use permit approval was that the property be platted because each building had to be on its own lot. The lot is 1.2 (+/-) acres in size, this would be an infill project with 4 four-plexes and a total of 16 living units. All of the lots on the plat range from 12,100 sq. ft to 13,428 sq. ft exceeding the minimum lot size requirements for the R-4 zone which is 9,000 sq. ft. The surrounding properties are residential with single-family residences to the south, east and west with multi-family units to the north. The development is accessed off of Filer Avenue with a 500' private driveway that was approved by City Council. The driveway would be hard surfaced with "No Parking Fire Lane" signs posted to meet the requirements of the Fire Department. There was a traffic impact study completed for this project it was found that the traffic may be noticeable however it does access onto a collector road with other collector and arterial roads in the area so staff believes it will not have a substantial effect on vehicle circulation in the area. The project will be on City water

and sewer and the models have been prepared to indicate there is sufficient capacity to support the project. The development will be providing a private pressure irrigation system and the Twin Falls Canal Company will need to provide a letter of approval for this system. The development would be reviewed for full compliance with the R-4 zone should this plat be approved as part of the building permit process. The parking has been shown on the preliminary plat and does meet the minimum requirements showing 9 spaces provided per building. The preliminary plat does address all the conditions of the special use permit for the four-plexes, including additional right-of-way dedication, curb, gutter and sidewalk improvements, and as indicated a 6' screen fence provided along the east and west boundaries of the property.

Planner I Reeder stated upon conclusion should the Commission approve this preliminary plat, 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 development of curb, gutter and sidewalk at the time of development.
3. Subject to Twin Falls Canal Company approval of the private irrigation system.
4. Subject to compliance with Special Use Permit # 1137.

PUBLIC COMMENT: OPENED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

CLOSING STATEMENT:
Mr. Mathis stated that they have received a letter from the Twin Falls Canal Company that they do not have any issues with the proposed pressure irrigation system. He will provide the letter to staff if they do not have a copy.

MOTION:
Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner Schouten 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 development of curb, gutter and sidewalk at the time of development.
3. Subject to Twin Falls Canal Company approval of the private irrigation system.
4. Subject to compliance with Special Use Permit #1137.

3. Consideration of the Preliminary Plat of the Riverhawk Plaza Subdivision PUD, a re-subdivision of Lot 1, Block 2, Riverhawk Subdivision PUD, a 6.8 (+/-) acre lot, consisting of 8 Residential/Professional lots located south of Cheney Drive West, west of Park View Drive and north of North College Road West, c/o Osprey, LLC and EHM Engineering, Inc.

APPLICANT PRESENTATION:
Gary Slette, representing the applicant, stated he is here to request approval of the Riverhawk Plaza PUD Subdivision. The property is located at the corner of North College and Park View Drive. The property is approximately 6.8 (+/-) acres zoned R-2 PRO with 8 proposed lots. The water, sewer and sidewalks are already installed on the property, the configuration for the development is to have the large lots along Park View Drive and the three smaller lots fronting on North College Road. There will be two accesses off of Park View Drive for the development. They are in agreement with the staff report conditions with one minor change regarding the parking easement; there will be access reciprocity in terms of easements but parking will be on-site for each individual lot. They request that the Commission approve this plat.

STAFF PRESENTATION:
Planner I Reeder reviewed the request on the overhead projector and stated this is a request for the resubdivision of Lot 1 Block 2 of the Riverhawk Subdivsion. The Riverhawk Subdivsion is the subdivision that was created for the Canyon Ridge High School. Canyon Ridge High School occupies the main lot of the subdivision and there are two other lots in this subdivision, on to the north that is zoned C-1 and Lot 1 that is requesting preliminary plat approval tonight. This is a request is for a re-subdivision of Lot 1 into 8 lots.

A preliminary presentation was heard by the Commission on October 13, 2009, to amend the Riverhawk PUD Agreement to allow for professional development on this lot. On October 27, 2009 the Commission also recommended approval of the Comprehensive Plan Land Use Map amendment to Office/Professional for this use. Both of these items are scheduled to be heard by the City Council on November 23, 2009. The plat is for residential, office and professional development with a business owners association to maintain access, storm drainage, landscaping and utilities. The draft Riverhawk Plaza PUD has specific landscaping requirement that indicates a 20' wide landscaping buffer along Park View Drive and North College Road. There will also be a 20' landscaping buffer to include a berms and trees along the west boundary to provide a buffer between the development and the residential area. The code requires a 6' screening between professional and residential uses and can be part of the 20' landscaping buffer. As the request for the Comprehensive Plan Land Use Map Amendment and PUD Amendment requests have not been approved by the City Council the Commission may wish to place this as a condition of approval subject to compliance with any changes or approvals associated with these requests.

Planner I Reeder stated upon conclusion should the Commission approve this preliminary plat, 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 cross-use agreement(s) and a maintenance reciprocal agreement being recorded for the access, storm drainage and utilities.
3. Subject to an approved PUD agreement.
4. Subject to compliance of any changes or required additional items at the construction plan review phase.
5. Subject to the City Council approving the request for an amendment to PUD Agreement #247 for a Zoning District Change and Zoning Map Amendment from R-2 PUD to R-2 PRO PUD for this 6.8 acre lot.
6. Subject to the City Council approving the request to amend the Comprehensive Plan from medium residential to professional office use in this area.

PUBLIC COMMENT: 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 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.
2. Subject to cross-use agreement(s) and a maintenance reciprocal agreement being recorded for the access, storm drainage and utilities.
3. Subject to an approved PUD agreement.
4. Subject to compliance of any changes or required additional items at the construction plan review phase.
5. Subject to the City Council approving the request for an amendment to PUD Agreement #247 for a Zoning District Change and Zoning Map Amendment from R-2 PUD to R-2 PRO PUD for this 6.8 acre lot.
6. Subject to the City Council approving the request to amend the Comprehensive Plan from medium residential to professional office use in this area.

IV. PUBLIC HEARINGS:

1. Request for an amendment to PUD Agreement #211 College View Park, R-4 PRO PUD Agreement to delete the requirement for the building roof to be constructed with a 4:1 or steeper slope utilizing wood or architectural asphalt shingles and to delete the 20' landscape buffer requirement along the eastern border of Lot 6, Block 1, College View Park Subdivision aka 176 Falls Avenue, c/o Christy Davies on behalf of Clinton and Anna Dillé. (app. 2346)

APPLICANT PRESENTATION:

Clinton Dillé, the applicant, stated he is a physician here in town and has recently purchased this lot to build a medical facility to expand his practice. The lot is on Falls Avenue across from the College of Southern Idaho. This is the last undeveloped lot within the PUD, he reviewed the aerial of the property. To be able to get the appropriate heights for the rooms in the building they are requesting a change to the PUD Agreement so that they can have a flat roof. The other issue that is part of this request is to remove the landscaping requirement along the eastern boundary so that they may provide more parking on the lot. The adjacent property has a building that is roughly 5 feet from the property line, the proposal is to continue with the front landscaping and construct an island in the center of the parking area to provide a continuous line for landscaping. There will be a drive access to the south of the building to provide access around the entire building. He stated that he has no issues with the staff recommendations and asked that the Commission recommend approval of this request.

STAFF PRESENTATION:

Planner I Reeder reviewed the request on the overhead projector and stated this is a request for an amendment to #211 College View Park R-4 PRO PUD Agreement. This PUD was approved in 1997 and at the time the surrounding zones and uses were residential; therefore buffers were put in to the PUD to protect the residential area. When the lots were developed the lots on the south and east had a 20' landscaping buffer required and pitched roofs to make the buildings have a more residential-type style. After this property was developed the property to the east along Falls Avenue was re-zoned to allow for professional office. Approval of this request would remove the requirement for the 20' landscaping buffer along the east side of the property and the requirement for a pitched roof. The neighbor directly to the east is built to the professional office overlay standards and has a 5' setback from the property line. The proposed changes will provide for more parking and allow them to build a two story building with a flat roof. The request is compatible with the other professional uses in the area and approval of this request would require a review based on professional office standards and the PUD Agreement. The request if approved would not have any significant impacts to the surrounding neighborhoods.

Planner I Reeder stated upon conclusion should the Commission approve this preliminary plat, 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 amendments being for the subject to property only, College View Park PUD Subdivision Lot 6 Block 1, as presented.

PUBLIC HEARING: OPENED

Rod Mathis, stated he works for Reidesel Engineering, Inc, the building that is located east of this property. He stated they have a concern with the removal of the 20' landscaping buffer because their building is 5' from the property line. Along this side of the building there are two air conditioning units and a gas meter that are approximately 4' from the side of the building. He reviewed photos of the side of the building with an example of how close a vehicle could park to their building and to their air conditioning units if the 20' buffer is removed as a requirement. The concern is that the vehicles could accidently hit the air conditioning units. Reidesel is opposed to the removal of the 20' landscaping buffer, however if the Commission chose to recommend approval of the request they would ask that a requirement for a concrete barrier or wall be a condition of approval to protect their property from being damaged.

CLOSING STATEMENT:
There was a question as to whether mechanical units were allowed in the building setback and Assistant City Engineer Vitek stated that they are and the building is constructed according to code. The structure met the zoning and building code requirements at the time it was constructed. One option that may or may not be feasible would be to relocate the landscape island and align it with the units to avoid having someone park adjacent to the units.
Mr. Dillé stated he would be willing to relocated the landscape island to protect the air conditioning unit.
Commissioner Younkin asked if a parking stall can be placed directly adjacent to the property line.
Assistant City Engineer Vitek stated that code does allow for the parking to go right up to the edge of the property line.
Commissioner Younkin asked if a 3' wall placed along the property line would provide enough protection.
Mr. Mathis stated that a wall would provide a barrier to protect the air conditioner units and the building.
Mr. Dille stated he would be willing to work with Reidesel Engineering to come up with a solution to this problem, and that he would prefer to move the landscape island rather than construct a wall along the property line.
Mr. Mathis stated they would be willing to work with Mr. Dillé in resolving this issue.

DELIBERATIONS FOLLOWED:
Commissioner Warren stated he doesn't have a problem with recommending approval of the request it seems as though the two parties involved are willing to work together on a solution.
Commissioner Younkin stated it will be an improvement to the vacant lot and he has no problem with recommending approval either.

MOTION:
Commissioner Schouten made a motion to recommend approval with staff recommendations. Commissioner DeVore seconded the motion. 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 amendments being for the subject to property only, College View Park PUD Subdivision Lot 6 Block 1, as presented.

SCHEDULED FOR CITY COUNCIL PUBLI C HEARING ON DECEMBER 7, 2009

2. Request or a Special Use Permit to operate an indoor recreation facility as a 24-hour fitness club on property located at 562 Blue Lakes Boulevard North aka Lynwood Shopping Center. c/o Anytime Fitness/Paula & Carl Weeks (app.2347)

APPLICANT PRESENTATION:
Jerry Gregerson, co-owner, stated this is a franchise and is a 24 hour accessible fitness center. The center is staffed during the day however at night the members have access via a keycard 24/7 for 365 days a year. They currently own 4 of these types of facilities and they are becoming more and more popular. This zone requires a special use permit for a fitness center and that is why they are here tonight.

STAFF PRESENTATION:
Planner I Reeder reviewed the request on the overhead projector and stated this is a request for a special use permit to operate a 24-hour fitness club on property located at 562 Blue Lakes Boulevard North in the Lynwood Shopping Center. The property is zoned C-1 which requires a special use permit for an indoor recreation facility and extended hours. This space has been used for other businesses such as a restaurant and a furniture store. There are two entrances and a second level to the building. As stated the fitness center will be staffed Monday

through Friday from 11:00am to 7pm and by appointment only on Saturdays. Members would have access 24 hours per day with minimal impacts to the surrounding properties. There will be security and surveillance provided, and staff doesn't see any impacts due to noise, fumes, glare or vibrations from this facility and it is compatible with the surrounding property uses.

Planner I Reeder stated upon conclusions 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. Subject to this special use permit being for the operation of a fitness center facility only, as presented.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Cope made a motion to recommend approval with staff recommendations. Commissioner Schouten 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 this special use permit being for the operation of a fitness center facility only, as presented.

3. Request for a Special Use Permit to operate a massage therapy business as a home occupation on property located at 688 Braden Court, c/o Candice Hymas. (app. 2348)

APPLICANT PRESENTATION:
Candice Hymas, the applicant, stated she is here to request approval of a special use permit to do massage therapy out of her home. She has had previous experience providing massage therapy and she is very excited to provide this service from her home. She has a specific room of the house that she will use for the massage therapy, with two –three massages per week. She will provide the service when her husband is available to be at home, for her safety. As for client parking there is enough room for two cars in the drive-way and there will only be one car per appointment. The appointments will be scheduled between the hours of 9:00am – 5:00pm Monday through Saturday. She stated this should not have any negative impact on the neighbors and asked that the Commission approve the request.

STAFF PRESENTATION:
Planner I Reeder reviewed the request on the overhead projector and stated this is a request for a special use permit to operate a massage therapy business as a home occupation. This home is located on a cul-de-sac and next to a park area which will limit the number of homes impacted. The neighborhood is still fairly new and homes are still being built in the area. The property is zoned R-4 and this zone requires a special use permit for a home occupation that is limited to the applicant and is not transferrable to another location or property owner. The business will operate by appointment only between the hours of 9:00am – 5:00pm Monday through Saturday. A home occupation is limited to a space of up to 400 sq. ft., the room designated for this request is approximately 120 sq. ft. As the operation is by appointment only traffic into the neighborhood would be negligible. There can be no exterior indication of a home business allowed and there should be no impact to the surrounding area from noise, fumes, glare or vibrations associated with this request. The surrounding properties are residential with a park to the east. The driveway would be left open for the clients to use during business hours.

Planner I Reeder 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. Operation of the business to be as presented.
3. Subject to the driveway being used for customer parking only during business hours.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Cope made a motion to approve the request as presented with staff recommendations. Commissioner Schouten 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. Operation of the business to be as presented.
3. Subject to the driveway being used for customer parking only during business hours.

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

VI. UPCOMING MEETINGS:
Next Planning & Zoning Commission public meeting is scheduled for November 24, 2009.

VII. ADJOURN MEETING:

Chairman Younkin adjourned the meeting at 7:30pm

Lisa A Jones

Lisa Jones
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
November 24, 2009-6:00 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 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:
Borhn	Munoz	Mikesell	
Cope	Warren	DeVore	
Lezamiz			
Schouten			
Younkin			

CITY COUNCIL MEMBERS PRESENT: Heider, Kezele

CITY STAFF PRESENT: Carraway, Jones, Vitek

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION NONE

IV. PUBLIC HEARING ITEMS

1. Request for an amendment to Special Use Permit #1100 to delete the requirement for hard surfacing of the lane and parking and maneuvering areas for the buss enclosure for property located at 929 Hankins Road c/o Bethel Temple Apostolic Church/John Collins, Jr. (app. 2349)

2. Request for a Special Use Permit to construct a four-plex for property located at 1703 3rd Avenue East c/o KTR Home Builder Kevin Ranalli (app.2350)

3. Request for a Special Use Permit to operate a home occupation that offers childbirth classes and message therapy for property located at 566 Hailee Avenue c/o Mindy Bigler (app. 2351)

I. CALL MEETING TO ORDER:

Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): October 27, 2009 & November 10, 2009

2. Approval of Findings of Fact and Conclusions of Law:
   Anytime Fitness (SUP-1166) Candice Hymas (SUP-1167)

Commissioner Bohrn made a motion to approve the Minutes and the Findings of Facts and Conclusions of Law. Commissioner Schouten seconded the motion. All members present voted unanimously to approve the motion.

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

1. Request for an amendment to Special Use Permit #1100 to delete the requirement for hard surfacing of the lane and parking and maneuvering areas for the bus enclosure and to modify the screening and landscaping requirement for the bus enclosure for property located at 929 Hankins Road c/o Bethel Temple Apostolic Church/John Collins, Jr. (app. 2349)

APPLICANT PRESENTATION:

John Collins, Jr., the applicant stated he is here to request an amendment to Special Use Permit #1100 issued in July of 2008. The specific request deals with satisfying condition number 8 of the Special Use Permit which is full compliance with Special Use Permit #949 which was issued in October 0f 2005. The first provision was screening and landscaping of the bus enclosure. At the time permit #949 was issued a landscape plan for the entire property had not been developed. The concern at that time was the impact to the surrounding properties , since this permit was issued and as part of the expansion the church has landscaped the entire property and as the photo's illustrate it far exceeds any requirement set in Special Use Permit #949. At this point to add additional landscaping would be difficult due to the layout and irrigation system. The busses are largely obscured by the screening provided which they believe satisfies the screening requirement. Additionally, it was necessary to bring in a large amount of fill for the bus enclosure the maneuvering area and the lane to the bus enclosure, the fill was provided, compacted and covered with clean gravel by an excavation company for approximately $50 thousand dollars. This area for the most part is used once each week and any additional cost to pave this for the current use considering all the improvements does not make fiscal sense. They believe the changes and improvements that have been made to the property have more than satisfied the intent of the code which is to minimize impacts to the surrounding properties. As for the impacts, they have had numerous compliments from neighbors regarding the improvements. In summary the applicant believes they have met and exceeded the intent of the code to minimize impact to the surrounding neighbors and have added value to the neighborhood. They ask that the provisions of Special Use Permit #949 requiring additional paving and additional or different landscaping be waived. The rest of the conditions of Special Use Permit #1100 have been or are being met and they hope to have occupancy soon.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead projector and stated in the mid 80's a Special Use Permit was granted for an expansion to an existing church and in 1989 there was a building permit for a storage facility. In 2002 the Commission granted another Special Use Permit for a 2nd expansion of the church and a building permit was submitted. Construction did not occur-the Special Use Permit expired and the building permit was voided. Discussion continued with the church regarding their plan to expand the church in the near future.

On October 25, 2005 Special Use Permit #949 was granted to the Bethel Temple Apostolic Church which allowed them to establish a bus parking enclosure and storage area for the church busses. The following two conditions were placed on this special use permit.

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.

A chain link fence for the bus parking & storage area and some slating and landscaping was installed. As the discussion continued regarding their expansion the church was allowed to defer the hard surfacing requirement.

On July 8, 2008 Special use permit #1100 was granted by the Commission to do an expansion over 25% to the facility 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 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 and approved by City Council
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, (July 8, 2009), whichever is first.

The applicant is requesting to amend condition #8 of Special Use Permit #1100. The amendment is in regards to the conditions on Special Use Permit #949. The following two conditions were placed on this special use permit.

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, 2009
2. The applicant to provide a detailed plan of Scenario #3, for the bus storage area to be screened and landscaped, as approved.

Zoning & Development Manager Carraway reviewed the plan for Scenario #3 on the overhead; she stated what was approved for this scenario was the location of the busses, landscaping along the east side of the bus enclosure and an area to be screened. In scenario #3 specific requirements were as follows, a 2 ft retaining wall, one pinyon pine, one smoke tree, three butterfly bushes, one bitterbrush bush and the bus enclosure was to be a 6' chain link fence screened with hedge link and PVC material that has the appearance of a garden hedge with a 95% privacy rating. From the photos that were taken November 16, 2009 it appears that the east side of the enclosure is not slatted. As the church is nearing completion of the expansion compliance with the special use permit conditions is necessary. The applicant is requesting that these conditions be waived and it is coming to the Commission because for a Special Use Permit to be amended or to have conditions removed from a special use permit a public hearing is required. Staff has reviewed the site and would agree that there have been a lot of changes on the property since 2005. The area that was required to be paved to the bus enclosure has a gravel based material which was allowed through a deferral because of improvements that were going to occur on the property. The bus enclosure is on the north end of the property and the impact to the public street are extremely minimal, however the east side of the bus enclosure is still not slatted and there may be a need for additional landscaping. The impacts to the south side of this enclosure is minimal however the enclosure is still visible from the east side of the property and may require additional screening.

Zoning & Development Manager Carraway stated upon conclusion staff makes no recommendation on this request.

P&Z QUESTIONS/COMMENTS:
Commissioner Mikesell asked what the C-1 zoning requirement would be for landscaping and screening.
Zoning & Development Manager Carraway stated the C-1 zone would require 10% of the property to be landscaped whenever development occurs and would also require landscaping along Hankins which has been satisfied.
Commissioner Lezamiz asked if there are slats in the fence on the east side of the enclosure.
Zoning & Development Manager Carraway stated that when the photos were taken the slats had not been installed. Staff is not concerned with the north side of the enclosure because it is adjacent to the D&B Supply storage yard however the east side does face a residential area and my need to be slatted and have some additional landscaping.

PUBLIC HEARING: OPENED

CLOSING STATEMENT:
Mr. Collins stated that adding landscaping could be done and they do have the materials to finish the screening.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:
Commissioner Bohrn stated if the slats are installed on the east side of the enclosure and the required landscaping is installed he has no problem with approving this request. He also does not have a problem with the unpaved area.
Commissioner Lezamaz stated she doesn't have any issue with the unpaved area however she does want to see the east side of the screening finished but the landscaping is sufficient because it is so far away from the road.
Commissioner DeVore stated he has no problem with the unpaved area and that slats would be sufficient.
Commissioner Cope stated the slats installed along the east side of the fence should be completed but sees no need for additional landscaping.

MOTION:
Commissioner Schouten made a motion to approve the request with the condition that the slating be completed along the east side of the enclosure. Commissioner Bohrn seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITION

1. Slating of the east side of the bus enclosure being completed.

2. Request for a Special Use Permit to construct a four-plex for property located at 1703 3rd Avenue East c/o KTR Home Builder/Kevin Ranalli (app. 2350)

APPLICANT PRESENTATION:
Kevin Ranalli, the applicant stated he is the owner of KTR Home Builders and is here to request a Special Use Permit to construct a 3100 sq. ft. 4-plex on property located at 1703 3rd Avenue East. The building will consist of four units, the front units will be two bedrooms two baths, the middle units will be one bedroom one bath units with one unit being handicap accessible. The construction material will be wood framing, vinyl siding, asphalt shingles and low "E" windows. The property will have a 6' cedar fence surrounding the property, 9 parking spaces, water retention on-site and all new landscaping, trees, shrubs and grass. The new construction should not impact any of the surrounding properties

and will look similar to the existing homes once complete. The property will be accessed from 3rd Avenue East and the parking will be located along the east side of the property. The project should be completed in 6-8 months and should be easy to rent once completed.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the request on the overhead projector and stated the property is currently vacant and prior to this it had a lot of debris and had been a problem with the Sanitation Department. The property is zoned R-4 which requires a special use permit is to construct a 4-plex. This will be a single level 4-plex unit and the impacts to the surrounding properties should be minimal. The building will be placed north and south and there will be two units visible from the street and access comes in off of 3rd Avenue East with 9 parking spaces located along the east side of the property which meets minimum standards. Under the initial review the site plan appears to meet minimum standards however an official building plan review will be completed to ensure full compliance. There is a dumpster located at the southeast corner of the property for which screening is required. Staff has had positive feedback from the neighbors on the plans for the project and it should not have any negative impacts on the surrounding area.

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 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 development of curb, gutter and sidewalk or City Council approval of a deferral agreement.
3. Subject to dedication of additional right-of-way, if required, and development of the roadway paving adjacent to the property or City Council approval of a deferral agreement.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Lezamiz made a motion to approve the request as presented with staff recommendations. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED, WITH 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 development of curb, gutter and sidewalk or City Council approval of a deferral agreement.
3. Subject to dedication of additional right-of-way, if required, and development of the roadway paving adjacent to the property or City Council approval of a deferral agreement.

3. Request for a Special Use Permit to operate a home occupation that offers childbirth classes and message therapy for property located at 566 Hailee Avenue c/o Mindy Bigler (app. 2351)

APPLICANT PRESENTATION:
Mindy Bigler, the applicant stated that she has been a massage therapist for 10 years and a childbirth teacher for four years. She stated she is requesting a Special Use Permit to operate a home business

so that she can teach childbirth classes and offer massage therapy classes. The clients would be by appointment only and she would offer the massage therapy classes between 9am and 3pm. The childbirth classes will be between 5pm to 8:30pm twice a week if necessary. There should not be any traffic or parking issues related to this request. There is a two car garage with parking available on the driveway and an additional pad site located beside the driveway for a third car. She would be the only employee and it should have minimal impacts to the surrounding area.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the request on the overhead projector and stated this is a request for a Special Use Permit to operate a home occupation. The property is zoned R-4 and in this zone a Special Use Permit is required for a home occupation. The applicant is proposing to offer massage therapy and childbirth classes which by zoning definition is a service and qualifies as a home occupation. The applicant will be the only employee and she has indicated that she will offer the massage therapy classes from 9am to 3pm and the childbirth classes twice a week from 5pm to 8:30pm. The clients would be by appointment only which is typically a condition placed on a Special Use Permit for this type of use, therefore specific days of the week for operation may not be necessary. The property is located at the end of a cul-de-sac and one of the neighbors did raise a concern related to traffic and parking along this area. There will only be on car for the massage therapy class however there is the potential for up to three cars for the childbirth classes. Typically a condition placed on a special use permit for a home occupation is that clients park on site. This site has space available for up to three cars and staff feels it would be appropriate to require the clients to park on site with no on street parking during the time the classes are offered. Approval of this request should provide a service and should have minimal impacts to the surrounding neighborhood.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve this request as presented staff recommends the following conditions:

1. Subject to the 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 paved driveway and parking pad being used for customer parking only during business hours, no on-street parking during business hours.
3. The massage therapy clients scheduled by appointment only from 9am to 3pm.
4. No more than two childbirth classes per week with no more than three couples per class.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Mikesell made a motion to approve the request as presented with staff recommendations and to allow for up to 2 childbirth classes per week. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVE, AS PRESENTED, WITH THE FOLLOWING CONDITIONS

1. Subject to the 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 paved driveway and parking pad being used for customer parking only during business hours, no on-street parking during business hours.

3. The massage therapy clients scheduled by appointment only from 9am to 3pm.
4. No more than two childbirth classes per week with no more than three couples per class.

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

Zoning & Development Manager gave the Commission updates on public hearing items sent forward to the City Council.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for December 8, 2009

VII. ADJOURN MEETING:

Chairman Younkin adjourned the meeting at 7:00 pm

Lisa A. Jones

Lisa Jones
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
December 8, 2009-6:00 PM
AMENDED AGENDA (item III-1)
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 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
Cope	Munoz		Mikesell
Schouten			
Warren			
Younkin			

CITY COUNCIL MEMBERS PRESENT: Heider, Kezele
CITY STAFF PRESENT: Carraway, Glaeseman, Jones

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING
AMENDED AGENDA (item III-1)

I. CALL MEETING TO ORDER:
Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:
1. Approval of Minutes from the following meeting(s): November 24, 2009

2. Approval of Findings of Fact and Conclusions of Law:
KTR Home Builders (SUP 1168) Bigler (SUP 1169)

Commissioner Bohrn made a motion to approve the minutes and the Findings of Fact and Conclusions of Law. Commissioner Schouten seconded the motion. UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:
1. Consideration for the placement of a canopy or covering at a food service establishment providing for an outdoor seating area on property located at 334 Blue Lakes Boulevard North

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the request on the overhead and stated on October 27, 2009 the Commission heard a request from Anchor Bistro & Bar for a Zoning Title Amendment to the C-1 Zone - Title 10: Chapter 4, Section 8. The request was to allow --under certain conditions --some outdoor seating that could include canopies or coverings provided it did not encroach any further than 20 feet into the front yard setback and/or encroach into the landscaping requirement, whichever was greater. The verbiage in the code change states approval must be obtained from the Planning & Zoning Commission prior to placement of the canopies or covers. The addition of canopies or coverings may be permitted for a food service business only and this evening will be the first request for such.

The request is from Anchor Bistro and Bar located at 334 Blue Lakes Boulevard North. The request for the Zoning Title Amendment was heard and approved by the City Council on November 23, 2009 with Ordinance #2981 being adopted December 7, 2009. There is still a requirement for a building permit for these types of structures to ensure the safety needs have been met - snow or wind load that the canopies or covers could cause some damage.

Zoning & Development Manger Carraway stated upon conclusion this request complies with the Zoning Title Amendment and if approved 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 the applicant obtaining a building permit for construction of the metal canopies.

MOTION:
Commissioner Bohrn made a motion to approve the request as presented with staff recommendations. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH 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 the applicant obtaining a building permit for construction of the metal canopies.

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate a banking facility with a drive-through window for property located at 1445 Addison Avenue East c/o Magic Valley Federal Credit Union/Jim Simpson (app. 2352)

APPLICANT PRESENTATION:
Jim Simpson, representing the applicant, stated the Magic Valley Federal Credit Union was established about 44 years ago here in the valley and serves government employees. When they started years ago they had a part time treasurer who operated out of their home and took care of business. Over the years the operation has grown and has moved from a small office into a leased space and now they are looking to move to a permanent location and be able to provide drive through services as well as ATM access. A special use permit is required for a drive through window and the location they have chosen is 1445 Addison Avenue East, currently the Gem State Realty Office. He stated they would like to construct the drive up window and ATM along the west side of the building. The access to the property would be from Locust on the east side through an arterial approach they are planning to construct a little further north then where the current access is located. Relocating the access further north would reduce some of the traffic impacts at the signal and into the property. This configuration along the west side of the building would be designed to meet the stacking requirements. He stated currently they have approximately 5-6 customers per hour and don't anticipate much of an increase. This change should not have much impact on the surrounding properties and they feel this will be a nice location for their facility.

STAFF PRESENTATION:
Zoning & Development Manager Carraway stated the property is zoned C-1 and is located at the northwest corner of Locust Street and Addison Avenue East. She reviewed the request on the overhead. Currently the property is being operated as Gem State Realty. Magic Valley Federal Credit Union would like to relocate to this site and offer a drive up window with ATM access. A banking facility is a permitted use in the C-1 zone but any permitted use wishing to operate with a drive through window does require a special use permit. The current site has 47 parking stalls, landscaping along the west side of the building and a sidewalk along Locust Street. The proposed site plan shows 36 parking stalls still meeting the parking requirement of a minimum of 10 spaces , landscaping removed from along the west side of the building to allow for the drive through, the access to the property being relocated further north and constructed as an arterial approach. Approximately 800 sq. ft. of landscaping would be removed however the minimum 10% requirement for landscaping would still be met.

The Engineering Department recommended that the parking stall closest to Locust Street be removed for safety concerns. Staff does not anticipate any negative impacts to this area with Addison Avenue East being an arterial and Locust Street as a collector. Code does require a minimum of 6 spaces for a drive up window and according to the preliminary review this design allows for 7 spaces. A building permit would be required and review for compliance would occur at that time.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant 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 the parking space located adjacent to Locust Street North sidewalk on the south side of the building be removed.
3. Subject to stacking being provided for no less than six (6) vehicles.

PUBLIC HEARING: OPENED

Walt Hess, 2050 Trailcreak Cr, stated he is currently located in this building and the idea of having the access moved further north on the property is a great plan. Because the timing for the signals has changed over the years traffic has a tendency to get backed up at the corner and blocks this access and the arterial cut will improve it tremendously. The parking spot that Engineering has requested to be removed is the spot he currently uses for exactly the same safety issues. His concern was that someone would back out too sharply and end up with their car hanging over the sidewalk, so he chose to park here to prevent this from happening. There is ample parking for this type of use and there is potential for expansion in the future.

CLOSING STATEMENT:

Mr. Simpson stated that he is satisfied with the conditions and that as he has reviewed this site there may be an alternate way to access the property however the traffic pattern would have to be reviewed. Until they are at this location they don't know how this will work currently this is the proposal.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:WITHOUT CONCENRS

MOTION:

Commissioner Cope made a motion to approve the request as presented with staff recommendations. Commissioner Schouten seconded the motion. All members present voted in favor.

APPROVED, AS PRESENTED WITH 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 parking space adjacent to the Locust Street North sidewalk on the south side of the building be removed.
3. Subject to stacking being provided for no less than six (6) vehicles.

2. Request for a Special Use Permit to operate a convenience store outside the permitted retail hours of operation of 7:00 am to 10:00 pm for property located at 1777 Kimberly Road c/o Stinker Stores, Inc (app. 2353)

APPLICANT PRESENTATION: (not present)

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated this property is located at the northwest corner of Madrona Street and Kimberly Road and is zoned C-1.

City records indicate this property has been a Stinker Station since the 1970's. The station currently is opened 7 days a week and staffed with one or two employees at a time. The request is to extend the hours of operation to be 5am to 12am daily. A special use permit is required for permitted retail uses operating out of the hours of 7am to 10pm. The applicant's narrative states they expect 20-25 customers per hour during the additional hours from 5am to 7am and from 10pm to 12am. The anticipated traffic should have minimal impacts to the surrounding area as Madrona Street is a collector and Kimberly Road is a major commercial corridor arterial road. Allowing the additional hours of operation would not require any additional site review as this request is not a change of use. Approval of this request should cause minimal impacts to the surrounding properties.

Zoning & Development Manager Carraway stated 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. Subject to allowed hours of operation being 5:00 am to 12:00 am daily.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Schouten made a motion to approve the request, as presented, with staff recommendations. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH 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 allowed hours of operation being 5:00 am to 12:00 am daily.

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

VI. UPCOMING MEETINGS:
The scheduled Planning & Zoning Commission public meeting for December 22, 2009 has been cancelled.

VII. ADJOURN MEETING:

Chairman Younkin adjourned the meeting at 6:35pm

Lisa A. Jones

Lisa Jones
Administrative Assistant
Community Development Department

CITY OF TWIN FALLS, IDAHO

PLANNING & ZONING

MEETING CANCELED

* * * *

The regularly scheduled Twin Falls Planning & Zoning Commission Meeting for Tuesday, **December 22, 2009**, has been canceled.

MINUTES
Twin Falls City Planning & Zoning Commission
July 14, 2009-6:00 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 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	Cope	Mikesell	
Schouten			
Warren			
Younkin			

CITY COUNCIL MEMBERS PRESENT: Anderson, Carraway, Glaessman, Jones, Reeder, Wonderlich,
CITY STAFF PRESENT: Heider

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION

1. Presentation by the Urban Renewal Agency – Melinda Anderson, Economic Development Director
2. Consideration for the initiation of the revocation of Special Use Permit #0800, granted to Twin City Auto on January 28, 2003, as presented, to operate an automobile sales business on property located at 1102 Kimberly Road c/o City of Twin Falls.
3. Consideration for the initiation of the revocation of Special Use Permit #1106, granted to Adam Climer on July 8, 2008, as presented, to operate an automobile detail shop on property located at 810 2nd Avenue West, c/o City of Twin Falls.
4. Consideration of the Preliminary Plat for the Fieldstone 1st Amended Subdivision, 1.70 (+/-) acres consisting of 7 single family residential lots and 1 tract on property located on the east side of the 1300-1400 blocks of Fieldstone Way North c/o EHM Engineering, Inc on behalf of Wills, Inc.

IV. PUBLIC HEARING ITEMS

1. Request to amend the Sto-N-Go Self-Storage PUD Agreement to allow a truck and utility trailer rental business in conjunction with a storage unit facility on property located at 1830 Washington Street North c/o Sto-N-Go Self-Storage & Dale Frazell (app. 2316)
2. Request to amend the Canyon Ridge High PUD Agreement to allow sponsorship panel signs along North College Road West on property located at 300 North College Road West c/o Twin Falls School District #411 (app. 2317)
3. Request for a Special Use Permit to add 576 sq. ft. to an existing 768 sq. ft. detached accessory building for a total of a 1344 sq. ft. detached accessory building on property located at 310 Filer Avenue West. c/o Kathryn L. Peterson (app. 2315)
4. Request for a Special Use Permit to serve alcohol for consumption on site and to operate outside the permitted retail hours of operation of 7am to 10pm for property located at 1970 Addison Avenue East. c/o Kim Ostrom on behalf of Zulu Bagels & Java Jungle (app. 2318)
5. Request for a Special Use Permit to expand by more than 25% an existing large implement and heavy equipment sales and service business for property located at 3140 Kimberly Road. c/o Doug Burks on behalf of Burks Tractor (app. 2319)

Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

I. CALL MEETING TO ORDER:

Chairman Younkin called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): June 23, 2009
2. Approval of Findings of Fact and Conclusions of Law: NONE

III. ITEMS OF CONSIDERATION:

1. Presentation by the Urban Renewal Agency – Melinda Anderson, Economic Development Director

Economic Development Director Anderson introduced two members of the Urban Renewal Agency Board Members here to make the presentation, Chairman Gary Garnand and the Committee Secretary Cindy Bond. This presentation is intended to inform the Planning & Zoning Commission of what the Urban Renewal Agency is working on and projects it would like to work on in the future.

Mr. Garnand reviewed the projects that the agency has completed and what the agency is allowed to do to fund the projects and how the agency can invest the fund. The goal is to improve property values and recruit for businesses that will bring jobs to the community.

Acquire properties
Construct projects
Improve, renovate and clear for future development
Invest, borrow money, bonds, loans and grants

Ms. Bond outlined projects that the agency is currently working towards and reviewed the four block historical area concept.

2. Consideration for the initiation of the revocation of Special Use Permit #0800, granted to Twin City Auto on January 28, 2003, as presented, to operate an automobile sales business on property located at 1102 Kimberly Road c/o City of Twin Falls.

STAFF PRESENTATION:

Planner I Reeder stated this is a request for the Commission to consider initiating the revocation process for Special Use Permit #800, granted to Twin City Auto on January 28, 2003, as presented, to operate an automobile sales business on property located at 1102 Kimberly Road. In every zone there are permitted uses and uses that require a special use permit. This property is located in the C-1 Commercial Highway District zone and an automobile sales business requires a special use permit to operate in this zone.

Special Use Permit #577 was issued for this property in October of 1998 for an automobile sales business. This special use permit was later revoked in June of 2000 because the conditions for the special use permit were not met. In January of 2003 Special Use Permit #800 was approved by the Commission to operate an automobile sales business with three conditions 1) Assure compliance with

all zoning and building code requirements including gateway arterial requirements, 2) The westerly curb cut is to be closed and arterial landscaping to be placed across it, & 3) The shared driveway is to be kept open at all times. In September of 2005 the Commission moved to revoke this special use permit because conditions were not being met and non permitted uses of the property. As a result of the revocation the applicant made an appeal to the City Council and this decision was overturned in November 2005 with the following conditions 1) There are to be four (4) trees and nineteen (19) shrubs on the site, 2) The plantings are to be kept, weeded, watered, and arranged as adaptable to the site and 3) The applicant has one (1) year to come into compliance with the Special Use Permit.

One of the complications with the property is that the entire property, which is approximately 9400 sq. ft, is paved. There has been dirt and gravel placed on top of the pavement along Kimberly Road for the landscaping.

In June of 2007 the westerly access was reported as being re-opened and the landscaping was removed to allow access onto the property from this entrance. A letter from the Idaho Transportation Department was submitted in 2004 that reaffirmed that this access is to remain closed because of traffic and safety concerns at the intersection. In July 2007 the business was contacted and was told that the westerly access had to be closed and landscaping had to be replaced by August of 2007. The business owner contacted the City to inquire about submitting for a special use permit amendment and a commitment that the westerly access would remain closed but an application for a special use permit amendment was not submitted.

In February 2009 the access was observed as being opened again. At this time a letter was sent to the business owner explaining that the westerly access needs to be closed off and a landscaping plan to meet the condition of the special use permit needed to be submitted by March 2009. The property was reviewed in March and a gate had been reinstalled to block off the access, however landscaping was not replaced. A plan was requested to be submitted by May of 2009; however a plan was never submitted. June of 2009 the property was re-inspected for compliance with the landscaping requirements and the condition had not been met. As a result of the lack of commitment to comply with the special use permit conditions the consideration for initiation of revocation of the special use permit was scheduled. As of June 30, 2009 trees and shrubs have been planted on the property and the entrance has been closed off by a gate, however because continuous compliance has been an issue staff has brought this to the Commission.

P&Z QUESTIONS/COMMENTS:

- Commissioner Lezamiz asked for clarification as to whether or not the westerly access was blocked off permanently.
- Planner I Reeder stated there is a chain link fence with a gate in front of the westerly access.
- Commissioner Lezamiz stated so that access could be reopened it's not a fence it's a gate.
- Planner I Reeder stated yes it could be re-opened.
- Commissioner Warren asked if the property is in compliance as of today.
- Planner I Reeder stated that it is in compliance with the access being blocked, staff was not satisfied with just cars being parked in front of the entrance because if a car is moved it would open the access back up so the gate had to be installed. In terms of the landscaping they were told that they need to plant 4 trees and 19 shrubs in the special use permit conditions, however she stated she miss read the requirement and told them they needed to put in 4 trees and 3 shrubs and that is what they have in place now. As for planting in the gravel and

dirt areas there needed to be an alternative landscaping plan submitted but the City never received any correspondence regarding this issue.

- Commissioner Munoz asked wasn't one of the conditions listed on the special use permit that arterial landscaping be placed across the westerly access
- Planner I Reeder stated yes that was one of the conditions and she would have to verify that this was completed. There use to be rock across there but she is not sure that it is still in place.
- Commissioner Munoz asked if rock qualifies for landscaping
- Planner I Reeder explained that the City does not require grass but landscaping rock does qualify.
- Commissioner Lezamiz asked for more clarification regarding the rock and the plantings in front of the westerly access and whether or not they are in place.
- Planner I Reeder stated there are trees and some landscaping materials on site however she will have to verify whether or not any of this material is in place across the westerly access.

PUBLIC COMMENT: OPENED & CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated the fact that the business owner did not show up to defined himself or his actions speaks volumes.
- Commissioner Munoz stated that based on the information he has reviewed and heard this evening he would be in support of proceeding with the revocation.
- Commissioner Warren stated that they business continues to open the westerly access at will and that they haven't kept the property in compliance. Based on the information presented he would be in support of the revocation as well.

MOTION:
Commissioner Warren made a motion to proceed with the revocation process and schedule a public hearing to consider revocation of special use permit #800. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED - SCHEDULED PUBLIC HEARING FOR AUGUST 11, 2009

3. Consideration for the initiation of the revocation of Special Use Permit #1106, granted to Adam Climer on July 8, 2008, as presented, to operate an automobile detail shop on property located at 810 2nd Avenue West, c/o City of Twin Falls.

Commissioner Schouten stepped down

STAFF PRESENTATION
Planner I Reeder stated this is a request for the Commission to consider initiating the revocation process for Special Use Permit #1106, granted to Adam Climer on July 8, 2008, as presented, to operate an automobile detail shop on property located at 810 2nd Avenue West. The property is zoned CB-Commercial Central Business District zone and a special use permit is required in this zone for automobile services such as detailing. The use was requested for one of the suites in a shell building that was under construction in 2008. A shell building may have several suites and each suite may have a different use. Each suite shall require a Certificate of Occupancy.

After going through the special use permit process the applicant did apply for a Certificate of Occupancy through the building department however it still has not been finalized. The special use permit that was issued had 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.

Staff is bringing this request to the Commission because there are concerns that the business is not being operated as approved based on condition #4. When the special use permit application came through for approval the applicant presented a narrative of how he planned to operate the business so that the Commission could determine whether or not the use was appropriate and in conformance with code.

The narrative presented by the applicant stated that there would be seals installed in the floor with a pump to limit water damage there was not an actual drain put into the floor of the building. He also stated that the detailing would take place in the shop to avoid being an eyesore to surrounding properties. He stated heavily mudded vehicles would be taken to a pressure wash bay offsite to avoid having excessive waste water on site and chemicals would be dispensed out of spray bottles to keep them concentrated and controlled. He further stated in the narrative and at the public hearing that all work would be done inside the shop.

The special use permit was issued and in March of 2009 Planner I Weeks was on site reviewing the building site. Mr. Climer was detailing a vehicle in the parking lot. She spoke with Mr. Climer at that time and told him that he could not be washing vehicles in the parking lot and needed to be at a car wash or inside the facility; she reminded him of the conditions of approval based on the operation of his business presented to the Commission.

In April of 2009 Code Enforcement Officer Standley spoke to Mr. Climer on the phone and went out to the site and discussed with him that the cars cannot be washed in the parking lot as that is not what was presented to the Commission for approval of his special use permit. He told Mr. Climer that if he continues to wash vehicles in the parking lot that his special use permit could be scheduled for consideration of revocation.

In June of 2009 there were photos taken that show vehicles being cleaned in the parking lot. Staff has attempted to work with Mr. Climer in making sure he operates within the parameters of his special use permit approval. The two biggest concerns are that he is to clean the vehicles inside the shop and he needs to complete the Certificate of Occupancy process with the building department- he is currently operating onsite without a building permit/certificate of occupancy. The applicant will need to contact the building department to find out if the application for his Certificate of Occupancy is still current or if he needs to submit another application to complete this process. As part of the review for finalizing the Certificate of Occupancy the landscaping requirement would be reviewed and currently the property does not meet code requirements. If the applicant is willing to bring the property into compliance by August 14, 2009 by providing a letter of commitment that he will operate in compliance with the approval and finalize the Certificate of Occupancy procedure. If compliance is not met by the deadline there will be a public hearing scheduled for consideration of the revocation of special use permit #1106.

P&Z QUESTIONS/COMMENTS:

- Commissioner Munoz asked if the decision tonight is whether or not to continue with the revocation process if the August 14, 2009 deadline is not met. If these issues are taken care of by August 14, 2009 then staff will decide whether or not to move forward with revocation.
- Planner I Reeder state yes that is what staff is recommending however the Commission can make a motion to continue with the revocation process, to not act on staff's request, or give the applicant time to bring the property into compliance with the condition that it will be scheduled for revocation if the matter is not resolved.
- Commissioner Lezamiz asked if the applicant leases or owns the building.
- Planner I Reeder stated the applicant leases one 1056 sq. ft. Suite.

PUBLIC HEARING: OPENED

- Jim Schouten, 229 Tyler Street, stated he has been a former renter of suite #6 in this building. He would like to bring to the attention of the City that there are two other tenants in this building that to the best of his knowledge do not have a Certificates of Occupancy. Mr. Dunlap, the owner of the building, has pretty much said he doesn't care about the landscaping requirements for the building. Mr. Schouten wanted the building to be brought into compliance and because the owner did not want to meet the requirements he moved out of the building.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Munoz stated he doesn't think the 30 day deadline is unreasonable, however, with the comments presented it doesn't seem as though the issue is going to be resolved and this will continue to the revocation process. He doesn't have a problem with the deadline allowance as long as the next step is to proceed with the revocation process if the conditions are not met.
- Commissioner Warren stated he is in agreement with Commissioner Munoz and he would like the City staff to review the Certificate of Occupancy status for the other tenants.
- Commissioner DeVore stated he doesn't have a problem with the 30 day deadline; however, he feels the City has been more than cooperative and he would be willing to move forward with the revocation process without the 30 day allowance.
- Commissioner Lezamiz stated she agrees with Commissioner DeVore and would like to move forward with the revocation process without the 30 day allowance. If the property is brought into compliance before the hearing the request can be withdrawn.
- Commissioner Younkin stated he doesn't think the conditions set forth in the special use permit were not out of the ordinary, so he doesn't have a problem with staff recommendations or moving forward without the 30 allowance.
- Zoning & Development Manager stated if the revocation process is scheduled and the applicant brings the property into compliance before then, it will still be scheduled and brought to the Commission with a follow-up report.

MOTION:
Commissioner Munoz made a motion to proceed with the revocation process and schedule a public hearing to consider revocation of special use permit #1106. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

APPROVED - SCHEDULED PUBLIC HEARING FOR AUGUST 11, 2009

Commissioner Schouten returned to his seat
Commissioner Mikesell stepped down

4. Consideration of the Preliminary Plat for the Fieldstone 1st Amended Subdivision, 1.70 (+/-) acres consisting of 7 single family residential lots and 1 tract on property located on the east side of the 1300-1400 blocks of Fieldstone Way North c/o EHM Engineering, Inc on behalf of Wills, Inc.

APPLICANT PRESENTATION:
Brad Wills, the applicant, stated that this request was for the Fieldstone Subdivision. Originally the subdivision had three access points and since then the uses for the surrounding properties have changed somewhat. The plan being submitted tonight allows for a 20' fire access and to reduce the number of accesses to two (2) to avoid the chance of having traffic cut through a residential area to get to the church and school that will be located adjacent to the subdivision.

STAFF PRESENTATION:
Zoning & Development Manager Carraway stated this is a re-subdivision of lots 1 thru 5 of Block 6 and Lot 16 of Block 1 of the Fieldstone Subdivision. The re-subdivision of these lots is a result of the vacation of a portion of Cobble Creek Road. The Fieldstone Subdivision consists of 36(+/-) acres with 82 single family residential lots and was recorded in December 2004. It is located at the northwest corner of Grandview Drive North and North College Road West. The property is zoned R-2 residential single family or duplex district. The R-2 zone allows for a minimum 6,000 sq ft lot for a single family dwelling & a minimum 10,000 sq ft lot for a duplex. The preliminary plat indicates that the use is for single family residential development only. The plat meets or exceeds the minimum lot size requirements for single family development in the R-2 zone.

The Fieldstone Subdivision was recorded prior to the adoption of City Code 10-12-3-11(f) which is the requirement that every residential subdivision provide for a neighborhood park and/or an in lieu contributions for a neighborhood park, therefore, this requirement does not apply. 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 water and sewer systems. A water model shall be performed, however, a sewer model is not required due to the recent sewer models completed in this area. 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 in conformance with the Comprehensive Plan which designates this area as appropriate for medium density residential development. A full review of required improvements will be made by the Building, Engineering & Planning and Zoning Departments to assure for full compliance with minimum development standards prior to issuance of a building permit.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the preliminary plat of the Fieldstone 1st Amended Subdivision, as presented, staff recommends approval 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

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Warren made a motion to approve the request as presented 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 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 returned to his seat

IV. PUBLIC HEARINGS:

1. Request to amend the Sto-N-Go Self-Storage PUD Agreement to allow a truck and utility trailer rental business in conjunction with a storage unit facility on property located at 1830 Washington Street North c/o Sto-N-Go Self-Storage & Dale Frazell (app. 2316)

APPLICANT PRESENTATION:
Cathleen Keys, representing the applicant, stated this is an application to amend the Sto-N-Go PUD Agreement for this property to allow for rental trucks and trailers. The overall change would be an additional maximum of 1-2 trucks per day. The equipment is all parked inside the secured area. There are already tenants that bring large trucks to this location to unload items that they want to store on site. This use will not violate the conditions of the PUD Agreement and they would like for the Commission to recommend approval.

STAFF PRESENTATION:
Zoning & Development Manager Carraway stated this is a request for a PUD Amendment of the Sto-N-Go PUD to allow a truck and utility trailer rental business as a permitted use in conjunction with a storage unit facility on property located at 1830 Washington Street North. The Sto-N-Go PUD Agreement was approved in August 2005 to allow a "self storage facility" on approx 3 acres of the 100 +/- acre of the Northbridge No. 2 PUD site. The City Code recognizes storage unit rentals and truck rentals as separate uses. In order to include truck and utility trailer rentals at this site an amendment to the Sto-N-Go PUD Agreement is required. The self storage facility was designed in phases and currently is at half built out. There are four (4) buildings that make up the boundaries of the facility and enclose the project. Phase 2 and 3 include 2 additional buildings per phase to be built on the interior portion of the property. This is currently where the trucks and trailers for rent are proposed to be parked/stored. This area that is designated for future phases of the storage facility is currently not paved. City Code 10-11-4(b) requires that any areas used for parking and maneuvering shall be hard-

surfaced. If the PUD Amendment is approved, any area used for the parking & maneuvering in relation to the truck and utility trailer rentals would need to be paved according to City Code. The applicant indicates that at capacity build-out of the storage facility that the truck & utility trailer rental business would cease to operate at this site. The applicant has presented the following statement to be included within the amended PUD Agreement if approved: "when the storage facility is built to capacity, the truck and utility trailer rental business will cease operations at the Sto-N-Go self storage facility located at 1830 Washington Street North".

Zoning & Development Manager Carraway stated should the Commission recommend approval of this request, 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 the following statement being included in the PUD Amendment: "When the storage facility is built to capacity, the truck and utility trailer rental business will cease operations at the Sto-n-Go Self Storage Facility located at 1830 Washington Street North"
3. 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).

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

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

RECOMMENDED FOR APPROVAL, AS PRESENTED, WITH 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 the following statement being included in the PUD Amendment: "When the storage facility is built to capacity, the truck and utility trailer rental business will cease operations at the Sto-n-Go Self Storage Facility located at 1830 Washington Street North"
3. 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).

SCHEDULED FOR PUBLIC HEARING BEFORE THE CITY COUNCIL ON AUGUST 10, 2009

2. Request to amend the Canyon Ridge High School PUD Agreement to allow sponsorship panel sign(s) as part of a free-standing message center sign on property located at 300 North College Road West. c/o Twin Falls School District #411 (app. 2317)

APPLICANT PRESENTATION:
Brady Dickinson, Canyon Ridge High School Principle, the applicant stated the request is to amend the Canyon Ridge PUD Agreement to allow sponsorship panels to be placed on the message center sign structure located on North College Road in front of the high school. When the high school project was approved for the bond the structure for the message center sign was

included; however the message center sign/reader board was not included in the cost. The Twin Falls Education Foundation has volunteered to purchase the message center sign and in return has requested to be able to recognize partners in education by placing sponsorship panels between the sign columns of the structure with their names on the panels; these panels would be interchangeable. The sign will be illuminated and will operate Sunday through Thursday from 7 a.m. to 10 p.m. and Friday & Saturday from 7 a.m. to 11 p.m.

P&Z QUESTIONS/COMMENTS:

- Commissioner Mikesell asked if the message center sign/reader board has been purchased.
- Mr. Dickinson stated the purchase of the reader board sign is contingent upon approval of this amendment.
- Commissioner Warren asked how many panels at a maximum could there be on the sign
- Ron Freemon, 2144 Candleridge Drive stated that the space shown in the sample rendering shows one (1) panel with the Twin Falls Education Foundation name across the top panel and one (1) panel underneath with sample names of people that have donated to the foundation inscribed on them. There is not a definite plan to have just two (2) panels or divide this section up to allow for four (4) panels this would be dependent upon the way the names are selected by the board. There may be two (2) panels on one side and four (4) on the other side of the structure. They would like to have some flexibility for the use of the space and how the panels are designed.
- Commissioner Younkin asked if the panels would be illuminated.
- Mr. Freemon stated yes the panels would be illuminated.
- Commissioner Munoz asked if the request is to use the entire space between the two columns or just the portion presented in the example.
- Mr. Freemon stated initially they were asking for two (2) panels only- one for the foundation and the other for the names of the donators but he is not sure. The entire space would probably never be used however they would request to have the ability to use the entire space.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated this is a request for a PUD Amendment of the Canyon Ridge High School PUD Agreement to allow sponsorship panel sign(s) as part of a free-standing message center sign on property located at 300 North College Road West. Such amendments go through the same public hearing process that a PUD goes through, including a preliminary presentation and public hearing before the Commission for a recommendation and an additional public hearing before the City Council for a decision. The applicants made a preliminary public presentation at the Commission's June 23, 2009, meeting. As you have just heard the applicants are requesting to amend Section V.D.4.D. of the Canyon Ridge High School PUD agreement. The original verbiage in the PUD states:

D) Reader Boards: an electronic, illuminated reader board sign with school name and logo shall be allowed along North College Road, as per City Code.

And the proposed change to the verbiage reads:

D) Reader Boards: an electronic, illuminated reader board sign with school name, logo, as per City Code, and sponsorship panels shall be allowed along North College Road.

At the preliminary presentation there were concerns/questions regarding height, hours of operation and colors allowed for the wording of the message center sign. Previous special use permits have been issued to the Twin Falls School District for message center signs. The previous special use permits were approved with conditions that the signs were permitted to operate from 7:00 am to 10:00 pm Sunday through Thursday and from 7:00 am to 11:00 pm Friday and Saturday. The signs are approximately 16' to 20' tall and the wording is one-color-red.

Zoning & Development Manager Carraway stated should the Commission recommend approval of the requested PUD Agreement Amendment, as presented, staff recommends that 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 message center sign having a maximum height as presented- 15'8".
3. Subject to hours of operation being 7:00 am to 10:00 pm Sunday through Thursday and 7:00 am to 11:00 pm Friday and Saturday.
4. Subject to full compliance with City Code 10-9-1 thru 10-9-16.

P&Z QUESTIONS/COMMENTS:

- Commissioner Lezamiz asked if there is an issue with approving the use of the entire open space between the columns for these panels.
- Zoning & Development Manager Carraway stated the schools request is for two panels and if it is approved this way they will have to come through for a building permit. If there is a concern with having a full paneled sign the Commission could recommend a limitation to the amount of space filled by the panels. At the preliminary presentation there were two (2) panels at 18" by 40" each. They are now asking to be allowed to install more than 2 panels.
- Commissioner Lezamiz stated that at the preliminary presentation the proposal was for just one panel length with two sponsor names side by side.
- Mr. Freemon stated that after the preliminary presentation the use of the entire space was discussed.
- Commissioner Mikesell asked what the square footage limitation is for the message center sign portion.
- Zoning & Development Manager Carraway stated the message center sign/reader board portion of the sign is limited to 50 sq. ft.
- Commissioner Munoz asked if filling in the entire space would create an exception to the rule.
- Zoning & Development Manager Carraway stated that approval of the sign would still have to meet current sign code requirements unless approved otherwise.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated he just has a real problem with it -- to him it is advertising, what if someone else down the road wants to do the same thing. For him to approve this it would have to be limited to a certain amount of space on the sign. The lighting is another issue and he can't vote for this type of sign to be placed in a residential area.
- Commissioner Munoz stated his biggest concern is making sure that the sign code is met and exceptions aren't created by recommending approval of this request.
- Commissioner Mikesell stated that he doesn't think that the school district should get involved in commercial sponsorship. As long as the 6 feet remains open he could recommend approval.
- Commissioner Younkin asked if the panel with the Twin Falls Education Foundation Heading is illuminated.
- Mr. Freemon stated yes all of the panels shown in the exhibit are illuminated. The illumination can be limited by putting a backing on the panel that only allows the letters to be illuminated reducing the lighting even more if necessary.
- Zoning & Development Manager Carraway stated for clarification the area between the two columns on the sign is approximately 60 sq. ft. and the area shown for the 2 panels is approximately 20 sq. ft.
- Commissioner Schouten stated he would like to recommend that we limit the space to the 20 sq. ft. He doesn't think filling the entire space is a good idea.
- Commissioner Lezamiz stated she has an issue with filling the entire space with panels. Filling the entire space would take away from the sign.
- Mr. Dickinson showed an example of the sign with a third panel in place which leaves approximately 4 feet of open space.

MOTION:
Commissioner Mikesell made a motion to recommend approval of this request with staff recommendations and the addition of a condition that the sponsor panels not utilize more than 35% of the open space between the sign columns of the structure as presented. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL WITH 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 message center sign having a maximum height as presented.
3. Subject to hours of operation being 7:00 am to 10:00 pm Sunday through Thursday and 7:00 am to 11:00 pm Friday and Saturday.
4. Subject to full compliance with City Code 10-9-1 thru 10-9-16.
5. *Subject to the sponsor panels not utilizing more than 35% of the open space between the sign columns of the structure as presented.*

SCHEDULED FOR PUBLIC HEARING BEFORE THE CITY COUNCIL ON AUGUST 10, 2009

3. Request for a Special Use Permit to add 576 sq. ft. to an existing 768 sq. ft. detached accessory building for a total detached accessory building of 1,344 sq ft on property located at 310 Filer Avenue West. c/o Kathryn L. Peterson (app. 2315)

APPLICANT PRESENTATION:

Kathryn Peterson, the applicant, stated she is here to request approval of a special use permit to add 576 sq. ft to an existing 768 sq. ft detached accessory building for additional work space. Currently she uses the space as a shop to do woodworking and because her health is getting better she would like to add the 576 sq. ft to make the space easier to work in and to maneuver her equipment.

P&Z QUESTIONS/COMMENTS:

- Commissioner Lezamiz asked if the use of the space is just for hobbies and personal space.
- Ms. Peterson stated yes it is just for personal use only.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated the property is zoned R-4; which is a medium density residential zoning district. The request is to add 576 sq ft onto an existing 768 sq ft shop for a combined square footage of 1344 sq ft. In the R-4 zone a special use permit is required for a detached accessory building more than 1,000 sq ft in size. The property consists of an existing home, carport, orchard, and the existing 768 sq ft shop. As you have just heard the applicant stated that she would like to add onto the existing detached accessory building to have more space to work on her hobbies. The narrative states that the building would be used for personal use only with no anticipated negative impacts. The addition is designed to be single story and will blend in with the existing structure. The building is located near the rear of the property and should have little to no impacts on the surrounding residential neighbors or to vehicles traveling along Filer Avenue West. Existing trees along the property lines will also buffer the building. If the special use permit is approved this evening a building permit shall be required prior to construction of the addition. A review to assure full compliance with required improvements shall be completed as part of the building permit review process. The property has asphalt paving from the street to the carport area and then there is gravel back to the existing shop. There are bay doors indicated on the front of the addition. As per City Code 10-11-4(b) all parking and maneuvering areas are required to be hard surfaced, so paving would be required back to the proposed addition. This request is in compliance with the Comprehensive Plan which designates this area as appropriate with medium density residential development.

Zoning & Development Manager Carraway stated should the Commission grant 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 personal residential use only, not for an additional residence or commercial use.
3. 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) if the detached accessory building includes overhead vehicle doors.

PUBLIC HEARING: OPENED

CLOSING STATEMENT:

- Ms. Peterson stated that she had been told the hard surfacing was for fire access issues and that she needed to talk to the fire department about the paving requirements. She stated that the reason for the large doors is to allow for better ventilation and to make the building more functional. The addition of the asphalt or concrete would increase the

temperature on the property and would be detrimental to her orchard. Fire trucks have been back in this area before without any access issues.

- Zoning & Development Manager Carraway stated that the fire department does have different regulations. Zoning code requires that if there are parking and maneuvering areas they are required to be hard surfaced; however if the overhead vehicle doors go away then this would not be a requirement.
- Commissioner Lezamiz asked about different door types that could be used.
- Zoning & Development Manager Carraway stated that man-doors could be used as long as the access is not large enough for a vehicle to enter and exit the opening.
- Commissioner Younkin asked Staff Engineer Glaesemann if a vehicle door is defined dimensionally.
- Staff Engineer Glaesemann stated that the dimensions are not defined however a standard vehicle overhead door is approximately 8' wide. The issue is that the building presented in the exhibit looks like a garage instead of a shop.
- Ms. Peterson stated that the doors were going to be automatic to avoid having to physically lift the doors to open them and it was more economical to have these types of doors. She stated she has a carport where she parks her vehicles they would not be parked in this building.
- Zoning & Development Manager Carraway stated this is a generalized code requirement it is not specific to this applicant for parking and maneuvering areas. If this property was later sold and someone else moved into this location there is nothing to prevent them from using the building as a garage if the openings are built to accommodate a vehicle. The overhead vehicle door indicates it's a vehicle type of structure and the property would not be in compliance with code.
- Commissioner Mikesell asked if the overhead door were made smaller so that a vehicle could not access the space would that qualify. For example a 6' overhead door would that work.
- Zoning & Development Manager Carraway stated the conditions states if it is not a vehicle type door then the parking and maneuvering area would not apply.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated that if the door is custom fit to have an automated opening that a vehicle cannot fit through then the paving requirement should go away.
- Commissioner Younkin asked for clarification from staff on the code requirement.
- Zoning & Development Manager Carraway stated the code requires all parking and maneuvering areas to be hard surfaced. If the building does not have overhead vehicle style doors but man doors/shop style doors then the paving would not be required.
- Commissioner Mikesell stated that the size of the access could be the defining factor versus whether or not it is an overhead door. If you can't drive a car through it it's not a garage. Most shop equipment will fit through a 6' opening.
- Zoning & Development Manager Carraway stated there are man-doors that the applicant can use that could meet her needs.
- Commissioner Munoz stated he doesn't think sizes should be stipulated in the conditions. The requirement is to meet code and staff will assist the applicant through this process.

MOTION:
Commissioner Warren made a motion to approve the request as presented with staff recommendations. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

APPROVED AS PRESENTED WITH 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 personal residential use only, not for an additional residence or commercial use.
3. 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) if the detached accessory building includes overhead vehicle doors.

4. Request for a Special Use Permit to serve alcohol for consumption on site and to operate outside the permitted retail hours of operation of 7am to 10pm for property located at 1970 Addison Avenue East. c/o Kim Ostrom on behalf of Zulu Bagels & Java Jungle (app. 2318)

APPLICANT PRESENTATION:
Kim Ostrom, the applicant, stated she is here to request a special use permit to serve alcohol for consumption on site and to operate outside the permitted retail hours of operation of 7am to 10pm. The idea is to create an afterhour's menu and to have a place where people can come and have coffee or a drink after work. This would allow the business to expand its customer base and provide more hours for employees. The hours of operation would be Monday thru Thursday 5:30am to 10:00pm, Friday 5:30am to midnight, Saturday 7am to midnight and Sunday 7am to 2 pm. She stated she does not anticipate the traffic to increase much more, they will continue to have busy morning hours, a lunch rush and in the evening hours the intent is to shut down the drive-thru around 7pm and have just indoor seating so that people can come in have coffee, wine or beer with food and relax. There will be no alcohol served through the drive-thru at any time. The intent is to increase revenue not to turn the establishment into a bar. The beer and wine will be served from bottles and appetizers and deserts will also be available.

STAFF PRESENTATION:
Zoning & Development Manager Carraway stated the property is located in the C-1; commercial highway district. The applicant is proposing to serve beer and wine to be consumed on site in conjunction with a sit-down coffee shop and restaurant. The applicant is also requesting extended hours of operation. The proposed hours of operation are 5 am to 10 pm Monday through Thursday, 5 am to 12 am Friday & Saturday and 6 am to 3 pm on Sunday. A special use permit is required to serve alcohol for consumption onsite and for operating a retail business beyond the allowed retail operating hours of 7 am to 10 pm. On June 10, 2008 the Commission granted a special use permit for the purpose of operating a drive through window operating from 5 am to 10 pm at this site 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 elevations as presented. 2) Lots 8, 9 & 10 block 1 east Addison Subdivision is 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 being built to arterial approach standards and with gateway arterial landscaping plan as presented. 5) Pave alley south of property along property frontage.

If the Commission grants this request this evening the previous conditions of approval from SUP #1095 should be included as a condition on this permit. The applicants have stated they feel that their development would be an improvement to the property and to the existing neighborhood.

Zoning & Development Manager Carraway 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 full compliance with special use permit #1095.
3. Subject to hours of operation being 5 am to 10 pm Monday through Thursday, 5 am to 12 am Friday and Saturday and 6 am to 3 pm Sunday.
4. Subject to sidewalk being constructed on Addison Avenue East and Sunrise Boulevard.

PUBLIC HEARING: OPENED

- Stan McGlaughlin, 1979 11th Ave E, stated he wanted some clarification as to whether or not this will be a bar or a restaurant. His concern is that people speed through the alley behind this location and if beer and wine is added as part of the business if this will make things worse and if additional night time lighting will be needed.
- Zoning & Development Manager Carraway stated the proposal is to serve beer and wine on site in conjunction with a restaurant – not as a stand- alone bar.
- Debbie Johnson, 389 Knottingham Drive, is here representing her mother that lives at 1942 Addison Avenue East approximately three parcels to the west of the current Java Jungle Coffee Shop. The concerns related to this request are the extended hours of operation. If the intent is not to make this a bar why is it necessary to have extended hours. By adding extended hours there will be more disruption to the neighborhood for example smokers coming outside to smoke having conversation and lingering around the parking lot and the alley. The other concern is the building will be two stories which will increase the noise and lighting carrying into the neighborhood. There are concerns with speeding down the alley and it becoming more of an exit from the property both directions. The last concern is that there is a daycare facility within close proximity to this property where they are proposing to serve alcohol. Her mother has lived at this location for 15 years and is not able to fence off the property to reduce the impacts of this business to her residence.

CLOSING STATEMENTS:

- Kim Ostrom stated that her plan to close the drive through at 7pm it would reduce the amount of night time traffic through the alley. The building will be facing Addison Avenue East and she has no intent of making this a bar she has established coffee shop customers that have requested numerous times that she keep the business open later because there aren't any businesses open late enough for them to have coffee except *Perkins Restaurant* and to extend hours she would have to offer other amenities such as the beer, wine and evening menu. She has done research for this type of establishment and found it to be very successful because it is very low key, people visit the establishment to relax not to get drunk or

overindulge on coffee. The beers will be more expensive types of bottle beer that people are not going to drink to get drunk. The other restaurant mentioned *Torres* has been serving wine without any concerns and it is right next door to this property at 1942 Addison Avenue East. She has no problem in dedicating a space on the patio for smoking so that people don't hang out in the parking area or alley. As for the traffic in the alley she apologizes to the gentleman that has had issues with people speeding and honky and she has no problem with adding speed bumps if necessary.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Warren asked if speed bumps could be placed in the alley.
- Staff Engineer Glaesemann stated that it is something that could be considered.
- Commissioner Mikesell stated he has an issue with a drive through window and someone serving alcohol through the window and another issue he has is with having people drinking on the second level of the building along the frontage of a busy street.
- Commissioner Younkin asked it the second level is a fully functional space.
- Mrs. Ostrom stated that the space over the coffee shop will be a 600 sq. ft. conference room that can be used for meetings and catered functions and quiet space when it has not been reserved. The balcony can be accessed from this conference room. The balcony can be closed off if necessary and the beverages could be served in plastic cups if that is a concern. As for serving alcohol through the drive through window if this situation occurred it would not be tolerated and that would be addressed immediately.
- Commissioner Munoz asked if there will be live entertainment.
- Mrs. Ostrom stated that she doesn't have any plans for entertainment and this idea came from the employees asking for more hours and they came up with the idea in a brainstorming session. The
- Commissioner Younkin stated that he cannot see denying this request because a couple problems that could arise that she would not tolerate anyway. This applicant has been through this process before and seems to operate her other business without any problems and based on that it seems as though if there were issues that jeopardized her already established coffee business she would stop selling the beer and wine.
- Commissioner Munoz stated he agrees and this is a special use permit that can be submitted for revocation if there is a problem.

MOTION:
Commissioner Warren made a motion to approve the request, as presented, with staff recommendations. Commissioner DeVore seconded the motion. Commissioners Lezamiz, Munoz, Schouten, Warren, DeVore & Younkin voted in favor of the motion and Commissioner Mikesell voted against the motion.

APPROVED AS PRESENTED WITH 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 Special Use Permit #1095.
3. Subject to hours of operation being 5 am to 10 pm Monday through Thursday, 5 am to 12 am Friday and Saturday and 6 am to 3 pm Sunday with the drive-thru window closed by 7:00 pm.
4. Subject to sidewalk being constructed on Addison Avenue East and Sunrise Boulevard.

5. Request for a Special Use Permit to expand by more than 25% an existing large implement and heavy equipment sales and service business for property located at 3140 Kimberly Road. c/o Doug Burks on behalf of Burks Tractor (app. 2319)

Commissioner Mikesell stepped down

APPLICANT PRESENTATION:
Gary Burkett, EHM Engineering, Inc., representing the applicant, stated they are here to request a special use permit to expand and existing business. Burks Tractor operates an implement and tractor business and has purchased a 4 acre parcel to the east of their location to display equipment on the front portion of the property. The property is located along a gateway arterial which requires a 30' landscaping and buffering area along the frontage. There are not any issues with the staff recommendations with one exception. He stated when the request was submitted he thought that the entire piece was going to be paved with gravel and the applicant wants to continue farming the back portion of the property and use just the front area for display. They would also like to request that they be able to use gravel in the display area versus paving because the equipment they have is very heavy and will break down the asphalt or concrete when maneuvering on this type of surface. In summary they would like the Commission to consider the paving requirement and allow the applicant to phase the project as the need to expand arises.

STAFF PRESENTATION:
Zoning & Development Manager Carraway stated the existing Burks Tractor property is approximately 9 +/- acres and is multi-zoned with the northerly 660' of property being zoned C-1; commercial highway and remainder of the property being zoned M-2; heavy manufacturing. The existing site is located within the City's Area of Impact and the proposed 4 acre addition is located within the city limits. A farm implement and construction equipment sales and service business has operated from this location for 45 years. The applicant is requesting to add approximately four (4) acres of undeveloped farm ground that is adjacent along the eastern boundary to the business. The four (4) acres is located within the C-1 zone and is within City limits. Within the C-1 zone a large implement and heavy equipment sales and/or rental business requires a special use permit. The addition of 4 acres to the existing site is an expansion of approximately 44%.

City Code §10-13-2.2(c) states: *"an application for special use permit shall be filed with the administrator by at least one owner or lessee of property for which such special use is proposed or for which an expansion of more than twenty five percent (25%) over the original square footage approved through the special use permit process or a total increase in square footage over ten thousand (10,000) square feet, whichever is less, or relocation of an existing special use is proposed."*

The additional four (4+) acre site was originally annexed in 2007 to allow for a mixed commercial/industrial development. At the time the property was annexed there was an agreement between the property owners/developers and the City of Twin Falls that there would be road right-of-way dedications and construction and required site improvements. The Commission may want to consider placing a condition on this special use permit application that the applicant fully comply with dedication of right-of-way to all current State and City standards and as agreed to by the previous owner/Red Coat, LLC.

The change of use and expansion over 25% triggers full compliance of required improvements in City Code §10-11 1 thru 9. The applicant has indicated the four (4+) additional acres will be used for display of farm and construction equipment only. There are no buildings/structures planned at this time.

The property is along Kimberly Road which is a gateway arterial. The applicant will be required to comply with City Code 10-7-12 special landscaping requirements for gateway arterials. The requirements include a 30' wide continuous landscaped strip measured from the back of sidewalk or future sidewalk. This strip shall include a minimum 12" minimum height undulating berm, to include trees and shrubs. The applicant is not requesting display pad sites in the landscaping with this request. All parking and maneuvering areas in the C-1 zone are to be hard surfaced. The four (4+) acre expansion is in the C-1 zone.

Zoning & Development Manager Carraway stated she was not aware until this evening that the applicant was not planning to develop the full site; however the required paving would still be applicable to the area used for display and maneuvering areas. Due to the nature of the equipment on the site and specifically the heavy machinery that would be moved in and out of the area, the applicant is proposing they only pave 300' south from Kimberly Road and leave the remainder of the site in gravel. A special use permit of November 27, 2007 was approved with this condition. The Commission may want to place a similar condition on this special use permit also. The required parking for bulky retail/farm equipment is to be one (1) space per 600 sq ft of sales, storage and outdoor display area or as determined by the administrator. The applicant has indicated that this area will be for display only – no structures or buildings are being proposed at this time. It has been determined there are no additional parking spaces required at this time. Should the applicant decide to construct additional buildings/structures on the property, compliance with required improvements, including a parking analysis, will be reviewed at that time. Access will be controlled through the existing site. The applicant does not anticipate any increase in traffic. Access to the property may have an impact on the Engineering recommendation of the 300' paving, without access off of Kimberly Road directly onto this property there may be a consideration for how much paving would be required. The issue with using gravel is that it gets tracked out onto the roadway and damages the streets. The applicant is required to construct curb, gutter and sidewalk due to this expansion and change of use. In October of 2007 the City Council approved a deferral agreement for the construction of curb, gutter and sidewalk for the existing property. The Commission may want to consider placing a condition that deferral agreements for curb, gutter and sidewalk along Kimberly Road and Owl Creek Road be approved and recorded as part of the development and change of use of the site. The applicant is required to retain 100% of the storm water onsite for a change of use. There is a retention pond shown on the proposed site plan. The retention pond calculations appear to meet minimum requirements for storm water retention. There is no proposed change in the operation of the business. Approval of this request should cause minimal impacts to the surrounding properties. The request is in conformance with the comprehensive plan which designates this area appropriate for commercial and industrial uses.

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 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 existing Burks Tractor property, currently parcel ID RP10S17E243015, and the northern four (4+) acres, the addition, currently parcel ID RPT00107243005, being legally combined as one parcel before use/development or issuance of the special use permit.
3. Landscaping to conform to the gateway arterial requirements as per City Code 10-7-12.
4. Subject to approved & recorded deferral agreements for curb, gutter and sidewalk along Kimberly Road and Owl Creek Road.
5. Subject to the property being paved a minimum of 300' south of the gateway arterial landscaping on Kimberly Road.
6. Subject to full compliance of dedication of road right-of-way to all current State and City standards, as per previous agreement with Red Coat, LLC.

P&Z QUESTIONS/COMMENTS:

- Commissioner Munoz asked if the recommendation for the 300' paving is still a condition even though staff recognizes the asphalt or concrete will not uphold to the type of equipment the applicant has to park on the surface.
- Zoning & Development Manager Carraway stated it was just brought to staffs attention that the applicant does not plan to develop the entire property and the 300' paving requirement came as a recommendation from the City Engineer Fields.
- Mr. Burks stated that the paving is not feasible and that the type of concrete required to sustain the weight of the type of equipment he will be displaying is too costly.
- Staff Engineer Glaesemann stated the paving should at least be aligned with the paved area on the adjacent property. It is not clear what the plan is for the property without an understanding of how this area will be used it is difficult to make a determination.
- Mr. Burks explained that the property is going to be used strictly for parking equipment not for traffic or customer access. He stated that all of the other businesses of this type in this area have equipment displayed on the front of the property without paving, it is fairly common for the industry.
- Zoning & Development Manager Carraway stated the addition is what triggered the required improvements and the Commission could choose to add the verbiage "or as approved by the City Engineer" which would allow this to be reviewed again based on the change that the applicant plans to phase the development rather than develop the entire parcel all at once.
- Commissioner Lezamiz stated it seems like this type of equipment presents an exception, but at the same time the 300' paving requirement was recommended with the understanding that the development was going to occur for the entire piece of property.
- Zoning & Development Manager Carraway stated the fact that the applicant wants to farm the back portion of the property and develop in phases is different from what staff reviewed as part of the submitted zoning application. If the verbiage is changed to state "or as approved by the City Engineer" it will give staff the opportunity to make a recommendation based on the new development plan.

PUBLIC HEARING: OPENDED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED:
Commissioner Younkin stated that when ordinances are approved it is nearly impossible to consider every variable and parking and maneuvering areas are usually designed for standard vehicles, not large implement equipment so this is a variable that needs to be worked through.
Commissioner Munoz stated he agrees with adding the verbiage because of the new information presented.

MOTION:
Commissioner Munoz made a motion to approve the request as presented with the addition of "or as approved by the City Engineer" to condition number five (5). Commissioner Lezamiz seconded the motion. All members present voted in favor of the motion.

APPROVED AS PRESENTED WITH 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 Existing Burks Tractor property, currently Parcel ID RP10S17E243015, And the Northern Four (4+) Acres, the addition, currently Parcel ID RPT00107243005, Being Legally Combined as One Parcel before Use/Development or Issuance of the Special Use Permit.
3. Landscaping To Conform To the Gateway Arterial Requirements as Per City Code 10-7-12.
4. Subject To Approved & Recorded Deferral Agreements for Curb, Gutter and Sidewalk along Kimberly Road and Owl Creek Road.
5. Subject To The Property Being Paved A Minimum Of 300' South Of The Gateway Arterial Landscaping on Kimberly Road or as approved by the City Engineer.
6. Subject To Full Compliance of Dedication of Road Right-Of-Way to All Current State and City Standards, as per previous agreement with Red Coat, LLC.

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

None.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for July 28, 2009

VII. ADJOURN MEETING:

Chairman Younkin adjourned the meeting at 9:25pm.

Lisa A Jones

Lisa Jones
Administrative Assistant
Community Development Department