



MINUTES

Twin Falls City Planning & Zoning Commission
January 12, 2010-6:00 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:

Cope
Lezamiz
Schouten
Warren
Younkin

ABSENT:

Bohrn
Munoz

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Mikesell

ABSENT:

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Carraway, Jones, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION

1. Request for Consideration of the Preliminary Plat of River Hawk Commercial PUD Subdivision, consisting of 4.2 (+/-) acres and five (5) lots located in the southwest quadrant of the Washington Street North and Chaney Drive intersection, c/o The Land Group, Inc. on behalf of Twin Falls School District #411

IV. PUBLIC HEARING ITEMS

1. Request for a Zoning District Change and Zoning Map Amendment from R-2 to C-1 for property located at 510 Lincoln Street, c/o 200 South Developers, LLC/Fran Florence. (app. 2354)
2. Request for a Non-Conforming Building Expansion Permit to add a porch on an existing non-conforming building that is within the front yard setback on property located at 455 Addison Avenue c/o Islamic Cultural Community Center, Bakhritdin Yusupov (app. 2355)

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): December 8, 2009
2. Approval of Findings of Fact and Conclusions of Law:
MV Federal Credit Union (SUP-1170) Stinker Station (SUP-1171)

MOTION:

Commissioner Mikesell 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. Request for Consideration of the Preliminary Plat of River Hawk Commercial PUD Subdivision, consisting of 4.2 (+/-) acres and five (5) lots located in the southwest quadrant of the Washington Street North and Cheney Drive intersection, c/o The Land Group, Inc. on behalf of Twin Falls School District #411

APPLICANT PRESENTATION:

Scott Allen, The Land Group, representing the applicant stated this is a request for approval of a preliminary plat for the River Hawk Commercial PUD Subdivision. This is another step following the PUD amendment asking for a preliminary plat approval. The property is approximately 4.2 (+/-) acres with 5 commercial lots located in the southwest quadrant of the Washington Street North and Cheney Drive. The plat conforms to the amended PUD agreement and some language modifications have been made at the request of the City Council and the school district as it relates to book stores and sexually explicit materials; the PUD has been amended to specifically prohibit this type of business. The applicant stated they do concur with the staff recommendations and they ask for approval of the plat as presented.

P&Z QUESTIONS/COMMENTS:

- Commissioner Warren asked if it would be possible for a business to have a drive through window on one of the lots.
- Mr. Allen stated yes, this is possible and the lots have been designed to be modified to allow for parking and a drive through.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated this is a request for approval of the River Hawk Commercial PUD Subdivision. This property is approximately 4.2 acres with 5 commercial lots and does allow for modification to these lots through the PUD process. Full review of the required improvements will be made by the Building, Planning & Zoning, and Engineering Departments for full compliance with minimum development standards prior to issuance of a building permit.

Zoning & Development Manager Carraway stated upon conclusion that should the Commission approve the Riverhawk Commercial PUD 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 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 for the property.

3. Subject to a cross-use agreement for parking, drainage, ingress, egress, pedestrian access, emergency vehicle access and public utility easements being recorded prior to development.
4. Development to comply with an approved and recorded PUD agreement.

PUBLIC COMMENT: NONE

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 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 for the property.
3. Subject to a cross-use agreement for parking, drainage, ingress, egress, pedestrian access, emergency vehicle access and public utility easements being recorded prior to development.
4. Development to comply with an approved and recorded PUD agreement.

IV. PUBLIC HEARINGS:

1. Request for a Zoning District Change and Zoning Map Amendment from R-2 to C-1 for property located at 510 Lincoln Street, c/o 200 South Developers, LLC/Fran Florence. (app. 2354)

APPLICANT PRESENTATION:

Fran Florence, the applicant, stated this is the same group that built the Starbucks located at Blue Lakes Boulevard North and Filer Avenue and have owned this property since that time. At the time the property was purchased it was zoned with the current R-2 zoning. The request is to rezone the piece so that the property can be utilized as an extension to the commercial activity along Blue Lakes Boulevard North. He stated that staff does acknowledge that the Comprehensive Plan recognizes this property as becoming commercial in the future. The staff does suggest that this particular parcel possibly should not be commercial because that zoning was designated for large scale commercial. He stated some investment in this area can be beneficial to the surrounding area. Several of the houses along this area are absentee ownership and some are maintained well and others are not kept well. The reason that the professional office overlay with the residential zoning doesn't work is because with the size of the property being so small reducing the ability to have any circulation or on-site parking if the existing structure were to be used. The key factor is the lot line setbacks for residential are much different than commercial and restricts the amount of structure that can be placed on the property by approximately 25%. The intent for the property if the zoning is changed is to have a small professional office and possibly a light retail use.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated this is a request for a Zoning District Change and Zoning Map Amendment from R-2 to C-1 for property located at 510 Lincoln Street. The property is currently being used as a single family rental home. The properties to the north are residential and zoned R-2, the properties to the east are adjacent to C-1 and currently developed as Starbucks and Syringa Wireless, the properties along the west boarder are zoned R-2 and use residentially, to the south is Filer Avenue and across the way is a C-1 zoned piece of property with a long standing professional office next door and both properties front onto Blue Lakes Boulevard North.

The Commission's role is to make two determinations prior to making a recommendation to the City Council. The first is to confirm that the proposed request is in compliance with the Comprehensive Plan and the second is to determine if the request is or is not detrimental to any of the outright permitted uses or existing special uses in the area. The Comprehensive Plan's Future Land Use Map 2-4 designates the area from Blue Lakes Boulevard to Lincoln Street as commercial/retail. However, the description of this designation in the Comprehensive Plan states that commercial/retail designated areas are "to support larger scaled commercial developments along major roadways". Along Filer Avenue between Blue Lakes Boulevard Commercial corridor and the Campus Commons Commercial Complex intersecting at Fillmore Street, the Comprehensive Plan designation is residential business. The residential business land use designation is described as "a transitional designation that would allow for residences and low scale/ low intensity commercial business operations". As the subject property is not oriented to Blue Lakes Boulevard corridor and use of this property other than existing residential use would be a transition between the commercial area and an existing residential neighborhood, it may be more appropriate to view it as intended to be designated residential business. At this time, the City does not have a zoning district that fits the residential business land use description.

A Comprehensive Plan is a guide for future growth to be used by the City in determining all future land use activities. The land use designation line is not to be taken literally like on a zoning designation map. The second item the Commission needs to consider prior to making a recommendation is to review to an extent the nature of the proposed amendment to determine if the request is or is not detrimental to the outright permitted uses or existing special uses in the area. The proposal of light commercial uses and/or office space for the site may be appropriate as a transitional use, but the C-1 zoning designation allows for a broad range of uses that would be allowed outright if the zoning was amended. The site is in a high traffic area and is located on Filer Avenue, which is a collector street near the intersection of Blue Lakes Boulevard North, a major arterial. The nature of commercial uses allowed in the C-1 zone could have a negative impact to the residential area in terms of traffic and access.

Commercial development of the site would require development improvements such as a sight obstructing screening fence along the north property line, offering some protection between the existing residential neighborhood and a commercial use. The size of the lot is limited; it is only 92' x 80', which also may limit the intensity of uses that could be operated at this location, however, if the zoning is amended, it could allow for further encroachment into the existing residential neighborhood. A third consideration would be that the entire block along Lincoln comes through with a request for a commercial rezoning, possibly allowing for a PUD that would offer protection for the residential neighborhood directly to the west.

Zoning & Development Manager Carraway stated upon conclusion should the Commission make a recommendation to approve the Zoning District Change and Zoning Map Amendment 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 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 for the property.
3. Development shall be subject to compliance with the C-1 land uses and development standards as per City Code 10-4-8.
4. Subject to compliance with required improvements as per City Code 10-11-1 through 10-11-9.

P&Z QUESTIONS/COMMENTS:

Commissioner Lezamiz asked if the new Comprehensive Plan designates this area as residential business or commercial/retail.

Zoning & Development Manager Carraway stated the designation is commercial/retail.

PUBLIC HEARING:

- Philip Lutz, 525 Lincoln Street has lived in this neighborhood for 13 years. He stated his house was in a quiet neighborhood and now has become a traffic and safety issue since the Starbucks was built on the lot south of this location. He would request that the Commission not recommend approval of this request.
- Amber Cheslik, 519 Lincoln Street stated that there are traffic issues and parking issues along this area and they have increased since the Starbucks was built. The traffic is terrible and she would request that the Commission not recommend approval.

CLOSING STATEMENTS:

The property currently has a home on it with an addition and would probably be considered a non-conforming structure at this point. The house is approximately 2400sq. ft. counting the garage. He stated he thinks that it is clear that the lot is shown as commercial on the Comprehensive Plan and if the interpretation is that the zone change is going to have a detrimental impact on the surrounding residences then he will have to accept that as a decision. The Commission does have some latitude in interpreting what the commercial zone is for and allows. The line on the map encompasses this property into the commercial designation and further north this line goes deeper west; from a planning stand point there should be enough depth to the commercial area that it makes a transition from commercial to residential. While he understands there are some concerns about current traffic but the parking on this site would be approximately eight stalls at the maximum so it will not be a big development and it doesn't seem logical that all of these cars would decide to use Lincoln Street for a thoroughfare but there is a possibility for additional traffic. This project will clean up this area and the Comprehensive Plans designates this area as commercial in the future. He would like to request that the Commission recommend approval of this request.

P&Z QUESTIONS/COMMENTS:

- Commissioner Schouten asked if the applicant was intent on removing the current residence from the property.
- Mr. Florence stated use with the current configuration of the lot and the structure there is not any room to allow for on-site parking and access. It would be difficult to use the current home for a professional use. He stated while their intention is to use the property professionally the only solution is to demo the house and get a larger footprint through the zoning change.

DELIBERATIONS FOLLOWED:

- Commissioner Warren stated he has a problem zoning it as C-1 and if the applicant should sell the property anything that is allowed in the C-1 zone can go in at this location. He can see professional office but not commercial.
- Commercial Mikesell stated that he is all for about a 600' overlay commercial zone off Blue Lakes Boulevard down each side, but this doesn't make any since. This is similar to a request the Commission recommended for denial a little while back and if approved would amount to spot zoning. The previous request was denied, if the entire block were up for discussion on rezoning to C-1 it would be different. He can't approve something that has already been denied another individual in the same area. He can't support this request.

MOTION:

Commissioner Warren made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Schouten seconded the motion. Commissioners DeVore, Lezamiz, Schouten voted in favor of the motion and Commissioners Cope, Mikesell, Warren, and Younkin voted against the motion.

RECOMMENDED FOR DENIAL

2. Request for a Non-Conforming Building Expansion Permit to add a porch on an existing non-conforming building that is within the front yard setback on property located at 455 Addison Avenue c/o Islamic Cultural Community Center, Bakhriddin Yusupov (app. 2355)

APPLICANT PRESENTATION:

Bakhriddin, representing the applicant state he would like the Commission to consider the request as presented in the staff report.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated this is a request to expand an existing non-conforming building that is within the front yard setback on property located at 455 Addison Avenue. The property is zoned R-4 with a professional office overlay. On June 9, 2009 the Planning & Zoning Commission approved Special Use Permit #1149 to operate a religious facility at this location 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)
3. Subject to issuance of a Certificate of Occupancy for a change of use from a professional office to a religious facility.
4. Subject to no vehicle access allowed to Addison Avenue including from the existing garage.
5. Subject to the alley being paved if it is determined to be used for access to this property.

The Building Department received an application for a building permit on October 21, 2009 for an interior remodel and change of use from a professional office to a religious facility. On November 12, 2009 another builder permit application was submitted for a new covered porch be located on the east side of the building. Upon review of the application it was determined the building was non-conforming as the building encroaches into the setback along Addison Avenue. Approval of a non-conforming building expansion permit is required in order to add on to this building. The narrative explains that the applicants religion does not permit them to wear shoes into where they pray; the propose expansion is to construct a covered porch to allow for more area for them to remove their shoes.

The building setback along Addison Avenue is 80' from center line and the building foundation is at 59' and encroaches 21' into the setback area. The request is to add approximately 270 sq. ft. cover porch area on the eastside of the property which brings the total building size to 1,004 sq. ft. The proposed expansion is 12' x 23' and will not encroach any further into the front yard setback along Addison Avenue. The R-4 Professional Overlay zoning does allow for 5' rear and side-yard setbacks. The expansion does meet these requirements. The proposed addition will not affect the hours of operation or increase any traffic to the site. There should be minimal impacts to the neighboring properties from the existing structure or from the proposed expansion.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant 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 no further construction or remodeling until building permits have been issued.
3. Subject to full compliance with Special Use Permit 1149.

P&Z QUESTIONS/COMMENTS:

- Commissioner Younkin asked about conditions related to requiring harmonious or compatible appearance.
- Zoning & Development Manager Carraway stated that esthetics are not a requirement for building permit the structure would be what is required to meet code so it may be appropriate for the Commission to make it a condition that the addition match the existing structure.

PUBLIC HEARING: NONE

DELIBERATIONS FOLLOWED:

Commissioner Mikesell stated if the Commission adds the condition that the expansion match the existing structure exterior when complete that will be enough for him to support the request.

MOTION:

Commissioner Lezamiz made a motion to approve the request as presented with staff recommendations with an additional condition that the expansion match the existing building exterior once completed. Commissioner Mikesell 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 no further construction or remodeling until building permits have been issued.
3. Subject to full compliance with Special Use Permit 1149.
4. Subject to the expansion matching the existing building exterior once completed.

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

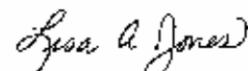
Chairman Younkin and Commissioner Warren's second terms expire in February so there will be two open City Commissioner positions available. Commissioner Warren will be finishing his first term and can request a second term.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for January 26, 2010.

VII. ADJOURN MEETING:

Chairman Younkin adjourned the meeting at 7:00 pm.



Lisa Jones
Administrative Assistant
Community Development Department



MINUTES

Twin Falls City Planning & Zoning Commission
January 26, 2010-6:00 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. 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 12, 2010
2. Approval of Findings of Fact and Conclusions of Law: **NONE**

Commissioner Warren made motion, Commissioner Schouten seconded. **UNANIMOUSLY APPROVED**

III. ITEMS OF CONSIDERATION: **NONE**

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate a professional office on property located at 935 Shoshone Street c/o Roger Laughlin/Gregg Olsen (app. 2356)

APPLICANT PRESENTATION:

Gregg Olsen, representing the applicant stated the purpose of the request is to acquire a special use permit for the purpose of operating an Architect's Office. The office will have standard hours of operation with very little impact on traffic. There are approximately 3-4 employee and the change should not impact the quality of life in this area as it has been a professional office in the past. This use will created no noise, glare or odor and he asked that the Commission grant approval for the request.

STAFF PRESENTATION:

Planner I Reeder reviewed the request on the overhead and stated this is a request for a special use permit to operate a professional office at property located at 935 Shoshone Street. This building was previously a home that has been converted to a professional office. In 2007 the property was used as a physician's office and operated for approximately a year this request is to operate an Architect's Office which should not have any impact on the area. The zoning code categorizes professional office differently than a medical office which is why this request is being heard tonight. The site has met all of the parking requirements as well as the other site improvement requirements.

Planner I Reeder stated should the Commission grant approval of this request staff recommends the following conditions.

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

PUBLIC HEARING: OPEN AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:

Commissioner Warren made a motion to approve the request as presented. Commissioner Schouten seconded the motion. All member present voted in favor of the motion.

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

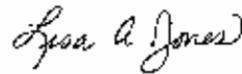
V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **February 9, 2010**

VII. ADJOURN MEETING:

Chairman Younkin adjourned the meeting at 6:15pm.



Lisa Jones
Administrative Assistant
Community Development Department



MINUTES

Twin Falls City Planning & Zoning Commission
February 9, 2010, 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:

Bohrn
Cope
Munoz
Schouten
Warren
Younkin

ABSENT:

Lezamiz

AREA OF IMPACT MEMBERS

PRESENT:

Mikesell

ABSENT:

DeVore

CITY COUNCIL MEMBERS PRESENT: NONE

CITY STAFF PRESENT: Carraway, Jones, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Request for Consideration of a 1-year extension on the approval of the Preliminary Plat of the Copper Basin Subdivision, consisting of 44 (+/-) acres and 207 single family lots and 1 tract located just east of the intersection of Harrison Street South and Pheasant Road, extended. c/o Harper Leavitt Engineering, Inc
2. Request for Consideration of the Preliminary Plat of the West Park Commercial #5 PUD Subdivision, a PUD, consisting of 4.98 (+/-) acres and three (3) lots located on the east side of the 1800 block of Canyon Crest Drive. c/o EHM Engineering, Inc. on behalf of Center Pointe, LLC

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to operate an in-home daycare facility on property located at 220 Sycamore Street c/o Tancy Sorensen (app. 2357)
2. Request for a Special Use Permit to manufacture ammunition in conjunction with a retail firearms and ammunition business on property located at 402 3rd Avenue South c/o Valiant Firearms & Ammunition, LLC / Kayla Cuellar (app. 2358)
3. Request for Special Use Permit to operate an automobile sales business in conjunction with an existing auto service & repair business on property located at 1196 Addison Avenue West c/o Addison Collision Repair, Inc (app. 2359)

I. CALL MEETING TO ORDER:

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

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): January 26, 2010
2. Approval of Findings of Fact and Conclusions of Law:
a-River hawk Commercial PUD (pre-plat) b-Roger Laughlin (SUP)
c-Islamic Cultural Community Center (NCBE)

Commissioner Mikesell made a motion to approve the minutes and the Findings of Fact and Conclusions of Law. Commissioner Cope seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. Request for Consideration of a 1-year extension on the approval of the Preliminary Plat of the Copper Basin Subdivision, consisting of 44 (+/-) acres and 207 single family lots and 1 tract located just east of the intersection of Harrison Street South and Pheasant Road, extended. c/o Harper Leavitt Engineering, Inc.

APPLICANT PRESENTATION:

Devin Ellison, Harper Leavitt Engineering, representing the applicant stated he is here tonight to request approval of a preliminary plat extension for the Copper Basin Subdivision. The subdivision is approximately 44 (+/-) acres consisting of 207 single family lots and 1 tract located just east of the intersection of Harrison Street South and Pheasant Road, extended. The plat was previously approved however due to the economy and issues related to utility availability have impacted the ability for the subdivision to be developed. The developers in this area have been working together to resolve the infrastructure and utility issues but until then development is on hold. He asks that the Commission grant the extension.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated that the Copper Basin preliminary plat was approved by the Planning & Zoning Commission on January 27, 2009 with the following two conditions:

1. Subject to final technical review by the City of 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.
3. Approval of the preliminary plat of the Copper Basin Subdivision is valid until January 27, 2011.

As per Twin Falls City Code 10-12-2.3(I) Failure to file and obtain the Certificate of the Acceptance of the final plat application by the administrator within one year after action by the Commission shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for by the subdivider and granted by the Commission.

As of today's date there has been no development of this subdivision and a letter was submitted requesting an extension due to the economic situation and water and sewer issues in this area. Engineering has reviewed the plat and has determined there has been no substantial changes in the area. If the request is approved staff recommends the extension expire on January 27, 2011.

Zoning & Development Manager Carraway stated upon conclusion staff recommends a one year extension of the approval of the preliminary plat for Copper Basin Subdivision, as presented and subject to the original two conditions of approval.

PUBLIC INPUT: OPEN AND CLOSED WITHOUT PUBLIC CONCERNS

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Warren made a motion to approve the request as present 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 City of 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.
 3. Approval of the preliminary plat of the Copper Basin Subdivision is valid until January 27, 2011.
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2. Request for Consideration of the Preliminary Plat of the West Park Commercial #5 Subdivision, a PUD, consisting of 4.98 (+/-) acres and three (3) lots located on the east side of the 1800 block of Canyon Crest Drive. c/o EHM Engineering, Inc. on behalf of Center Pointe, LLC.

APPLICANT PRESENTATION:

Tim Vowser , EHM Engineers, Inc., representing the applicant stated he is here tonight to request approval of a preliminary plat for the West Park Commercial #5 PUD Subdivision approximately 4.98 (+/-) acres consisting of 3 commercial lots located on the east side of the 1800 block of Canyon Crest Drive. This is an infill project that will finish the sidewalk fronting the east side of Canyon Crest Drive completing a full pedestrian loop from Washington Street out to Pole Line Road. This will be a nice continuation of what's already going on in the area. The developer does agree with the staff recommendations in the staff report and requests approval of the preliminary plat.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated this request is for the West Park Commercial #5 PUD Subdivision preliminary plat. The subdivision consists of 3 commercial lots on approximately 5 acres and is zone C-1 PUD under the Northbridge No. 2 C-1 PUD which was approved in 1994. The property is located on

the east side of Canyon Crest Drive. Canyon Crest Drive is a collector street and is located along the western boundary of the subdivision and is the only road access to this property. The curb, gutter and road section is currently developed, however a detached sidewalk is required along the roadway frontage. A 20' landscape buffer and a detached sidewalk are shown on the preliminary plat. The Canyon Rim Trail is existing along the eastern boundary of the property. There are some portions of the trail that are on this property and will need to be accommodated by permanent recorded easements or by deeding the property to the City.

The subdivision process does not require a land use development plan, however detailed site development plans and have reviewed potential users. Development of the property is also subject to compliance with the Northbridge No. 2 C-1 PUD Agreement. There are some notes on the plat that indicate that the property is under the Northbridge C-1 PUD Agreement, these need to be corrected to indicate the Northbridge No. 2 C-1 PUD Agreement.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the preliminary plat of West Park Commercial No. 5 PUD Subdivision, as presented, 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.
2. Subject to compliance with the Northbridge No. 2 C-1 PUD Agreement
3. Subject to a detached sidewalk being built or rebuilt along Canyon Crest Drive to current City standards upon development of the property.
4. Subject to recorded permanent easements or deeding of the portions of the Canyon Rim Trail that may be on this property.

PUBLIC INPUT: OPEN AND CLOSED WITHOUT PUBLIC CONCERNS

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

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 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 compliance with the Northbridge No. 2 C-1 PUD Agreement
3. Subject to a detached sidewalk being built or rebuilt along Canyon Crest Drive to current City standards upon development of the property.
4. Subject to recorded permanent easements or deeding of the portions of the Canyon Rim Trail that may be on this property.

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate an in-home daycare facility on property located at 220 Sycamore Street c/o Tancy Sorensen (app. 2357)

APPLICANT PRESENTATION:

Tancy Sorensen the applicant, stated she lives at this residence and have run the daycare in her home for a little over a year and a half and as per the rule changes for daycare and for regulating her food program for a grant she is requesting a Special Use Permit so that she can license her in-home daycare. She asks that the Commission approve her request so that she can take care of her children as well as others. Her two children are included in the total number of children she will have in her daycare.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated the request is to operate an in-home daycare on property located at 220 Sycamore Street. The property is zoned R-4 which is a medium density residential zoning district. Currently the applicant operates a daycare in her home under the legal limit of 5 or fewer children. She would like to be licensed to care for a maximum of 12 children. Within the R-4 zone a special use permit is required to operate an in-home daycare facility where they are providing care for 6 or more children, including the residents own. The applicant intends to operate the daycare from 7:00am to 6pm Monday thru Friday. She anticipates an increase of 3-10 vehicles during drop off and pick up times of 7-8am and 4-6pm. She has also indicated she would be the only caregiver most of the time, however there may be times when she needs to hire additional help.

City Code 10-10-3 requires two (2) parking spaces per teacher. There is enough space for two (2) vehicles in driveway #1 and one (1) vehicle in driveway #2. The Commission may want to consider placing a condition on the special use permit that one of the driveways remain vacant to allow for parent parking only during business hours.

City Code 10-11-4(B) states that all parking and maneuvering areas shall be hard surfaced. Review of the site plan/aerial indicates in addition to the two driveway #2, are not hard surfaced. The Commission may want to consider placing a condition on the special use permit that these areas be hard surface if they are to be used for the daycare.

If the Commission approves the request this evening the applicant will be required to apply for a day-care license through the fire department and will be required to comply with requirements for handicap accessibility and fire inspections. She will also be required to apply for a Certificate of Occupancy through the building department. Signs are not allowed to advertise in-home day cares in residential areas. If approved the special use permit would be for this applicant at this address only. Anticipated impacts should be minimal to the surrounding neighborhood.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant 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, including the caregiver's children, may be cared for under this permit at any one time.
3. In addition to Mrs. Sorensen, there may be a maximum of one (1) additional caregiver onsite at any one time.
4. The hours of operation shall be no more than 7:00am to 6:00pm Monday thru Friday.
5. Subject to driveway #1 being used for parent parking only during business hours.

6. Subject to the pull off area being hard surfaced and during business hours to be used for parent drop off/pick up only.
7. Comply with all state and local requirements to establish a day care facility, including but not limited to:
 - a. Receiving Certification from the Idaho State Department of Health and Welfare
 - b. Receive a Day Care Center License from the City of Twin Falls Fire Department prior to operation of the day care
 - c. Apply and received a Certificate of Occupancy from the City of Twin Falls Building Department prior to operation of the day care.

PUBLIC HEARING: OPENED

- Shelly Stokesberry, 3389 N 3100 E, stated the applicant currently cares for her children and does a great job. She would ask that the Commission approve this request.
- Judy Berreth, 807 Center Street E, stated that she has been working with Ms. Sorensen through the Idaho Stars program to help her with her daycare and assist her in applying for grants to make improvements to her facility. She does a very good job and follows the rules very closely. She asked that the Commission approve this request.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Warren 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 PRESENT, 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 at any one time.
3. In addition to Mrs. Sorensen, there may be a maximum of one (1) additional caregiver onsite at any one time.
4. The hours of operation shall be no more than 7:00am to 6:00pm Monday thru Friday.
5. Subject to driveway #1 being used for parent parking only during business hours.
6. Subject to the pull off area being hard surfaced and during business hours to be used for parent drop off/pick up only.
7. Comply with all state and local requirements to establish a day care facility, including but not limited to:
 - a. Receiving Certification from the Idaho State Department of Health and Welfare
 - b. Receive a Day Care Center License from the City of Twin Falls Fire Department prior to operation of the day care
 - c. Apply and received a Certificate of Occupancy from the City of Twin Falls Building Department prior to operation of the day care.

2. Request for a Special Use Permit to manufacture ammunition in conjunction with a retail firearms and ammunition business on property located at 402 3rd Avenue South c/o Valiant Firearms & Ammunition, LLC / Kayla Cuellar (app. 2358)

APPLICANT PRESENTATION:

Kayla Cuellar, the applicant stated she is here to request a special use permit to manufacture ammunition in conjunction with a retail firearms and ammunition business at 402 3rd Avenue South. Valiant Firearms has been located in downtown Twin Falls since 2005. Originally the business started as a specialty firearms business but has never really taken off. Instead Valiant's main operation has become air soft products for law enforcement. Due to the ammunition shortage Valiant customers began to complain that their ammunition orders were on back order from 6 months to a year making it difficult to train properly using live ammunition. The co-owner of the company has experience in loading ammunition and when he asked the customers if he made the ammunition would they buy it, he had a positive response from the customers. They began production after receiving their Class 6 Ammunition manufacturing license. Not realizing that they were violating code if they stayed under the residential limits of smokeless powder and primers, they didn't think to contact the City until they began discussing buying equipment and growing the business. They have met with City staff to brainstorm and understand laws and codes related to their industry. Since August of 2009 they have reapplied for a new federal firearms and ammunition manufacturing license because of reorganization of the company. The new license application required a letter from the City stating that the current zoning requirements were being met. At this time it was realized that this type of land use required a special use permit to operate, therefore that is why they are here this evening. They would like to ask for an amendment to Condition #2 in the staff recommendations and be restated as approval to be subject to limits appropriate to zoning and fire codes. Condition #3 is an expense that neither Valiant Firearms or the landlord of the building is able to afford at this time and ask that a deferral be approved. The request that the special use permit be approved.

P&Z QUESTIONS/COMMENTS:

- Commissioner Mikesell asked what kind of security systems are in place on site.
- Mrs. Cuellar stated that they currently have a 7' fence and security system in place and do not store firearms onsite.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated this is a request for a special use permit to manufacture ammunition in conjunction with a retail firearms and ammunition business located at 402 3rd Avenue South. The property is zoned M-1 which is a light manufacturing district. A plumbing contractor is currently operating from this site. The applicant wishes to lease a portion of the building to operate a business that manufactures ammunition in conjunction with retail/wholesale sales of firearms and including ammunition. A special use permit is required to operate this type of business in the M-1 Zone. The hours of operation are proposed to be from 8:00am to 6:00pm however, they indicate that the business has no employees at this time and anticipates very little additional traffic to the site. There will be occasional deliveries and customer pick up but the product is generally shipped directly to the customer. In the staff report there is some discussion about the types of powder and primers that are being stored onsite. In speaking with the Fire Marshall he indicated

there may be an allowance to increase quantities of these products. If the special use perm it is approved this issue will be reviewed prior to operation of the business.

City Code 10-11-5(B)(1) requires curb, gutter and sidewalk be constructed at the time of new construction or modification of existing buildings. Sidewalk is not required in the M-1 Zone and there is no curb or gutter along 3rd Avenue South or along Jerome Street South. The Commission may wish to place a condition for a deferral of curb, gutter and asphalt patch back if this permit is approved. A full review to assure compliance with Building, Engineering, Fire and Zoning requirements will be completed prior to issuance of a Certificate of Occupancy.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant 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 powders and primers limited as established and approved by the Fire Marshall
3. Subject to issuance of a Certificate of Occupancy prior to operation of the business
4. Subject to approval of a deferral agreement for curb, gutter and asphalt patch back on 3rd Avenue South and Jerome Street South.

PUBLIC INPUT: OPENED

- Scott Walker , plumbing contractor and owner of the building stated that the ATF has been in to review the facility and they have been in compliance with the ATF requirements. The applicant follows the rules very closely to keep his license and he would recommend that this request be approved.

PUBLIC INPUT: CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Bohrn made a motion to approve the request, as presented, with staff recommendations. Commissioner Coper 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 powders and primers limited as established and approved by the Fire Marshall
 3. Subject to issuance of a Certificate of Occupancy prior to operation of the business
 4. Subject to approval of a deferral agreement for curb, gutter and asphalt patch back on 3rd Avenue South and Jerome Street South.
3. Request for Special Use Permit to operate an automobile sales business in conjunction with an existing auto service & repair business on property located at 1196 Addison Avenue West c/o Addison Collision Repair, Inc (app. 2359)

APPLICANT PRESENTATION:

Louise Ward, representing the applicant, requesting a special use permit to allow them to expand their current auto body business to sell automobiles at the same site. The property is

C-1 and requires a special use permit for this request. The business has been in operation for 3 years and supports 11 families and the expansion would allow the business to continue operation and supplement the business. J& J investments LLC owns and operates this business and request approval of the special use permit.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated this is a request to operate an automobile sales business in conjunction with an existing auto body business located at 1196 Addison Avenue West. The property is zoned C-1, Highway Commercial District within the City's Area of Impact. Currently an auto service and repair business operates Monday thru Friday from 8:00am to 6:00pm from the site. The applicant is requesting approval to add auto sales in conjunction with the auto service and repair business. A special use permit is required for automobile sales in this zone. The applicant is not indicating any display pads as part of this permit at this time. If this request is approved the narrative indicates the day to day operation of the business would not change and they do not anticipate any increase in current staff. The applicant would like to be able to purchase vehicles at auctions, repair them in the current shop and then sale them onsite. They anticipate there may be a minor increase to traffic due to the additional use on the property. However, as the business is located on Addison Avenue West, a major arterial highway, it is designed to accommodate high volumes of traffic, and any increases to traffic would not be noticeable.

Parking is shared with the other tenants of the building complex, the Commission may wish to limit the number of vehicles that may be displayed for sale along Addison Avenue West frontage at any one time. The site is located in a mix of commercial uses. There should be minimal impacts to the adjacent properties as there would be no change to the primary operation of the business on the site. The use is in compliance with the Comprehensive plan, which designates this area as appropriate for commercial/retail uses. It was indicated earlier by the applicant that there is a dirt area that could be used as overflow for display of vehicles. As per City Code if the property is used for commercial uses the area would have to be hard surfaced a gravel or dirt area would not meet code.

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

1. All parts and miscellaneous equipment and vehicles being repaired to be stored inside of buildings or in fence areas behind building.
2. Limit of not more than 5 vehicles being displayed for sale at any one time
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 Bohrn asked if there would be additional landscaping requirements.
- Zoning & Development Manager Carraway stated this is a change of use for the property the site plan has been reviewed and it was determined that the business is in compliance with the landscaping requirements. All of this will be reviewed as part of the Certificate of Occupancy process.
- Commissioner Bohrn asked about the number of vehicle displays and restrictions.
- Zoning & Development Manager Carraway stated she is not sure how busy the complex gets but the restriction is recommended to avoid creating parking compliance

issues for the building complex. A full blown car lot could impact the parking situation for the property. If a request came through for a full automobile dealership would trigger some different requirements and would not meet the conditions of this permit is approved as presented.

- Commissioner Bohrn stated that the state licensing requirements for display is possibly 6 cars and sales per year.

PUBLIC HEARING: NONE

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Bohrn made a motion to approve the request with an amendment to Condition #2 changing the maximum number of vehicles for display at any one time be limited to six (6). Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED, SUBJECT TO THE FOLLOWING AMENDED CONDITIONS

1. All parts and miscellaneous equipment and vehicles being repaired to be stored inside of buildings or in fence areas behind building.
2. Limit of not more than 6 vehicles being displayed for sale at any one time
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.

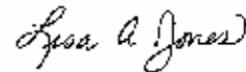
V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION: NONE

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **February 23, 2010**

VII. ADJOURN MEETING:

Chairman Younkin adjourned the meeting at 7:15 pm



Lisa Jones
Administrative Assistant
Community Development Department



MINUTES

Twin Falls City Planning & Zoning Commission
February 23, 2010-6:00 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:

Bohrn
Cope
Lezamiz
Schouten
Warren
Younkin

ABSENT:

Munoz

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Mikesell

ABSENT:

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

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION

NONE

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to operate a beauty salon on property located at 1055 Blue Lakes Boulevard c/o Jason & Cassie Shumway on behalf of N'Spyred Salon (app. 2361) **WITHDRAWN BY APPLICANT**
2. Request for a Special Use Permit to expand by more than 25% an existing gasoline station on property located at 705 Blue Lakes Boulevard North c/o Great Basin Engineering on behalf of Fred Meyer Stores (app. 2362)
3. Consideration for an appeal of the Planning & Zoning Administrative Decision regarding the rejection of a Special Use Permit application to allow the operation of a zip line tour business on property located within the open space zone c/o Steven D Peterson on behalf of Magic Valley Flight Simulation, LLC (app. 2360)

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): February 9, 2010
2. Approval of Findings of Fact and Conclusions of Law:
 - a. West Park Commercial Subdivision #5, a PUD (pre-plat)
 - b. Tancy Sorenson (SUP)
 - c. Valiant Firearms (SUP)
 - d. Addison Collision Repair (SUP)

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate a beauty salon on property located at 1055 Blue Lakes Boulevard c/o Jason & Cassie Shumway on behalf of N'Spyred Salon (app. 2361) **WITHDRAWN BY APPLICANT**
2. Request for a Special Use Permit to expand by more than 25% an existing gasoline station on property located at 705 Blue Lakes Boulevard North c/o Great Basin Engineering on behalf of Fred Meyer Stores (app. 2362)

APPLICANT PRESENTATION:

Nikki Anderson, Great Basin Engineering, stated they are proposing to expand the existing gas station located at the Fred Meyer Store on Blue Lakes Boulevard North. The existing canopy size is 43' x 92' and they would like to expand it by 34' to allow for two additional dispensers. The dispensers will be piped to the same tanks so there will not be any new underground storage tanks. The day to day operations will remain the same. The staff recommendations have been reviewed and the applicant concurs with the recommendations.

P&Z QUESTIONS/COMMENTS:

- Commissioner Lezamiz asked if the applicant has considered making the alleys directional with traffic flowing in one direction and exiting one direction. She stated her concern is that there are already issues with traffic flow through this area and this expansion may add to the problem.
- Ms. Anderson stated that normally the traffic is left to flow in an out freely both directions but that they could consult with their traffic engineer about having a more controlled traffic flow.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated this is a request to expand an existing gasoline station on property located at 705 Blue Lakes Boulevard North. On May 24, 1995 a demolition permit was issued to demo the Blue Lakes Mall. In September of 1995 construction of the Fred Meyer Shopping Center began and on July 31, 1996 the Certificate of Occupancy was issued. On April 13, 2000 the Fred Meyer Subdivision, consisting of 17.5 acres and 4 lots was recorded. The site is zone C-1, the Commercial Highway District, to operate a gas station in the C-1 Zone takes a special use permit. On May 8, 2001 the Commission granted a Special Use Permit #729 to operate a gas station on property located at the Fred Meyer Shopping Center Lot 4 subject to nine (9) conditions.

The request this evening it to expand the gas station by adding an additional 34' to the existing canopy and adding additional fuel pumps. The fuel pumps will increase from five (5) to seven (7) and the number of fueling positions will increase from ten (10) to fourteen (14) which is a 40% increase from the original approval.

A special use permit is required for an expansion of more than 25% over the original square footage approved through the special use permit process. If the request is approved this evening it shall require the removal of four (4) parking spaces, upon review by staff there appears to be adequate parking for the facility, however a complete review will be done as part of the building permit review process. There is not an anticipated increase in noise due to this expansion, any new light fixtures for the expansion will be recessed to minimize glare and light pollution. The applicant has indicated they will not be increasing the underground storage area and the expansion of tanks and piping meet or exceed state and federal requirements for fuel centers. As the use of the property is not changing there should be little impact to the surrounding properties. The applicant has indicated there will be no change to the current operations of the facility. The Comprehensive Plan indicates that this area is appropriate for Commercial/Retail uses. The applicant has indicated in the narrative that they wish to place some additional signage on the proposed canopy. No new free-standing signage is being proposed. The signage will be reviewed once the sign permit application is submitted. The staff report indicated two concerns (1) that there be a cross use parking agreement for the complex; and (2) the expansion of the gas station would require a lot line adjustment. Both of these issues have been addressed.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant this request staff recommends it be subject to the following conditions:

1. Subject to submittal of a sign permit application for additional canopy signage
2. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards

PUBLIC HEARING: **OPENED & CLOSED WITHOUT PUBLIC CONCERN**

DELIBERATIONS FOLLOWED:

- Commissioner Bohrn stated his only concern is the congestion along the west end of the station where the proposed expansion is going to occur. The parking currently is very congested with people coming in from every direction to get to the fuel station. The expansion is going to make this more of a problem.
- Commissioner Mikesell stated he is in agreement with Commissioner Lezamiz and that the site should have directional control of the traffic.
- Commissioner Lezamiz stated she doesn't have a problem with the expansion however she is very concerned with the congestion and the site should have some direction on how traffic enters and exits the pumping station.
- Zoning & Development Manager Carraway stated that by code the expansion meets the requirements and parking is not an issue however the Commission can add a condition that a directional design be part of the approval process.

MOTION:

Commissioner Bohrn made a motion to approve the request as presented with staff recommendations plus an additional condition that would require traffic to enter on the south end of the station and exit on the north end of the station. Commissioner Mikesell seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED, SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to submittal of a sign permit application for additional canopy signage
 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. Subject to traffic entering on the south end of the station and exiting on the north end of the station
3. Consideration of an appeal of the Planning & Zoning Administrator's decision regarding the rejection of a Special Use Permit application to allow the operation of a zip line tour business on property located within the open space zone c/o Steven D Peterson on behalf of Magic Valley Flight Simulation, LLC (app. 2360)

APPLICANT PRESENTATION:

Jody Tatum, the applicant, stated they first approached City staff with this great idea in June of 2009 of putting up a sky tour trolley from rim to rim. It was called a motorized zip-line, many agreed it was a great idea but the wrong location. In December of 2009 they came back to the City with a new request that was for a traditional gravity zip-line somewhere in the open space zone. The reason for the hearing is to review the City Code that regulates the open space, the definition of a zip-line, what other areas like Twin Falls consider zip-lines to be defined as, and the definitions used by the City of Twin Falls to define a zip-line as well as the state of Idaho.

The City staff states that the open space zone clearly does not allow a zip-line under an amusement ride definition. They are not arguing this point, a zip-line is not specifically listed in the allowed uses and it would be a challenge for anyone to say that an amusement ride would be similar to any of the activities listed within the open space zoning code. However, if a traditional gravity zip-line is recognized as recreation that changes the entire outcome, that is why they are appealing.

She stated she researched over 16 different counties where zip-lines are located and operating. The locations are in protected scenic areas like the area they have chosen for Twin Falls. The majority of them are subject to comprehensive plans and several had to apply for a special use permit or similar process, and are subject to all licensing requirements and standards. All of these locations consider a traditional gravity zip-line to be recreational.

The American Planners Association definition of an amusement park ride is “ (1) a device that carries or conveys passengers along, around or over a fixed area for the purpose of giving its passengers amusement, pleasure, thrills, or excitement (2) a mechanical, aquatic, or other device or attraction that carries passengers over a fixed or restricted area, primarily for the passenger's amusement“ these definitions were the basis for which staff determined that they could not accept the special use permit application. The APA does not issue definitions rather they gather definitions from all over the country that City's can use as a reference to create their own definition specific to their area and circumstances. The APA index has multiple definitions for each word in the index and does not include a definition for a zip-line. They conclude that the amusement ride definition that the staff has used is an inappropriate definition for a zip-line.

The Professional Ropes Course Association does have a nationally recognized definition for a zip-line. Zip-line courses commonly involve two or more zip-lines or action activity systems being utilized for recreation, environmental education and or eco-tourism purposes. The PRCA standards are the source of information for the insurance companies, the operators, the travelers, and the cruise ship industry worldwide. They are the leading voice in the zip-line industry. All legitimate zip-lines within the United States are required to be inspected annually, and certified by the PRCA to obtain and keep their license to operate.

The State of Idaho Outfitters Guides and Licensing Board took on the responsibility of overseeing the zip-line activities, they recognize that zip-lines are built with stringent guidelines and standards and have applied specific criteria monitoring the inspections prior to authorizing an operator's license. Zip-lines are required to be outfitters licensed with the State of Idaho Outfitters Guides, all of the employees of the zip-line must be licensed guides and exhibit knowledge of animal, plant and geographical occurrences in their specific area as well as the appropriate safety practices on the equipment and facilities.

Upon conclusion the purpose of the open space zoning district is to protect canyon areas and to provide open space for active and passive recreation. If they fell into the special use category they would be a use similar to athletic areas, equestrian facilities, golf courses, golf driving ranges, miniature golf courses, outdoor public and commercial ice and roller skating, swimming pools and tennis courts. The 16 counties that have zip-line facilities consider them to be recreational.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated the issue this evening is not about a land use request it is an appeal of the Planning & Zoning Administrators decision regarding the classification of a land use. Staff determined that a zip-line is classified as an amusement ride. An amusement ride is not a permitted use within the Open Space Zoning District; therefore a Special Use Permit application cannot be accepted for a zip-line tour business in the Open Space Zone.

As per City Code 10-17-1(G) it states the appeals process is as follows; appeals to the Commission concerning the Administrator's interpretation and administration of this title may be taken by any person aggrieved by a decision of said administrator. Said appeal shall be taken within fifteen (15) days after the decision of the administrator by filing with the administrator a notice of appeal specifying the grounds upon which the appeal is to be taken. The administrator shall transmit to the commission the appeal and all papers constituting the record upon which the appeal is based.

Upon receipt of an appeal from the action of the administrator the commission shall, after publishing notice in a newspaper and giving written notice to all parties concerned at least fifteen (15) days in advance, hold a public hearing. The commission's determination shall be final unless appealed to the council within the same time and pursuant to the same procedure set forth above. Therefore, upon the decision this evening the applicants may appeal to the council on the same ground that they have appealed the administrator's decision.

On January 14, 2010 following an email to the applicant dated December 31, 2009 denying acceptance of a special use permit application to establish a zip-line tour business on property within the Open Space Zone staff received a notice of appeal. The notice of appeal states there are 3 issues, which will be addressed in this presentation. The first appeal issue is: (1) staff determination that the zip-line is an "amusement ride". City Code 10-17-1(F) states whenever there is a use not specifically mentioned in this title, the determination shall be made by the administrator. A zip-line use is not specifically mentioned in this title. Staff researched several communities and sources independently and through the American Planning Association link. The APA is a guide that staff uses faithfully. Staff also researched several existing zip-line businesses including the websites that were supplied by the applicant in the email dated December 29, 2009 and those included in an attachment with the Notice of Appeal.

Each of these zip-line businesses without exception is located within a “resort community” with recreational/commercial zoning or is located within designated “national forest/park land also with recreational/commercial zoning in place. Not on zip-line business that was reviewed was located in the center of a rural community such as Twin Falls. As stated in the staff report the American Planning Association listed two (2) definitions for “amusement ride” they are as follows:

1. A mechanical, aquatic, or other device or attraction that carries passengers over a fixed or restricted area, primarily for the passengers amusement;
2. Any device that carries or conveys passengers along, around, or over a fixed area for the purpose of giving its passengers amusement, pleasure, thrills, or excitement.

Staff feels these definitions accurately describe a zip-line ride and reaffirms their decision that a zip-line shall be classified as an amusement ride.

The second appeal issue is: (2) staffs determination that even if the zip-line is determined as a guided educational tour, experiential learning and recreation activity, that such use would still be prohibited in the Open Space Zoning District because it is not specifically listed as a permitted use. Title 10-4-11.2(C) the Open Space Zoning District states that uses not specified are prohibited unless administrative determination is made that the use is similar enough to a use listed and that any distinction between them is of little consequence. Staff determined a zip-line tour business is correctly classified as an amusement ride which is not similar enough to a use listed within the Open Space Zone, therefore a zip-line is not permitted use.

The third appeal issue is: (3) staffs determination that the City cannot accept a Special Use Permit application for a zip-line tour business. Staff is very concerned about brining a zoning request to the Planning & Zoning Commission that obviously does not meet the City Code. This is not the first time that staff has rejected or pulled applications that have been submitted because of non-compliance with code. Staff feels if they were to bring Special Use Permit requests to the Commission that don't meet code, and the Special Use Permit were granted, even though it may have been clear through the public hearing process and the land use was not permitted, it would create a non-conforming use that technically is a violation of City Code.

Based on the above findings staff has determined a zip-line shall be classified as an amusement ride and an amusement ride is not a permitted use within the Open Space Zone, therefore a Special Use Permit application cannot be accepted for a zip-line tour business in the Open Space Zone.

There has been some reference to the Comprehensive Plan and its relevance to the City Code for clarification: A Comprehensive Plan is not a regulatory document; it is a document that reviews the past and present growth/development of a community and reflects the Community's vision of the future growth and development. A Comprehensive Plan is simply a guide for amendments to the zoning ordinance.

Zoning & Development Manager Carraway stated upon conclusion this is an appeal of the Planning & Zoning Administrator's decision regarding the classification of a land use. Staff recommends that Planning & Zoning Commission uphold the Planning & Zoning Administrator's decision that:

- 1) A zip-line tour business is correctly classified as an amusement ride
- 2) An amusement ride is not similar enough to a use listed within the Open Space Zone therefore, a zip-line tour business is not a permitted use in the Open Space Zone; and
- 3) A Special Use Permit application cannot be accepted for a zip-line tour business in the Open Space Zone.

PUBLIC HEARING:

- John Lezamiz, 847 Canyon Springs, he stated that he is in support of staff's decision that a zip-line is not a specifically identified use in the Open Space Zoning District Code that it is an amusement ride and that the Commission should uphold the Administrator's decision.
- Wayne Towsley, 226 Southwood Avenue, stated that he would like the Commission to take into consideration the recreational activities that already take place in the Canyon and that he is in support of the zip-line.
- Brent Wallen, 3527 E 4000 N, stated that he is in favor of reclassifying this as not being an amusement ride and approving the applicants appeal.
- Barry Knoblich, 1174 Skyline Drive, stated that negotiations should be considered because this is a brand new concept and that maybe it doesn't fit into a category that already exists but that the appeal should be considered.
- Lamar Orton, 867 Filer Avenue W, stated that he is in support of the Administrative decision. It is not about what should or shouldn't be it is about what the City Code currently says. The question is whether a zip-line is allowed by code as it is currently written. At present a zip-line is not an allowed use by code. He feels that the staff's decision should be upheld.
- Bill Gehrke, 711 Canyon Springs Rd, stated he is in support of the Administrator's decision and would request that the Commission uphold the decision.
- John Beukers, 711 Riverview Dr, stated the Commission should uphold the decision of the Administrator and the staff.
- Barbara Beck, 567 Sunrise Blvd N, stated that she would like for the Commission to uphold the Administrator's decision.
- Katie Breckinridge, P.O. Box 685 Picabo, ID, stated that she is in support of the staff findings.
- Mike Wall, 1168 Park Meadows Dr, he is in support of the appeal.
- Boyd Satterwhite, 452 Woodland Ct, he is in support of the appeal and the zip-line.

CLOSING STATEMENT:

Jody Tatum stated they feel strongly about the distinction between amusement ride and recreational use. Under the definition as an amusement ride there is not any place in the Open Space that a zip-line can be placed. If the classification were recreation it could be approved under a Special Use Permit, they are really excited about the project and they asked that the Commission reconsider the administration's decision.

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated the only way to get this done is to change the ordinance. Administration made the right decision it doesn't fit the current code.
- Commissioner Warren stated there should be a Comprehensive Plan change and a Zoning change before a special use permit can be accepted. Currently this doesn't work the way the code is written.
- Commissioner Schouten thinks its recreational not an amusement ride.
- Commissioner Younkin stated staff has done their job and City Code doesn't allow this use.
- Commissioner Bohrn stated that neither recreational or amusement ride is outright permitted in the current code, a code change has to happen first. Administration has made the correct decision.

MOTION:

Commissioner Warren made a motion to uphold staffs decision with regards to the rejection of a special use permit application. Commissioner Mikesell seconded the motion. Commissioners Warren, Mikesell, Bohrn and Younkin voted in favor of the motion and Commissioners Schouten, DeVore and Cope voted against the motion.

ADMINISTRATIVE DECISION UPHELD, APPEAL DENIED

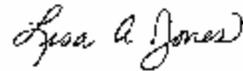
V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for March 9, 2010.

VII. ADJOURN MEETING:

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



Lisa Jones
Administrative Assistant
Community Development Department



MINUTES

Twin Falls City Planning & Zoning Commission
March 9, 2010-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricot V. Lane Jacobson Bonnie Lezamiz Gerardo Munoz Jim Schouten
Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Cope
Derricott
Jacobson
Lezamiz
Munoz
Schouten

ABSENT:

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Mikesell

ABSENT:

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Carraway, Jones, Vitek

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

II. ELECTION OF OFFICERS

III. ITEMS OF CONSIDERATION

NONE

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to construct and operate a physical therapy business on property located at 1444 Falls Avenue East c/o Paul Lloyd on behalf of Dr. Bryan Wright (app. 2364)
2. Request for the Commission's recommendation on a Zoning Title Amendment which would amend Twin Falls City Code by the addition of a new Section 19 of Chapter 7 of Title 10 providing for city services c/o City of Twin Falls (app. 2363)

I. CALL MEETING TO ORDER:

Commissioner Bohrn 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. ELECTION OF OFFICERS:

- Commissioner Cope made a motion to nominate Commissioner Bohrn for Chairman of the Planning & Zoning Commission. Commissioner Schouten seconded the motion. **UNANIMOUSLY APPROVED**

- Commissioner Bohrn made a motion to nominate Commissioner Cope for Vice-Chairman of the Planning & Zoning Commission. Commissioner Schouten seconded the motion. **UNANIMOUSLY APPROVED**

III. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): February 23, 2010
2. Approval of Findings of Fact and Conclusions of Law:
 - a. Fred Meyer (SUP 1177)
 - b. Magic Valley Flight Simulation (Admin. Appeal)

MOTION:

Commissioner Schouten made a motion to approve the minutes and the Findings of Fact and Conclusions of Law and Decisions. Commissioner Lezamiz seconded the motion. **UNANIMOUSLY APPROVED**

IV. ITEMS OF CONSIDERATION: NONE

V. PUBLIC HEARINGS:

1. Request for a Special Use Permit to construct and operate a physical therapy business on property located at 1444 Falls Avenue East c/o Paul Lloyd on behalf of Dr. Bryan Wright (app. 2364)

APPLICANT PRESENTATION:

Dr. Bryan Wright, the applicant, stated had and his wife would like to start a therapy clinic at the property located at 1444 Falls Avenue East. The house that is currently on the property was built in approximately 1950's and is not appropriate for a home nor could it be functional as a professional office, therefore the plan is to removed the home and build a new building on the lot that looks similar to the buildings in the Locust Grove complex across the street. The applicant reviewed the site plans and elevations for the new building on the overhead. He stated the property will be fence along the south and west boundaries of the property , there will be a right turn only from Falls into the property, an entrance along Locust Street and an exit only onto Locust Street from the property. They are excited about the project and ask that the Commission approve the request.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated the property is zoned R-2 PRO, residential single household or duplex district with a professional office overlay. The request is to construct and operate a physical therapy facility with an office at 1444 Falls Avenue East. A special use permit is required in to establish a doctor's office in the R-2 PRO zone.

The parcel is approximately 18, 800 sq. ft and currently has a 1500 sq. ft. single family residence. Currently there is a basement under the existing single family home and at such time when this residence is removed and prior to redevelopment of the site the basement will be required to be removed and the hole filled in.

The Professional Office Overlay does not limit the hours of operation for a medical facility, however, the narrative states they plan to operate the business Monday thru Friday from 8:00 am to 6:00pm. If the Commission grants this request as presented this evening the Special Use Permit would be subject to these limitations unless otherwise conditioned by the Commission.

The narrative states that Dr. Wright anticipates a maximum of (4) to (5) patients at any one time and he currently operates with (1) additional physical therapist and (4) other employees for a total of (6) staff members.

The elevations show a 2-story medical building with a total of 4760 (+/-) sq. ft. with 3,760 sq. ft (+/-) on the main floor and 1,000 (+/-) sq. ft. on the upper level, with no basement being proposed. The site plan shows traffic will have ingress only from Falls Avenue East and an ingress and a right turn only egress along Locust Street North. Although the code does not specifically address parking requirements for a medical use the professional office requirement of one (1) space per 300 sq. ft. of total floor area has generally been accepted. The ratio of 1 parking space per 300 sq. ft. of floor area equates to a minimum of sixteen (16) parking space, which the site plan shows.

As per City Code 10-11-3(A)1 screening is required between any residential use and any trade/business use, there are existing residences both to the south and to the west of this proposed medical facility, and the site plan states there will be a six (6) foot vinyl white privacy screening fence installed on the south and west borders of the property.

Staff has had several meetings with the applicant and/or his representative regarding this project. There have been discussions regarding development requirements such as; access, additional road right-of-way dedication, on-site parking, storm water retention, landscaping and building envelope. A complete review to assure compliance with code requirements will be completed as part of the building permit process. Signage is not part of this request and a sign permit application will be required and reviewed prior to placement of signage for the business.

Zoning & Development Manager Carraway stated this request is in compliance with the Comprehensive Plan which designates this area as appropriate for office and professional uses. 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 dedication of additional right-of-way on Falls Avenue East and Locust Street North to meet current requirements
3. Subject to accesses on Falls Avenue East and Locust Street being constructed as arterial approaches per City standards with ingress only off of Falls Avenue East.

P&Z QUESTIONS/COMMENTS:

- Commission Munoz asked about the number of therapist the applicant plans to have at the practice and if there are any plans for retail items to be sold on-site.
- Dr. Wright stated there are not items for retail sale provided on-site and the plan is to have 3 physical therapist. He may from time to time also have a patient that has to schedule an appointment on Saturday which is rare but may happen.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

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 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 additional right-of-way on Falls Avenue East and Locust Street North to meet current requirements
 3. Subject to accesses on Falls Avenue East and Locust Street being constructed as arterial approaches per City standards with ingress only off of Falls Avenue East.
2. Request for the Commission's recommendation on a Zoning Title Amendment which would amend Twin Falls City Code by the addition of a new Section 19 of Chapter 7 of Title 10 providing for city services c/o City of Twin Falls (app. 2363)

PRESENTATION:

The City currently owns and operates several facilities that are classified as non-conforming under the current zoning title. For example: A golf course, a sewer treatment plant and a water treatment/utility station. All require a Special Use Permit to be located in the open space zone. The City currently operates all three of these uses within an open space zone, but all three are operating without a Special Use Permit. The non-conforming status of these, and other, uses pose a zoning compliance problem for the City when it comes time to maintain and/or expand these uses.

The Commission recently held a public hearing where the City requested approval of a Special Use Permit for a water treatment/utility station in the Canyon so that the City could add a new chemical storage building to that existing facility. The new building had to be constructed to ensure the continued operation of the facility and timing was critical, fortunately the Special Use Permit was approved.

The City has several other planned expansion and additions to many more City facilities in the near future. Additions are under way at the golf course, there are several planned expansions for the sewer treatment plant, we have a sewer lift station that is in need of expansion, the City's water treatment/utility station on Washington Street South is preparing for significant expansion, and the list goes on.

The City Code needs to be amended to be more accommodating in order to facilitate all of these expansions so that the City can continue to serve our residents with the goods and services that they require and that in many instances are necessary.

To not make this code change would mean that the City would be required to go through several Special Use Permit processes in the near future simply to continue to provide those services that we are required to provide and already provide from existing locations. In many of these cases, there is no other alternative but the planned expansion, so denial of a Special Use Permit request for expansion is not an option.

Another driving force behind this proposed amendment is the City's need to provide services in new locations. Again, the City has a lot of work planned for our water system to bring the City into

compliance with Federal Arsenic Regulations. Some of those improvements will mean installing new water treatment/utility facilities.

Another challenge the City must soon overcome is deficiencies in our Emergency Communication Service. There are places within our jurisdiction where City dispatch could have trouble communicating with field personnel on a reliable basis. In addition, the Federal Government has made changes that will go into effect in the next few years that will reduce the distance that our emergency radios will be able to reach. Simply put, we will have to install new radio towers to be located where they can provide appropriate service levels, regardless of zoning. Therefore, the following code amendment is also being proposed in order to accommodate future required City services.

Zoning & Development Manager Carraway stated upon conclusion approval of this request will amend the City Code to allow City owned and/or operated uses to be located in the zoning district where the City determines as appropriate to best provide the associated service to its residents. Approval of this request will also make all the current City uses that are operating under a non-conforming use status into conforming uses. Staff recommends that the Commission recommend approval of the attached ordinance as presented to the City Council.

10-17-19 City Services: Verbiage Proposal

- (c) Intent and Purpose: It is recognized that property development within all zoning districts necessarily requires supporting infrastructure for the provision of city services, including, but not limited to, street, utility service, emergency services, recreational facilities, etc. It is also recognized that many city owned and/or operated facilities now exist without any zoning approval, and are considered non-conforming under the zoning ordinance.
- (d) All uses owned and/or operated by the City of Twin Falls are permitted in any zoning district that the City determines as appropriate to best provide the associated service to its residents.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED:

- Commissioner Munoz stated this is a recommendation that goes to City Council for final approval. He doesn't have any problem with making a positive recommendation.
- Commissioner Lezamiz asked if brand new projects are just a little different than existing sites. If there are neighbors next to the property that is going to be developed will they be notified or have any recourse if this ordinance change is approved as it is written. If notification is not required she stated she would have some concerns with approving the amendment.
- Zoning & Development Manager Carraway stated that the current draft proposal would not require any notification to the surrounding property owners.
- Commissioner Lezamiz stated that in those areas where there are currently no services and the property has not been developed there should be some type of notice or public hearing process for public input. She doesn't have a problem with changing the code to make the existing facilities conforming so there isn't a need for a Special Use Permit process but new development there should be some type of notification to the public.

MOTION:

Commissioner Lezamiz made a motion to recommend approval of the request with amended verbiage .
Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL WITH THE FOLLOWING AMENDED VERBIAGE PROPOSAL

10-17-19 City Services: Amended Verbiage Proposal

- (c) Intent and Purpose: It is recognized that property development within all zoning districts necessarily requires supporting infrastructure for the provision of city services, including, but not limited to, street, utility service, emergency services, recreational facilities, etc. It is also recognized that many city owned and/or operated facilities now exist without any zoning approval, and are considered non-conforming under the zoning ordinance.
- (d) All existing uses owned and/or operated by the City of Twin Falls are permitted in any zoning district that the City determines as appropriate to best provide the associated service to its residents.
- (e) All new uses owned and/or operated by the City of Twin Falls shall require compliance with City Code Title 10 Chapter 4.

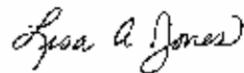
VI. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

VII. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **March 23, 2010**

VIII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 6:40 p.m.



Lisa Jones
Administrative Assistant
Community Development Department



MINUTES

Twin Falls City Planning & Zoning Commission
March 23, 2010-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricott V. Lane Jacobson Bonnie Lezamiz Gerardo Munoz Jim Schouten
Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Cope
Derricott
Jacobson
Lezamiz
Munoz
Schouten

ABSENT:

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Mikesell

ABSENT:

CITY COUNCIL MEMBERS PRESENT:

CITY STAFF PRESENT: Carraway, Jones, Vitek

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

II. ITEMS OF CONSIDERATION

NONE

III. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to operate a professional office on property located at 246 9th Avenue North c/o Forrest LeBaron (app. 2365)

I. CALL MEETING TO ORDER:

Commissioner Bohrn 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): March 9, 2010
2. Approval of Findings of Fact and Conclusions of Law:
 - a. Wright (SUP-1178)

MOTION:

Commissioner Munoz made a motion to approve the Minutes and the Findings of Fact and Conclusions of Law and Decisions. Commissioner Schouten seconded the motion. **UNANIMOUSLY APPROVED**

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate a professional office on property located at 246 9th Avenue North c/o Forrest LeBaron (app. 2365)

APPLICANT PRESENTATION:

Forrest LeBaron, the applicant stated that he is a contractor and real-estate agent here in town and has recently purchased the property located at 246 9th Avenue North. He would like to operate a construction office from this location. He stated this will not be in full operation for a little while but once it is busy enough his plan is to have 3 employees. He stated he has reviewed the staff report and has spoken with the neighbor regarding the fencing requirement. The neighbor has submitted a letter to the Planning & Zoning Commission stating she would request that a fence not be required. As for the sidewalk repair or replacement his plan is to improve the appearance of the site however to put in a new sidewalk would be very costly, however they are not doing any additions to the building but they are going to be doing concrete work and improve upon the place.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated this is a request to operate a professional office on property located at 246 9th Avenue North. The property is zoned R-4 PRO, which is residential medium density zoning with a professional office overlay. A special use permit is required to operate a professional office within the professional office overlay district.

Professional Services are defined in City Code as: "services offered by persons engaging in the legal, engineering, architectural design, planning, accounting, banking, auditing and related professions" The narrative did not specify the type of professional office being proposed, the applicant did indicate in his presentation that he is proposing a construction office at the site. A construction office does meet the definition of professional office however there cannot be any type of equipment or supplies related to the business stored on-site. The narrative does state that they will operate the business by appointment only and if business increases the plan is to operate from 8:00am to 5pm. There is no definition of days of operation at the time and there are not operation limitations in the professional office overlay unless the Commission places a condition with operational limitations.

The property is accessed off of 9th Avenue North, the anticipated traffic to this site should be minimal with a maximum of three (3) people working from this location at any one time. Upon review of the site the sidewalk along 9th Avenue North is in very poor condition. The Commission may wish to place a condition on this special use permit that the applicant repair and/or replace the sidewalk along 9th Avenue North as per review by the Engineering Department, the applicant may request consideration of a deferral if improvements are required.

The building is approximately 900 sq. ft. with standard parking requirement for professional offices being one (1) space per 300 sq. ft. of total floor area which equates to three (3) onsite parking spaces. To establish a professional office at this site is a change of use and as such a certificate of occupancy is required. A full review to assure compliance with code requirements will be completed as part of the building permit review process and prior to issuance of a certificate of occupancy.

City Code §10-11-3(1) does require screening between any residential use and any trade or manufacturing use. Staff has received a letter from the adjacent property owner requesting no screening fence be installed. Signage is not part of this request, therefore a sign permit application will be reviewed prior to placement of signage for this business.

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

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 applicant repairing and/or replacing the sidewalk along 9th Avenue North in front of his property, as determined by the City Engineering Department or approval of a deferral agreement.
3. Subject to issuance of a Certificate of Occupancy prior to operation of the professional office.

P&Z QUESTIONS/COMMENTS:

PUBLIC HEARING: OPENED

- Ryan Horsley 783 Holly Ann Court, stated he is here on behalf of his parents that live across from this property and is in support of this request.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Munoz stated he was originally concerned with the request from the adjacent property owner not to screen between the property, but the next home buyer would be aware of the business before purchasing the home therefore he has no concerns.
- Commissioner DeVore stated he thinks this will be an improvement to the site and will have very little impact on the neighborhood.

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 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 applicant repairing and/or replacing the sidewalk along 9th Avenue North in front of his property, as determined by the City Engineering Department or approval of a deferral agreement.
3. Subject to issuance of a Certificate of Occupancy prior to operation of the professional office.

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

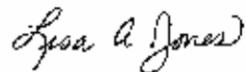
Zoning & Development Manager Carraway reminded the Commissioners of the class being offered by the county on April 3, 2010 regarding zoning issues.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **April 13, 2010**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 6:25 p.m.



Lisa Jones
Administrative Assistant
Community Development Department



MINUTES

Twin Falls City Planning & Zoning Commission
April 13, 2010-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricott V. Lane Jacobson Bonnie Lezamiz Gerardo Munoz Jim Schouten
Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Cope
Derricott
Jacobson
Lezamiz
Munoz
Schouten

ABSENT:

AREA OF IMPACT MEMBERS

PRESENT:

Mikesell

ABSENT:

DeVore

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Carraway, Jones, Reeder, Vitek, Weeks, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION

1. Presentation by Dr. Ross Spackman, CSI, regarding alternative energy.

IV. PUBLIC HEARING ITEMS

1. Request for a non-conforming building expansion to add 575 sq. ft. to an existing non-conforming building on property located at 1859 Highland Avenue East c/o Steven R Leonard on behalf of Petroleum Equipment Company, Inc. (app. 2366)
2. Request for a Special Use Permit to operate an in-home daycare on property located at 1968 Falls Avenue East c/o Jennifer Sorenson (app. 2367)

I. CALL MEETING TO ORDER:

Chairman Borhn 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): March 23, 2010
2. Approval of Findings of Fact and Conclusions of Law: LeBaron (SUP)

III. ITEMS OF CONSIDERATION:

1. Presentation by Dr. Ross Spackman, CSI, regarding alternative energy.

Mr. Spackman, Professor of Water & Soil Science presented information on wind turbines. He stated that when wind turbines are proposed some of the most commonly asked questions are regarding the following issue:

- Tower Heights & Types
- Noise
- Safety
- Aesthetics

Tower Heights recommendations to consider:

- Tower heights should be between 45' – 120' for small turbines
- Suggest the set back to equal to the tower height
- Setback are for visual impacts not safety

Noise recommendations to consider:

- All zoning regulations should specify a noise level. The DB level should be less than 55 at the property line.
- During extreme winds > 30 miles per hour increased noise levels should be allowed

Safety recommendations to consider:

- Provisions should be in place to prevent climbing
- Turbines should be certified to meet national or international standards
- All wires must be buried and connected in accordance to NEC
- Visible external disconnects should be required

Aesthetics recommendations to consider:

- Neutral colors that blend into the environment
- Non-reflective paints
- Route power cables below ground

Conclusion:

A residential wind zoning ordinance will:

- Give people an option to produce their own electricity
- Increase jobs in the community
- Protect citizens from increasing cost of electricity
- Reduce strain on the electrical infrastructure
- A well written standard should be flexible and change as confidence grows with small wind systems. For example: Tower heights, setbacks, and units allowed on a property.

IV. PUBLIC HEARINGS:

1. Request for a non-conforming building expansion permit to add 576 sq. ft. to an existing non-conforming building on property located at 1859 Highland Avenue East c/o Steven R. Leonard on behalf of Petroleum Equipment Company, Inc. (app. 2366)

APPLICANT PRESENTATION:

Steve Leonard, the applicant stated he is here to request a non-conforming building expansion approval to add an additional 576 sq. ft to an existing building for additional office space. The addition will not encroach any further into the setback as the expansion will be towards the east. His neighbors have submitted a letter of support for this request. He asks that the Commission grant approval of his request.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead projector and stated this is a request for a non-conforming building expansion the property is located in the M-2 Zone, the Heavy Manufacturing District. 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 code adoption." In order to add to an existing legal non-conforming building it requires a public hearing before the Planning & Zoning Commission.

Leonard Petroleum's building has a current square footage of 6000 sq ft. The proposed expansion would increase the building by 576 sq ft, an increase of 9.5%. The building is considered legal non-conforming because the front of the building is within required building setback. The building setback from Highland Avenue East is 62' from the centerline of the road. The building foundation is at 55' from the centerline which equates to a 7' encroachment. The proposed expansion will not encroach further into the front setback. The M-2 district does not have rear or side property line setbacks.

The proposed expansion would include two offices and additional parts area and is not anticipated to alter the day to day operations of the business.

The surrounding properties include Gem State Paper on the west, a vacant lot on the north, Gary Amoth Trucking on the south, and a residence on the east – of which we received a letter of support from them on April 8, 2010.

City Code Section §10-11-3(a) states that "screening shall be required between any residential use and any trade or manufacturing use in abutting zoning districts or any zoning district where both such uses are permitted. The trade, manufacturing or special use shall provide any required screening". "this screening requirement may be waived upon written approval of the adjoining property owner". There isn't screening between the residence and Leonard Petroleum. The Commission may want to consider placing a condition on this non-conforming building expansion permit that a screening fence be provided by Leonard Petroleum or a waiver from the adjoining property owner be submitted.

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. There is approx 130 lineal feet of frontage which equates to 260 sq ft of required landscaping. There is no landscaping on the site at the present time. The Commission may want to consider placing a condition on this non-conforming building expansion permit that landscaping meet current code requirements or an alternative landscaping plan be submitted for Commission approval.

A complete review to assure compliance with code requirements such as: landscaping, storm-water retention, parking, screening, etc. will be completed as part of the building permit process. Signage is not part of this process and requires a separate review process prior to placement of any additional signage. The request is in compliance with the Comprehensive Plan which designates this area as appropriate for heavy industrial/retail 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 a screening fence being provided adjacent to the residential property or a waiver from the adjacent residential property owner be submitted prior to issuance of the permit.
3. Install landscaping to meet City Code §10-11-3 or submit an alternative landscaping plan for Commission approval prior to issuance of a Certificate of Occupancy.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT ANY PUBLIC CONCERN

DELIBERATIONS FOLLOWED:

Commissioner Lezamiz stated that she doesn't have a problem with eliminated the landscaping requirement and asked if there is any landscaping already in place.

Mr. Leonard explained that there is a window planter that runs along the front of the building that his wife plants flowers in every year and that the rest of the property is paved.

Commissioner stated he agrees with Commissioner Lezamiz and thinks that the planter should be enough.

Commissioner Munoz stated that the Commission could make a motion to accept the alternative landscaping that is already in place on site.

MOTION:

Commission Mikesell made a motion to approve the request as and to accept the alternative landscaping that is already on site as presented. 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 a screening fence being provided adjacent to the residential property or a waiver from the adjacent residential property owner be submitted prior to issuance of the permit.
 3. Subject to the Commission's approval of the alternative landscaping currently on-site as presented
2. Request for a Special Use Permit to operate an in-home daycare on property located at 1968 Falls Avenue East c/o Jennifer Sorenson (app. 2367)

APPLICANT PRESENTATION:

Jennifer Sorenson, the applicant stated they currently own and operate a commercial daycare facility and would like to downsize and operate the daycare within their home. She stated that they will have one staff member available to assist with the children. The entrance to the property is on Sunrise Boulevard and she will not have anyone entering or parking along Falls Avenue. The adjacent neighbor was concerned about damage to her fence by the children and Mrs. Sorenson has assured her that they will not damage the fence and stated the plan to install a barrier to keep the kids away from the neighbors fence. They will operate from 6:30 am to 6:00 pm Monday through Friday and the peak hours will be during drop off times. She stated there should be minimal impact to the surrounding neighbors and ask that the Commission approve her special use permit.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead projector and stated this is a request for a special use permit the property is zoned R-2, a residential single household or duplex zoning district. A special use permit is required to operate an in-home daycare service in this zone.

- *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. (ord. 2620, 8-2-1999; amd. Ord. 2850, 2-21-2006)*

And

- *Where services are offered by persons who are paid to supervise or care for six (6) or more persons including the resident children, but excluding those businesses or religious institutions which provide incidental daycare service for patrons or attendees while parents are on the premises. (ord. 2850, 2-21-2006)*

The applicants currently own and operate "A Small, Small World", which is a commercial daycare located in the downtown area. This is a daycare for 30+ children ages 0-5 years of age. The Sorenson's would like to relocate their daycare to their home and provide services for up to twelve (12) children, which would be including their own. The applicants live at the proposed site and will be the main caregivers. They anticipate on having one employee in addition to themselves. They anticipate adding an employee to replace Mr. Sorenson, as he is planning on enrolling in college.

The hours of operation are proposed to be 6:30 am to 6:00 pm, Monday – Friday- no weekends. The peak traffic times would be in the morning and in the afternoon during drop off and pick-up times. City Code § 10-10-3 requires two (2) parking spaces per teacher. There is a two (2) car garage and adequate space for four (4) vehicles in the driveway. The Commission may want to consider placing a condition on the special use permit that the driveways be for parent parking only during business hours. Falls Avenue East is a major arterial with a bike lane. There shall be no dropping off of the children or parking along Falls Avenue East at any time.

The applicant will be required to apply for a day-care license through the fire department and will be required to comply with requirements for handicap accessibility and fire inspections. Should the special use permit be approved the applicant will also be required to apply for a Certificate of Occupancy through the City's Building Department. There shall be no exterior indication of an in-home daycare at this location as no signage is permitted in a residential zone. If a special use permit to operate an in-home day care is granted this evening as presented it would be valid for this applicant at this location only.

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. A maximum of twelve (12) children, including the caregiver's children, may be cared for under this permit at any one time.
3. In addition to the Sorenson's, there may be a maximum of one (1) additional caregiver onsite at any one time.
4. The hours of operation to be 6:30 am to 6:00 pm, Monday through Friday.
5. Subject to the driveway being used for parent parking only during business hours.
6. Subject to no parking or dropping off of children along Falls Avenue East.
7. Subject to compliance with all state and local requirements to establish an in-home 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 prior to operation of the day care.
8. Subject to a Certificate of Occupancy being issued from the City of Twin Falls Building Department for the operation of an in-home day care prior to operation of the day care.

PUBLIC HEARING: OPENED AND CLOSE WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED:

Commissioner Munoz stated his only concern is the yard and asked if the property is fully fenced. Mrs. Sorenson stated yes the yard is completely fenced.

MOTION:

Commissioner Munoz made a motion to approve the request as presented. Commissioner Cope seconded the motion. All member 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 at any one time.
3. In addition to the Sorenson's, there may be a maximum of one (1) additional caregiver onsite at any one time.
4. The hours of operation to be 6:30 am to 6:00 pm, Monday through Friday.
5. Subject to the driveway being used for parent parking only during business hours.
6. Subject to no parking or dropping off of children along Falls Avenue East.
7. Subject to compliance with all state and local requirements to establish an in-home 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 prior to operation of the day care.
8. Subject to a Certificate of Occupancy being issued from the City of Twin Falls Building Department for the operation of an in-home day care prior to operation of the day care.

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

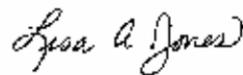
Zoning & Development Manager Carraway reminded the Commission of the Planning & Zoning Training scheduled for April 20, 2010 from 11:30 am to 1:30 pm.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **April 27, 2010**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 7:15 p.m.



Lisa Jones
Administrative Assistant
Community Development Department



MINUTES

Twin Falls City Planning & Zoning Commission
April 27, 2010-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricott V. Lane Jacobson Bonnie Lezamiz Gerardo Munoz Jim Schouten
Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Cope
Derricott
Jacobson
Munoz
Schouten

ABSENT:

Lezamiz

AREA OF IMPACT MEMBERS

PRESENT:

Mikesell

ABSENT:

DeVore

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Carraway, Jones, Reeder, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

I. ITEMS OF CONSIDERATION

1. Presentation by Idaho Power on alternative energy.

II. PUBLIC HEARING ITEMS

1. Request for the Commission's reconsideration of condition #3 of Special Use Permti #1177, limiting traffic to enter on the south end of the existing gas station and exiting on the north end of the gas station, on property located at 705 Blue Lakes Boulevard North c/o Great Basin Engineering on behalf of Fred Meyer Stores (app. 2362)
2. Request for the Vacation of a portion of undeveloped right-of-way within the 600-800 block of Wirsching Avenue West, located in a portion of Lot 9, Orchalara Suddivision, to allow for replatting and residential development c/o EHM Engineering, Inc. on behalf of Tensco, Inc. (app. 2368)
3. Request for a Special Use Permit to operate a medical office on property located at 1404 Falls Avenue c/o Cameron Critchfield (app. 2369)
4. Request for a Special Use Permit to operate an indoor recreation facility on property located at 677 Filer Avenue #C c/o Tina Davis on behalf of Wallaby Jumps. (app. 2370)
5. Request for a Special Use Permit to operate a food testing laboratory on property located at 450 4th Avenue West c/o J. Evan Robertson on behalf of Robert & Carol Deibel Family Trust (app. 2371)

I. CALL MEETING TO ORDER:

Commissioner Bohrn 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 13, 2010
2. Approval of Findings of Fact and Conclusions of Law:
 - a. Leonard Petroleum Company (NCBE-1180)
 - b. Sorenson (SUP-1181)

MOTION:

Chairman Cope made a motion to approve the Minutes and the Findings of Fact and Conclusions of Law and Decisions. Commissioner Schouten seconded the motion. **UNANIMOUSLY APPROVED**

III. ITEMS OF CONSIDERATION:

1. Presentation by Idaho Power on alternative energy.
 - Dan Olmstead, representing Idaho Power introduced Randy Aulfen the Contract Administrator responsible for managing the small contracts within the Idaho Power System for alternative energy.
 - Randy Aulfen stated he administers and manages all of the renewable energy contracts for Idaho Power. He explained that the large wind turbines located in Hagerman, Idaho are approximately 300' tall, with 250' diameter blades, produce about 2000kw per machine, operate perfectly in a wind speed of approximately 28 to 60 mph and each turbine costs approximately \$3 to \$4 million apiece. Idaho Power does have in place contracts and tariffs for any size project. For someone that has a wind turbine in their yard to power their homes can be part of the net meter program. The system cannot be larger than 25kw and must be wired into the electrical system and it runs the meter backwards. There are a few of the smaller wind turbines in Woodriver, Pocatello, & Jerome. A typical price for one of the smaller turbines is between \$10 & \$15 thousand with 2.5kw of energy producing 600-700 watts per year. Idaho Power does have in place the ability to assist with any size project, but they do not sell the equipment. They rely on the local inspectors to approve the equipment installation.

P&Z QUESTIONS/COMMENTS:

- Commissioner Mikesell asked if there could be a possibility that a subdivision wanting to go "green" install a wind turbine to support the neighborhood.
- Mr. Aulfen stated currently they don't have a contract in place that would support that kind of arrangement however there are other ways to accommodate this type of idea.

IV. PUBLIC HEARINGS:

1. Request for the Commission's reconsideration of condition #3 of Special Use Permti #1177, limiting traffic to enter on the south end of the existing gas station and exiting on the north end of the gas station, on property located at 705 Blue Lakes Boulevard North c/o Great Basin Engineering on behalf of Fred Meyer Stores (app. 2362)

APPLICANT PRESENTATION:

Brett Wallen, Great Basin Engineering stated he is here this evening with Jim Combs and Sonia Kittleson to discuss the traffic pattern for the service station at the Fred Meyer Store and a condition placed on the special use permit to expand the station. The concern that Fred Meyer and their traffic engineer has is that the restricted entrance from the south and exit from the north condition will impact the circulation pattern at the pumps and double the stacking requirements for the fuel center. The fuel center is designed to enter from both directions and would request that this condition be removed or revised. The traffic engineer for Fred Meyers has recommended a few changes to the original site plan, one would be to add one additional traffic lane on the east side of the station to allow for two directional traffic and second to add concrete island along the west side dividing the drive isle from the fuel center but still allow for one vehicle to pass through. By adding two additional pumps will provide 4 additional stations and hopefully mitigate some of the current traffic flow problems.

P&Z QUESTIONS/COMMENTS:

- Commissioner Munoz asked if there has been any considerations made regarding the location of the Kiosk on-site and the possibility of sight obstruction caused by its position on site.
- Mr. Wallen stated one of the things that could make a difference would be to train the attendant in the kiosk to go out and assist customers if they are having difficulty maneuvering in and out of the station. The other possibility is to stripe the areas better to identify the drive thru isle and the location of where the customers should be when waiting for the next pump.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated that the Planning And Zoning Commission approved Special Use Permit #1177 on February 23, 2010. The Special Use Permit was for the purpose of expanding the existing gas station by more than 25%. The permit was approved subject to (3) three conditions. The applicant is requesting that condition 3 stating "approval be subject to traffic entering on the south end of the station and exiting on the north end of the station" be reconsidered. The applicant has hired a traffic engineering group to review the traffic flow and if there was a way to mitigate some of the Commission's concerns. The conclusion from the review was that traffic was split evenly at both entrances and they felt it would be most desirable to have access to the site from both directions. She reviewed the site plan changes on the overhead that have been suggested to relieve some of the traffic congestion on site. The change on the east side will increase the lane so that there can be a two way traffic flow, and on the west side a raised curb is being proposed to direct traffic to enter and exit into the travel lanes.

Zoning & Development Manager Carraway stated if the Commission is satisfied with the applicant's request staff recommends that the Commission make a motion to amend Special Use Permit #1177 to delete condition #3 --which limited traffic to entering on the south end of the station and exiting on the north end of the station only and add a new condition #3 stating the following:

3. Subject to an amended site plan to include a minimum 24' in width travel lane on east side of the new pumps and to include relocation of landscaping and median on west side of existing pumps to be a minimum of 44' from sidewalk. curbs on both east and west side to be painted red.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated he can't support this request if the traffic is entering from both directions and he needs to see something that will work better before he can be in support of this request.
- Commissioner Cope stated that sticking to the original condition is better.
- Commissioner Derricott stated that the station is at the mercy of the customer and there are several filling stations that have the same issues.
- Commissioner Schouten stated that if the multi directional flow is allowed to continue there needs to be some kind of stop sign or speed bump placed by along the backside of the Mandarin House to slow traffic down.
- Commissioner Munoz stated he doesn't think that the business should be punished for poor driver habits and there is plenty of space to maneuver in this station but the drivers are the problem. He agrees there should be better striping done and traffic patterns that need to be identified. People are going to travel across the shortest distance and adding the pumps may help this situation.
- Commissioner Bohrn stated that by adding the original condition that was put in place was to try and solve the traffic flow problem at this site. He understands that the drivers are most of the problem however he doesn't think striping and adding a curb will fix the issue and setting up one direction may not fix the situation.
- Commissioner Mikesell stated he is still in support of one direction entrance and exit. Having the attendant out at the pumps redirecting people that enter the wrong direction works at Costco, the people will eventually learn.

MOTION:

Commissioner Cope made a motion to approve the request as presented with staff recommendations. Commissioner Munoz seconded the motion. Commissioners Munoz, Derricott and Jacobson voted in favor of the request. Commissioners Bohrn, Cope, Mikesell and Schouten voted against the motion. Motion Failed 3-4

MOTION FAILED 3-4

2. Request for the Vacation of a portion of undeveloped right-of-way within the 600-800 block of Wirsching Avenue West, located in a portion of Lot 9, Orchalara Suddivision, to allow for replatting and residential development c/o EHM Engineering, Inc. on behalf of Tensco, Inc. (app. 2368)

APPLICANT PRESENTATION:

Gerald Martens, EHM Engineering, Inc, stated he is here to request approval of the vacation of a portion of right of way within the 600-800 block or Wirsching Avenue West. This right-of-way is a portion within the Orchalara Subdivsion that was platted many years ago. Once vacated the majority of it will be re-platted into a subdivision and will be named Wirsching Avenue. A small section on the west end will be a pedestrian pathway. Basically the reason for the vacation is to re-plat the right-of-way at the appropriate width. It is currently 30' wide and it will be re-platted at 52' to accommodate clearance for an existing fence.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated this right-of-way was originally platted as part of the Orchalara Subdivsion in 1909. Wirsching Avenue

was indicated on the plat as a 30' right-of-way between Grandview Drive North and Washington Street North. There has been a portion approximately .16 (+/-) developed on the west side of Washington Street North. There are other portions of the 30' right-of-way also known as Wirsching Avenue West that have previously been vacated. The 30' right-of-way does not meet today's standards and this request is to vacate approximately 20,370 sq. ft. When this property came through originally it was the original West Haven Subdivision preliminary platted in 2004 this portion of Wirsching Avenue was shown on this plat and was retained on this plat so that a connection could be made between the adjacent subdivision to allow for pedestrian traffic to travel through both neighborhoods to get to the schools primarily without having to travel along an arterial roadway. West Haven Subdivision Phase 1 came through and was approved in 2005 the request tonight is to vacate the existing 30' right-of-way and the proposal is to replat and develop Wirsching Avenue West to meet standard and keep the pedestrian path along the west as part of Phase 2.

Zoning & Development Manager Carraway stated should the Commission recommend approval of 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. Subject to the recordation of a final plat dedicating a 10' easement for a pedestrian path from Wirsching Avenue to the western edge of the property and Wirsching Avenue being platted as presented at 52'

PUBLIC HEARING: OPENED

- Michael Bolton, 809 Sage Mesa Ct asked what will happen with the portion of the pedestrian pathway west of the property line shown on the overhead.
- Mr. Martins stated that he will be developing the pathway to the west boundary but is not in control of the property to the west of this boundary line. By having this side developed it may prompt development of the other portion by the adjacent neighborhood.
- Zoning & Development Manager Carraway explained that the pedestrian pathway was originally platted but is not developed. The concern was to make sure the subdivisions were connected for access to the schools.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated that he would rather have the entire path developed through to the other subdivision or not developed.
- Commissioner Bohrn stated that a pathway needs to be identified and the portion to the west of this property is already in place as a dedicated pathway it just isn't developed, without the pathway people are going to cut through other ways.
- Commissioner Munoz stated he thinks the development should occur in this phase so that it gets done and if one portion is completed it may prompt the other portion to be developed.

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.

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL 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 recordation of a final plat dedication a 10' easement for a pedestrian path from Wirsching Avenue to the western edge of the property and Wirsching Avenue being platted as approved at 52'.

Due to the applicant being absent item IV-3 was moved to the end of the agenda.

4. Request for a Special Use Permit to operate an indoor recreation facility on property located at 677 Filer Avenue #C c/o Tina Davis on behalf of Wallaby Jumps. (app. 2370)

APPLICANT PRESENTATION:

Tina Davis, the applicant, stated she is requesting a special use permit to operate an indoor play center for toddler and elementary school age children. The plans is to operate Monday through Saturday 10:00am to 7:00pm and Sunday will be by private party appointment only. Friday and Saturday Nights they would like to offer parent night out from 7:00am to 10:00pm and provide childcare . A childcare license would be required through the Department of Health and Welfare and they are willing to pursue the licensing.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated the property is located in the C-1, Commercial Highway District. The applicant would like to operate an indoor children's play center at this location. A special use permit is required to operate an indoor recreation facility in the C-1 Zone.

The site is located in the Campus Commons Shopping Center along Filer Avenue. The anticipated traffic would have minimal impact on the surrounding area as the facility it is located on a major collector roadway with high volumes of traffic. The parking requirement for a use such as an indoor recreation facility is 1 space per 250 square feet of total floor area. This requirement is the same as retail sales which is standard for parking requirements when a shopping center is developed. There is cross-use parking agreement for this complex. There is no additional parking required.

The applicants narrative states they would like to be open Monday thru Friday -- 10:00 am to 7:00 pm, on Saturday 11:00 am to 7:00 pm and on Sunday they will be open for private parties only. There are 2 employees currently. They anticipate having 2 day employees and 3 employees Friday and Saturday evenings. On Friday and Saturday nights they will be offering a "parent's night out" from 7:00 pm to 10:00 pm. For the "parent's night out" their narrative states there will be a 1:5 adult to child ratio with no more than 15 children. The narrative does not state how many children the facility will have at any one time nor does it state the minimum and /or maximum age limits of the children that will be permitted at this facility. The commission may wish to have the applicant clarify these two issues.

The "parent's night out" will be operated more like a daycare facility as the parents would be dropping the children off and leaving the premises. The applicant will be required to comply with all state and local requirements to operate 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 prior to operation of the facility.

The applicant states there will be vending machine type snacks and beverages only. No alcohol or food preparation will be provided at the facility. They will occasionally bring in pizza and cake for private parties only.

Staff has assessed that this should have a very low impact to the area. The facility will be in a shopping center that currently has a lot of different uses so there should not be any change to the neighborhood. Signage is not part of this process and a sign permit would be required for any type of signage on-site. This request will allow the applicant to operate an indoor recreation facility at this location subject to any conditions the Commission may attach. The request is in compliance with the Comprehensive Plan.

Zoning & Development Manager explained at the time the staff report was written there was a sign on the property without a permit, it has since been removed. There is however, a window sign and although window signs do not need a sign permit the square footage of a window sign shall not exceed 25% of the square footage of the window, it appears theirs is too big, so the condition could state all signage to be in compliance with the sign code prior to operation of the business.

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 & Zoning Officials to ensure compliance with all applicable City Code requirements and standards
2. Subject to compliance with 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 prior to operation of the day care.
3. Subject to obtaining a Certificate of Occupancy from the City of Twin Building Department for the operation of an indoor recreation facility prior to operation of the business.
4. All signage being in compliance with sign code prior to operation of the business.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED:

Commissioner Mikesell stated he is not clear on the age specifications and would hope that there would not be older kids mixed with little children.

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

5. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards
6. Subject to compliance with 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 prior to operation of the day care.
7. Subject to obtaining a Certificate of Occupancy from the City of Twin Building Department for the operation of an indoor recreation facility prior to operation of the business.

8. All signage being in compliance with sign code prior to operation of the business.
5. Request for a Special Use Permit to operate a food testing laboratory on property located at 450 4th Avenue West c/o J. Evan Robertson on behalf of Robert & Carol Deibel Family Trust (app. 2371)

APPLICANT PRESENTATION:

Evan Robertson, representing the applicant stated this is a request to operate a food testing laboratory. This is an existing building with a few maintenance issues. The plan is to use the building for microbiological food testing laboratory for food within the Magic Valley Area. The use would be low impact with approximately 4-5 employees on site, and no increased demands to the sewer and water system. He asked that the Commission approve this request, but did have some concerns related to the screening condition and if that is a necessity for approval.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated the property is zoned CB P-2, commercial central business district with a P-2 parking overlay. The applicant would like to operate a testing laboratory at this location. A special use permit is required to operate a testing laboratory in the CB zone. The site is .28 (+/-) acre in size with an existing 6200 sq ft (+/-) commercial building. This location was previously used as retail glass company. The site is currently vacant. The narrative states the facility will be testing food products such as cheese, milk, meat, etc. For organisms that would be no different than those found in private kitchens, restaurants, or grocery stores. Most of the food products will come from Idaho clients with the possibility of some eventually coming from Utah. The lab will test approximately 30 samples per day, which equates to 60 pounds of food product. The products are delivered by standard courier car. There is no customer traffic as this is not a retail operation. There is no description of where and how the products will be disposed of. The commission may wish to get clarification on this issue.

The narrative states the facility will operate Monday thru Friday from 8:00 am to 5:00 pm and Saturday & Sunday from 8:00 am to 2:00 pm. There will be three (3) to five (5) employees hired to work at the lab facilities initially. Traffic anticipated is minimal. The required parking spaces for this type of facility is 16 spaces. The site is located in a P-2 parking overlay district. The P-2 parking overlay allows for 30% fewer parking spaces than required therefore, the total parking spaces required for this site is 11 spaces. The applicant's site plan indicates 11 parking spaces. The existing site has a chain link fence onsite designated as storage area. This fence will require removal to satisfy the parking. The applicant anticipates one delivery vehicle to deliver lab supplies once a week.

Landscaping is required to be a minimum of 5% of the total parking area there is a small area shown on the site plan however the square footage of required landscaping will be reviewed and determined as part of the building permit process. City code §10-11-3 requires screening between any residential use and any trade or manufacturing use in abutting zoning districts or any zoning district where both such uses are permitted outright and may be required around any special use. This screening requirement may be waived upon written approval of the adjoining property owner. A review of this Special Use Permit application with the Engineering Department has determined the existing approach closest to the corner of 4th Ave W and Dierkes St W should be removed and replaced with curb/gutter. The Commission may want to place a condition on the special use permit that this approach be removed and replaced with curb/gutter to meet current standards. The

narrative states there will be no excessive noise due to any procedures performed at the property. The lab procedures do not use harmful chemicals, nor would there be any harmful or hazardous chemicals stored on the property. There may be a slight odor that they feel would rarely emanate outside the facility. A complete review to assure compliance with code requirements such as: landscaping, storm-water retention, parking, screening, etc. will be completed as part of the building permit process. Signage is not part of this process and shall require a sign permit plan be submitted for review prior to placement. Approval of this request will allow the applicant to proceed with the operation of a food testing lab at this location as presented and subject to any conditions placed on the permit. The comprehensive plan designates this area as town site. A testing laboratory has been determined to be an appropriate land use within this designation.

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 & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to a screening fence being constructed on the eastern boundary of the property or a written waiver from the adjoining property owner be submitted.
3. Subject to existing approach closest to the corner of 4th Ave W and Dierkes St W be removed and replaced with curbing per City standards
4. Subject to obtaining a Certificate of Occupancy being obtained from the City of Twin Falls Building Department prior to operation of the business.

P&Z QUESTIONS/COMMENTS:

- Commissioner Cope asked how the items will be disposed of when they are done testing the product.
- Mr. Robertson stated that most likely the liquids will be put down the drain and the solid items will be disposed of like normal solid waste. To his knowledge there will not be any products that require special handling or disposal.

PUBLIC HEARING: OPENED

- Angie Burgess, 505 3rd Avenue West, stated that she has lived in this location approximately 40 years. She has seen this building used for many different businesses. She explained that in the past when deliveries have occurred at this site it has created a lot of noise and street congestion because of big trucks. She wanted to know what the neighbors recourse is if the use becomes an issue.

PUBLIC HEARING: CLOSED

CLOSING STATEMENT:

- Mr. Roberts explained that this use will have a small impact to the area then some of the outright permitted uses. If there is an opportunity for growth it will be very minimal and the site would not support a large operation that would require a large delivery truck.

DELIBERATIONS FOLLOWED:

- Chairman Bohrn explained to the neighbor that if at any time the special use permit conditions are not being met or things become an issue at this location that the neighbors can request a review for revocation of the special use permit.

- Commissioner Mikesell stated that his only concern is the testing change from food to testing other things and he would request that the special use permit be limited to food testing only.

MOTION:

Commissioner Mikesell made a motion to approve the request as presented with staff recommendations limiting the request to food testing only. 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 & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
 2. Subject to a screening fence being constructed on the eastern boundary of the property or a written waiver from the adjoining property owner be submitted.
 3. Subject to existing approach closest to the corner of 4th Ave W and Dierkes St W be removed and replaced with curbing per City standards
 4. Subject to obtaining a Certificate of Occupancy being obtained from the City of Twin Falls Building Department prior to operation of the business.
 5. Subject to lab testing limited to food products, as presented, only.
3. Request for a Special Use Permit to operate a medical office on property located at 1404 Falls Avenue c/o Cameron Critchfield (app. 2369)

APPLICANT PRESENTATION:

Cameron Critchfield, the applicant stated he is here to request a special use permit to operate a medical office for his wife that is a psychologist. The property is located at 1404 Falls Avenue and will require 11 parking spaces along the Walnut Street side of the property. There is a privacy fence on the south and west side of the property. The property is surrounded by businesses except for on the east side and just adjacent to that property a professional office was approved for a physical therapy service.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated the property is zoned R-2 PRO, residential single household or duplex district with a professional office overlay. The applicant would like to operate a psychologist's office at this location. A special use permit is required to establish a doctor's office in the R-2 PRO zone. The site is .46 (+/-) acre in size with an existing 3300 sq ft residence. The applicant has mentioned to staff there may be one employee reside in the building. City code §10-4-18.2(b)(5)(a)(2) states that household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use is allowed in the professional office overlay district. The applicant is requesting a special use permit to operate a professional psychologist's business office by the name of Canyon Vista Psychology and Peak Performance and Neurofeedback Training. The narrative states the facility will operate Monday thru Thursday from 9:00 am to 5:00 pm by appointment only. The applicant is anticipating three (3) cars per hour. There will be only one employee.

The site plan shows traffic will have ingress and egress to the property from walnut street north. Although the code does not specifically address parking requirements for a medical use -- the professional office requirement of one (1) space per 300 sq ft of total floor area has generally been

accepted. The site plan shows adequate parking. Staff has had several meetings with Mr. Critchfield concerning this proposed project. There has been discussion regarding the accesses, additional road right-of-way dedication, landscaping and parking. A complete review to assure compliance with code requirements such as: landscaping, storm-water retention, parking, screening, etc... will be completed as part of the building permit process. Signage is not part of this process and shall require a sign permit. Approval of this request will allow the applicant to proceed with the operation of this medical office at this location. The request is in compliance with the comprehensive plan which designates this area as appropriate for office and professional uses.

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 dedication of additional right-of-way on falls avenue east to meet current requirements.
3. Subject to accesses on walnut street north being constructed per city standards.
4. Subject to any residential use being limited to owner or employee of Canyon Vista Psychology and Peak Performance and Neurofeedback training only.
5. Subject to obtaining a certificate of occupancy from the city of twin falls building department prior to operation of the business.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Jacobson 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 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 Falls Avenue East to meet current requirements.
3. Subject to access on Walnut Street North being constructed per City standards.
4. Subject to any residential use being limited to owner or employee of Canyon Vista Psychology and Peak Performance and Neurofeedback Training only.
5. Subject to obtaining a Certificate of Occupancy from the City of Twin Falls Building Department prior to operation of the business.

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

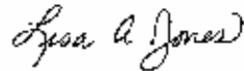
- Zoning & Development Manager Carraway stated that tonight's presentation regarding alternative energy is just the beginning of the process. As more information becomes available she will present the information.
- Commissioner Mikesell stated that his brother lives in Livermore, CA where his neighborhood is supported by a wind turbine and asked how the City of Twin Falls would deal with such a request.
- Zoning & Development Manager Carraway stated that currently it would not be a request that could be considered but as time goes by she is hopeful that when this issue arises the City will have ordinances and guidelines in place to deal with this type of issue.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **May 11, 2010**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 7:50 p.m.



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, **May 11, 2010**, has been canceled.



MINUTES

Twin Falls City Planning & Zoning Commission
May 25, 2010-6:00PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricott Lane Jacobson Bonnie Lezamiz Gerardo Munoz Jim Schouten
Chairman **Vice-Chairman**

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Derricott
Jacobson
Lezamiz
Schouten

ABSENT:

Cope
Munoz

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Mikesell

ABSENT:

CITY COUNCIL MEMBERS PRESENT: NONE

CITY STAFF PRESENT: Carraway, Jones, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION

NONE

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to build a 4800 sq. ft. detached accessory building on property located at 1083 Kenyon Road within the City's Area of Impact c/o Jeff Wills & Kathy Warburton (app. 2372)
2. Request for the Commission's recommendation for a Zoning District Change and Zoning Map Amendment from R-1 VAR to SUI for 57 acres (+/-) to develop a residential subdivision on property located at the southwest corner of 3900 East Road, aka Addison Avenue East, and 3400 North Road within the City's Area of Impact c/o Scott Allen/The Land Group on behalf of Land Concepts, LLC. (app. 2373)

I. CALL MEETING TO ORDER:

Chairman Bohrn 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 27, 2010
2. Approval of Findings of Fact and Conclusions of Law:
 - Critchfield-SUP
 - Wallaby Jumps-SUP
 - Deibel Family Trust-SUP

III. ITEMS OF CONSIDERATION:

NONE

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to build a 4800 sq. ft. detached accessory building on property located at 1083 Kenyon Road within the City's Area of Impact c/o Jeff Wills & Kathy Warburton (app. 2372)

APPLICANT PRESENTATION:

Mr. Wills, the applicant stated he is here to request a special use permit for a 4,800 sq. ft. detached accessory building. The building will be 80' long and 60' wide with a 16' tall eave and 112 pitch and 18 ½' peak height. The building will be a tan in color with brown trim to match the house. They will extend the paved driveway from Kenyon Road back to the shop. The proposed building and the home will comprise approximately 13.8% of the lot square footage. The reason for the request is to have one building to protect their 40' motor-home, other recreational vehicles, classic automobiles and to provide a space for them to do their metal and woodworking crafts. They prefer having one building to secure versus having several small buildings and vehicles stored outside. In planning & preparing the site they understood the impact such a large building might have on the surrounding properties which is why they are going to finish fencing the property along the south side, fence the east side, provide ample landscaping and build at a lower grade so that it doesn't stand any taller than the homes in the subdivision to the south. He asked that this request be approved.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated this is a request for special use permit to construct a 4,800 sq. ft. detached accessory building and currently there is a single family dwelling on the property. The property is zoned R-4 in the City's Area of Impact. The R-4 zone requires a special use permit for a detached accessory building more than 1,000 sq. ft. in size. The applicant indicated the building will be used for personal storage of a 40' motor home, lawn equipment, other recreational vehicles and classic automobiles. She reviewed the elevations of the building and stated it will have two 10'x10' overhead doors two 12' x 14' overhead doors with a 16' eave height and will be accessed from a paved driveway. When a property is developed in the R-4 zone certain site improvements are required for example a hard surfaced driveway, curb, gutter and sidewalk. In June of 2008 Council did defer hard surfacing of the driveway, curb, gutter and sidewalk for this property. The detached accessory building will trigger these requirements again and the applicant has stated that he plans on paving the remainder of the property to the detached accessory building. The curb, gutter and sidewalk will remain in deferral at this point due to the determination by the Engineering Department that there is no other curb, gutter or sidewalk along Kenyon Road. The applicant described the property as being surrounded by larger lots as well as agricultural uses along the north, east and the west. To the south is an existing residential subdivision called "Pheasant Meadows" which is a more densely populated development. As stated by the applicant he does plan on taking some precautionary measures to mitigate the size of this building

by providing a landscape buffering along the eastern and southern boundaries. Upon review of this request staff has determined it is within conformance with the Comprehensive Plan which designates this area as appropriate for rural residential uses.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant 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 building being used for non-commercial purposes only, as presented
3. Any lighting to be downward facing and screened to mitigate possible impact to adjoining properties.
4. Subject to fencing and landscaping on the southern and eastern boundaries of this property as presented by the applicant to be completed prior to the end of the 2010 construction season.

PUBLIC HEARING: OPENED

- Chuck Merrill, 1041 Kenyon Road is in support of the request.
- Bill Hinkle, 1047 Kenyon Road is in support of the request.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Lezamiz made the 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 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 non-commercial purposes only, as presented
 3. Any lighting be downward facing and screened to mitigate possible impact to adjoining properties.
 4. Subject to fencing and landscaping on the southern and eastern boundaries of this property as presented by the applicant to be completed prior to the end of the 2010 construction season.
2. Request for the Commission's recommendation for a Zoning District Change and Zoning Map Amendment from R-1 VAR to SUI for 57 acres (+/-) to develop a residential subdivision on property located at the southwest corner of 3900 East Road, aka Addison Avenue East, and 3400 North Road within the City's Area of Impact c/o Scott Allen/The Land Group on behalf of Land Concepts, LLC. (app. 2373)

APPLICANT PRESENTATION:

Scott Allen, The Land Group, representing the applicant stated he is here tonight to request a rezone. The property is approximately 57 (+/-) acres located in the southwest quadrant of Addison Avenue East and 3400 North Road. Presently the property is zoned R-1 VAR in the City's Area of Impact and is currently being used agriculturally. The proposal is to rezone the property to SUI to allow for development or a residential subdivision consisting of one (1) acre lots. A minimum acre lot is required in the SUI zone to accommodate for well and septic systems. The main reason for the request is because the way the property is zoned currently it is required that the development be connected to city services. The timeframe for extending city services to this area is indefinite which makes the property owner unable to develop because the property can't be supplied with city services. The property owner would like to move forward and make use of this property. The applicant has researched the impacts to the surrounding area if wells and septic systems were used in this

development and the aquifer has adequate water to serve the property. With the SUI designation there would be approximately 45-50 homes because of the acre requirements however with the R-1 VAR designation the property would be allowed to have lots sizes as small as 8000 sq. ft. increasing the density. The advantage would be that the SUI designation would be less dense and with water being a concern this would be better for the area. In summary the property is approximately 1 1/2 miles from city services with and indefinite amount of time before they will be available in this area, to the east is the county jurisdiction which currently allows for 1 acre lot developments through the platting process, the property to the north is already zoned SUI. The request is to allow for a rezone so that the property can be developed for a particular use that is allowed in that zone.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request and stated this is a request for a Zoning District Change and Zoning Map Amendment for 57 (+/-) acres from R-1 VAR; residential single household district to SUI; suburban-urban interface district, for a property located at the southwest corner of Addison Ave East & 3400 East Road in the City's Area of Impact. The property is currently being used agriculturally. The properties to the north, south, and west are agricultural. The property to the east is outside the City's Area of Impact boundary and is regulated by the County. This property is approximately 1 1/2 miles east of the current city limits line and water service boundaries.

The request is to allow the applicant to develop a residential subdivision under the SUI development standards.

The SUI zone allows for single family residential lots with a minimum one (1) acre lot size and individual wells and septic systems for each residences if the properties meet the South Central District Health Department's criteria. Development within the R-1 VAR zoning designation requires centralized water and sewer facilities which requires annexation into the city limits and may allow for a minimum of single family residential lots of 8,000 sq. ft.

As water resources in our area have to be carefully managed, the City Engineering Department developed a practice of studying the supply, conditions, and costs of providing City Water Services to existing and proposed developments. A water service boundary was established around the area that can be most effectively served by City water resources at the time of development. The city has been proactively seeking additional water resources and the water service boundary is reviewed periodically to determine if it should be modified.

In reviewing a request for a Zoning District Change and Zoning Map Amendment the Commission has two main tasks: 1) to evaluate the request to determine whether the request is in conformance with the Comprehensive Plan and 2) to determine the extent and nature of the amendment requested [10-14-5(a)].

The purpose of a Comprehensive Plan is to anticipate growth and to guide growth in a manner that will provide a community with a balance of land uses that promote economic growth while retaining a superior quality of life, community safety and overall health. A Comprehensive Plan is a guide for all future activities by City Government. The Comprehensive Plan's future land use map 2-4 designates this area as agricultural. This land use designation is defined in the plan as follows:

"Existing agricultural land should be maintained to protect and preserve critical agricultural land and operations."

Agricultural areas currently located within the water limit boundary are essentially “holding areas” for future residential uses. Unfortunately, the extension of urban services (water and sewer) to many of these areas may take a very long time, while the practice of allowing rural residential development (water wells and septic systems) is inappropriate and unsustainable. Development in these areas should therefore be strongly discouraged until City Services can be provided, thereby allowing development to take place in an orderly and cost-effective manner. (“Twin Falls Vision 2030: A Comprehensive Plan for a sustainable future”, p. 2-35)

The Comprehensive Plan does not support this rezone request but supports maintenance of it as agricultural land.

The applicant provided information regarding the feasibility of serving the site with individual well and septic systems at this time. Their initial studies indicated that the soil and aquifer in the area could sustain approximately fifty (50) residential units however the concept itself is not consistent with the City’s long-term vision. The reason that some of these areas outside the city limits and water service boundary were designated with a zoning of R-1 VAR and why some areas were designated SUI had to do with the City’s anticipated long-term ability to provide services to those areas. The grade change /topography of the land as the Areas of Impact moves to the north influenced the SUI zoning designation as it would be more difficult to provide centralized services to these areas at any point. It is believed that the subject area and areas to the south may be possible to serve at some point in the future, however that time in the future is very uncertain.

As the City of Twin Falls is looking long-term at orderly provision of services to the area it does not make sense to allow low density rural residential development because these areas become very difficult logistically and costly to provide a centralized system to in the future.

The Commission also reviews the extent and nature of the amendment being proposed. The Commission must determine that the extent and nature of changing the zoning of this property from R-1 VAR to SUI would be harmonious and would not detract from the surrounding area. This adjacent area is still substantially agricultural. The applicant states that they would develop a large lot subdivision to provide a buffer from the agricultural uses of the adjacent properties. Large Lot Residential development in this area on such a large scale would change the nature of the area and would not provide a buffer but would require buffering as there can be conflicts between new residential developments next to existing large farm practices.

Zoning & Development Manager Carraway stated upon conclusion staff has reviewed this request and has determined the request is not in conformance with the City’s Comprehensive Plan which indicates this area as appropriate for agricultural land uses and not appropriate for rural residential at this time.

The Commission’s role this evening is to make a recommendation on this request to the City Council because the property is located within the City’s Area of Impact and as per an agreement with the County the City Council will make a recommendation to the Board of County Commissioners who will make the final decision.

P&Z QUESTIONS/COMMENTS:

- Commissioner Lezamiz asked for clarification regarding the request for a rezone prior to asking for a Comprehensive Plan amendment.
- Zoning & Development Manager Carraway explained that staff recommended that the applicant request a Comprehensive Plan Amendment prior to a rezone because this request is not in compliance with the Comprehensive Plan.

PUBLIC HEARING: OPENED

- Sally Overton, 3341 Addison Avenue E, stated that she and her husband have concerns regarding water access, water runoff from the development and how the wells and septic systems would impact their property that is located on the west boundary of the property currently they operate an organic farm. They farm the property without the use of chemicals. She also stated there is a concern if there are going to be storm ponds used to manage the run-off.

CLOSING STATEMENT:

- Mr. Allen explained that development would be required to provide pressurized irrigation which will decrease the amount of water usage from the aquifer. Each home in the development will use approximately 300-400 gallons per house from the aquifer equaling approximately 15,000 gallons per day for 50 homes. Because of state statutes the Overton's can use 13,000 gallons per day. So water usage should not have a major impact on their property. As for run-off the subdivision development standards require the run off to be managed in a way that doesn't allow for the water to run off onto adjacent properties..
- Steve Olsen, Land Concepts, LLC, stated this property was purchased for development however with the city services not available and possibly not available for 20 years it has impeded the ability to develop because of the zoning designation that requires annexation and city service. If the rezone to SU1 were to be approved it would allow development to occur.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner DeVore stated he can't support the request without it being in compliance with the Comprehensive Plan.
- Commissioner Mikesell agreed, this property is to far away for this type of request to be approved.
- Commissioner Schouten stated he is having a hard time allowing 50 more wells and septic systems.
- Commissioner Bohrn stated he thinks the plan is well thought out but they would have to come through for a Comprehensive Plan Amendment before he would consider approval of the zone change.

MOTION:

Commissioner Lezamiz made a motion to recommend approval of the request as presented. Commissioner Mikesell. All members present voted against the motion.

MOTION FAILED 0-7

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING JUNE 21, 2010

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

Zoning & Development Manager Carraway reviewed the City Council decisions related to requests that came through the Planning & Zoning Commission. She also gave the Commission an update on a property located at 2634 Addison Avenue East and the special use permit that was approved for this property. Previously this property came through for approval of a drive-through that went through the center of the building. Currently there is a proposal to make this building a drive through restaurant however the drive through will now go around the outside of the building with this change.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **June 8, 2010**

VII. ADJOURN MEETING:

Chairman Bohm adjourned the meeting at 7:00 pm

Lisa A. Jones

Lisa Jones
Administrative Assistant
Community Development Department



MINUTES

Twin Falls City Planning & Zoning Commission
June 8, 2010-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricott V. Lane Jaboson Bonnie Lezamiz Gerardo Munoz Jim Schouten
Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Cope
Lezamiz
Schouten
Mikesell

ABSENT:

Jacobson
Munoz

AREA OF IMPACT MEMBERS

PRESENT:

DeVore

ABSENT:

CITY COUNCIL MEMBERS PRESENT: None

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 a Special Use Permit to operate an in-home daycare facility on property located at 1476 Sommer Street c/o Elizabeth Bonner (app. 2374)
2. Request for a Special Use Permit to operate a safe house office on property located at 141 Rose Street c/o Twin Falls County Safe House, Val Stotts, Program Director (app. 2375)

I. CALL MEETING TO ORDER:

Chairman Bohrn 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): May 25, 2010
2. Approval of Findings of Fact and Conclusions of Law:
 - Wills-SUP

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate an in-home daycare facility on property located at 1476 Sommer Street c/o Elizabeth Bonner (app. 2374)

APPLICANT PRESENTATION:

Elizabeth Bonner, the applicant stated she is requesting a special use permit to operate an in-home daycare at 1476 Sommer Street. She will operate from 7am to 6pm Monday thru Friday and would like to care for up to 12 children. She doesn't anticipate any negative impacts to the surrounding properties.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated this is a request to operate an in-home daycare facility on property located at 1476 Sommer Street. The property is zoned R-4, a medium density residential zoning district; a special use permit is required to operate an in-home daycare service in the R-4 zone.

A Daycare Service is defined in City Code §10-2-1 as:

- DAYCARE SERVICE: Services offered by persons who are paid to supervise or care for six (6) or more persons, including the resident children, but excluding those businesses or religious institutions which provide incidental daycare service for patrons or attendees while parents are on the premises. (Ord. 2850, 2-21-2006)
- An In-Home Daycare Service is defined in City Code §10-2-1 as:
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 narrative states the applicant resides at this residence and shall be the main caregiver. The hours of operation would be 7:00am to 6:00pm Monday through Friday. The traffic impacts are typical for in-home day cares with peak traffic times in the morning when parents are dropping kids off and in the afternoon when parents are picking kids up. The request is to provide service for up to twelve (12) children, including her own four children. The applicant would be the only caregiver most of the time with possibly one (1) other employee/helper. The applicant will be required to apply for a day-care license through the fire department and will be required to comply with requirements for handicap accessibility and fire inspection. Should the special use permit be approved the applicant will also be required to acquire a Certificate of Occupancy through the building inspection department, the applicant met with the Building Department on June 4th to discuss these issues.

City Code §10-10-3 states the required parking standards are two (2) parking spaces per teacher there is enough space for two (2) vehicles on the paved driveway. It would be appropriate for the Commission to place a condition on the special use permit that the driveway be used for customer/parent drop-off and pick-up during business hours. There are no other anticipated adverse effects foreseen to adjoining properties' anticipated noises that may be heard will be from children playing which is typical to a residential neighborhood. Signs are

not allowed to advertise in-home day cares in residential area. A special use permit granted to operate an in-home day care would be valid for this applicant at this location only and is not transferable.

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. A maximum of twelve (12) children, including the caregiver's children, may be cared for under this permit at any one time.
3. In addition to Mrs. Bonner, there may be a maximum of one (1) additional caregiver onsite at any one time.
4. The hours of operation to be from 7:00am to 6:00pm Monday through Friday
5. The driveway is limited to customer/parent drop-off and pick-up ONLY during business hours.
6. Subject to compliance 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 prior to operation of the day care.
7. Subject to being issued a Certificate of Occupancy from the City of Twin Falls Building Inspection Department for the in-home day care prior to operation of the day care.

PUBLIC HEARING:

- Amber Bixler, 1460 Sommer Street, stated she lives next door to the applicant and has a few concerns with the request. She is concerned about the safety of the children, the space available in the home to care for twelve children, and the maintenance of the yard, and parking.
- Jeremiah Chatty, 1460 Sommer Street, stated that he is also concerned with the same issues and the ability of the applicant to care for 12 children.
- Jack Bixler, grandfather of Amber Bixler, he stated his concern is for the safety of the children in the neighborhood with the additional cars this will bring.

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell asked if there was any City Code that regulates yard maintenance or licensing or daycares.
- Zoning & Development Manager Carraway stated there is a City Code that requires maintenance of yards and a program through the Sanitation Department that enforces the regulations. If there is a concern the neighbors can call the Sanitation Department and a site inspection will be done to address the concerns. As for licensing and the number of children, this request is for a land use permit and the Commission does have the ability to place a limitation on the number of children cared for under this permit. The square footage requirements for the number of children allowed is regulated through the Fire Department permitting process. The state does periodic checks of in-home daycares and they regulate the number of children that can be cared for in the home.
- Commissioner Cope asked if there was a safety issue observed by the neighbors who could they call to report their concerns.
- Zoning & Development Manager Carraway stated they should call the Department of Health and Welfare Agency first.
- Commissioner Lezamiz stated that these concerns will be addressed during the licensing process prior to her being able to take care of children.
- Zoning & Development Manager Carraway also explained if the concerns are not addressed the neighbors are always able to initiate a request to the City to consider revocation of the Special Use Permit.

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 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 at any one time.
 3. In addition to Mrs. Bonner, there may be a maximum of one (1) additional caregiver onsite at any one time.
 4. The hours of operation to be from 7:00am to 6:00pm Monday through Friday
 5. The driveway is limited to customer/parent drop-off and pick-up ONLY during business hours.
 6. Subject to compliance 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 prior to operation of the day care.
 7. Subject to being issued a Certificate of Occupancy from the City of Twin Falls Building Inspection Department for the in-home day care prior to operation of the day care.
2. Request for a Special Use Permit to operate a safe house office on property located at 141 Rose Street c/o Twin Falls County Safe House, Val Stotts, Program Director (app. 2375)

APPLICANT PRESENTATION:

Mark Brunelle, Twin Falls County Research & Development Director, representing the Safe House, stated he is here to request approval of a Special Use Permit to operate a safe house office located at 141 Rose Street which will be next door to new Safe House which opened in 2009. There were five lots conveyed to the county as part of the hospital sale. Lots 5 and 6 are currently used for the Safe House and green space for the residents. Lot 7, 10 and the vacated Chester Drive will be used for the location of the Safe House Office. He reviewed vicinity maps, site plans, and elevations on the overhead. He showed the site plan explaining that the parking has been placed behind the proposed building to help it blend in and have the building look more residential. He reviewed the floor plan of the building and explained that the goal would eventually be to add another Safe House so that girls could be in one building and boys would be in another. There will be 3-5 staff in the office and the hours of operation will be M-F 8:00 to 5:00 with occasional evening meetings and allowances for family visits. By having the office next door it will make things much easier for staff to assist at the Safe House and assist the families that need help. He requested that the Commission consider and approve this request.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated on April 24, 2007 a special use permit was granted to operate a juvenile safe house on property located at 183 Rose Street North; and in November 2008 and a Certificate of Occupancy was issued for the change of use from a residence to juvenile to the juvenile safe house. The request is to construct and operate a professional office in conjunction with the Twin Falls County Safe House located on the adjacent property, 183 Rose Street North. This property is zoned R-6 PRO, which is residential multi-household zoning designation with a professional office overlay, within the professional office overlay a special use permit is required to operate a professional office.

Approval of this request should have minimal impacts to the surrounding neighborhood. The office would operate during typical office hours 8:00am to 5:00pm Monday through Friday. Meetings would be

held in the evenings, when needed. It is anticipated the office will operate with three (3) to five (5) employees at any one time. As you can see by the elevations, the proposed facility will be designed with a residential appearance to be consistent with the character of the existing residential neighborhood. If this request is granted this evening full review to assure compliance with required improvements will be completed as part of the building permit process. The use is in conformance with the Comprehensive Plan which designates this area as appropriate for commercial/professional 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 a Sign Permit Being Obtained For All Signage.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC CONCERNS

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 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 sign permit being obtained for all signage.

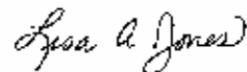
V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for June 22, 2010.

VII. ADJOURN MEETING:

Commissioner Bohrn adjourned the meeting at 6:41 p.m.



Lisa Jones
Administrative Assistant
Community Development Department



MINUTES

Twin Falls City Planning & Zoning Commission
June 22, 2010-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricott V. Lane Jaboson Bonnie Lezamiz Gerardo Munoz Jim Schouten
Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Cope
Derricott
Jacobson
Lezamiz
Schouten

ABSENT:

Munoz

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Mikesell

ABSENT:

CITY COUNCIL MEMBERS PRESENT: Heider

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 a Special Use Permit to operate a wholesale business that includes H-1 and/or H-7(2) products for property located at 2263 Warren Avenue, c/o Jerry Naylor. (app. 2376)
2. Request for a Special Use Permit to serve alcohol for consumption on the premises in conjunction with a restaurant for property located at 778 Falls Avenue, c/o James and Leslee Reed. (app. 2377)
3. Request for a Special Use Permit to operate an automobile repair business to include a paint booth for property located at 220 Hankins Road c/o Rory Martin & Darrin Carter, DBA Idaho Collision Repair. (app. 2378)

I. CALL MEETING TO ORDER:

Chairman Bohrn 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 8, 2010
2. Approval of Findings of Fact and Conclusions of Law:
 - Bonner-SUP
 - TF County Safe House Office-SUP

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate a wholesale business that includes H-1 and/or H-7(2) products for property located at 2263 Warren Avenue, c/o Jerry Naylor. (app. 2376)

APPLICANT PRESENTATION:

Jerry Naylor, the applicant, stated he operates an internet wholesale and retail toy business. He stated he recently purchased the property located at 2263 Warren Avenue and the plan is to use it strictly for warehouse space for inventory. He stated they will receive inventory at this location approximately once a day via semi-truck delivery. He will employ 1-2 people that will be located at this warehouse from 8:00 am to 5:00 pm. The reason for the special use permit request is to be able to store fireworks that are sold seasonally around the Magic Valley area from fireworks stands. They have two metal 40 foot containers they would like to use to store the fireworks. He asked that the Commission approve his request.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated this property is zoned M-2, which is a Heavy Manufacturing Zoning Designation. The applicant is requesting to be able to store consumer fireworks for his fireworks stands only. Fireworks and similar products are defined as H-1 and/or H-7(2) products by code. In the M-2 zoning district a special use permit is required to operate a wholesale/storage business with H-1 and/or H-7(2) products. This site is located east of J.R. Simplot Company located at 797 Eastland Drive South.

The applicant plans to operate a warehouse used for storage of wholesale merchandise that will include children's toys and games. The applicant recently purchased this property and his narrative states that he would like to move in and begin operating at this site by July 2010.

The applicant plans to place two (2) 8' x 40' shipping containers outside the warehouse building along the eastern boundary to store the consumer fireworks. Approval of building permit shall be required prior to placement of these buildings.

City code §10-11-5 requires curb and gutter be constructed at the time of new construction or modification of existing buildings in the M-2 zone. There is no curb or gutter along warren avenue at this time. The Commission may wish to place a condition asking that a deferral agreement be approved for the construction of curb and gutter if this permit is approved this evening.

A full review to assure compliance with Engineering, Fire, Building and Zoning requirements will be completed prior to approval of a final inspection and/or issuance of a Certificate of Occupancy. The request is in compliance with the Comprehensive Plan which designates this site as appropriate for 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 approval of a final inspection and/or issuance of a Certificate of Occupancy prior to storage of Fireworks (H-1 and/or H-7(2) Products), as presented, on site.
3. Subject to a deferral agreement for curb and gutter being approved prior to final inspection and/or Certificate of Occupancy being issued.

Public Hearing: Opened and Closed Without Public Comment:

Deliberations Followed: Without Concerns

Motion:

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

APPROVED, AS PRESENTED, SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
 2. Subject to approval of a final inspection and/or issuance of a Certificate of Occupancy prior to storage of Fireworks (H-1 and/or H-7(2) Products), as presented, on site.
 3. Subject to a deferral agreement for curb and gutter being approved prior to final inspection and/or Certificate of Occupancy being issued.
-
2. Request for a Special Use Permit to serve alcohol for consumption on the premises in conjunction with a restaurant for property located at 778 Falls Avenue, c/o James and Leslee Reed. (app. 2377)

APPLICANT PRESENTATION:

James Reed, the applicant, stated he and his wife plan to operate a restaurant at this location and are here to request as special use permit to serve beer and wine on the premises. The plan is to provide beer and wine that is locally produced. The plan is promote local distribution of products grown and produced here in Idaho. The restaurant will use local sourced products and should not have any adverse impacts to the surrounding area. The venue will allow local marketing for the smaller companies to debut their products.

STAFF PRESENTATION:

Zoning & Development Manger Carraway reviewed the request on the overhead and stated the Twin Falls Turf Plaza Subdivision was recorded in 1998. The turf plaza building was constructed in 1996 as a shell building to house multiple tenants. Since 2000 there have been two (2) Special Use Permits granted for consumption of alcohol on the premises within this complex and on July 28, 2009, a Special Use Permit was granted for a drive-up coffee shop but this use has not been implemented.

This site is zoned C-1, Highway Commercial Zoning Designation. The applicant is requesting to be permitted to serve beer & wine for consumption on the premises in conjunction with a retail market and café. In the C-1 zone, a special use permit is required for alcohol consumption on premises if the subject property is less than 300' from residential property. There are residences to the north of this site within the 300' radius and so a special use permit is required for this location.

The applicants would like to open a market / café at this location and they would like to be able to serve beer and/or wine for their customers to enjoy with their meal. The hours of operation will be 9:00 am to 6:00 pm, Monday through Saturday. Initially they plan on operating with (3) employees, including themselves.

This site is located along a major arterial; Falls Avenue, the building –Turf Plaza – was constructed in 1996. Upon review of the site there appears to be adequate parking and access to the site. No adverse impacts due to noise, glare, odor, fumes, or vibrations to adjoining properties that are anticipated due to this use. As this site is proposed to be a market/restaurant/café the impacts of serving alcohol for consumption on the premises are significantly different than that of a standalone bar-type facility. Special use permits are granted for the property and stay with the property.

If this request is granted this evening the Commission may want to place a condition that the permit to serve alcohol for consumption on the premises is only for a restaurant/café and would not be valid for a standalone bar at this location. The properties immediately adjacent to this site are commercial and the residences across falls avenue are built with the rear yards adjacent to falls. There are other restaurants and eating places and a reception center nearby. The impact of serving alcohol in this restaurant should be minimal. The request is in compliance with the Comprehensive Plan which designates this site as appropriate for commercial/retail 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 permit being limited to serving alcohol consumption being in conjunction with a restaurant/café at this location.
3. Subject to compliance with State, County and City requirements for alcohol licensing for sale and consumption on premises.

Public Hearing: [Opened and Closed Without Public Comment](#)

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Mikesell 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.

APPROVEDS, 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 permit being limited to serving alcohol consumption being in conjunction with a restaurant/café at this location.

3. Subject to compliance with State, County and City requirements for alcohol licensing for sale and consumption on premises.

3. Request for a Special Use Permit to operate an automobile repair business to include a paint booth for property located at 220 Hankins Road c/o Rory Martin & Darrin Carter, DBA Idaho Collision Repair. (app. 2378)

APPLICANT PRESENTATION:

Rory Martin, the applicant, stated they are seeking a special use permit to operate their current business that is located in Kimberly at this Hankins Road location. They operate a collision repair business and would request that the Commission approve the request.

STAFF PRESENTATION:

This site is located in the R-2, residential single family and duplex zone, within the City's Area of Impact. A commercial use of the property existed for over twenty (20) years as a legal non-conforming use. It has been determined that the last time a business operated from the site was in late 2006 or early 2007. City Code 10-3-4 defines non-conforming buildings or uses as: "a building or use made nonconforming but which was lawfully existing or under construction at the time of adoption."

The request to operate a vehicle repair shop with a paint booth is not a permitted use in the R-2 zone, however, a request can be made to establish another non-conforming use by special use permit as per City Code §10-3-4(a)1e; which states:

E. Notwithstanding the foregoing, a legal nonconforming use involving a building may be resumed or replaced by another nonconforming use by special use permit if said legal nonconforming use has not been discontinued for more than five (5) years. In addition to the general standards applicable to special uses, the applicant must show that the existing building cannot reasonably be converted to a conforming use. (ord. 2555, 7-21-1997)

This special use permit request is to establish a vehicle repair shop with an enclosed paint booth on the property. The building on the site is made of cinder block construction with a large bay door to accommodate auto repair. The building is a commercial building. The building could not reasonably be converted to a conforming use that would be permitted in the R-2 zone such as a residence therefore the applicant is able to request a replacement commercial use subject to approval of a special use permit.

The applicant's narrative states they have been in operation for over ten (10) years in Kimberly and are looking to relocate to this location to better accommodate future growth of their business. Idaho Collision Repair currently operates Monday through Friday from 8:00 am to 6:00 pm and occasionally on Saturdays depending on the workload. They propose to continue with these hours of operation at this location if the special use permit is approved. There are currently three (3) employees, which includes the two (2) owner/operators and a part-time receptionist.

Traffic is anticipated to be similar to the previous business and is not anticipated to cause a noticeable increase to travel along Hankins Road. As per City Code 10-10-3; the parking requirement for an automotive repair shop is one (1) space per 300 sq ft of building area. The site plan states the building is 2800 sq ft which means a minimum of ten (10) spaces are required. Upon initial review by staff it appears this can be provided on the site. The applicants indicated that they would stripe the parking if required. As the site is open it would be safer to have the parking striped and the layout reviewed as

part of the building permit that would be required for the paint booth to ensure that parking does not back onto Hankins Road and to direct traffic on the site.

An area designated as the former impound yard is located east of the building. It is enclosed by an eight foot (8') tall sight obscuring security chain link fence with razor wire on top. Idaho Collision Repair has indicated they would use this area as a storage yard and indicated there is space for approximately thirty (30) vehicles.

The request is for automobile repair only. There is concern that the former impound yard could be used as an automobile storage, salvage and/or wrecking yard. These uses are only permitted in the M-2 Zone and only by Special Use Permit. Negative impacts from automobile repair shops are usually the result of non-operating vehicles being parked for extended periods of time on the site, miscellaneous parts, equipment and/or materials being stored outside of an enclosed building and vehicles used for parts being stored onsite. The Commission may wish to consider placing condition(s) limiting a) the length of time a vehicle may be stored while waiting repair, b) that there be no salvage vehicles onsite, and c) that no parts or materials may be stored outside of an enclosed building or screened area.

The property is surrounded by a residential development to the north, western states equipment to the east; Wagner's trucking on the south and on the western border is Hankins Road one of the City's water storage sites and undeveloped commercially zoned property. The properties to the north, east and south are located within the area of impact.

There may be concerns that paint odors and/or fumes could escape from the commercial paint booth creating negative impacts to the surrounding residential neighbors. The narrative states that odors dissipate and the exhaust fans would be directed towards the south, away from the residential properties, and that any of the adjoining properties should not notice any impacts. There are also ventilation and dust collection systems in the building. A building permit is required to operate a paint booth. A full review to ensure compliance with all state and local requirements will be completed by the building inspection department prior to issuance of a permit to operate the paint booth.

It is typical for properties under review for Special Use Permits to be reviewed for compliance with landscaping requirements. The minimum requirement for C-1 zoned property is 10% of site. There is no landscaping on this site and so the Commission may want to consider requiring some percentage of landscaping. This could be an alternative landscaping plan that could include things such as planter boxes, hanging baskets, etc. Also storm water retention is a concern in this area as the property drains to the north towards the residential properties. The Commission may also want to consider requiring the property comply with current code requirements that all storm water be retained onsite. This could be completed as part of the building permit review.

There have been concerns expressed from neighboring residents that the hours of operation may not be conducive to a residential area and also concern there may be additional noise such as an outdoor speaker system. The applicants' proposed hours of operation do seem to be conducive to being adjacent to a neighborhood as it will operate primarily during the business day. As a condition of approval specified hours of operation may be attached to the permit to ensure that the business does not operate into the late evening, nighttime, or early morning hours.

By city code any proposed use which broadcasts amplified music or sound by speakers to the exterior of a building requires a special use permit and amplified sound was not included as part of this request.

This use is not a change of use to the building-- however --as part of the special use permit process there may be conditions placed on this permit to help mitigate potential negative impacts and to help the site be more harmonious with the 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. Business permitted to operate, as presented, from 8:00 am to 6:00 pm, Monday through Saturday.
2. Parking area to be striped with a minimum 10 spaces and signed stating traffic is not permitted to back out onto Hankins Road.
3. Subject to the paint booth meeting or exceeding all city zoning, building, and fire requirements and a Certificate of Occupancy being issued for the paint booth prior to operation.
4. Subject to this permit being non-transferable. This special use permit is for this business only.
5. Subject to this permit being for automobile and/or pick-up repair only.
6. No vehicles awaiting work or miscellaneous parts may be stored outside of enclosed building or outside of a screened area.
7. Subject to storm water retention being retained onsite – review to be completed as part of building permit review process.
8. Vehicles not being repaired are not to be stored on site.
9. Assure that no vehicles associated with the repair business are parked on adjacent properties or on public right-of-way.
10. No amplified sound (speakers) or music allowed to the exterior of the building.
11. Subject to an alternative landscaping plan, as approved by Planning and Zoning staff, being completed by the end of September 2010.
12. 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:

- Brent Jussel, representing his mother-in-law, an adjoining neighbor to the north of this site. He is here to offer support of the staff recommendations in particular storm water retention. The engineering of the site is the main issue and the cause for concern. Traveling south to north along Hankins Road there is a gradual slope and what happens when there is a rain storm the water gathers and runs across this site where a menuewer storage area is located and moves downward onto his mother-in-laws property. In support of staff's recommendations there should be some kind of engineering plan considered to keep the storm water from running off onto adjacent properties.
- Al Lewis stated there hasn't been a big problem with water retention on this site, further down there is a sump pump that moves the water to a field that has been in place for years. During a flood the menuewer pit flooded down and contaminated his well which has been sealed and is not used. Both his house and shop are attached to City water and a sump pump to assist with storm water.

DELIBERATIONS FOLLOWED:

- Commissioner DeVore stated his only concern would be fumes from the paint booth.
- Commissioner Schouten stated that there are requirements paint booths have to meet and the filtration systems minimize fumes.

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. Business permitted to operate, as presented, from 8:00 am to 6:00 pm, Monday through Saturday.
2. Parking area to be striped with a minimum 10 spaces and signed stating traffic is not permitted to back out onto Hankins Road.
3. Subject to the paint booth meeting or exceeding all city zoning, building, and fire requirements and a Certificate of Occupancy being issued for the paint booth prior to operation.
4. Subject to this permit being non-transferable. This special use permit is for this business only.
5. Subject to this permit being for automobile and/or pick-up repair only.
6. No vehicles awaiting work or miscellaneous parts may be stored outside of enclosed building or outside of a screened area.
7. Subject to storm water retention being retained onsite – review to be completed as part of building permit review process.
8. Vehicles not being repaired are not to be stored on site.
9. Assure that no vehicles associated with the repair business are parked on adjacent properties or on public right-of-way.
10. No amplified sound (speakers) or music allowed to the exterior of the building.
11. Subject to an alternative landscaping plan, as approved by Planning and Zoning staff, being completed by the end of September 2010.
12. 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:

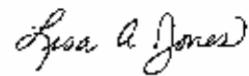
Commission unanimously approved the consent calendar

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **July 13, 2010**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 6:50 pm



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, **July 13, 2010**, has been canceled.



NOTICE OF AGENDA

PUBLIC MEETING

Twin Falls City Planning & Zoning Commission

July 27, 2010-6:00 PM

City Council Chambers

305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricott V. Lane Jacobson Bonnie Lezamiz Gerardo Munoz Jim Schouten

Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Cope
Derricott
Jacobson
Lezamiz
Schouten

ABSENT:

Munoz

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Mikesell

ABSENT:

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Carraway, Jones

III. ITEMS OF CONSIDERATION:

1. Request for the reactivation of Special Use Permit # 1124, granted on November 12, 2008 to Summit Hospitality-Courtyard By Marriot to allow the sale of alcoholic beverages for consumption on the premises in conjunction with the operation of a hotel on property located on the west side of the 1800 block of Harrison Street North c/o Scott Allen/The Land Group on behalf of Summit Hospitality V, LLC (app 2277)

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate an automobile sales business on property located at 1102 Kimberly Road c/o David Hall (app. 2379)
2. Request for a Special Use Permit to operate an automobile sales business on property located at 560 Main Avenue South c/o Dean Kulm (app. 2380)
3. Request for a Special Use Permit to allow for more than a 25% expansion to an existing religious facility on property located at 203 Madison Street c/o Wesleyan Holiness Church (app. 2381)
4. Request for a Special Use Permit for storage, sales and delivery of agricultural chemicals and fertilizer, including H-1 and H-7 (2) products, for property located at 797 Eastland Drive South c./o J.R. Simplot Company (app. 2380) **RESCHEDULED FOR AUGUST 10, 2010**

I. CALL MEETING TO ORDER:

Chairman Bohrn 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 22, 2010](#)
2. Approval of Findings of Fact and Conclusions of Law:
 - Idaho Collision Repair-SUP (June 22, 2010 P&Z)
 - Venom Fireworks –SUP (June 22, 2010 P&Z)
 - James & Leslee Reed-SUP (June 22, 2010 P&Z)

Commissioner Schouten made a motion to approve the consent calendar items. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

III. ITEMS OF CONSIDERATION:

1. Request for the reactivation of Special Use Permit # 1124, granted on November 12, 2008 to Summit Hospitality-Courtyard By Marriot to allow the sale of alcoholic beverages for consumption on the premises in conjunction with the operation of a hotel on property located on the west side of the 1800 block of Harrison Street North c/o Scott Allen/The Land Group on behalf of Summit Hospitality V, LLC (app 2277)

APPLICANT PRESENTATION:

Scott Allen, The Land Group, representing the applicant, stated that in November of 2008 a Special Use Permit was approved to allow for the construction of a hotel and the sale of alcoholic beverages for consumption of the premises. Because of the economic lull this project was put on hold and therefore he is here tonight to request that the Special Use Permit be re-instated so that the applicant can move forward. The hotel will be located north of the Hilton Garden Hotel on Pole Line Road and on the west side of Harrison Street. The hotel will be approximately 118 rooms and is to be a Courtyard by Marriot. He requested that the Commission approve the re-instatement of the Special Use Permit.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead projector and stated that the special use permit was approved on November 12, 2008 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)** A landscape plan is submitted as part of the building permit application. **3)** Full compliance with the Northbridge and Northbridge No. 2 PUD Agreements **4)** Subject to approval of City, County and State Alcohol License approval. **5)** A water model is provided as part of the building permit review process. The City Council also approved the project for additional height.

As per City Code 10-13- 2.2 (l) which states....".... special uses which have not been established within one year of the date of issuance of the special use permit, may be reviewed by the Commission to determine if the facts and circumstances have changed. If the Commission determines that the surrounding area and/or facts and circumstances have not changed since the special use permit was approved they may reactivate the expired Special Use Permit by motion and a majority vote and subject to the same conditions of approval.

Zoning & Development Manager Carraway stated upon review by the staff there have been no substantial changes to the area since the approval of the Special Use Permit on November 12, 2008 and recommends the Commission reactivate Special Use Permit #1124, as presented and subject to the original five (5) conditions of approval.

PUBLIC HEARING: **OPENED AND CLOSED WITHOUT PUBLIC COMMENT**

DELIBERATIONS: **WITHOUT CONCERNS**

MOTION:

Commissioner Lezamiz made a motion to approve the request as presented with staff recommendations. Commission Schouten 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. A landscape plan is submitted as part of the building permit application
3. Full compliance with the Northbridge and Northbridge No. 2 PUD Agreements
4. Subject to approval of City, County & State Alcohol License approval
5. A water model is provided as part of the building permit review process

IV. PUBLIC HEARINGS:

1. **Request for a Special Use Permit to operate an automobile sales business on property located at 1102 Kimberly Road c/o David Hall (app. 2379)**

APPLICANT PRESENTATION:

David Hall, the applicant stated he is here to request a special use permit to operate an automobile sales business. He reviewed the three conditions recommended for this Special Use Permit to be approved as follows: **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 10-7-12; Special Landscaping Requirements for Gateway Arterials or submit an alternative landscaping plan (including plan to maintain, water and keep weed free) to be approved by City staff. **3)** Subject to applicant maintaining staff approved landscape strip in front of the westerly Kimberly Road access at all times or the approach is to be removed and curb, gutter and sidewalk to be constructed.

He stated that he and his wife are the property owners but that they rent the property to Ray Haken who owns the Twin City Auto Sales dealership. He explained they don't have anything to do with the dealership. He reviewed the photos that he took of the property on the overhead projector. He counted 24 shrubs, 2 plants and 5 trees and replaced two of the plants that were dying. He placed those two in front of the gate so that it would be permanently blocked. He stated he is an absentee landlord and lives in Nampa and would like to request that if the City/Commission has any issues related to this property that they contact him and deal with him directly and not the tenant. He stated that he understands this property has been an issue for the Commission and it has been an issue for him as well but the appearance of the property has improved since he purchased the property. He would like to resolve this and would like for his tenant to take better care of the property; and requests that the Commission approve this request.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead projector. She explained that she does have a letter that was submitted by one of the surrounding property owners that stated they are in support of this request being approved. She then reviewed the history of the property.

Building records on this property indicate that it was a fuel/gasoline service station from the early 70's thru the early 1980s. In 1981 the pumps were removed and it was converted to the Chicken Shack Restaurant.

On July 18, 1983, Special Use Permit (SUP) #0124 was issued for a drive-in window for a restaurant run by Roy Miller.

In 1994, the property was remodeled and a Certificate of Occupancy was issued for the Coin-Op and Drop Laundromat.

On October 27, 1998, Bill Hart was granted SUP #0577 for auto sales at the property. There were three (3) conditions attached to Special Use Permit #0577: 1) Comply with arterial landscaping requirements, 2) Submit an approved parking plan showing traffic flows, and 3) Delete the westerly approach and add a landscaping strip along that portion of the frontage. On June 30, 2000 the Commission unanimously voted to revoke SUP #0577 due to non-compliance with condition 1) Comply with arterial landscaping requirements.

On January 28, 2003, the Commission granted SUP #0800 to David Hall for the purpose of operating an automobile sales business on the subject property. The permit had the following 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, and 3) The shared driveway is to be kept open at all times.

On September 13, 2005, the Commission revoked SUP #0800 due to non-compliance with arterial landscaping requirements. Mr. Hall appealed the request to the City Council. On November 7, 2005, the City Council granted the appeal subject to the original conditions PLUS the following conditions: 4) There are to be (4) trees and (19) shrubs or an approved alternate landscaping on the site, 5) The plantings are to be kept, weeded, watered, and arranged as adaptable to the site, and 6) The applicant has at least one (1) year to come into compliance with the Special Use Permit.

On August 11, 2009 the Commission voted to revoke SUP #0800. due to non-compliance with arterial landscaping requirements. Mr. Hall appealed the Commission's decision to revoke SUP #0800 to the Council.

On September 8, 2009 the Council voted to uphold Planning and Zoning Commission's decision to revoke Special Use Permit #0800 with an effective date of August 31, 2010.

On August 31, 2010 Special Use Permit #0800 will expire. The applicant is requesting a new special use permit to operate an automobile sales business located at 1102 Kimberly Road.

Zoning & Development Manager Carraway stated the property is located in the C-1; Commercial Highway Zone. In the C-1 Zone a Special Use Permit is required for automobile sales. Mr. David Hall is the current property owner and the business is operating under the name Twin City Autos. The proposed location fronts Kimberly Road, which is a gateway arterial. The request for a Special Use Permit for automobile sales would require compliance with City Code 10-7-12-Special Landscaping Requirements for Gateway Arterials. Compliance with gateway arterial landscaping has been a condition of the Special Use Permits for this property since 1998. The code states the site...is required to have a landscaped strip at least 10' wide provided immediately behind the sidewalk. A continuous strip exceeding 40' in length shall contain a 12" minimum height undulating berm. There is a minimum requirement of one (1) tree per every 500 sq. ft of required landscaping and one (1) bush per every 100 sq. ft. Each landscaped strip shall be kept clean and free of noxious and other weeds" Mr. Hall is required to have 1859 sq. ft of landscaping with four (4) trees and nineteen (19) bushes. Due to the nature of the lot staff would recommend that the applicant be required to submit an alternative landscaping plan (which may be to consider less than the required 1850 sq. ft and to state in writing a plan of how the landscaping will be maintained, weeded and watered. Currently there is a 4-5' landscaping strip with six (6) trees (one looked dead) and nineteen (19) bushes.

The property has a history of having two (2) existing approaches. The applicant was required to close the westerly approach on their property as a Special Use Permit condition in 1998. Staff still supports this condition. There is currently chain-link gate across this approach. Staff will accept the gate as "permanently closing this approach" as long as there is a landscape strip in compliance along this frontage. The Commission may wish to place a condition that there be a landscaping strip in compliance with code at all times or the approach is to be removed and curb, gutter and sidewalk be constructed.

Mr. Hall has not indicated what the hours of operation will be. Within the C-1 Zone there are no hours of limitation unless a condition is placed by the Commission with specified hours of operation. There is currently only one (1) employee. There is not anticipated to be any operational changes to the business if their request is approved this evening. The applicant feels that the request is compatible with neighboring uses.

Zoning & Development Manger 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 compliance with City Code 10-7-12; Special Landscaping Requirements for Gateway Arterials or submit an alternative landscaping plan (including plan to maintain, water and keep weed free) to be approved by City staff.
3. Subject to applicant maintaining staff approved landscape strip in front of the westerly Kimberly Road access at all times or the approach is to be removed and curb, gutter and sidewalk to be constructed.

PUBLIC HEARING: **OPENED AND CLOSED WITHOUT PUBLIC COMMENT**

DELIBERATIONS:

Commissioner Borhn asked the applicant if the asphalt was removed so that the landscaping could be planted.

Mr. Hall explained that yes the asphalt was removed and there is a drip system in place to water the area.

Commissioner Mikesell asked if the landscape strip is 10' wide and approximately how much landscaping is currently onsite.

Zoning & Development Manager Carraway stated that arterial landscaping requirements are a minimum of a 10' landscaping strip with a 12" undulating berm which equates to 1850 sq. ft. of landscaping. The strip is not consistent along the front - it currently is anywhere between 4' and 6' wide, the plants do meet code, however the width has not been met. She estimates that approximately half of the required landscaping is in place.

Commissioner Schouten asked about the City Council's requirements for the special use permit when Mr. Hall appealed the Commission's decision to revoke.

Zoning & Development Manager Carraway stated that the City Council upheld the Commission's decision and set a date certain as to when the special use permit was to expire. The expiration date was set at August 31, 2010. There were no additional conditions added to the permit.

Commissioner Borhn stated that it seems as though the applicant has not brought the property into compliance.

Zoning & Development Manager Carraway explained the past history shows a lot of problems and a lot of non-compliance, however since the revocation last year the property has been cleaned up the display carports have been removed and the landscaping however minimal is in compliance. Due to the size of the property the applicant may have had issues with removing more asphalt to meet the landscaping width requirement. He was most likely hoping an alternative plan could be approved. Upon review by the staff the property is in compliance.

MOTION:

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

MOTION DENIED

2. Request for a Special Use Permit to operate an automobile sales business on property located at 560 Main Avenue South c/o Dean Kulm (app. 2380)

APPLICANT PRESENTATION:

Dean Kulm, the applicant, stated he is here to request a special use permit to operate an automobile sales business in conjunction with an existing retail business located at 560 Main Avenue South. As the economy has suffered so has his business and the only alternative he and his wife have to avoid bankruptcy is to consolidate and downsize their two businesses. The building is approximately 5000 sq. ft. and will allow for them to park 3-5 cars inside the building. The business will operate Friday, Saturday & Monday with approximately 4-5 customers per day. He has repeat customers that he deals with and friends, relatives and referrals and do not plan to have any inventory. He indicated they plan to landscape the dirt area in between the sidewalk and the curb and has already tilled the area.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead projector and stated there is no known zoning history on this building or property. The property is currently operating as a retail business called the Char-Le Hours Antique Store. This property is located in the CB Zone with a P-1 Parking Overlay and the request is to add automobile sales in conjunction with an existing retail business. The storage and display of the vehicles will be inside the building.

The existing business at the site is a retail antique store and the proposed use would include the display and sales of automobile and pick-up types of vehicles. The vehicle sales portion of the business is proposed to operate Friday, Saturday and Monday from 8:00 am to 5:00 pm. They anticipate that traffic would be approximately 4-5 customers per day. There is one (1) part-time employee. As the business is located in the P-1 Parking Overlay there is not a requirement for off-street parking for outright permitted uses but may be required through the Special Use Permit process. The applicant is providing two (2) off-street parking spaces along the alley in back of the building which would accommodate employee parking. There is also on-street parking in the front of the building-typical to downtown parking. The business is presented as being open on the weekends when the office to the west is closed.

Staff has reviewed some of the site issues associated with this property. There is not any landscaping on the property but the front of the building is on the property line and adjacent to the sidewalk. The owners have improved the façade and maintained the building which had been in disrepair under previous owners. There is not any area available to implement a landscaping or alternative landscape plan.

The applicant has indicated he will pave the area behind the building along the alley to provide a maintained area so that cars can enter the building through the two (2) overhead doors on the back of the building. As the applicant is using the alley for access to his property paving of the alley for the extent of his property is required. The alley is paved from Liberty Street South to the eastern boundary of the property. As the applicant will be paving and there is a grade difference between his and the adjacent property. He will need to review his paving plans with the City's Engineering Department to show that storm water retention is provided for the paved area and that the ally paving is completed to City specifications.

The request is in compliance with the Comprehensive Plan which shows this area as Townsite. As the site is located in a mix of commercial uses the impacts from this business, operated as presented, should be minimal.

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

1. All vehicles for sale to be kept inside the building and not parked or displayed for sale on any City right-of-way or in the parking area behind the building.
2. Adjacent alley and rear of property to be paved. Paving plan including storm water retention for private property to be reviewed by City staff and completed and inspected to city specification.
3. Any parts and miscellaneous equipment to be stored inside of building
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: PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC COMMENT

DELIBERATIONS: 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, WITH THE FOLLOWING CONDITIONS

1. All vehicles for sale to be kept inside the building and not parked or displayed for sale on any City right-of-way or in the parking area behind the building.
2. Adjacent alley and back 20' of property to be paved. Paving plan including storm water retention for private property to be reviewed by City staff and completed and inspected to City specifications
3. Any parts and miscellaneous equipment to be stored inside of building
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

3. **Request for a Special Use Permit to allow for more than a 25% expansion to an existing religious facility on property located at 203 Madison Street c/o Wesleyan Holiness Church (app. 2381)**

APPLICANT PRESENTATION:

Sherry Keyt, representing the applicant, stated this request is for a special use permit to expand their church so that they can add bathrooms. The church has been in existence for 50 year and consists of approximately 30 members. The church has spoken with Architect Roger Laughlin who has recommended an addition by adjoining the existing church with the adjacent house which is also owned by the church. The design will allow access to the restrooms from the church and will be ADA compliant. The addition will be approximately 310 sq. ft. and will consist of one male and one female restroom along with a storage and walkway area. The project will upgrade the building and should not create any negative impacts to the surrounding area.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead projector and stated that on September 11, 1984 a Special Use Permit #0155 was granted allowing the operating of a religious facility at 203 Madison Street, Lot 12 Davidson's Subdivision with one condition: 1) A sidewalk to be constructed on the Shoup Avenue frontage. On July 27, 1999 the Planning & Zoning Commission approved a special sign request for a wall sign to be placed on the church at 203 Madison Street. There is no known zoning history for 211 Madison Street, Lot 11 Davidson's Subdivision.

She stated this is a request to increase an existing religious facility by more than 25%. The property is zoned R-4; Medium Density Residential Zone. A special use permit is required to establish a religious facility in the R-4 Zone or when there is a request to expand an existing religious facility by more than 25%.

The congregation currently uses both 203 & 211 Madison Street for church facilities. They are requesting this special use permit so they can connect the two facilities and add bathroom facilities.

The combined lots are 13, 000 Sq. ft. The existing facility has paved an area approximately 100' x 30' behind the buildings for parking. The access is off the alley; City Code 10-10-3 states a religious facility is required to have one parking space per four (4) seats or eight (8) feet of bench which equates to 14 spaces. The paved area has 11 spaces. There is grass area that could be paved to satisfy the minimum requirement. There is no daily use of the facility and no employees. Church services are Sunday mornings and evenings, Wednesday evenings and Saturday evenings. There will be no added traffic or noise if this request is approved.

The property located at 211 Madison is currently being used as classrooms for church programs. The current occupancy classification of this building is residential. The proposed use is a change of use and will require a building permit application for a Certificate of Occupancy. This could entail bringing the building up to current standards for issues such as handicap accessibility.

City Code 10-4-5.3 (G) states..."all uses, excluding single household and duplex buildings shall have ten percent 10% of the site landscaped and shall comply with the provisions of section 10-11-2" this equates to 1289 sq. ft to be landscaped with at least three (3) trees & thirteen (13) bushes.

City Code 10-11-4 states..." all parking and maneuvering areas are to be hard surfaced." The religious facility is currently using the alley as their only access to the area west of the church building which is the parking lot for their congregation. As the alley is the only access to the parking lot it is required to be hard surfaced with Portland concrete or Asphaltic concrete surface material.

To assure compliance -- required improvements, such as landscaping, screening, parking, paving and storm water retention-- will be reviewed as part of the building permit/certificate of occupancy process.

The request is in compliance with the Comprehensive Plan which designated this area a medium density residential. The church facility has been operating at this location since 1984 and staff has not had any complaints. Impacts from the expansion should cause minimal impacts to the surrounding neighborhood.

Zoning & Development Manger 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 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 issuance of a Certificate of Occupancy for a religious facility.

PUBLIC HEARING: PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC COMMENT

DELIBERATIONS:

Commissioner Borhn stated that paving is a lot of expense that could wipe out the project. He would like to see a deferral for this requirement.

Zoning & Development Manager Carraway stated a condition could be made that the City Engineer look at the request to consider a deferral on the paving. It would have to be recommended to the City Council and they would make the final decision on approval of the deferral. The church has been using this area for a long time however this is a standard code requirement and part of this process is to bring the property into compliance. She also stated that when staff went out to the site the maneuvering areas seem to be maintained and had minimal dust.

MOTION:

Commissioner Schouten made a motion to approve the request, with an amendment to staff recommendation#2 this it changed to : be deferred or eliminated all together. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

APPROVED WITH THE FOLLOWING AMENDED CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. THIS CONDITION TO BE DEFERRED OR ELIMINATED----- (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 issuance of a Certificate of Occupancy for a religious facility.
4. Request for a Special Use Permit for storage, sales and delivery of agricultural chemicals and fertilizer, including H-1 and H-7 (2) products, for property located at 797 Eastland Drive South c./o J.R. Simplot Company (app. 2380) RESCHEDULED FOR AUGUST 10, 2010

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 [August 10, 2010](#)

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 7:00 pm



MINUTES
Meeting of the Twin Falls Planning & Zoning
Commission
August 10, 2010-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricott V. Lane Jacobson Bonnie Lezamiz Gerardo Munoz Jim Schouten
Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Cope
Lezamiz
Munoz
Schouten

ABSENT:

Derricott
Jacobson

AREA OF IMPACT MEMBERS

PRESENT:

Mikesell

ABSENT:

DeVore

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Carraway, Jones, Reeder, Vitek

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): July 27, 2010
2. Approval of Findings of Fact and Conclusions of Law:
 - Dean Kulm-SUP
 - Wesleyan Holiness Church-SUP

Commissioner Cope made a motion to approve the consideration items. Commissioner Schouten seconded the motion. All members present voted in favor.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. Preliminary PUD presentation for a Zoning District Change and Zoning Map Amendment from R-2 and R-4 PUD to R-6 PRO PUD for 20 (+/-) acres for the development of a mixed-use professional office and residential development on property located between the 1300-1450 blocks of Field Stream Way and Creekside Way. c/o Doug Vollmer on behalf of W.S & V, LLC(app. 2386)

APPLICANT PRESENTATION:

Tim Vawser, EHM Engineering, Inc, representing the applicant stated this is a 19.31 acre parcel; lot 2 of the W,S&V, LLC conveyance plat. The property is south of Pole Line Road and boarded by Creekside Way on the west and Fieldstream Way on the east. Xavier School is southwest of this parcel and there are plans for a church along the southeast. The property is essentially surrounded by transitional uses. The plan is to request a rezone from R-2 & R-4 PUD to R-6 PRO PUD to offset the commercially zoned property to the north and provide a transition throughout. He reviewed the plans on the overhead showing five large sections allowing them to sell the property for development.

Planning & Zoning Commission Minutes

August 10, 2010

P&Z QUESTIONS/COMMENTS:

- Commissioner Munoz asked if the plan was to have duplex or apartment type buildings in the residential plan.
- Mr. Vawser explained that the reason for the R-6 zoning is to allow for multi-family housing or possibly a cluster home type of development.
- Doug Vollmer state the zoning matrix is provided in the staff packet and explained that they would like to make some things outright permitted in the PRO overlay. Photos have been provided and will be discussed at the public hearing.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the vicinity maps on the overhead and stated this is a preliminary PUD presentation to rezone the property from R-2 & R-4 PUD to R-6 PRO PUD. She stated this is a preliminary presentation and staff does not review the request or make recommendations at this time. This presentation is to allow the Commission to ask questions before the public hearing scheduled for the August 24, 2010 meeting.

PUBLIC COMMENTS: OPENED & CLOSED WITHOUT PUBLIC COMMENTS

PUBLIC HEARING SCHEDULED FOR AUGUST 24, 2010

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit for storage, sales and delivery of agricultural chemicals and fertilizer, including H-1 and H-7 (2) products, for property located at 797 Eastland Drive South c./o J.R. Simplot Company (app. 2380)

APPLICANT PRESENTATION:

Curt Pengelly representing the applicant stated he is here tonight to request a special use permit for 797 Eastland Drive South to continue the current use and to add an additional building for storage of chemical products. They would like to extend the existing building 80' to the north 50' wide. The addition requires a special use permit and this process will bring the property into compliance for the chemical products.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead projector showing the site location, screening and zoning of the property. She explained that the property is zoned M-2; heavy manufacturing zone. The site is located within the Industrial Park Subdivaion #2 which was platted in 1974. This is an existing business, located at 797 Eastland Drive South, that provides for the storage, sales and delivery of agricultural chemicals and fertilizer, which may include H-1 and/or H-7(2) products.

CITY CODE 10-2-1 DEFINES H-1 AND H-7(2) FACILITIES:

Facilities Used For the Storage, Handling, Use Or Sale Of Hazardous And Highly Flammable Or Explosive Materials Other Than Flammable Liquids As Defined By The Edition Of The Uniform Building Code Most Recently Adopted By The City Council. (Ord. 2620, 8-2-1999)

Planning & Zoning Commission Minutes

August 10, 2010

The Building Department Records for this property go back to 1978 and indicate that Simplot has occupied this property since that time. In reviewing Planning & Zoning records there is no indication that a special use permit has been issued for this use. The applicant has indicated that chemicals used and combined on the property vary from year to year depending on the needs of the area, however many of the chemicals and/or quantities of chemical on the site have hazardous ratings. The 25% expansion of the site also requires a special use permit. Therefore, if the permit is granted this evening it would bring property into compliance and allow for the expansion of an existing 6, 000 sq. ft building by an additional 4, 000 sq. ft. The use of the property would essentially be the same as it has been for the last 32+ years. There are no anticipated changes to the operation of the business due to this expansion.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant this request 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 addition being similar materials and color as the existing building.
3. Subject to the applicant obtaining deferral agreement for the construction of curb and gutter and any roadway improvements.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC COMMENT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Munoz made a motion to approve the request as presented . Commissioner Schouten 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 addition being similar materials and color as the existing building.
3. Subject to the applicant obtaining deferral agreement for the construction of curb and gutter and any roadway improvements.

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

- Zoning & Development Manager Carraway requested a special use permit for 1102 Kimberly Road for car dealership and he is appealing this decision.
- The second item was for Wesleyan Holiness Church in this case staff is going to make an appeal to City Council for the paving requirement.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for August 24, 2010

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 6:25pm.

Page 4 of 4

Planning & Zoning Commission Minutes

August 10, 2010



MINUTES

Twin Falls City Planning & Zoning Commission
August 24, 2010-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricott V. Lane Jaboson Bonnie Lezamiz Gerardo Munoz Jim Schouten

Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

CITY COUNCIL LIAISON

Lee Heider

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Cope
Derricott
Jacobson
Lezamiz
Munoz

ABSENT:

Schouten

AREA OF IMPACT MEMBERS

PRESENT:

ABSENT:

DeVore
Mikesell

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Carraway, Jones, Vitek

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Consideration of the Preliminary Plat of Kimberly Road Commercial Subdivision 36.96 (+/-) acres consisting of 12 lots and located southwest of 3250 Kimberly Road c/o Gerald Martens on behalf of Kimberly Road Partners, LLC

IV. PUBLIC HEARINGS:

1. Requests the Commission's recommendation on the Zoning District Change and Zoning Map Amendment from R-2 and R-4 PUD to R-6 PRO PUD for 20 (+/-) acres for the development of a mixed-use professional office and residential development on property located between the 1300-1450 blocks of Field Stream Way and Creekside Way. Doug Vollmer on behalf of W.S. & V, LLC (app. 2386)
2. Request for the Commission's recommendation on the Zoning District Change and Zoning Map Amendment from R-2 to R-2 PRO property located at 510 Lincoln St c/o Francis Florence on behalf of 200 South Developers, LLC (app. 2383)
3. Requests for a Special Use Permit to include a private school in conjunction with an existing religious facility on property located at 315 Shoup Avenue West . c/o Pastor Bruce Carlson on behalf of Cornerstone Baptist Church (app. 2384) **RESCHEDULED FOR SEPTEMBER 14, 2010 P&Z PH**
4. Request for a Special Use Permit to operate an automobile (racecar) service/repair business, automobile (racecar) storage facility with hours of operation Monday-Friday 7:00am to 7:00pm, year-round in conjunction with the operation of an existing seasonal (April-September) racetrack on property located at 3369 North 2800 East in the City's Area of Impact c/o Eddy McKean on behalf of Magic Valley Speedway (app.2385) **RESCHEDULED FOR SEPTEMBER 14, 2010 P&Z PH**

I. **CALL MEETING TO ORDER:**

Chairman Bohrn 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): **AUGUST 10, 2010**
2. Approval of Findings of Fact and Conclusions of Law: **NONE**

III. **ITEMS OF CONSIDERATION:**

1. **Consideration of the Preliminary Plat of Kimberly Road Commercial Subdivision 36.96 (+/-) acres consisting of 12 lots and located southwest of 3250 Kimberly Road c/o Gerald Martens on behalf of Kimberly Road Partners, LLC**

APPLICANT PRESENTATION:

Gerald Martens, EHM Engineering, Inc, representing the applicant stated he is here to request approval of a preliminary plat for approximately 37 acres consisting of 12 lots and located along Kimberly Road just east of Burk's Tractor. The request is to allow this property to be approved with the front part of the property zoned Commercial and the back half being zoned Industrial. He reviewed the preliminary plat on the overhead showing the property subdivided into 12 lots dependent on the type of commercial and industrial uses there could later be lot line adjustments and combining of lots if necessary to meet development standards. They have been working with Economic Development on a project with a somewhat pre approved building plan so that it can accommodate large or small user. He stated the recommendations from staff are acceptable and requests that the Commission approve this preliminary plat.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the site is located south of Kimberly Road and is bordered on the eastern boundary by 3250 East Road a ½ mile collector. The request is for approval of the preliminary plat for the Kimberly Road Commercial Subdivision which includes 37(+/-) acres and twelve (12) lots intended for commercial and industrial development. The property has 2 zones, the northerly 17 (+/-) acres are zoned C-1; Commercial Highway District and the southerly 20(+/-) acres are zoned M-2; Heavy Manufacturing District. There is no minimum lot size requirement in the C-1 Zone or the M-2 Zone for development, the lot is required to be of "sufficient size to provide for the building, and to meet or exceed property development standards such as setbacks, off street parking and landscaping." The northern property boundary is along Kimberly Road which is classified as a major gateway arterial.

City Code 10-7-12: Requires additional landscaping along the frontage of gateway arterials which will have to be completed prior to issuance of a certificate of occupancy. Sidewalk is required in the C-1 Zone, however it is not required in the M-2 Zone. The eastern boundary of the subdivision is 3250 East Road, identified as McMillian Road, this road is a ½ mile collector and will have to be built in accordance with City standards. The developer is proposing to construct a detached sidewalk along Kimberly Road and along the full length of McMillian Road. The developer is requesting to defer construction of curb, gutter and sidewalk along Kimberly Road at this time. This request is consistent with other recent subdivisions along the south side of Kimberly Road. A deferral agreement will be required to be approved by the City Council prior to recordation of the final plat.

The preliminary plat does not indicate sidewalks along the internal road identified as "Industrial Road", however, it is being built to city road standards. There is a note on the preliminary plat identifying this road as a "Private 30' roadway and utility easement." City Code 10-12-3-3(G) states private streets and roads shall be prohibited within a subdivision, except as provided by subsection 10-11-5(A). City Code 10-11-5(A) states that

in commercial and manufacturing zoning districts, a private drive/road may not exceed 300' in length, must have a minimum developed width of 20' for one way traffic and 25' for two way traffic, and lastly may not serve a total building area of over 50, 000 square feet.

The City Council may approve additional "driveway" length in excess of 300' in cases where isolated parcels of land cannot be developed to access a minimum 50' dedicated right of way. There are 4 lots that cannot be developed to access a minimum 50' dedicated right of way. A condition that prior to final plat approval the City Council approve a request for a private drive exceeding 300' would be recommended. The preliminary plat indicates two approaches off Kimberly Road East. Approach applications have been submitted to the Idaho Transportation Department for approval. The developer has committed to securing a business owner's association for maintenance of the proposed private gravity irrigation system, common areas and landscaping. The developer has also committed to providing non-potable water for irrigation of landscaping. A full review will be made by the Building, Engineering & Planning & Zoning Departments to ensure compliance with minimum development standards and required improvements prior to issuance of a building permit. The plat is consistent with other subdivision development in this area and is in conformance with the Comprehensive Plan which designates this area as appropriate for commercial/retail uses and industrial uses.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the preliminary plat of the Kimberly Road 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 the developer providing non-potable water for irrigation
4. Subject to a recorded Business Owner's Association document being provided prior to recordation of the final plat.
5. Subject to a recorded Deferral Agreement for curb, gutter and sidewalk along Kimberly Road East prior to recordation of the final plat.
6. Subject to City Council approval of a private drive exceeding 300', identified as Industrial Road "A 30' private roadway/utility easement" on the present preliminary plat
7. Subject to Idaho Transportation Department approval for the approaches off Kimberly Road East and utility placements being provided prior to recordation of the final plat and construction drawings being approved.

PUBLIC COMMENT: WITHOUT CONCERNS

DELIBERATIONS FOLLOWED:WITHOUT CONCERNS

MOTION:

Commissioner Munoz 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 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 the developer providing non-potable water for irrigation
4. Subject to a recorded Business Owner's Association document being provided prior to recordation of the final plat.

5. Subject to a recorded Deferral Agreement for curb, gutter and sidewalk along Kimberly Road East prior to recordation of the final plat.
6. Subject to City Council approval of a private drive exceeding 300', identified as Industrial Road "A 30' private roadway/utility easement" on the present preliminary plat
7. Subject to Idaho Transportation Department approval for the approaches off Kimberly Road East and utility placements being provided prior to recordation of the final plat and construction drawings being approved.

IV. PUBLIC HEARINGS:

1. Requests the Commission's recommendation on the Zoning District Change and Zoning Map Amendment from R-2 and R-4 PUD to R-6 PRO PUD for 20 (+/-) acres for the development of a mixed-use professional office and residential development on property located between the 1300-1450 blocks of Field Stream Way and Creekside Way. Doug Vollmer on behalf of W.S. & V, LLC (app. 2386)

APPLICANT PRESENTATION:

Tim Vawser , EHM Engineering, Inc, representing the applicant stated that he is here to request a recommendation of approval of the Zoning District Change and Zoning Map Amendment. To the east of this property is Fieldstone a residential subdivision; to the north of this property is the Reform Church and property that was just recently zone C-1 PUD; to the west is agricultural; to the south is Sunway Soccer Field and the Xavier Charter School along with the site planned for the LDS Church. The extension of Fieldstone Way and Creekside Way will provide access to this property. The property will consist of 5 lots with the two lots on the east having access to Creekside Way and the two lots on the east would have access to Fieldstream Way and the lot in the middle would have a private access drive coming in off of Fieldstream Way. The proposed zoning is an R-6 PRO PUD to allow flexibility in several different types of transitions in this area. The packet provided to the Commission includes exhibits with the plan for the development to have some type of internal looping or traffic pattern. An assisted living center, and some mixed residential would provide a transitional area between the C-1 and the uses surrounding this property. He reviewed the list of items that the applicant is requesting be listed as an approved use without the need for a special use permit. He also reviewed the recommendation that a maximum 25% of the development consist of residential uses, the applicant would like to request that the percentage be adjusted to a range between 15% and 85% to allow for a bit of leeway for the development to please the adjacent property owners and to help with the marketing of the property. He requests that the Commission consider this request and make a positive recommendation to the City Council for the rezone.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for a rezone to a Planned Unit Development. She stated on November 6, 2006 the City Council approved annexation of 36.5 (+/-) acres with an R-2 Zoning Designation, which includes this property that is being proposed for a zoning change. Ordinance #2884 was adopted on November 23, 2006, and later recorded. On July 8, 2008 the Church of Jesus Christ of Latter Day Saints was granted a special use permit to construct a religious facility on a 5 (+/-) acre parcel located at the southeast corner of this property. The church has not developed as of yet.

The W, S & V conveyance plat, consisting of 30 (+/-) acres and 2 lots was approved on February 17, 2009 and later recorded on March 13, 2009. The Xavier Charter School was granted a special use permit on December 16, 2008 to develop a public charter school on the southwest corner of this property. The Xavier Subdivision, Lot 1 consisting of 8.5 (+/-) acres was approved by the City Council on March 2, 2009 and later recorded on August 19, 2009. The school is currently under construction and has received a temporary Certificate of Occupancy.

The Cottages, a residential PUD was approved by the City Council on February 9, 2009 with a zoning designation of R-4 PUD. Ordinance # 2964 was adopted on March 23, 2009 and later recorded. The project consisted of 6 (+/-) acres located north of the LDS Church site and on the west side of Fieldstream Way. The project has not been developed; and this PUD site is being incorporated into this proposed development.

A preliminary PUD presentation for tonight's Zoning District Change and Zoning Map Amendment was heard by the Planning & Zoning Commission Tuesday, August 10, 2010.

Zoning & Development Manager Carraway stated this is a request for a Zoning District Change and Zoning Map Amendment for 20(+/-) acres from R-2 and R-4 PUD to R-6 PRO PUD the property is located between Field Stream Way and Creekside Way, extended, and north of North College Road West. The applicants have indicated they wish to rezone this property to allow for a mixture of residential and professional uses.

The property is currently being used as agricultural farmland; to the north is also agricultural land but the zoning for the property is C-1; Commercial Highway District. To the west is agricultural land in the City's Area of Impact and is zoned R-1 VAR; Residential Single Family District. Property to the east is zoned R-2; Residential Single Family and Duplex District and is mostly developed as the Fieldstone Subdivision. To the south is the Xavier Charter School, which serves grades K-12 and a vacant property that is proposed to be an LDS Church meeting house.

The proposal for the site consists of allowing for a mixture of residential uses, office uses, medical offices, religious facilities, schools, nursing homes, rest homes, medical resident halls and similar facilities. The Master Development Plan consists of dividing the property into five (5) areas which would average 3.9 (+/-) acres in size. There would be two (2) main shared accesses to the area on Creekside way and Fieldstream Way and then internal circulation throughout the site, it is anticipated at this time that two of the areas would include an assisted living facility and assisted living-related uses. The other three (3) areas would include compatible uses.

It was stated at the preliminary PUD presentation on Tuesday, August 10, 2010, that The Cottages an approved but undeveloped residential PUD project was to be included as approved within this proposed PUD, however, as the developers are unsure if and/or where The Cottages will be developed within this project it has not been included with the land uses for this PUD. To develop a residential development similar to The Cottages would require a PUD amendment.

The applicant provided a portion of the City's Land Use and Zoning District Matrix-Table to indicate how the PUD would vary from the use allowances of a standard R-6 PRO District, there is also an "EXHIBIT" included in this packet which includes the zoning requirements and property development standards for the R-6 PRO Zone and includes the applicant's proposed modifications.

In terms of uses there is a general standard for uses to operate within the hours of 7:00am to 9:00pm unless permitted otherwise by PUD or Special Use Permit. The developers are proposing the following uses be allowed outright in this PUD without a Special Use Permit:

- Governmental Office Building
- Schools-Public
- School-Private Academic
- Household Units (in the same building as an allowed use and occupied by owner or employee)
- Nursing Homes and Rest Homes (maximum of 16 beds/residents-larger facility would require SUP)
- Finance Investment Offices
- Insurance and Related Business
- Photography Studios
- Professional Services

- Doctor's Office (One Doctor-More Would Require SUP)
- Real Estate and Related Business
- Religious Facilities

Pictures were also provided to give a conceptual idea of the intended architectural standards. The photos include the Locust Grove Development located on the northwest corner of Falls Avenue East and Locust Street North, Visions Home Health Office Building at 209 Shoup Avenue West, residential duplexes, and the Devon Senior Apartment Complex at 1338 North College Road East.

The Comprehensive Plan's Future Land Use Map 2-4 designates this area as Urban Village/Urban Infill. The description of this designation in the Comprehensive Plan is "to support a mix of residential uses and densities in addition to commercial and community uses" Mixed uses could be both vertical and horizontal meaning different buildings containing different uses or different uses within the same building as being encouraged. The proposed project is for a mixture of uses which could include residential and primarily professional related non residential uses. A solely residential or solely professional office development would not meet the intent of the Comprehensive Plan for an Urban Village/Urban Infill project in this area and so the PUD would need to include a guarantee of a mixture of both uses on the site, the current proposal would appear to meet the intent of the Urban Infill designation and staff would propose a statement in the PUD that would allow for a minimum of 25% and a maximum of 50% of the project to be residential development. The applicant is requesting the minimum be set at 15% and the maximum set at 85%; the Comprehensive Plan does not have a finite number required but a mixed use is mandatory.

Another aspect to consider during this process is if the project provides a transition between surrounding uses. The property to the north is adjacent to Pole Line Road West and is designated for commercial/retail development and is Zoned C-1. However, prior to development it will require the PUD public hearing process. The other properties surrounding the subject property are zoned residential. The applicant is proposing this zoning district change to provide a buffer between the uses. Multi-family residential and professional office development is often used to provide a transition between single family residential areas and commercial development. The school and proposed church to the south are starting a transition already and the R-6 PRO designation would provide a range of uses that would be compatible. The property is also separated from single family residential developments by collector streets which also helps provide a transition of uses.

The R-6 PRO PUD-Exhibit proposes a maximum building size of 10,000 sq. ft. with a larger building requiring a Special Use Permit. This is to maintain a residential scale to the site, for comparison, the new building at the Locust Grove PUD Occupied by Wolverton Homes Office is just over 9,000 sq. ft. and the buildings at the Renaissance Professional Office Park are approximately 14, 000 sq. ft.

There are architectural standards proposed within the exhibit such as the buildings have a residential nature, pitched roofs at a slope of at least 5/12 and building and roofing materials that are compatible with a residential area. The proposal of an R-6 PRO zoning may be appropriate as it provides transitional uses. The PUD, as proposed, allows for uses normally requiring special use permits to be outright permitted if the zoning was amended as presented. The Commission must determine that the extent and nature of changing the zoning of this property to R-6 PRO PUD would be harmonious and would not detract from the surrounding area. The Master Development Plan does not provide development detail but the general concept is that each of the approximately 3.9 (+/-) acre parcels would provide for a master development plan area such as the Locust Grove Complex or a Senior Housing or Rest Home Complex. Generally PUD applications provide a conceptual layout including parking, landscaping and building locations.

The Locust Grove Development is used as a conceptual example for layout and building elevations. That site is developed on about 9 (+/-) acres has 12 lots and was built out with 11 buildings. The R-6 PRO zoning allows only one (1) building to be developed per lot. The Devon Senior Apartment Complex was also provided as a conceptual example. The Devon Development is a residential complex on 2.3 acres. There

are also protections proposed such as landscaped buffers around the property-minimum 20' with berms and plantings along Creekside Way, Field Stream Way and on the north and south sides of the development. Landscaping will also be provided in the parking area. Public accesses to the buildings will be oriented toward the interior of the development. Screening will be provided between professional office and residential uses. The applicant is proposing requirements that will protect the existing property owners and provide a transition to more commercial areas and setting standards for the development of a compatible project.

Zoning & Development Manager Carraway stated upon conclusion if the Commission determines that the request is not in conformance with the Comprehensive plan and/or the extent and nature of changing the zoning of this property to R-6 PRO PUD would not be harmonious and would detract from the residential neighborhood then staff recommends the Commission recommend denial of this request to the City Council. However, should the Commission find that the request is in conformance with the Comprehensive Plan and the extent and nature of changing the zoning of this property to R-6 PRO PUD would be harmonious and would not detract from the residential neighborhood staff recommends the Commission recommend approval of this request to the City Council, 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 and approval of a PUD Agreement prior to recordation of a final plat.
- 2) Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current city standards upon development or change of use of the property.
- 3) Subject to development meeting or exceeding R-6 PRO code requirements and required improvements (10-11-1 through 9) and/or subject to compliance with attached Exhibit identified as "W, S, & V Proposed R-6 PRO PUD whichever is greater.

PUBLIC HEARING: WITHOUT CONCERNS

DELIBERATIONS FOLLOWED:

Commissioner Munoz stated he agrees that to meet the intent of the Comprehensive Plan a minimum development for residential uses should be required and he doesn't have a problem with the 15%-85% requested by the applicant.

Commissioner Bohrn agreed with the statement made by Commissioner Munoz.

MOTION:

Commissioner Munoz made a motion to recommend approval to the City Council of this request, as presented, with staff recommendations and the applicants requested amendment for development requirements. Commissioner DeVore seconded the motion. All members present voted in favor of the request.

RECOMMENDED FOR APPROVAL AS PRESENTED WITH THE FOLLOWING CONDITIONS
SCHEDULED FOR CITY COUNCIL PUBLIC HEARING ON SEPTEMBER 20, 2010

- 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 and approval of a PUD agreement prior to recordation of a final plat.
- 2) Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current city standards upon development or change of use of the property.
- 3) Subject to development meeting or exceeding R-6 PRO code requirements and required improvements (10-11-1 through 9) and/or subject to compliance with attached Exhibit "W, S, & V Proposed R-6 PRO PUD," whichever is greater.
- 4) Subject to the residential portion of the plan ranging between 15% and 85% of the development.

2. Request for the Commission's recommendation on the Zoning District Change and Zoning Map Amendment from R-2 to R-2 PRO property located at 510 Lincoln St c/o Francis Florence on behalf of 200 South Developers, LLC (app. 2383)

APPLICANT PRESENTATION:

Fran Florence, the applicant stated he and his partners proposed originally that this property be rezoned to Commercial and it was denied. They decided not to move forward to the City Council and have come back to request the rezone be from R-2 to R-2 PRO to allow for compliance with the Comprehensive Plan as residential business. He reviewed the aerial photo of the property on the overhead. The Commercial zoning would allow larger setbacks is the reason they originally request the C-1 zoning change the R-2 Professional Office setbacks are going to be more difficult to develop under because it reduces the amount of space available for development. He stated he has reviewed the staff recommendations and is in agreement.

STAFF PRESENTATION:

Zoning & Development Manager Carraway review the exhibits on the overhead and explained this is a request for a Zoning District Change and Zoning Map Amendment for a single lot. The property is located at the northeast corner of Filer Avenue and Lincoln Street. The existing zone is R-2; residential single household or duplex district. The applicant is requesting to add a Professional Office Overlay zone on this lot to allow for conversion of a residential property to professional office use.

The property currently has a single-family residence. The properties to the north are residential, also zoned R-2. To the west is Lincoln Street and additional R-2 residential properties. The property directly to the east is zoned C-1; commercial highway district. This property is a single lot fronting onto Blue Lakes Boulevard North and is currently Starbucks and Syringa Wireless. On the south side of this property is Filer Avenue and a professional office. East of the professional office is a single lot fronting onto Blue Lakes Boulevard North which is an auto supply store.

If the request is approved the applicant plans to re-develop this site for professional office use; this could include either remodeling the current structure or demolishing the current structure and constructing a new building. The conversion of a property from a residential use to a nonresidential use requires compliance with all development requirements such as off-street parking, landscaping, water retention, screening etc.

The Comprehensive Plan's Future Land Use Map 2-4 designates properties fronting onto Blue Lakes Boulevard North as Commercial/Retail. The description of this designation in the Comprehensive Plan is to support larger scaled commercial development along major roadways. The Commercial/Retail designation in this area was intended to support the development directed along Blue Lakes Boulevard. On Filer Avenue between the Blue Lakes Boulevard Commercial Corridor and the Campus Commons Commercial Complex adjacent to Fillmore Street the Comprehensive Plan designation is Residential Business. This category is described as a transitional designation that would allow for residence and low scale, low intensity residential compatible commercial business operations. As the subject property is not oriented onto the Blue Lakes Boulevard Corridor it is more appropriate to view it as residential business.

At this time the City Code does not have a Zoning District that fits the Residential Business category. The request for a professional office overlay on the property would be in conformance with the intent of the Comprehensive Plan as it provides for a low scale transitional use between the Blue Lakes Commercial Corridor and the residential areas to the west.

The proposal of office space for the site may be appropriate as a transitional use, however, the size of the lot is limited and may limit the intensity of uses that may go in; because of its proximity to an intersection it would be recommended to restrict access onto Filer Avenue from the property by not allowing an access or restricting it to only right-hand turns to exit the property. If a professional office were to be accessed from Lincoln Street additional traffic would be introduced to the residential street which may create a negative

impact to the existing residential neighborhood. To convert the residence to a professional office requires a special use permit which may be granted through the public hearing process and so the Commission would have the opportunity to review any proposed changes to the property before it is developed.

Zoning & Development Manager Carraway stated upon conclusion if the Commission determines that the request is not in conformance with the Comprehensive plan and/or the extent and nature of changing the zoning of this property to R-2 PRO would not be harmonious and would detract from the residential neighborhood then staff recommends the Commission recommend denial of this request to the City Council. However, should the Commission find that the request is in conformance with the Comprehensive Plan and the extent and nature of changing the zoning of this property to R-2 PRO would be harmonious and would not detract from the residential neighborhood staff recommends the Commission recommend approval of this request to the City Council, as presented.

PUBLIC HEARING: OPENED

- Kevin Ranalli, state he lives in the neighborhood where this request is being considered. The problem with this request is that the property is not big enough for what the applicant is requesting to do. At the corner for Filer Avenue and Blue Lakes Boulevard there is currently a Starbucks and Syringa Wireless building that does not provide enough parking for the customers and the employees, so the employees consistently park along Lincoln Street and the customers are also parking along Lincoln Street bringing commercial traffic into a residentially zoned area and taking away from the neighborhood and creating a parking issue on a residential block. The property is great for residential but not for a professional office building.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

- Mr. Florence stated that the development of the property will have to be approved through the special use permit process which requires another public hearing. The lot is challenging because of its size and the property setback requirements with the R-2 PRO zoning designation, however anyone that has driven down Filer Avenue will have to admit that eventually this homes along this area will become residential professional at some point because people are not willing to invest in them as homes. There are still a few homes on the Buchanan side that are in good repair however there are more properties that are not in good repair that are being used as rental properties. He stated that if it is decided to move forward in creating the residential business zone the setback requirements should be looked at closely, so that better design characteristics can be more versatile and allow enough room for the development of the property. If this is not considered then unfortunately these properties along this area will remain in disrepair with no interest in development.

DELIBERATIONS FOLLOWED:

- Commissioner Munoz stated he believes that professional office is an appropriate use for this parcel of land and is aware of the challenges that the applicant will have to face in the development of this project.
- Commissioner Bohrn agrees that this area will eventually become professional at some point and this is a good start to improving the appearance of Filer Avenue and is in support of this request.

MOTION:

Commissioner Cope made a motion to recommend approval to the City Council of this request as presented. Commissioner Lezamiz seconded the motion. All members present voted in favor of the request.

RECOMMENDED FOR APPROVAL AS PRESENTED WITH THE FOLLOWING CONDITIONS
SCHEDULED FOR CITY COUNCIL PUBLIC HEARING ON SEPTEMBER 20, 2010

3. Requests for a Special Use Permit to include a private school in conjunction with an existing religious facility on property located at 315 Shoup Avenue West . c/o Pastor Bruce Carlson on behalf of Cornerstone Baptist Church (app. 2384) **RESCHEDULED FOR SEPTEMBER 14, 2010 P&Z PH**
4. Request for a Special Use Permit to operate an automobile (racecar) service/repair business, automobile (racecar) storage facility with hours of operation Monday-Friday 7:00am to 7:00pm, year-round in conjunction with the operation of an existing seasonal (April-September) racetrack on property located at 3369 North 2800 East in the City's Area of Impact c/o Eddy McKean on behalf of Magic Valley Speedway (app.2385) **RESCHEDULED FOR SEPTEMBER 14, 2010 P&Z PH**

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

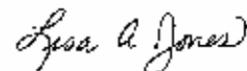
- Fran Florence, stated that he would like to encourage the Commission to move proactively on the residential business zoning designation and to request that the setbacks be considered when planning for development in this zone.
- Zoning & Development Manager Carraway reviewed the hearings that moved forward to the City Council and explained that the Twin City Auto request submitted by David Hall was appealed to the City Council and City Council overturned the Commission's decision to deny the request. The Wesleyan Holiness Church has decided to appeal the conditions on their special use permit to the City Council and that public hearing will be heard September 7, 2010. The two rezone requests heard tonight will be scheduled for the City Council on September 20, 2010.
- Chairman Bohrn stated that he is very disappointed in the City Councils decision to approve the David Hall request. He stated that the Commission has been trying to enforce issues with this property for approximately 12 years and feels that the appeal should have been denied.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **September 14, 2010**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 7:26 pm



Lisa Jones
Administrative Assistant
Community Development Department



MINUTES

Twin Falls City Planning & Zoning Commission
September 14, 2010-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricott V. Lane Jaboson Bonnie Lezamiz Gerardo Munoz Jim Schouten
Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

CITY COUNCIL LIAISON

Lee Heider

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Derricott
Jacobson
Cope
Schouten
Munoz

ABSENT:

Bohrn
Lezamiz

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Mikesell

ABSENT:

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Carraway, Jones, Reeder, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION

1. Request for the reactivation of Special Use Permit #1140, granted on April 28, 2009, to Because of Jesus Ministries for the purpose of operating a shelter home for both men and women on property located at 450 3rd Avenue West c/o Pastor Tony Lopes on behalf of Because of Jesus Ministries (app. 2304)
2. Preliminary PUD presentation for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 PUD to develop a planned commercial development on 70 (+/-) acres located at the southeast corner of Pole Line Road and Washington Street North c/o Gerald Marten on behalf of BCM & W, KLS & M, Canyon Vista Family Limited Partnership, Lazy J Ranch and Linda S Wills (app. 2386)
3. Consideration for the Commission's approval for two (2) wall mounted signs on property located at 348 4th Avenue South c/o Edward Sabia dba 360's Main Event (2393)

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to operate an indoor recreation facility operating outside the permitted hours of operation and to serve alcohol for consumption on site on property located at 348 4th Avenue South c/o Edward Sabia dba 360's Main Event (app. 2387)
2. Request for a Special Use Permit to operate a private school in conjunction with an existing religious facility on property located at 315 Shoup Avenue West c/o Pastor Bruce Carlson on behalf of Cornerstone Baptist Church (app. 2384)
3. Request for a Special Use Permit to operate an automobile (local racecar) service/repair business, automobile (local racecar) storage facility with hours of operation Monday-Friday 7:00am to 7:00pm, operating year round in conjunction with the operating of an existing seasonal (April-September) racetrack on property located at 3369 N 2800 E in the City's Area of Impact c/o Eddy McKean on behalf of Magic Valley Speedway (app. 2385)

I. CALL MEETING TO ORDER:

Vice-Chairman Cope 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): **August 24, 2010**

2. Approval of Findings of Fact and Conclusions of Law:

- Kimberly Road Commercial

MOTION:

Commissioner Schouten made a motion to approve the consideration items and minutes. Commissioner DeVore seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. Request for the reactivation of Special Use Permit #1140, granted on April 28, 2009, to Because of Jesus Ministries for the purpose of operating a shelter home for both men and women on property located at 450 3rd Avenue West c/o Pastor Tony Lopes on behalf of Because of Jesus Ministries (app. 2304)

COMMISSION MADE A MOTION TO MOVE THIS ITEM TO THE END OF THE MEETING BECAUSE THE APPLICANT WAS NOT PRESENT AT THE TIME

2. Preliminary PUD presentation for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 PUD to develop a planned commercial development on 70 (+/-) acres located at the southeast corner of Pole Line Road and Washington Street North c/o Gerald Marten on behalf of BCM & W, KLS & M, Canyon Vista Family Limited Partnership, Lazy J Ranch and Linda S Wills (app. 2386)

APPLICANT PRESENTATION:

Gerald Martens, EHM Engineering, Inc, representing the applicant stated this property is located at the southeast corner of Pole Line and Washington Street North with the existing Lazy J Mobile Home Park in a portion of this area. Bound by Pole Line Road and Washington Street as well as a future road way which would be an extension of Harrison Street. As for history on this property, in the 1970's the applicants began developing this area as a mobile home park. The development of the rest of the area did not move forward and is currently farmed. Several portions of this property were absorbed into the developments of the roadways and right of way acquisitions. The property is surrounded by commercial developments and the applicants expect that this property will eventually be developed in phases with commercial uses. Those uses allowed in the C-1 Zone will be in the PUD Agreement with landscaping requirements that will compliment the CSI Campus. The development of Harrison Street will assist in moving traffic through the development to Pole Line Road. The mobile home park will remain in place until development comes through to the west of this property. To plan out the development of the Lazy J area currently would be a guess and there needs to be transportation and utility services available to the development. As soon as the commercial development reaches this property the applicant will be required to come through with a more detailed PUD Agreement and Master Development Plan with development standards, sign requirements, landscaping, access and other development issues. The applicant will comply with the City Code requirements and plans to have it compliment the surrounding developments.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated a public hearing regarding this request will be heard at the regularly scheduled Planning & Zoning Commission public meeting on Tuesday, September 28, 2010; further staff analysis will be given at that time.

P&Z QUESTIONS/COMMENTS:

- Commissioner Munoz asked how the future Comprehensive Plan had this area designated.
- Zoning & Development Manager Carraway stated the Comprehensive Plan has this area designated as Commercial/Retail.

PUBLIC COMMENT:

- Chris Scholes , 3017 Laurelwood Drive, he is not for or against the proposed request but he would like to make sure that their plan for a bike trail in this area be made known to the Zoning Commission as well as the applicant. The Rotary Club would like to have contact with the developers to ensure the development of the trail.
- Joe Young, 450 Pole Line Road #88, a resident in the Lazy J Ranch, stated his concern is for the people that have units on the southern boundary of this property and where Cheney Drive was going to be developed. There have been many rumors and he would like some clarification. If half of the roadway goes through the Lazy J Mobile Home this road will go through the middle of his lot.
- Mr. Martens stated that the proposed trail system is compatible with their plans and the applicant will continue to work with the Rotary Club on the location of the pedestrian connection. He showed on the exhibit what the latest alignment plan for the Cheney extension. The southerly half of the road will only be built currently and the northerly half of the road will be developed later as things progress.

P&Z QUESTIONS/COMMENTS:

- Commissioner Munoz stated the PUD Agreement is important, because it allows the City more control of what can be developed on this property. He would like to see some kind of plan.
- Commissioner Mikesell stated he would like some kind of projection /timeframe so that it can ease the residents' minds that are currently living in the Lazy J Ranch Mobile Home Park.

PUBLIC HEARING SCHEDULED SEPTEMBER 28, 2010

3. Consideration for the Commission's approval for two (2) wall mounted signs on property located at 348 4th Avenue South c/o Edward Sabia dba 360's Main Event (app. 2393)

APPLICANT PRESENTATION:

Edward Sabia, the applicant, stated a special use permit has been approved for this use prior to this evening but it has expired. As part of the plans to use this building as an event center new signs were installed for the building and approved by the Historic Preservation Commission as part of their process. Upon review for this second request staff explained that the sign is also required to be approved by the Planning & Zoning Commission. He is here tonight to make this request.

STAFF PRESENTATION:

Zoning & Development Manger Carraway reviewed the exhibits on the overhead and stated this is a request for approval of a wall mounted sign. On October 2006 the Commission granted a Special Use Permit to the Batter's Box to operate an indoor recreation facility at this site. Also in October 2006 there was a building permit issue to obtain a Certificate of Occupancy for the Batter's Box issued November 29, 2006. The business ceased to operate shortly thereafter.

On August 25, 2009, Edward Sabia was granted a Special Use Permit by the Planning & Zoning Commission to operate an indoor recreation facility with extended hours of operation and allowed for alcohol to be consumed on site. The permit was conditioned to expire in one (1) year-August 25, 2010. The building did not received a Certificate of Occupancy until July 20, 2010 so it has been in operation for approximately 6 weeks and is in the process of applying for a new Special Use Permit to continue the use.

The applicant is requesting to place 2 wall mounted signs on his property located at 348 4th Avenue South. The subject property is located in the Old Town District with a Warehouse Historic Overlay and P-3 Parking overlay.

As per City Code 10-4-13.3 (H)

2. The Planning & Zoning Commission shall approve signs that meet the following conditions:

- a. The sign is consistent with the Historic Character of the Old Town District
- b. The sign does not obstruct an historic building or an architectural feature of the Old Town District.
- c. The sign is appropriate in size, design, color, lighting and location for the building or property on which it is to be placed.
- d. The sign meets all other requirements of Section 10-9-1 and Section 10-9-2 of this Title (Ord. 2526, 5-20-1996)

The applicant is requesting Commission approval for the two (2) 4' x 6' wall mounted signs on the property as approved by the Historic Preservation Commission. As this property is in the WHO-Warehouse Historic Overlay District the signs required a review and Certificate of Appropriateness from the Historic Preservation Commission and the Planning & Zoning Commission approval is a requirement of the OT-Old Towne Zoning District. The Historic Preservation Commission granted a Certificate of Appropriateness at its April 19, 2010 meeting. The proposed signs appear to conform to the current sign code regulations for wall signs. The applicant proposed a cut-metal sign painted black so that it would have a rustic look and be appropriate to the area. It does not obstruct a historic building or significant feature of the Old Town District. No additional lighting or change in lighting is proposed. 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 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 full compliance with City Code 10-4-13.3 and City Code 10-9-8 (T) Wall Signs, whichever is greater.

PUBLIC COMMENT: NONE

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 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 10-9-8 (T) Wall Signs, whichever is greater

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate an indoor recreation facility operating outside the permitted hours of operation and to serve alcohol for consumption on site on property located at 348 4th Avenue South c/o Edward Sabia dba 360's Main Event (app. 2387)

APPLICANT PRESENTATION:

Edward Sabia, the applicant stated he is here to request a Special Use Permit to expand his business at 360 Main Avenue to the property located at 348 4th Avenue South. The plan is to use the building located at 348 4th Avenue South as an event center and for events that require more space than what is available at the 360 Main Avenue address. They have had a few events at the 348 4th Avenue South location but because the Special Use Permit has expired he is here to request that the Special Use Permit be approved again so they may continue operating as an event center.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the property is located in the OT-Old Towne District with a WHO-Warehouse Historic Overlay and P3 –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 such as an event center.

On August 25, 2009, the applicant was granted Special Use Permit #1159 to operate an indoor recreation facility with extended hours of operation and to allow Alcohol to be consumed on site subject to nine (9) conditions. One of those conditions was that this Special Use Permit would expired in a year, August 25, 2010; the Building Department issued a Certificate of Occupancy on July 20, 2010. The applicant is requesting the Commission grant him a Special Use Permit to operate his business. His request is unchanged from last year's request. The applicant would like to operate a Community Event Center which would entail charity/fundraiser events, comedy, theater, music, art shows and other private events. The applicant would like the ability to have alcohol and/or food catered at these events. The requested hours of operation for the facility would be 11:00am to 1:00am Sunday through Thursday and 11:00am to 3:30am on Friday & Saturday. This is the same request that was approved by the Commission last year.

The narrative stated the requested hours of operation for this facility would match the hours of operation that were approved for the 360 Main Bistro and Lounge at 360 Main Avenue North under Special Use Permit #1035 granted June 12, 2007. The applicant indicates that this proposed event center would be an extension of the 360's Main Bistro and Lounge's services. The applicant's intent of this is that it would allow for larger events that have typically been limited by the size of the building/occupancy limit at the 260 Main Avenue North Location. Mr. Sabia would like to be able to have patrons move to the 348 4th Avenue South location if the occupancy load the 360 Main Avenue North location has reached maximum capacity. Mr. Sabia would not be extending alcohol service to the 348 4th Avenue South facility, only non-alcoholic beverages and foods that can be served from the preparation area would be permitted unless it is a pre-approved event.

The state regulates the use of Liquor, Beer & Wine licenses and requires catering permits for alcohol to be served off of the primary location of the license. The City of Twin Falls Police Department manages alcohol catering licenses for the state and every event held at the 348 4th Avenue South location that includes alcohol would require a catering permit to be applied and paid for and issued in advance of the event.

The Police Department has reviewed this special use permit application. The applicant has been in contact with the Police Department to determine if a special event permit or catering permit is required for each event and has gone through the permit and license requirements if applicable since being approved for occupancy July 20, 2010. Part of the special event review process is determining if security is required and what type, trash clean-up, and management of nuisances such as noise. Mr. Sabia has committed to maintaining guidelines regarding noise and does not anticipate any other negative effects on the area.

As the facility is in the WHO-Warehouse Historical Overlay District, conditions on Special Use Permit #1159 included that any exterior improvements will have to be approved by the City Of Twin Falls Historical Preservation Commission. the applicant had to make some modifications to provide applicable exits and the Historic

Preservation Committee reviewed this request as well as the signage request and felt the modifications were appropriate.

The applicant states in his narrative that the facility will be a "smoke free facility", however, there will be a designated smoking area. The canopy that is currently present near the main entrance is intended to be a smoking area. Staff has concerns that it was put up without a permit and appears to be over a designated handicapped parking space and that it has been installed directly in front of the main entrance. Staff is working with Mr. Sabia to ensure the canopy meets code and if permitted to ensure the location meets all safety and health regulations.

The special use permit issued August of 2009 was issued for a year to allow the applicant to operate for a while and for staff to have a chance to review the use again to see if any concerns or issues came up. The facility has only been in operation for a approximately 6 weeks and so the Commission may consider attaching an expiration to this permit request, should it be approved, to allow for operations to be reviewed again in the future. The request is in compliance with the Comprehensive Plan which designates this area as Townsite.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve this request, as presented, staff recommends the 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 including a review of security and trash clean-up.
2. Subject to the applicant contacting the City of Twin Falls Police Department if the event center is to be used for overflow patrons from the 360's Bistro & Lounge, 360 Main Avenue North location prior to allowing patrons occupancy at the 360 Main Event, 348 4th Avenue South location.
3. Noise level is not to exceed 78 decibels at any point ten (10) feet from the exterior walls of the building.
4. Subject to permit expiring in one year (September 14, 2011)
5. Subject to the canopy-designated as the "Smoking Area" to be located to meet safety and health concerns/requirements, located away from an entrance into the building and if determined, to have a final inspection approved on a building permit prior to operation of 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.

P&Z QUESTIONS/COMMENTS:

- Commissioner Mikesell stated overflow to this location from the 360 Main Avenue address was not part of the original request.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT CONCERNS

CLOSING STATEMENTS:

- Mr. Sabia stated they discussed moving the 360 Main Avenue after hours to the 348 4th Avenue South location. The after-hours club would be from 1:30 am to 3:00 am at this location with no alcohol allowed or stored at this location.

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated that he has a problem with people moving from one location to another location after they have been drinking. He would request that this allowance be stricken from this request.

- Commissioner Munoz stated that people are going to leave an establishment when it closes and they are either going to get in a car and drive to another location or drive home. This location is good because the noise wouldn't be more than there already is from the railroad. The business can be reviewed if it is not working. If the applicant has to notify the police department when they are going to use the 348 4th Avenue South building he doesn't have as many issues with this request.
- Commissioner Mikesell stated he cannot condone moving people who have been drinking from one location to another- this is the Commission's opportunity to be proactive.
- Commission Cope agreed with Commission Munoz stating the people are going to go somewhere and they shouldn't be driving drunk.

MOTION:

Commissioner Schouten made a motion to approve the request as presented. Commissioner Munoz seconded the motion. Commissioners Derricott, Jacobson, DeVore, Cope, Schouten & Munoz voted in favor of the motion. Commissioner Mikesell voted against the motion.

APPROVED, AS PRESENTED, WITH 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 including a review of security and trash clean-up.
 2. Subject to the applicant contacting the City of Twin Falls Police Department if the event center is to be used for overflow patrons from the 360's Bistro & Lounge, 360 Main Avenue North location prior to allowing patrons occupancy at the 360 Main Event, 348 4th Avenue South location.
 3. Noise level is not to exceed 78 decibels at any point ten (10) feet from the exterior walls of the building.
 4. Subject to permit expiring in one year (September 14, 2011)
 5. Subject to the canopy-designated as the "Smoking Area" to be located to meet safety and health concerns/requirements, located away from an entrance into the building and if determined, to have a final inspection approved on a building permit prior to operation of 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.
2. Request for a Special Use Permit to operate a private school in conjunction with an existing religious facility on property located at 315 Shoup Avenue West c/o Pastor Bruce Carlson on behalf of Cornerstone Baptist Church (app. 2384)

APPLICANT PRESENTATION:

Pastor Carlson, representing the applicant, stated he is here to request a Special Use permit to operate a private school with approximately 4-6 staff and 30-40 children for grades K-12. He anticipated that there will be 5-12 cars dropping children off daily and does not expect this to have any impact on the surrounding properties. The school will operated during the same hours and schedule as the public school district. He explained the location of the facility and stated a school at this location would be great for this area and would be helpful to the church. He asked that the Commission approve this request.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated within the building inspection files there are building permits for the addition of a church sanctuary and classrooms in 1972 and for an addition in 1977. In 1982 there was a permit to replace sheet rock and subfloor material because of water damage. On October 13, 1987 the Commission approved a Special

Use Permit to operate a daycare and pre-school center with two (2) conditions: 1) playgrounds to be fenced before used; and 2) sidewalk to be constructed on Lot 1, but deferred for one (1) year (Oct 13, 1988).

The sidewalk was constructed on the eastern boundary -Blake Street North however, the sidewalk has not been constructed on Shoup Avenue West as this request is a change of use the Commission may wish to place a condition that sidewalk be constructed on Shoup Avenue West, Lot 1 adjacent boundaries only. The daycare and pre-school has not been in operation since 1999. The Commission approved a Special Sign Permit on December 7, 1998. the special sign permit had two (2) conditions: 1) assure the free-standing sign is placed out of the street right-of-way; and 2) pastor's name to be placed within the sign face or deleted from the sign. A Building Permit was issued for construction of a single monument sign on December 14, 1998. There are two (2) signs on the site. There is no sign permit in the building permit file regarding the free standing sign on the corner of Shoup Avenue West and Blake Street North. A condition that all signage on the site be reviewed to ensure compliance City Code would be appropriate.

The property is zoned R-6 PRO, a Residential Multi-Household District with a Professional Office Overlay. Presently, the Cornerstone Baptist Church is operating on the property. The request is to add the use of a private school, grades K-12. To operate a private school in the R-6 zone requires a special use permit. The building is located on the southwest corner of Shoup Avenue West and Blake Street North. The site is approximately 3.73 acres, however, only 2.3 acres is developed. The developed portion consists of a church, playground, parking area, and landscaping.

The applicants anticipate that the school will operate consistent with the public school schedules with classes scheduled August or September through May or June of each year and daily from 8:45 am to 3:00 pm. The applicant is anticipating 30 to 40 students with 4 – 6 adults engaged in the daily operation of the school. The Cornerstone Baptist Church anticipates 5 to 12 cars coming and going from the current property. The church is located in a residential area and the operation of the school would bring minimal vehicles to the area.

City Code 10-11-4(B) states all parking and maneuvering areas are to be hard surfaced with Portland concrete or asphaltic concrete surface material. The parking lot has recently been up graded and striped. Required landscaping of the proposed site is 10% of the total lot. The property is approximately 3.73 acres, however, only 2.3 acres is developed. The applicant is required to landscape the developed property which equates to 10,020 sq. ft. City Code 10-11-2(A) states there is a minimum of 1 tree per 500 sq. ft and 1 bush per 100 sq. ft. of required landscaping with at least 50% of the required trees/bushes to be evergreen. This equates to 20 trees and 100 bushes. The required landscaping will be reviewed during the building permit /Certificate of Occupancy process.

During the review process for this proposed Special Use Permit, the Building Department Plans Examiner Victor, had some concerns regarding where the school will operate within the building. The floor plan does not indicate which rooms will be used for classrooms. There could be some required building modifications if the proposed classrooms are located in the basement.

A Certificate of Occupancy is required as the operation of a private school is a change of use. A full review to ensure compliance with development standards and required improvements as part of the building permit process will be completed prior to issuance of a Certificate of Occupancy. The impacts from a private school, operated as presented, in addition to the existing religious facility should be minimal. The addition of a private school should be compatible with the existing church on the property and with the surrounding area. The request is in compliance with the Comprehensive Plan which designates this area as medium density residential adjacent to commercial/retail on the south side.

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 a Certificate Of Occupancy being obtained through the Building Inspection Department prior to operation of the school.
2. The remainder of the undeveloped portion of the church owned property shall not be used by the religious facility or the school. Use and/or development shall require the property being brought up to current code.
3. Subject to sidewalk being completed on Shoup Avenue West, adjacent to the developed portion of Lot 1 only, as required in Special Use Permit #0211.
4. Subject to all signage being brought up to current City Code.
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 AND CLOSED WITHOUT CONCERNS

CLOSING STATEMENTS:

- Pastor Carlson explained that they have been operating this school for 6 years and until recently were not aware that a Special Use Permit was required. He explained the classrooms are all located on the upstairs level and none are located in the basement. He asked if they would be able to continue operating while this process is being completed.
- Zoning & Development Manager Carraway explained that when an applicant is working on bringing things into compliance they are allowed to continue to operate.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

- Commissioner Munoz asked if the playground is fenced.
- Zoning and Development Manager Carraway stated that it was.

MOTION:

Commissioner Mikesell 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 THE FOLLOWING CONDITIONS

1. Subject to a Certificate Of Occupancy being obtained through the Building Inspection Department prior to operation of the school.
2. The remainder of the undeveloped portion of the church owned property shall not be used by the religious facility or the school. Use and/or development shall require the property being brought up to current code.
3. Subject to sidewalk being completed on Shoup Avenue West, adjacent to the developed portion of Lot 1 only, as required in Special Use Permit #0211.

4. Subject to all signage being brought up to current City Code.
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.

COMMISSIONER SCHOUTEN STEPPED DOWN

3. Request for a Special Use Permit to operate an automobile (local racecar) service/repair business, automobile (local racecar) storage facility with hours of operation Monday-Friday 7:00am to 7:00pm, operating year round in conjunction with the operating of an existing seasonal (April-September) racetrack on property located at 3369 N 2800 E in the City's Area of Impact c/o Eddy McKean on behalf of Magic Valley Speedway (app. 2385)

APPLICANT PRESENTATION:

Eddy McKean, the applicant is requesting a Special Use Permit to maintain and service race cars that use the racetrack. The shop would be only for racecars with one to two employees. There are currently 2-3 employees that maintain the racetrack Monday through Friday. This request would require the customers to bring their vehicles to this location. He stated he would be saving overhead by moving his Jerome business to this location. He stated the request also included the allowance for a beer garden and in the future, a hospitality suite behind turn one and the bleachers. The hours that they are asking for are 7:00 am to 7:00 pm and currently they work from 8:00 am to 6:00 pm and sometimes half days on Saturdays. The business would be for speedway cars only. He would like some clarification on the retail sales limitations, which he would need to be able to continue with to maintain his business.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated on January 6, 1986 Special Use Permit #181, was approved, as presented, to allow a racetrack to operate at this site. A lease agreement was recorded in March 1986 between the City/County and Bob Watts/Steve York dba Magic Valley Motor Speedway, Inc. In 1988 an addendum to the lease agreement was executed to extend the term of the lease and to adjust the rent/fee paid to the City/County property owners.

The City's Building Department records go back to 1986 for this property. Restrooms, concession stand and an announcer's booth were constructed at that time to establish the use as a seasonal racetrack. In July of 1999 a building permit was issued to construct 2 set of portable bleachers and in April 1997 a building permit was issued to construct new restrooms.

In March 2007 a new lease agreement was signed and later recorded between the City/County and McKean Racing, LLC. Between 2007 & 2008 a 2425 square feet new storage shed and a 1775 square feet new concession stand/restroom facility were constructed. Final inspections were done and a Certificate of Occupancy was received. A new beer garden is currently under construction.

This property is located in the AP-Airport Zoning District within the area of impact. In the Airport Zone a Special Use Permit is required to operate a racetrack. The applicant is requesting to be allowed to construct an 8400 (+/-) sq. ft. building for the use of service/repair and storage of local racecars a 440 (+/-) sq. ft. beer garden and 3300 (+/-) sq. ft. of additional seating/hospitality suites.

In the Airport Zone a Special Use Permit is required to operate a racetrack. The applicant is requesting to be allowed to construct an 8400 (+/-) sq. ft. building for the use of service/repair and storage of local race cars a 440 (+/-) sq. ft. beer garden and 3300 (+/-) sq. ft. of additional seating/hospitality suites.

City Code 10-13-2.2(C) States a Special Use Permit is required for an expansion of more than 25% over the original square footage approved through the special use permit process. The proposed building(s) are an

expansion over 25% of the existing buildings. The applicant is also requesting to modify the use and the hours & days of operation at the racetrack by adding service/repair/storage of local race cars that will operate year-round, Monday thru Friday, 7:00 am to 7:00 pm. Currently the Magic Valley Speedway operates seasonally from April to September, with races occurring one day a week. The racetrack is closed from October to March.

The permit if granted would allow a building expansion of an existing special use by more than 25% and allow additional land uses. The proposed new construction/building(s) will total 8900 (+/-) sq. ft. one of the proposed buildings will be used for the service & repair of local racecars. The purpose is to provide parts and services for the local race car owners who are participants of the Magic Valley Speedway Events. Storage of Magic Valley Speedway Racecars /Vehicles would also be permitted to be stored in this building during the off season.

The other proposed buildings are a 440 (+/-) sq. ft. beer garden and 3300(+/-) sq. ft. of hospitality suites. The beer garden and hospitality suites would be used in conjunction with the seasonal race track. The service/repair/storage business has been presented to be an accessory business to support the local race cars only and not as an outright independent business. Within the Airport Zone an automobile service/repair business is not permitted. If this request is approved a condition the business be limited to local race cars that participate in the Magic Valley Speedway Events would be appropriate.

The operation of the service/repair/storage business is represented to be year-round, Monday thru Friday from 7:00 am to 7:00 pm. The applicant anticipates traffic for the business to be 3 to 4 drop in customers daily. There will be 3 to 4 full time employees on site at a time.

The permit if approved could impact the surrounding neighbors with additional traffic and noise during the off-season. The stated days/hours of operation of the service/repair/storage business of Monday thru Friday from 7:00 am to 7:00 pm. Should be a condition to ensure there will not be race cars being worked on and or out on the track at all hours of the day/night making test runs as part of the repair process. As for retail, this would be allowed only for the service and repair of the racecars.

City Code 10-4-12.3 states property development standards on Joslin Field, Magic Valley Regional Airport property are established by the Airport Advisory Commission and shall be approved by the City Council and County Commissioners. As this is airport property FAA approval should be also be a condition of this permit. An amended lease agreement will be completed to reflect all conditions if this permit is approved this evening.

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 operation of a racecar service/repair business being limited to Eddy McKean dba McKean Racing, LLC.
2. Subject to the service/repair business being an accessory to the Magic Valley Speedway Racetrack and limited to racecars participating in Magic Valley Speedway Events.
3. Subject to storage of vehicles being an accessory to the Magic Valley Speedway Racetrack and limited to racecars participating in Magic Valley Speedway Events.
4. Subject to no wrecked racecars or racecars in the process of being repaired or built/rebuilt being stored outside of an enclosed building or sight obscuring screened area
5. Subject to no parts or materials being stored outside of an enclosed building or sight obscuring screened area.
6. Subject to hours of operation of service/repair/storage business being limited to Monday through Friday, 7:00am to 7:00pm
7. There is to be no retail sales of parts or materials onsite unless associated with the service/repair of racecars onsite and participating in Magic Valley Speedway Events.

8. Subject to FAA approval.
9. Subject to approval of an amended lease agreement that specifically lists these conditions of approval and may include other modifications prior to issuance of special use permit or issuance of Certificate Of Occupancy for any new structures.
10. 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

- Dan Edwards, 2763 E 3400 N stated he is representing a group of residents surrounding this property and stated they are concerned with an additional use/business being added at this location that will disrupt their quality of life. Building a business with this type of operation will be disruptive to the neighbors and make things worse. He has made requests to Mr. McKean and the County Commissioners regarding lighting and glare caused from them. It is difficult at this time to even have a family BBQ outside with friends because of the noise and fumes. Practice times are numerous and this will increase if this business grows into a repair and service shop. This use already impacts the neighbors' quality of life and he asked that the Commission consider denying this request.
- Lee Heider, 1631 Richmond Drive, state he currently sits on the Airport Advisory Board and explained that this use has not been authorized by the FAA. The FAA approval has to be secured so that grants and projects for the Airport can be approved. He would recommend that this approval be acquired prior to this request being approved.
- Karla Haskins, 2777 E 3400 N, stated she lives directly behind the speedway and stated she is here because not all the neighbors along this her street received a letter of notification. She stated her concern is the smell and the fumes related to the racetrack and asked if the EPA has been involved in monitoring this issue. The noise is obtrusive to the neighbors and when they are practicing late at night she has requested that the speakers be turned down or off so as not to create more noise for the neighbors and Mr. McKean refuses to address her concerns. She asked that the Commission consider the applicants refusal to be a good neighbor when reviewing this application and asked that they deny the request.
- Cherie Sed, 671 Saratoga Drive, stated that she is in support of the neighbors' comments because there are concerns related to this request and things that need to be considered. She would like to bring to the Commission's attention the speeding vehicles leaving the races, additional sales of alcohol would not improve this situation. She is concerned about the one day a week condition and now they are anticipating additional work, traffic and noise. A question also related to the lights is that in the Airport Zone certain lights are not allowed and certain uses are not allowed in this zone. If they open up the area to service businesses then would other properties also be able to request service businesses. The Airport Master Plan update is currently in process and this should wait until that is done. She would ask that the Commission make the applicant comply with the current zoning requirements and deny this request.
- Mark Helsley, 3389 North 2800 East, he stated the lights are too bright and present a traffic hazard for people traveling south towards the speedway. There have been several animals hit in this area by people leaving the races drunk. The noise pollution is also an issue as well as the lighting, which impacts the quality of life tremendously. They are running the business that was allowed but are also running tests that are not allowed. There is already no enforcement in place for the original approval of this use and would request that the Commission deny this request.

CLOSING STATEMENTS:

Mr. McKean stated that the complaints about the fuel smell would not be from the cars but from the airport. The cars use pump gas and don't have fumes caused from racing fuel. The track operates at 96 db and all cars run with mufflers. The hours have been changed on the races to ensure they are done by around 9:30. He has made adjustments to the lights and would look at this issue again if necessary.

DELIBERATIONS FOLLOWED:

- Commissioner Munoz asked about enforcement of the lease agreement.
- Zoning & Development Manager Carraway stated this is a unique piece of property in that the lease is an agreement between the City and the County and if the issues are related to the land us; the complaints need to come to the City Planning & Zoning Department for review.
- Commissioner Munoz also asked if the Commission can put limitations related to noise and lighting on this approval.
- Zoning & Development Manager Carraway explained that this is a land use request and the Commission can define limitations.
- Commissioner Mikesell asked if there is a light ordinance for operation of the business. He would also recommend that this item be tabled until the FAA approval comes through and some investigations into the current operation take place considering the allegations that have been made.
- Zoning & Development Manager Carraway stated there is not a City Light Ordinance.
- Commissioner Cope asked if there has been a time line determined on when the FAA may or may not approve this request.
- Mr. Heider explained at this point a request has not been submitted, he would recommend that a building plan and description of what the uses are going to be so that the request can be submitted. Once this portion of the process has been finalized then have the applicant come back to the Commission for a Special Use Permit request.
- City Attorney Wonderlich explained that if an item is tabled a decision has to be made on the request within 30 days. The Commission may proceed with tabling for a limited amount of time.
- Commissioner Mikesell explained that we need some information addressing the complaints raised tonight and if we don't think a FAA approval is going to be completed within the 30 day timeframe vote to deny the request this evening.

MOTION:

Commission Mikesell made a motion to approve the request as presented with staff recommendations. Commissioner DeVore seconded the motion. All members present voted against the motion.

DENIED

COMMISSIONER SCHOUTEN RETURNED TO HIS SEAT

CONSIDERATION ITEM:

1. Request for the reactivation of Special Use Permit #1140, granted on April 28, 2009, to Because of Jesus Ministries for the purpose of operating a shelter home for both men and women on property located at 450 3rd Avenue West c/o Pastor Tony Lopes on behalf of Because of Jesus Ministries (app. 2304)

APPLICANT PRESENTATION: In the absence of the applicant staff explained that the item is a consideration item and that a decision can be made without the applicant being present if the Commission wishes to continue with the request. The Commission decided to proceed with the staff presentation.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request to have Special Use Permit #1140 reactivated. On April 28, 2009 the Commission granted Special Use Permit #1140 to Because of Jesus Ministries to operate a shelter home , as presented, on property located at 450 3rd Avenue West subject to the following (4) 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.

It came to the City's attention after a recent Fire Department service call that the shelter home has been operating since April 2009 but failed to acquire a Certificate of Occupancy for the residential shelter home use as a result the special use permit has not been issued.

As per City Code 10-13-2.2 (l) A Special Use Permit is considered void if not established or conditions of approval have not been met within a year.

City Code Section 10-13-2.2 (l) states "...Special Uses which have not been establish within one year of the date of issuance of the special use permit, may be reviewed by the Commission to determine if the facts and circumstances have changed." If the Commission determines there has been substantial changes they may call for a new Special Use Permit application.

Condition #2 "Subject to "Victory Home" obtaining a Certificate of Occupancy for a change of use through the building department," has not been completed therefore the Special Use Permit that was granted in April 2009 is void.

As a result of the fire inspection, staff contacted the applicant to discuss the status of the Special Use Permit. The applicant confirmed that the shelter home has been operating since the Special Use Permit was initially approved. They also confirmed they have been adhering to the other three (3) conditions that were placed on the Special Use Permit. The applicant has submitted an application for a Certificate of Occupancy and it is currently under review by the Building Inspection Department.

Pastor Lopez indicates that they have not had any complaints from the neighbors and have started the process to receive a Certificate of Occupancy as an application has been submitted to the Building Department. Pastor Lopez would like to be able to bring the program into compliance and be granted the reinstatement of the Special Use Permit to continue operating a shelter home facility.

If the Commission determines that the surrounding area and/or facts and circumstances have not changed since the Special Use Permit was approved they may reactivate the expired special use permit by motion and majority vote-subject to the same conditions of approval.

Zoning & Development Manager Carraway stated upon conclusion should the Commission reactivate Special Use Permit #1140, as presented staff recommends the approval be subject to the original four (4) conditions of approval:

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 COMMENT: NONE

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Jacobson 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 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.

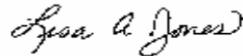
V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **September 28, 2010**

VII. ADJOURN MEETING:

Vice-Chairman Cope adjourned the meeting at 8:15 pm



Lisa Jones
Administrative Assistant
Community Development Department



MINUTES

Twin Falls City Planning & Zoning Commission
September 28, 2010-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricott V. Lane Jaboson Bonnie Lezamiz Gerardo Munoz Jim Schouten
Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

CITY COUNCIL LIAISON

Lee Heider

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Borhn
Derricott
Cope
Schouten

ABSENT:

Jacobson
Lezamiz
Muñoz

AREA OF IMPACT MEMBERS

PRESENT:

DeVore

ABSENT:

Mikesell

CITY COUNCIL MEMBERS PRESENT: NONE

CITY STAFF PRESENT: Reeder, Strickland, Vitek

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION

NONE

IV. PUBLIC HEARING ITEMS

1. Request for the Commission's recommendation on the Zoning District Change and Zoning Map Amendment from R-4 to C-1 PUD to develop a planned commercial development on 70 (+/-) acres located at the southeast corner of Pole Line Road and Washington Street North c/o Gerald Martens on behalf of BCM & W, KLS & M, Canyon Vista Family Limited Partnership, Lazy J Ranch and Linda S. Wills. (app. 2389)
2. Request for the Commission's recommendation on the Zoning Designation of 35(+/-) acres on property located at the southeast corner of Pole Line Road and Washington Street North c/o Gerald Martens on behalf of BCM & W, KLS & M, Canyon Vista Family Limited Partnership (app. 2390)
3. Request for a Special Use Permit to operate an automobile impound yard and automobile repair shop on property located at 1981 Osterloh Avenue East c/o Charles Legg (app. 2391)
4. Request for a Special Use Permit to construct a detached accessory building larger than 1000 sq. ft. on property located at 3228 Highlawn Drive c/o Jay Bride (app. 2392)

I. CALL MEETING TO ORDER:

Chairman Bohrn 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: NONE

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Request for the Commission's recommendation on the Zoning District Change and Zoning Map Amendment from R-4 to C-1 PUD to develop a planned commercial development on 70 (+/-) acres located at the southeast corner of Pole Line Road and Washington Street North c/o Gerald Martens on behalf of BCM & W, KLS & M, Canyon Vista Family Limited Partnership, Lazy J Ranch and Linda S. Wills. (app. 2389)
2. Request for the Commission's recommendation on the Zoning Designation of 35(+/-) acres on property located at the southeast corner of Pole Line Road and Washington Street North c/o Gerald Martens on behalf of BCM & W, KLS & M, Canyon Vista Family Limited Partnership (app. 2390)

APPLICANT PRESENTATION:

Gerald Martens, EHM Engineering, Inc., representing the applicant stated he would like to make a presentation regarding items one and two together with the Commission's agreement.

The Commission agreed to hear the items together and will make a motion for each individual item.

The property is located on the southeast corner of Pole Line Road and Washington Street North and is approximately 70 (+/-) acres. Washington Street North is on the west, Pole Line Road is to the North; to the south is Cheney Drive, and to the east will be the proposed Harrison Street (extension). The proposed C-1 zoning is in conformance with the Comprehensive Plan. The farm ground currently is undeveloped and the remaining area is the Lazy J Mobile Home Park.

They are requesting to master plan this property with a C-1 zoning. They are aware that an amended master development plan and/or PUD amendment must be done for the portion of the property that contains the mobile home park prior to that area's development. They are aware that there are road systems, and water and sewer issues that will have to be addressed prior to development. Access has been predetermined with development of Pole Line Road and only one access is allowed from this roadway and it has been constructed. There is only one access that is allowed from Washington Street North. Other access will have to occur as extensions to Harrison Street and Cheney are completed. Landscaping plans will be similar to the CSI landscaping requirements to provide consistency between the two properties. Signage along Cheney and Harrison will be monument signs. Pole Line and Washington Street would allow for other types of signs. Architectural requirements will need to be met. CSI and the CSI Foundation have submitted comments that have been reviewed and they are in agreement to work together to develop trails and to address any issues that may impact both parties.

The maximum height for any building would be requested to be 65' because of similar surrounding developments. They are requesting unrestricted hours of operation for businesses located in the commercial portion of the development. He stated that the recommendations from staff have been reviewed and the applicant is in agreement with the recommendations. There are some other minor

verbiage modifications that will need to be made and they will continue to work with CSI on trails and landscaping.

Mr. Martens addressed the scheduling for the project and reviewed an exhibit showing the phasing for this development. (The phasing exhibit is on file with the application.) As for timing, there is no committed user at this time this is simply an entitlement issue so marketing can be done for the property and it could possibly be 5-10 years out before development begins.

STAFF PRESENTATION:

Planner I Reeder, reviewed the exhibits on the overhead and stated this presentation will include the first two items on the agenda. The first request is for the Commission's recommendation on a zoning district change and a zoning map amendment and the second item is a request for the Commission's recommendation on a zoning designation. The rezone request encompasses the 70 (+/-) acres located on the southeast corner of Pole Line Road and Washington Street North, the area specific to the annexation is the western most acreage consisting of approximately 35 (+/-) acres.

The current zoning of the property is R-4, a residential medium density zoning district. The Lazy J Mobile Home Park contains approximately 159 spaces and has operated since 1973. The remainder of the property has not been developed. The City's Comprehensive Plan Land Future Map designates this area as Commercial/Retail along the Pole Line Road corridor with adjacent uses designated as medium-density residential and CSI appropriate uses. The proposal for the full 70 (+/-) acres is for a master planned commercial development plan with the west 35 (+/-) acres being developed first. The last phase would include the Lazy J Mobile Home Park and this area would continue with its current use until the western portion of the property is completely developed. The Department of Transportation has jurisdiction over Pole Line Road and Washington Street and so specific access has been designated. The actual number and location of other accesses, roadway widths and locations will be reviewed by the Engineering Department at the time the property is platted. Flood plain evaluations would be required because of the Perrine Coulee running through a portion of the property.

The Sunwest PUD is proposed to include Commercial and Business Park type uses. A business park designation allows for manufacturing uses. As part of the PUD approval a preliminary development plan is required and the applicant has submitted a proposed design of the development. At this point there is not enough detail to provide a master plan for the Lazy J Park portion of the property and therefore will remain a mobile home park. Once development is ready to take place in this location the applicants will have to come back to the Commission for an amendment to the PUD.

In general the C-1 Code allows for a broad range of commercial uses, service, retail and professional-based uses. The changes that are being requested with the PUD are changes to the allowed hours of operation- they are requesting no operational restrictions on the hours of use. The standard C-1 code allows for a maximum building height of up to 35' unless otherwise approved by the City Council; this PUD is proposing a height allowance of up to 65'. The verbiage in the PUD regarding signs needs to be amended to match the City Sign Code.

Planner I Reeder stated upon conclusion the request is consistent with the Comprehensive Plan and long range goals for this location. The timeframe for the Lazy J Mobile Home Park would not be developed without a PUD amendment and designation of the development on the Master Development Plan. At the time of the preliminary presentation some discussion involved bike trails and pedestrian

paths and it has been indicated by the applicant , CSI and the CSI Foundation that they are willing to work together to provide these paths.

Planner I Reeder stated should the Commission recommend approval of the Zoning District Change and Zoning Map Amendment staff recommends the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development of the property.
3. Subject to the City Council's approval of the annexation of the western-most 35 (+/-) acres of property included in this request.

Planner I Reeder stated should the commission recommend approval of the R-4 zoning designation for the annexation request staff recommends the following conditions:

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

PUBLIC HEARING: OPENED

- Commissioner Bohrn read letters into the minutes submitted by CSI and the CSI Foundation. Copies of these letters have been filed with the application.
- Rich Carpenter, 454 Pole Line Road, space 96, stated he is here to speak for several residents of the Lazy J Mobile Home Park. He stated he has a document that has been signed by the residents to allow for speaking time. He asked if the Commission had a chance to drive through the park, and have they spoken with any of the residence. The management for the mobile home park sent a letter to the tenants of Lazy J on July 15, 2010, and stated that this change was instigated by the development of a road from the CSI campus and that this will take time. He stated he doesn't understand why road construction would eventually close the mobile home park and he has concerns regarding:
 - ❖ the future for a population 65 years or older,
 - ❖ how to sell a mobile home with this going on,
 - ❖ there are no mobile home parks within 40 miles of this area that are as nice or that has space for this many homes.
 - ❖ where do the residents move their homes.

This issue has caused concern and anger. The public notice was placed on Washington and Pole Line Road and none of the residents got a notice of the hearing. Lazy J Mobile Home Park is the best maintained mobile home park in the area, one because the management has a great set of rules to maintain the park and the residents are proud to live there. There are mobile home parks that are an embarrassment to the City and this park will never be one of them. There are 159 spaces and 28 spaces are vacant. This may be due to the economy or the rental costs of the lots.

The decision to change this park from R-4 to C-1 would be losing site of the senior citizens and many people have planned to retire in this park. This is going to be a burden for them because the zoning change will depreciate the mobile home because of the uncertainty as to how long they will

have before they have to move. To move a mobile home is difficult because there is no space and it costs approximately \$9,000 to \$15,000 to move one home. This would be life threatening for people because they have no savings and no way to relocate or afford to relocate. He is requesting that the Commission recommend denial of the zoning change.

- Scott Bohmer, 764 Meadows Drive, stated he has an interest in this zoning request because his mother-in-law has been a resident of the Lazy J Ranches and it is her home. She is not emotionally, physically or financially capable of making this kind of change. What kind of provisions have been made for the senior citizens to move? They are not capable of doing this on their own and he objects to the zoning change until these things have been addressed.
- Marilyn Cook, Space #56, stated she has a mobile home in this park and the space price is quite high with the increase in cost of living. This change is making it difficult to sale her home in this park because of economy and the zoning change request. She and her husband need to relocate to Utah because of health issues and she has not been unable to sell her home due to this request. The worrying has increased and the residents don't understand.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

Mr. Martens stated that new road construction has surrounded this property and the nature of the development and residential property is going to be impacted. CSI would like to see the road developed so that it connects the access to the area. The notices do only go to property owners. The applicants are looking into the future and the development will occur in phases and partial development will occur. There will be more hearings regarding this development and many of the questions that the residents have will have to be addressed before this can move forward. They would not expect that this park be developed at once and would be phased as well. The concerns have been recognized by the owners and they will work to keep people informed.

P&Z QUESTIONS/COMMENTS:

Commissioner Bohrn explained the notification to property owners regarding public hearings. The list wouldn't include notice to the tenants and notices are required to be posted on the thoroughfares surrounding the property.

DELIBERATIONS FOLLOWED:

- Commissioner Schouten stated he has three issues with the request: he doesn't understand why signage is an issue with the current code being in place for two years and what it is that the applicant wants to do differently, the extra height allowance without approval going through City Council-it opens the development up to industrial type uses, and the roadway extension-it needs to be developed in full and properly. With the economy the way it is the development of the property where the mobile home park is located won't be developed for quite a while.
- Commissioner Cope stated that the concept is good and as for the request the zoning is what we are here to consider tonight even though he does have concerns for the residents in the mobile home park.

- Commissioner DeVore stated because of the fact that this mobile home park area will not be developed for quite a while he doesn't understand why the zoning is being requested currently. If phase 3 of the project where the Lazy J Park is isn't going to be developed anytime soon why don't they come back later and rezone this piece.
- Commissioner Bohrn explained as part of the master plan it shows some of the homes in the Lazy J Park as being impacted so they need to include this acreage in the PUD request.

MOTION: IV-1

Commissioner Cope made a motion to recommend approval of this request, as presented, to the City Council with staff recommendations. Commissioner Schouten seconded the motion. Commissioners Cope and Derricott voted in favor of the motion and Commissioners DeVore, Schouten, and Bohrn voted against the motion.

RECOMMENDATION OF DENIAL
SCHEDULED FOR CITY COUNCIL PUBLIC HEARING OCTOBER 25, 2010

MOTION: IV-2

Commissioner Cope made a motion to recommend an R-4 Zoning Designation, as presented, to the City Council with staff recommendations. Commissioner Schouten seconded the motion. Commissioners Schouten, Derricott and Cope voted in favor of the motion. Commissioners DeVore and Bohrn voted against the motion.

RECOMMENDATION OF R-4 ZONING DESIGNATION, AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

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

SCHEDULED FOR CITY COUNCIL PUBLIC HEARING OCTOBER 25, 2010

3. Request for a Special Use Permit to operate an automobile impound yard and automobile repair shop on property located at 1981 Osterloh Avenue East c/o Charles Legg (app. 2391)

APPLICANT PRESENTATION:

Charles Legg, the applicant stated that he is here to request a special use permit to operate an automobile impound yard and repair shop with towing at 1981 Osterloh Avenue East. He stated that there will be limited traffic to the site with a limited impact to the surrounding area. The towing yard will require traffic access 24 hours per day due to the nature of the business but the repair shop will operate from 8:00am to 5:00pm and there are three (3) full time employees associated with the business.

STAFF PRESENTATION:

Planner I Reeder reviewed the exhibits on the overhead and stated this is a request to operate an automobile impound and repair shop at 1981 Osterloh Avenue East. The property is zoned M-2; heavy manufacturing district and is the only zone that allows for an impound yard with the approval of a special use permit. A special use permit is also required for auto repair in this zone. There is currently an auto salvage yard to the west, residential uses to the south and east of the property, and industrial uses to the north. The property is approximately 2.9 (+/-) acres with a building that is approximately 2400 sq. ft. which was constructed in 1980 and in 2005 an eight foot (8') fence was constructed on property and in July of 2010 the fence was completed.

Automobile impound facilities are defined as the following in City Code §10-2-1:

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 will not be doing any auto salvage at the site and it would have to operate within the regulations of the definition of an automobile impound facility from City Code. The applicant has stated that the auto repair business would operate generally from 8:00am to 5:00pm daily, however the towing business is open 24 hours a day every day and may be bringing vehicles into the facility at any time. There are three (3) full-time employees and traffic is not anticipated to change perceptibly. There should be minimal impacts to the surrounding properties and the eight foot screening fence has been constructed to obscure objects inside the screened area and should reduce noise.

The M-2 zone requires 2 sq. ft. of landscaping per lineal foot of frontage however there is a fence across the front of the property so staff would recommend that the applicant work with them to meet minimum landscaping requirements. The screen is required to separate residential uses from trade uses so there will have to be verification that the fence surrounds the impound yard and that it meets the code requirements for screening between residential and industrial properties.

The M-2 Zone does not require hard surfacing however City Code §7-1-20 states that "precautions have to be taken to prevent particulate matter (dust) from becoming airborne" so parking and maneuvering areas should have gravel or a surface adequate to ensure that dust is managed. As for possible fluids leaking from impounded vehicles the applicant has stated that he had drain pans available to place under the vehicles specifically for this situation.

The applicant included auto repair in his request as there is a shop on the property but he will be primarily using it for private work on the business vehicles. It is not anticipated that the shop would be open to the public at this time. However, as part of this request experience with some repair shops have shown that they can become junk or wrecking yards by code definition over time. Junkyards and wrecking yards require a Special Use Permit in the M-2 zoning district. All parts and/or vehicles associated with repair will need to be kept inside a building or screened area. While the impound yard may be accessible 24-hours a day it may be appropriate to limit the auto repair hours in consideration of the residential neighbors in this area. The Commission may consider limiting the hours of operation of any auto repair use from 8:00 am to 5:00 pm daily.

A certificate of occupancy is required for the existing building and it is also reviewed for compliance with development standards such as road right-of-way and curb and gutter construction. The applicant will need to contact the Engineering Department to determine if additional right-of-way is required and for review of curb and gutter requirements to see if such improvements will be required at this time or deferred by the City Council.

Planner I Reeder stated upon conclusion should the Commission approve this request 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. 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.
3. No auto salvage permitted, the impound yard is for storage only.
4. No stacking of vehicles.
5. Provide landscaping plan, to be approved by staff, to meet minimum landscaping requirements.
6. Solid site-obscuring screening fence constructed around the entire perimeter of the impound yard. A building permit is required for any fence sections over six feet (6') in height.
7. Management of storm water is required for any change of surface.
8. Any vehicle fluids or chemicals are required to be disposed of properly and cannot drain onto the ground.
9. Subject to all reasonable precautions being taken to prevent particulate matter from becoming airborne.
10. Hours of operation for auto repair to be 8:00 am to 5:00 pm.
11. All parts and miscellaneous equipment to be stored inside of buildings or screened area.
12. 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.
13. Subject to compliance with Engineering requirements for road right-of-way requirements and improvements and construction or deferral of curb and gutter development requirements.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC INPUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Derricott 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 amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. 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.
3. No auto salvage permitted, the impound yard is for storage only.
4. No stacking of vehicles.
5. Provide landscaping plan, to be approved by staff, to meet minimum landscaping requirements.

6. Solid site-obscuring screening fence constructed around the entire perimeter of the impound yard. A building permit is required for any fence sections over six feet (6') in height.
 7. Management of storm water is required for any change of surface.
 8. Any vehicle fluids or chemicals are required to be disposed of properly and cannot drain onto the ground.
 9. Subject to all reasonable precautions being taken to prevent particulate matter from becoming airborne.
 10. Hours of operation for auto repair to be 8:00 am to 5:00 pm.
 11. All parts and miscellaneous equipment to be stored inside of buildings or screened area.
 12. 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.
 13. Subject to compliance with Engineering requirements for road right-of-way requirements and improvements and construction or deferral of curb and gutter development requirements.
4. Request for a Special Use Permit to construct a detached accessory building larger than 1000 sq. ft. on property located at 3228 Highlawn Drive c/o Jay Bride (app. 2392)

APPLICANT PRESENTATION:

Jay Bride, the applicant, stated he is requesting to build a detached accessory building on his property. He reviewed the exhibits on the overhead and explained that there is an existing slab of concrete that will almost entirely accommodate his needs. The garage would be for personal vehicles. He stated he has two teenagers that have cars and he doesn't have a place to park them so he needs to make space so they don't have to park along the street where there is no curb and gutter. This would be for personal use and shouldn't impact the surrounding neighbors and any lighting would be only on the road and the side towards his residence.

STAFF PRESENTATION:

Planner I Reeder reviewed the exhibits on the overhead and stated this is a request to construct a 1485 (+/-) sq. ft. detached accessory building on property located at 3228 Highlawn Drive, in the City's Area of Impact. The property is designated as R-1 VAR; Residential Single Household District and as indicated they want to construct a detached accessory building larger than 1000 sq. ft which requires a special use permit. The proposed building will be 1485 sq. ft and the lot itself is approximately .85 (+/-) acres with a single family residence. There should not be any changes or impacts to the surrounding properties, when reviewing applications for new construction site improvements such as curb, gutter and sidewalk are required. At this time the surrounding properties do not have curb, gutter or sidewalk. When reviewing the application with Troy Vitek, Assistant City Engineer, a deferral for curb, gutter and sidewalk will need to be obtained.

If this request is approved development of the detached accessory building will trigger the requirement for hard surfacing of the driveway to the accessory building. The site plan indicates the driveway to the existing garage is concrete. The remaining area from the proposed detached accessory building to the existing driveway will have to be hard surfaced. The property is in a residential area and surrounding properties are residential. The applicant states the proposed building will be located on the west side of the property and will be blocked from view by an existing shed and trees. The proposed building will also be blocked from view of the street side by trees. The request should have minimal impacts to the surrounding neighbors if developed as presented.

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 building being used for non-commercial purposes only.
3. Any lighting be downward facing and screened to mitigate possible impact to adjoining properties.
4. Subject to a Deferral Agreement for curb, gutter and sidewalk being approved and recorded prior to a building permit being issued.

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 building being used for non-commercial purposes only.
3. Any lighting be downward facing and screened to mitigate possible impact to adjoining properties.
4. Subject to a Deferral Agreement for curb, gutter and sidewalk being approved and recorded prior to a building permit being issued.

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 **October 12, 2010**.

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 7:52 pm.



Lisa Jones
Administrative Assistant
Community Development Department



MINUTES

Twin Falls City Planning & Zoning Commission
October 12, 2010-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricott V. Lane Jaboson Bonnie Lezamiz Gerardo Munoz Jim Schouten
Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

CITY COUNCIL LIAISON

Lee Heider

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Cope
Jacobson
Lezamiz
Munoz
Schouten

ABSENT:

Bohrn
Derricott

AREA OF IMPACT MEMBERS

PRESENT:

Devore
Mikesell

ABSENT:

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Carraway, Reeder, Strickland, Vitek

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION

NONE

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to operate an in-home daycare on property located at 444 4th Avenue North
c/o Amanda Larson (app. 2395)

I. **CALL MEETING TO ORDER:**

Vice-Chairman Cope 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 14, 2010 & September 28, 2010

2. Approval of Findings of Fact and Conclusions of Law:

MOTION:

Commissioner Mikesell made a motion to approve the consent calendar as presented. Commissioner Shouten seconded the motion.

UNANIMOUSLY APPROVED

III. **ITEMS OF CONSIDERATION: NONE**

IV. **PUBLIC HEARING ITEMS**

2. Request for a Special Use Permit to operate an in-home daycare on property located at 444 4th Avenue North c/o Amanda Larson (app. 2395)

APPLICANT PRESENTATION:

Amanda Larson, the applicant, stated she is here to request a special use permit to have an in-home daycare. She has already done the building preparations in order for the daycare to be operable. The majority of the children are related to her with a few neighbors children. She is looking at extending the driveway for daycare drop offs and pickups. There should not be a large impact to the neighborhood and they live down the street from a school so the traffic should not be noticeable.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request to operate an inhome daycare at property located at 444 4th Avenue North. The property is zone R-6 and the applicant is requesting a special use permit to operate an in-home daycare and this zone requires a special use permit.

A daycare service is defined in City Code 10-2-1 as:

Daycare service: "services offered by persons who are paid to supervise or care for six (6) or more persons including the resident children, but excluding those businesses or religious institutions which provide incidental daycare service for patrons or attendees while parents are on the premises." (ord. 2850, 2-21-2006)

An in-home daycare service is defined in City Code 10-2-1 as:

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 stated that she resides at this residence and both she & her husband will be the main caregivers. The hours of operation are proposed to be 5:00 am to 10:00 pm daily. The proposed operating days & times are longer than what has typically been requested for in-home daycares

because she is trying to provide a service to meet families needs that work outside the standard business times of Monday-Friday from 8:00am to 5:00pm.

The applicant would like to provide daycare services for up to twelve (12) children- that would include her own three (3) children. This daycare facility operating as presented would have minimal traffic impacts to the neighborhood; the applicant anticipates an increase of three (3) trips to drop off children in the morning and three (3) to pick up children throughout the late afternoon and/or evening.

There is no off-street parking provided for this property. City code 10-10-3 states the required parking standards are two (2) parking spaces per teacher for any type of daycare/school facility. There is a paved area in the landscape strip in front of the home, unfortunately this area may not be considered an off-street parking space as it is on City Right of Way and it is smaller than the minimum parking space requirement. The applicant has stated to staff she is proposing to pave a driveway to her house; extending from the landscape strip onto her front yard. This could accommodate 1 off-street parking space. There is also room to construct off-street parking spaces off the alley-which is common in the downtown area where parking is limited.

City code 10-10-1(B)1 allows for private off-site parking within 350' of the site. As a temporary parking solution the applicant previously indicated to staff that she has spoken with a neighbor that may allow one of her daycare families to use their driveway for drop-offs and/or pick-ups and she is also working with another neighbor to park her personal vehicle off the street until the two (2) off-street parking spaces could be completed.

Staff would recommend placing a timeframe on the completion of two (2) off-street parking spaces and it would also be appropriate for the Commission to place a condition on the special use permit that designated parking spaces for the day care be used for customer/parent drop-off(s) and pick-up(s) only during operating hours. The Commission could also place a one year approval of the daycare which would mean at the end of the year the applicant will be required to apply for a new Special Use Permit allowing the neighbors to have another opportunity to address any problems that may have occurred.

A special use permit for an in-home day care is specific to the applicant at the approved residence and may not be transferred from one person to another or from the approved location to another location. This request is in conformance with the Comprehensive Plan and should have minimal impacts to the surrounding neighborhood if operated 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. A maximum of twelve (12) children, including the resident/caregiver's children, may be cared for under this permit at any one time.
2. Operation of the daycare facility be limited to the resident caregiver(s) and one (1) employee.
3. The hours of operation to be 5:00 am to 10:00 pm, seven days a week.
4. The permit expires in one year - **October 12, 2010**.
5. Subject to compliance 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 prior to operation of the day care.
6. Subject to being issued a Certificate of Occupancy from the City of Twin Falls Building Inspection Department for the in-home day care prior to operation of the day care.

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.

P&Z QUESTIONS/COMMENTS:

- Commissioner DeVore asked about State Code and requirements and if the City Code is in accordance with any new changes that the state has made.
- Zoning & Development Manager Carraway stated City Code is still in compliance with the State Code.
- Commissioner Munoz asked about the time frame for parking spaces and if it is in conjunction with the expiration date. He also asked about fencing of the property.
- Zoning & Development Manager Carraway stated staff is recommending that the special use permit expire within a year and that current City Code requirements would have to be met at that time. She stated however that the Commission may change the recommendations.

PUBLIC HEARING: OPENED

- Jean Jones, 462 4th Avenue North adjacent to the property. His concern is the parking for his four-plex.
- Bobby Kennedy 440 4th Avenue North stated he has no problems with parking conditions because he has given them permission to use his driveway. He has only witnessed two –three cars come by to drop off and pick up children. There should not be a problem with parking.

PUBLIC HEARING: CLOSED

P&Z QUESTIONS/COMMENTS:

- Commissioner DeVore stated he has an issue with 12 children being seen at 17 hours per day. He doesn't see how this is physically possible and would have difficulty approving.
- Commissioner Cope stated he has an issue with the number of children as well as the parking availability.
- Commissioner Lezamiz asked how many of these children will be at school during the day and it seems she is trying to accommodate people that work odd hours. She is okay with the time because there needs to be people that can watch children on the off hours.
- Mrs. Larson stated her busiest time will be after school which will mean that there are approximately 8 children during that time. She will not have 12 children all at one time because several of the children attend school during the day.
- Commissioner DeVore asked about transportation of the children from the school to the daycare.
- Mrs. Larson explained that the parents will transport the children from the school and sometimes her husband may transport as well.

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated he would like for the City to get a grasp on this problem; this is just a typical request that is allowed, because it meets current code. He stated the code is insufficient and should have more control over the number of children one person can care for in their home.
- Commissioner Munoz stated he would like more restrictions for this type of request, but at the same time there have not been many come back for revocation consideration.
- Zoning & Development Manager Carraway stated there are many permits and processes that the applicant has to meet prior to operating a daycare.

- Commissioner Munoz stated that there are some problems with the parking and asked that the Commission consider a six month period instead of one year, to see that the current code requirements have been met.

MOTION:

Commissioner Munoz made a motion to approve the request as presented with a modification to staff recommendation (4) that the permit expire in six months rather than one year. Commissioner Lezamiz seconded the motion. Commissioners Mikesell, Lezamiz, Jacobson, Cope, Schouten & Munoz voted in favor of the motion and Commissioner DeVore voted against the motion.

APPROVED SUBJECT TO THE FOLLOWING AMENDED CONDITIONS

1. A maximum of twelve (12) children, including the resident/caregiver's children, may be cared for under this permit at any one time.
2. Operation of the daycare facility be limited to the resident caregiver(s) and one (1) employee.
3. The hours of operation to be 5:00 am to 10:00 pm, seven days a week.
4. The permit expires in six months – **April 12, 2010**.
5. Subject to compliance 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 prior to operation of the day care.
6. Subject to being issued a Certificate of Occupancy from the City of Twin Falls Building Inspection Department for the in-home day care prior to operation of the day care.
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.

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 **October 26, 2010**

VII. ADJOURN MEETING:

Vice-Chairman Cope adjourned the meeting at 6:35 pm

Lisa Strickland

Administrative Assistant
Community Development Department



MINUTES

Twin Falls City Planning & Zoning Commission
October 26, 2010-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricott V. Lane Jaboson Bonnie Lezamiz Gerardo Munoz Jim Schouten
Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

CITY COUNCIL LIAISON

Lee Heider

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Cope
Derricott
Jacobson
Schouten

ABSENT:

Lezamiz
Munoz

AREA OF IMPACT MEMBERS

PRESENT:

Mikesell

ABSENT:

DeVore

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Carraway, Strickland, Vitek

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to operate a packing/crating and wholesale distribution business on property located at 361 4th Avenue West c/o Elaine Merrick on behalf of Tuff Bucket, LLC (app. 2394)
2. Request for a Special Use Permit to construct a display pad site for an automobile parts and accessories business at 680 Blue Lakes Boulevard North c/o Alan Howa (app. 2396)
3. Request for a Special Use Permit to serve alcohol for consumption on the premises in conjunction with a restaurant and to operate outside the permitted retail hours of operation of 7:00am to 10:00 pm on property located at 1020 Blue Lakes Boulevard North c/o Lisa McClain on behalf of A Shot In The Dark (app. 2397)

I. CALL MEETING TO ORDER:

Chairman Bohrn 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:

MOTION:

Commissioner Schouten made a motion to approve the consent calendar. Commissioner Cope seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to operate a packing/crating and wholesale distribution business on property located at 361 4th Avenue West c/o Elaine Merrick on behalf of Tuff Bucket, LLC (app. 2394)

APPLICANT PRESENTATION:

Elaine Merrick, the applicant stated she is the co-owner of Tuff Bucket, LLC and she is here to request a special use permit to be able to pack and craft a tool bag and distribute the product from this location. The plan is to bring the building into compliance with City Code and provide landscaping with planter boxes and pots.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the property is zoned C-B P-2; Commercial Central Business District with a "P2" Parking Overlay. The applicant would like to operate a retail business that includes assembly, packing, storage and distribution in an existing 50' x 100' building located at 361 4th Avenue West. To operate a packing & wholesale distribution business within the CB zone requires a Special Use Permit. The property is a standard 50' x 125' lot in the Historic Townsite. The building is built up to the property line along Eden Street West, 4th Avenue West and the internal property line. There is a 50' x 25' concrete area along the alley where two (2) overhead doors are accessed. On the Eden Street West side of the building there is 90 degree on-street parking and there is a 20' wide sidewalk along the frontage of the building on 4th Avenue West.

The business is called "Tuff Bucket, LLC" and currently operates from a rural location. The applicant wants to relocate to Twin Falls. This location is larger and will provide better access to shipping and distribution. The site plan shows a retail area within the facility, however, the business typically receives its business through on-line orders. The site plan also shows the office area, storage for materials to assemble, storage of products awaiting distribution, and an area to prepare shipping orders. The proposed uses are considered a change of use requiring a complete review. If this permit is granted this evening the applicant will need to contact the Building Inspection Department to determine if a Certificate Of Occupancy will be required and what if any required improvements are to be completed prior to operation.

The primary improvements that are reviewed by the Planning and Zoning Department include landscaping, screening, and parking areas. There is not any landscaping on the site or indicated on

the site plan. The CB zone requires a minimum of five percent (5%) of the total site to be landscaped, this equates to 312.5 sq ft for this property. as the building is directly on the property line on three sides there is no area to accommodate any permanent landscaping. In downtown areas with these circumstances it has generally been recommended to allow for an alternative landscaping plan. Planters could be allowed as long as a minimum five foot (5')-wide accessible path is maintained on the sidewalk. An alternative landscaping plan would have to be approved by Planning and Zoning staff. If planter boxes are accepted approval would require a written plan for the types of plantings, the maintenance, and timeframe that the planters will be outside.

The P2 parking overlay allows for a thirty percent (30%) reduction in the parking requirement for the business. the building includes a number of use categories. the total parking requirement would be for 14.25 spaces which can be reduced by 30% for a total requirement of ten (10) spaces. There may be two (2) spaces available on-site in the back area along the alley in-between the overhead doors. There are approximately ten (10) spaces including a handicap-accessible space shown in the right-of-way along Eden Street West. The site is existing and this business is not proposing any structural changes. As there is not a sidewalk or plans to develop or modify Eden Street West at this time the City would allow this area to continue to be used for parking.

As per 10-11-4(b) parking is required to be hard-surfaced. The area along Eden Street West would require compliance with the city's hard surfacing standards. based on the time of year it may not be feasible to asphalt the area at this time. The city would accept a standard three (3) year deferral of paving improvements. The deferral would be required to include a plan for the staging of the improvements. At a minimum the two improvements that would be required immediately are 1) a hard-surfaced handicap-accessible stall and 2) the entire parking area on Eden Street West to be treated for dust control. The deferral, including the plan, would need to be approved by the City Council & recorded prior to occupancy.

The property is adjacent to the alley and the alley is not paved. The property has a concrete area that accesses the back of the building. As use of the alley is not necessary to access the back of the site it would not have to be paved. If the alley is ever required to provide sole access to the loading area then it would have to be paved. The request is in compliance with the comprehensive plan which designates this area as appropriate for commercial/retail uses. the business, if operated as presented, should have minimal impacts to the surrounding neighborhood.

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 compliance with Building Inspection Department requirements for occupying the building, which may include a Certificate of Occupancy.
3. Subject to an alternative landscaping plan being submitted and approved by Planning And Zoning staff.
4. Subject to a 3-year deferral agreement and plan for hard-surfacing along Eden Street West to be approved by the City Council and recorded prior to occupancy.

PUBLIC HEARING: OPENED

Fran Florence 4129 Hidden Lakes Drive, Kimberly, ID he stated that he thinks this is a cool product that is a result of green energy and that the City should be in support of such a product. This will be the first to

green energy business to locate in Twin Falls that provides products to serve the windmill industry. He would like to see this approved.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

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

APPROVE, 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 compliance with Building Inspection Department requirements for occupying the building, which may include a Certificate of Occupancy.
 3. Subject to an alternative landscaping plan being submitted and approved by Planning And Zoning staff.
 4. Subject to a 3-year deferral agreement and plan for hard-surfacing along Eden Street West to be approved by the City Council and recorded prior to occupancy.
2. Request for a Special Use Permit to construct a display pad site for an automobile parts and accessories business at 680 Blue Lakes Boulevard North c/o Alan Howa (app. 2396)

APPLICANT PRESENTATION:

Alan Howa, the applicant stated they have operated the Arctic Circle for the past 10 years at this location and constructed a business complex that is behind the Arctic Circle. Rick's Wild Things is a automobile parts and accessory business that would like to occupy one of the spaces in this complex. The business would like the opportunity to display one item for sale along Blue Lakes Boulevard by the water retention area. The subject property is best fit for commercial use and would request that the special use permit be approved.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the property is approximately 2(+/-) acres and is zoned C-1; Commercial Highway District. The request is to allow for the retail sales of car accessories and camper shells; including the display of a pickup shell on a designated single display pad site.

City code §10-11-2(b)4 states: ".....*within 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.* (ord. 2620, 8-2-1999)"

A special use permit is required to display a pickup shell on a display pad site in this zone. The applicant is requesting to establish one (1) display pad in the landscaped area along Blue Lakes Boulevard North. The display pad would be for the display of a camper shell(s). As per City Code §10-10-2(a) the standard parking space is 9' x 20'. If this request is granted this evening it would be

appropriate for a condition of approval to be the display pad be a minimum of 9' x 20'. If approved the display pad would be required to be hard surfaced with an approved material.

In January of 1997 a request for a special use permit was granted for a drive-thru window at this location with the following conditions: 1) A continuous 6 foot high screening fence - including the frontage on Alder Drive and on the east and south perimeter of the property. 2) A 6 foot high screening fence was to be provided adjacent to all residential properties. A recent inspection of the property showed that there is a 6' high chain link fence however there is no screening material. The Commission may want to place a condition on the proposed Special Use Permit that the applicant shall bring the property into compliance with Special Use Permit #0481, specifically condition(s) 1 & 2 prior to development and use of the display pad.

City Code §10-11-2(b)3 states, *"....all landscaping shall be maintained in a manner consistent with the minimum requirements of this section....."* The Commission may want to place a condition if this proposed Special Use Permit is approved that all landscaping, including the storm water retention area, be maintained and weed free.

In reviewing a request for a display pad -- the main issues are setback, traffic sight triangles, and surfacing. City Code §10-11-2(b)4 states *"...a fifteen foot (15') setback is required from the sidewalk or future sidewalk."* The applicant has not indicated specifically where he wishes to place the display pad site only the general location. In the narrative the applicant states that the display pad will be located 50 to 80 feet off of Blue Lakes Boulevard North near the retention area next to the Arctic Circle. Traffic sight triangles are a concern at intersections and drive ways to ensure that the view of traffic is not hindered. The traffic sight triangle for a typical drive way is the area within a triangle with legs that extend (10') from curb & 125' from drive way edge. There cannot be any obstructions taller than three feet (3') within this area, including displayed merchandise. The average overall height of a displayed camper shell display rack is approximately 7'. The actual location of the display pad will have to be determined and then approved by staff. The display pad may be a maximum of 9' x 20'. The proposed business will be located in the building east of the Arctic Circle. This request if developed and utilized as presented should have minimal impacts to the surrounding neighborhood.

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 display pad site design & location to meet City Code and be approved by staff before construction.
2. Subject to display pad site, being a maximum of 9' x 20', and being hard surfaced per City Code §10-11-4(b) with Portland concrete or asphaltic concrete surface material.
3. Subject to compliance of conditions 1 & 2 of second amended Special Use Permit #0481, attached.
4. Subject to no camper shell being displayed in the sight triangle of the driveway along Blue Lakes Boulevard North.
5. Subject to all landscaping, including storm water retention area, be maintained and weed free.
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: OPENED & CLOSED WITHOUT CONCERNS

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Mikesell made a motion to approve the request as present with staff recommendations. 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 display pad site design & location to meet City Code and be approved by staff before construction.
 2. Subject to display pad site, being a maximum of 9' x 20', and being hard surfaced per City Code §10-11-4(b) with Portland concrete or asphaltic concrete surface material.
 3. Subject to compliance of conditions 1 & 2 of second amended Special Use Permit #0481, attached.
 4. Subject to no camper shell being displayed in the sight triangle of the driveway along Blue Lakes Boulevard North.
 5. Subject to all landscaping, including storm water retention area, be maintained and weed free.
 6. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
3. Request for a Special Use Permit to serve alcohol for consumption on the premises in conjunction with a restaurant and to operate outside the permitted retail hours of operation of 7:00am to 10:00 pm on property located at 1020 Blue Lakes Boulevard North c/o Lisa McClain on behalf of A Shot In The Dark (app. 2397)

APPLICANT PRESENTATION:

Lisa McClain, the applicant stated she is requesting a special use permit to serve alcohol for consumption on the premises. She explained they have been trying to draw an older crowd and doing "Open Mic Night" in the evenings and people have requested that she serve more than just coffee. She is requesting that she be able to serve alcohol and that she be allowed to operate between the hours of 6:00am and 10:00pm.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the property is located in the C-1; Commercial Highway District. On March 11, 2003 a Special Use Permit was approved to operate a drive-thru window in conjunction with a retail store. There were no conditions placed on the Special Use Permit.

The request this evening is to be allowed to serve beer & wine for consumption onsite. City Code 10-4-8.2(b)10(a) states that a Special Use Permit is required when alcoholic beverages are consumed on premises where sold if located less than 300' from residential property. The boundary of this site is within 300' of residential property to the east.

City Code 10-4-8.2(B)10(j) requires a Special Use Permit for retail/trade uses to operate outside the hours of 7:00 am to 10:00 pm. The applicant would like to open for business at 6:00 am and will close no later than 10pm. The applicant's planned hours would be 6:00 am to 6:00 pm Monday and Tuesday, 6:00 am to 10:00 pm Wednesday through Saturday and 7:00 am to 12:00 pm on Sunday. Should business increase the applicant would like to extend evening hours on Monday and Tuesday as well. There should be minimal impacts to the surrounding neighbors if the business operates as presented. This request is in conformance with the Comprehensive Plan which designates this area as appropriate for commercial/retail uses.

Zoning & Development Manager Carraway stated upon conclusion should the Commission 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 permit being limited to alcohol consumption being in conjunction with a restaurant at this location.
3. Subject to compliance with State, County, and City requirements for alcohol licensing for sale & consumption on site.
4. Subject to hours of operation being 6 am to 10 pm.

PUBLIC HEARING: OPENED & CLOSED WITHOUT CONCERNS

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

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

APPROVE, 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 permit being limited to alcohol consumption being in conjunction with a restaurant at this location.
3. Subject to compliance with State, County, and City requirements for alcohol licensing for sale & consumption on site.
4. Subject to hours of operation being 6 am to 10 pm.

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 **October 12, 2010**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 6:40 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department



MINUTES

Twin Falls City Planning & Zoning Commission
November 9, 2010-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricott V. Lane Jacobson Bonnie Lezamiz Gerardo Munoz Jim Schouten

Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

CITY COUNCIL LIAISON

Lee Heider

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Cope
Derricott
Jacobson
Lezamiz
Munoz
Schouten

ABSENT:

AREA OF IMPACT MEMBERS

PRESENT:

DeVore

ABSENT:

Mikesell

CITY COUNCIL MEMBERS PRESENT: NONE

CITY STAFF PRESENT: Carraway, Strickland, Vitek & Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Request for the reactivation of Special Use Permit #1137 to construct four residential 4-plex buildings on property located at 452 Filer Avenue West c/o Rod Mathis/Riedesel Engineering on behalf of Santiago Romero/Jim Renaldi

IV. PUBLIC HEARING ITEMS

1. Requests a Zoning Title Amendment which would allow the modification of Twin Falls City Code Title 10; Chapter 2; Section 1 by adding a definition for "Zip Line" and by adding a land use to Title 10; Chapter 4; Section 11.2(B)8 providing for a "Zip Line" by Special Use Permit c/o Jolinda Tatum on behalf of Magic Valley Flight Simulation, LLC (app. 2399)
2. Request for a Zoning Title Amendment which would amend Twin Falls City Code; Title 10 Chapter 1; Section 11 regarding required improvements. c/o City of Twin Falls (app. 2398)

I. CALL MEETING TO ORDER:

Chairman Bohrn 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:

MOTION:

Commissioner Schouten made a motion to approve the consent calendar as presented. Commissioner Munoz seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. Request for the reactivation of Special Use Permit # 1137 to construct four residential 4-plex buildings on property located at 452 Filer Avenue West c/o Rod Mathis/Riedesel Engineering on behalf of Santiago Romero / Jim Renaldi

APPLICANT PRESENTATION:

Rod Matthis, Reidsel Engineering, representing the applicant. He stated the applicant was granted a special use permit for the 4 plexes last year but due to the economic downturn he has not begun building on the property. Tonight he is here to request that the SUP be reinstated so that the project would be allowed to move forward once the development plans have been approved. He asked that the Commission approve this request.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated that on April 28, 2009 the Commission granted Special Use Permit #1137 to Santiago Romero to allow (4) four-plex residential buildings on property located at 452 Filer Avenue West.

City Code Section 10-13-2.2(l) states "...special uses which have not been established within one year of the date of issuance of the special use permit, may be reviewed by the Commission to determine if the facts and circumstances have changed." If the Commission determines there has been substantial changes they may call for a new special use permit application. If the Commission determines that the surrounding area and/or facts and circumstances have not changed since the special use permit was approved they may reactivate the expired special use permit by motion and a majority vote subject to the same conditions of approval. As of today's date there has been no development on site.

The applicant states that the Special Use Permit conditions of approval will be addressed as part of the final plat process and the construction plans. The construction plans are now being reviewed by the Engineering Department.

At the November 8, 2010 city council meeting a unanimous approval of the final plat of Romero Estates subject to the following (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. Subject to development of curb, gutter and sidewalk at the time of development on Filer Avenue West.
3. Subject to a deferral for street, curb, gutter and sidewalk on Wirsching Avenue West.
4. Subject to Twin Falls Canal Company approval of the private irrigation system.
5. Subject to compliance with Special Use Permit #1137.

Zoning & Development Manager Carraway stated upon conclusion staff recommends the Commission reactivate Special Use Permit #1137, as presented, subject to the original five (5) conditions of approval.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

MOTION:

Commissioner Lezamiz made a motion to approve the request as presented. Commissioner Schouten 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 development of curb, gutter and sidewalk at the time of development on Filer Avenue West.
3. Subject to a deferral for street, curb, gutter and sidewalk on Wirsching Avenue West.
4. Subject to Twin Falls Canal Company approval of the private irrigation system.
5. Subject to compliance with Special Use Permit #1137.

IV. PUBLIC HEARING ITEMS

Commissioner Jacobson stepped down.

1. Requests a Zoning Title Amendment which would allow the modification of Twin Falls City Code; Title 10; Chapter 2; Section 1 by adding a definition for "ZIP LINE," and by adding a land use to Title 10; Chapter 4; Section 11.2(B)8 providing for a "ZIP LINE" by Special Use Permit, c/o Jolinda Tatum on behalf of Magic Valley Flight Simulation, LLC (app. 2399)

APPLICANT PRESENTATION:

Jody Tatum, representing Magic Valley Flight Simulation stated they are specifically looking at the open space area seen as the pink area on the zoning map along the canyon on the overhead. They believe that the Snake River Canyon would be a great place to have a "zip line" and it would be a great benefit to the community. Currently City Code does not have "zip line" listed as a use allowed anywhere this request is to amend the code to allow for a "zip line" through a special use permit process in the Open Space Zone.

This presentation tonight is to explain how a zip line is classified in other Cities and that the definition fits the purpose of the Open Space Zone and is a recreational activity supported by the Comprehensive Plan. She reviewed the definition on the over head.

- The Merriam-Webster dictionary defines a zip line as a cable suspended above an incline to which a pulley and harness are attached for a rider
- The Professional Ropes Course Association defines a zip line as "two or more zip lines, OR action/activity systems being utilized for recreational, environmental education and/or ecotourism purposes.

Because the Snake River Canyon is unique they have developed what they think is a good definition for a zip line. The definition they have developed is as follows:

- An aerial trail system providing recreation and education activity that preserves and protects the natural environment and habitat by enabling people to transverse terrain by means of cable and trolley.

American Planning Association (APA) defines recreation as “the refreshment of body and mind through forms of play, amusement or relaxation” and commercial outdoor recreation as “a recreational land use conducted outside of a building, characterized by potentially moderate impacts on traffic, the natural environment and the surrounding neighborhood.

Twin Falls Comprehensive Plan states the most desired activities for Twin Falls are recreational and that 52% of respondents rated park and trail development in the top two (2) priorities for future allocation of resources. As part of the City's Strategic Plan Vision the City would like to support the availability of social, cultural and recreational infrastructure and opportunities which reflect Twin Falls unique sense of community and improving the quality of life.

The purpose of the Open Space District is to protect canyon areas and to provide open space for passive and active recreation. A special use permit may be granted for a permanent use that is not in conflict with the Comprehensive Plan and that is not permitted outright because it may conflict with other uses unless special provisions are taken. This request is to add a special use permit allowance for a zip line to the Open Space District.

She stated they have shown how the zip line fits into the recreational definition shown that it is compatible with the Comprehensive Plan and that the Twin Falls Strategic Plan and Mission would like to promote recreational activities that would showcase our unique canyon and the community. A zip line is nothing more than an aerial trail system providing recreation and education activity that preserves and protects the natural environment and habitat by enabling people to transverse terrain by means of cable and trolley. They want to make sure that all the important components are included in the definition and want to meet the Comprehensive Plans intent to protect the canyon rim. By amending the City Code it would allow the applicant to request the ability to construct a zip line through the special use permit process in the Open Space District.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this request is to amend Twin Falls City Code Title 10; Chapter 2; Section 1 by adding a definition for “zip line,” and by adding a land use to Title 10; Chapter 4; Section 11 by providing a “zip line” by special use permit in the Open Space Zone.

The applicant is requesting this Zoning Title Amendment specifically as a way to allow them to develop a “zip line” in the Open Space District.

There are two (2) parts to this request.

- one is to add a land use definition - the proposed definition for “zip line” is as follows:
an aerial trail system providing recreation and education activity that preserves and protects the natural environment and habitat by enabling people to transverse terrain by means of cable and trolley.
and...
- the second part is to amend the open space zone to allow a zip line by special use permit.

City Code Title 10; Chapter 4; Identifies land uses by Zoning Districts. Chapter 4; Section 11.2; establishes which uses are outright permitted and which uses are allowed by Special Use Permit in the Open Space District.

A special use is defined as, "... a permanent use that is not in conflict with the Comprehensive Plan and that is not permitted outright because it may conflict with other uses unless special provisions are taken.

As per 10-4-11.1; The purpose of the Open Space Zoning District states that this district is intended to protect canyon areas and to provide open space for both passive and active recreation.

The Twin Falls Comprehensive Plan is not a regulatory document but a document that reviews the past and present growth & development of a community and reflects the community's vision of the future. The Comprehensive Plan is used as a guide for future development and a guide for amendments to the zoning ordinance. The Comprehensive Plan describes Open Space and the Canyon Rim in several areas. Based upon the community survey there is a strong desire to preserve and protect our canyons and open space. There is also verbiage within the Comprehensive Plan that identifies the need for more and varied recreational opportunities.

If this amendment is approved it would allow an opportunity to develop a "zip line" as an outdoor recreational activity by Special Use Permit in the Open Space Zone-Sports facilities classification

Approval of this amendment would not permit a "zip line" activity along the Canyon Rim(s). The Canyon Rim Overlay District is measured from the Canyon Rim and extends 700' along the Snake River and 200' along Rock Creek Canyon Rim.

This is the first step of the Zoning Title Amendment approval procedure. A request for a Zoning Title Amendment is initially made to the Commission. The Planning and Zoning Commission holds a public hearing to evaluate the request and to determine the extent and nature of the amendment. Upon conclusion of the public hearing the Commission makes a recommendation to the City Council on whether or not to approve the request as presented, deny the request, or approve the request with conditions and/or modifications. *If the Commission recommends approval they shall assure the request is compatible with the Comprehensive Plan.*

The City Council shall then hold an additional public hearing where they may approve the application as recommended by the Commission, deny the application, or remand the application back to the Commission for further proceedings. If approved, an ordinance is prepared and at a later public meeting is adopted by the City Council. Once the ordinance is published the City Code is officially amended.

Zoning & Development Manager Carraway stated upon conclusion staff makes no recommendation on this request.

P&Z COMMENTS/QUESTIONS:

- Munoz asked for a definition of an aerial trail because aerial trail has not been defined in the code. He wants to know how much of the CSI Ropes course is a Zip Line.
- Ms. Tatum stated aerial trails is a common term and it is the same as a foot trail or bike trail but is a trail through the air and not on the ground. The CSI ropes course has 12 high elements that are available at the ropes course.

PUBLIC HEARING: OPENED

- Brent Wallen, 3527 E 4000 N stated he would be in support of the Commission recommending approval of the request
- Dan Fairbanks, stated he is in support of this request and that a Zip Line is not any different than any other trail that is used within this space. He doesn't understand why this would not be called a recreational event and allow people to view the Snake River and it will boost the economy. It should be listed as a recreational opportunity.
- Bear Bangs, 1904 Pahsimeroi Cr., stated he is here on behalf of himself and his children and is in support of the request to add Zip Line to the Code.
- Stasia Monroe, stated that she is a facilitator at CSI's ropes course and is in full support for this request to add Zip Line to the Code. This makes a huge impact on people that take advantage of the opportunity, a lot of small towns that have invested in this type of activity have benefited financially. There are educational advantages as well as scenic views. There are places in the canyon that people don't get to see and she would like to have this request approved.
- Ralph Clemsy, stated he has had the opportunity to help people harness and unharness from a zip line it is life changing and he would like to see this approved. The zip line will not leave tracks it will leave memories. This would be a great recreational activity provided in the community and it's a great idea.
- Darin Fairbanks, 1176 Cortes Loop, stated he has lived his entire life here and is ready to have a zip line as another activity to do.
- John Meyers, stated he has had the opportunity to ride a zip line and that he does agree that aerial trails are wonderful and have minimal impacts, he is against the request because they are visually obtrusive to area because of structures that hold the lines and as a physician he is concerned as well about safety.
- Felecia Fairbanks stated she has the best memories of this canyon from doing activities and walking trails and a zip line would be a great addition.
- Fran Florence stated he is the management member of the Federation Point on the Canyon Rim and is concerned and understands the impacts that this has to the rim. He is a resident of Hidden Lakes Subdivision and it is outside of the City's Area of Impact but this zoning change would impact the Dierkes Lake area. He does understand that the people that are here testifying tonight are partners or silent partners to the zip line. He stated he doesn't have a negative opinion of zip lines in general but he does have issues with the language being suggested for the code change. Zip lines adjacent to residential areas is very different than having them located next to a high activity commercial area. People have made private investments in their property and this would have a significantly different impact to the residential areas. He would suggest more specific language as allowance adjacent to commercial areas and within certain proximity of residential areas providing a buffer zone for those areas. By doing this it will avoid significant controversy but when the language is very specific and direct in the code it really helps to avoid issues later.
- Boyd Satterwhite, 452 Woodland Court, says he was raised in this area and is for the zip line. He finds that there are a lot of rules and regulations that have been implemented since then but he is in support of getting this done correctly and meeting the compliance requirements. He stated he use to work at the CSI zip line ropes course and stated that a big zip line in the canyon would be awesome.
- Jedediah Monroe, 355 Highland stated he is in his mid twenties and he is in support for this type of recreational activity it would be awesome. It would be nice to have other ways to enjoy the canyon verses just jumping off the bridge with a parachute and it would make this area unique.

- Chris Satterwhite, 452 Woodland Court stated she is in support of this request because it will not only bring tourism to the area but jobs. With the economy in its current state more jobs would be great for the community.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

Jody Tatum stated that in previous presentation there are preliminary studies for the environment and as for the safety issues they would be addressed in the special use permit process. There are licensing and certification requirements that will help to ensure safety. As for the impact on the area it doesn't apply to the Canyon Rim Overlay just the Open Space District. Providing buffers would be fine however re-working the definition could be a stalling technique and she would like to have assistance with the definition.

DELIBERATIONS FOLLOWED:

- Munoz stated he doesn't have problems with zip line. One concern is making a definition that doesn't define aerial trail. Second concern is rope course and zip line are two different things and the experience is completely different between the two. This doesn't apply to the Canyon Rim Overlay and that buffers can be added when the special use permit process is pursued.
- Lezamiz stated she doesn't have issues with zip lines and that this would be an amusement ride rather than educational. If this change is made it could be asked to be put anywhere in the open space with a special use permit request. She would like to see the City involved in creating the language so that it is not so broad. She thinks that the City should be involved and in the definition.
- Bohrn stated the request is for a zoning title amendment and a land use amendment.
- Munoz stated he understands we are not looking at the location for a zip line if this verbiage changes there is no valid way of denying a request for a special use permit if the conditions of the code are met.

MOTION:

Commissioner Cope made a motion to recommend approval of this request, as presented, to the City Council. Commissioner Schouten seconded the motion. Commissioners DeVore, Schouten, Derricott, Bohrn, & Cope voted in favor of the motion. Commissioners Lezamiz & Munoz voted against the motion.

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL
CITY COUNCIL PUBLIC HEARING SCHEDULED FOR DECEMBER 6, 2010

Commissioner Jacobson returned to his seat.

2. Request for a Zoning Title Amendment which would amend Twin Falls City Code; Title 10 Chapter 1; Section 11 regarding required improvements. c/o City of Twin Falls (app. 2398)

APPLICANT PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this request is to amend Title 10; Zoning & Subdivision Regulations; Chapter 11; Required Improvements; Section 1 of the Twin Falls City Code.

The request is to add verbiage that would allow the City Council to “defer” the construction of required improvements in cases of “exceptional hardship” and by deleting the word “public” thereby allowing for deferrals to be granted for private as well as public improvements.

Approval of this code amendment is most likely to affect the requirements for hard-surface paving on parking, maneuvering and driveway areas and improvements of public right-of-ways. Title 10; Chapter 11 of the City Code identifies site improvements that are required whenever a building is constructed, enlarged, or the use of a building or property is changed. These improvements include landscaping, screening, parking & maneuvering areas, street requirements, sanitation facilities, water and sewer, drainage and storm water retention, and meeting floodplain regulations.

These required site improvements are reviewed as part of a building permit application in addition to building code requirements. The typical process as part of a building permit review is that a site plan is provided that indicates existing and proposed improvements. In every instance there is a review of sanitation facilities, water and sewer provision, storm water retention, landscaping, parking & maneuvering areas and floodplain conformance. These improvements are required to be completed before occupancy on the building permit can be granted.

There is presently an allowance in Title 10; Chapter 11; Section 1 that states if the addition or modification to the building or use is less than 25% in size of the existing square footage of the project then compliance with current requirements for landscaping, screening, parking, and street improvements are not required.

There is also an allowance that if improvements are required and the cost of landscaping, screening, parking, and street improvements is more than 25% of the total cost of private improvements then an agreement may be negotiated to allow deferral of the construction --to take place over a maximum of (3) years --of some or all of those required improvements. City staff typically has negotiated requested deferrals regarding the required parking & maneuvering areas and improvements to the public right-of-ways such as road construction, curb, gutter, and sidewalk installation.

The code states all required parking & maneuvering areas are to be hard surfaced with either Portland concrete or an asphaltic surface. There are also City standards and specifications for installation of public right-of-way, curb, gutter and/or sidewalk(s). The cost of such improvements often meets or exceeds the code allowance to request consideration of a (3)-year staged deferral agreement. In cases of roadway construction, curb, gutter, and sidewalk the code requires an Engineering Department review to determine if there are any of those improvements existing. The Engineering Department often recommends deferral of public improvements for more than three (3) years as construction of these improvements could actually cause more issues with accessibility and drainage if only a limited area is developed. This is provided for as the code states that the improvements may be deferred if the project is isolated or the surrounding area is undeveloped.

Currently the paving of private parking and maneuvering areas may be deferred by the City Council but are required to be completed within three (3) years - with some portion of the work being completed in each of the three (3) years.

Recently the City Council had a request from a non-profit organization that was not able to complete their three (3) year contract because the costs were substantial enough as to halt the ability of the organization to operate anymore.

The council wanted to have more flexibility added to the code to allow them to consider such cases as an "exceptional hardship" and be able to work with entity(s) to defer certain improvements and time allowances on a case by case basis.

Approval of this proposed amendment would not eliminate the requirements of completing improvements but would allow flexibility in working with applicants in the timing of their construction commitments.

A request for consideration of "exceptional hardship" to the council would still require a review by both staff and the Council which will ensure that the health, safety, and welfare of the Community are maintained as each individual case of "exceptional hardship" is examined.

This is the first step of the Zoning Title Amendment approval procedure. a request for a Zoning Title Amendment is initially made to the Commission. The Planning and Zoning Commission holds a public hearing to evaluate the request and to determine the extent and nature of the amendment. Upon conclusion of the public hearing the Commission makes a recommendation to the City Council on whether or not to approve the request as presented, deny the request, or approve the request with conditions and/or modifications. *If the Commission recommends approval they shall assure the request is compatible with the comprehensive plan.*

The City Council shall then hold an additional public hearing where they may approve the application as recommended by the Commission, deny the application, or remand the application back to the Commission for further proceedings. If approved, an ordinance is prepared and at a later public meeting is adopted by the City Council. Once the ordinance is published the City Code is officially amended.

Zoning & Development Manager Carraway stated upon conclusion staff recommends that the Commission recommend approval of the attached ordinance as presented to the City Council.

PUBLIC HEARING: OPENED & CLOSED WITHOUT CONCERNS

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Munoz made a motion to recommend approval of the request, as presented, to the City Council. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL
CITY COUNCIL PUBLIC HEARING SCHEDULED FOR DECEMBER 6, 2010

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 23, 2010**
- Zoning & Development Manager Carraway reviewed the agenda for Thanksgiving Week scheduled November 23, 2010 meeting scheduled, asking to ensure a quorum.

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 7:18 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department

DRAFT



MINUTES
Twin Falls City Planning & Zoning Commission
November 23, 2010-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricott V. Lane Jacobson Bonnie Lezamiz Gerardo Munoz Jim Schouten
Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

CITY COUNCIL LIAISON

Lee Heider

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
 Cope
 Derricott
 Jacobson
 Lezamiz
 Munoz
 Schouten

ABSENT:

AREA OF IMPACT MEMBERS

PRESENT:

DeVore

ABSENT:

Mikesell

CITY COUNCIL MEMBERS PRESENT: Heider

CITY STAFF PRESENT: Carraway, Sanchez, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Preliminary PUD presentation to request an amendment to PUD Agreement #220 - C-1 PUD Agreement for a Zoning District Change & Zoning Map Amendment by incorporating 2 acres (+/-) located west of the western boundary of the PUD Agreement # 220 from R-4 to C-1 PUD to allow for a commercial development and to amend the land uses to allow for commercial uses other than an automobile dealership or associated businesses on property located at the south side of the 600 block of Pole Line Road. c/o Gerald Martens, EHM Engineering, Inc. on behalf of RLS, LLC/Ken Edmunds (app. 2407)
2. Preliminary PUD presentation to request a Zoning District Change & Zoning Map Amendment from C-1 to C-1 PUD for 29(+/-) acres to develop a planned commercial development on property located on the south side of the 1200 & 1300 blocks of Pole Line Road West c/o James & Anna McCormick, Gary Nelson, Blass, Inc., Gary Slette, Gerald Martens, Evan Robertson, Dirk Gibson, Daniel Kohen, Stephen George and Kirby Dahl. (app. 2406)

IV. PUBLIC HEARING ITEMS

1. Request a Special Use Permit to allow an automobile service and repair business and an automobile sales business in conjunction with an auto parts retail business and residential apartments on property located at 138 Blue Lakes Boulevard and 137 Ash Street c/o Billy Tucker (app. 2401)
2. Request for a Special Use Permit to allow an indoor recreation facility operating as a personal training and fitness studio in the upper floor of an existing commercial building on property located at 808 Cheney Drive c/o Fitness Ventures, LLC (app. 2402)
3. Request for Vacation of a 50' x 1337.5' (+/-) undeveloped public right of way, aka Willow Street, located on the west side of the 150 block of Grandview Drive c/o Lee & Diane Harmon on behalf of Triple C Concrete, Jeff Coats and KC & Tess Belieu (app. 2403)
4. Requests a Zoning District Change & Zoning Map Amendment from R-4 to M-2 for 6.6 (+/-) acres located at 202 Grandview Drive c/o Triple C Concrete (app. 2404)
5. Request for a Special Use Permit to allow a utility owned building more than twenty-five (25') in an area and more than three feet (3') above ground on property located at 830 Eastland Drive North c/o Project Mutual Telephone Cooperative Assoc, Inc. (app. 2405)
6. Requests Zoning Title Amendment that would amend Twin Falls City Code by adding a new City Code Section 10-4-23: Residential Business District c/o City of Twin Falls (app. 2400)

I. CALL MEETING TO ORDER:

Chairman Bohrn 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:

- a. Approval of Minutes from the following meeting(s): **NOVEMBER 9, 2010**
- b. Approval of Findings of Fact and Conclusions of Law: **NONE**

MOTION:

Commissioner Munoz made a motion to approve the Consent Calendar Items as presented. Commissioner Schouten seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. Preliminary PUD presentation to request an amendment to PUD Agreement #220 - C-1 PUD Agreement for a Zoning District Change & Zoning Map Amendment by incorporating 2 acres (+/-) located west of the western boundary of the PUD Agreement # 220 from R-4 to C-1 PUD to allow for a commercial development and to amend the land uses to allow for commercial uses other than an automobile dealership or associated businesses on property located at the south side of the 600 block of Pole Line Road. c/o Gerald Martens, EHM Engineering, Inc. on behalf of RLS, LLC/Ken Edmunds (app. 2407)

APPLICANT PRESENTATION:

Gerald Martens, EHM Engineering, Inc, representing the applicant stated the property is located where the old Hertz Car Dealership was located along Pole Line Road. The request is being made so that the portion of property that is zoned R-4 can be added to the PUD and rezoned to C-1 PUD to make it compatible with the rest of the surrounding property. They will also be requesting an amendment to the PUD document. Originally the PUD was designed to allow for an automobile dealership and the remained of the land would be auto related. The applicant would like to amend this PUD to allow for other commercial uses those currently allowed in the C-1 Zone and further restricted with the amended PUD. He stated this is a request for a rezone of property zoned R-4 to C-1 PUD and he asks that the Commission consider approval of the request at the public hearing scheduled in a few weeks.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated October 18, 1995 the Hertz Car Dealership lots were annexed into the City of Twin Falls and reviewed the exhibits on the overhead. In January of 2000 9.6 Acres of this property was rezoned from R-4 to C-1 PUD and in October of 2000 Certificates of Occupancy were issued for this building. The Planning & Zoning Commission also approved a special use permit for a Message Center Sign in June of 2000. This is a request for a Zoning District Change and Zoning Map Amendment to amend PUD Agreement #220. A public hearing regarding this request will be heard at the regularly scheduled Planning & Zoning Commission public meeting on Tuesday, December 14, 2010; further staff analysis will be given at that time.

PUBLIC COMMENT: OPENED AND CLOSED WITHOUT ANY PUBLIC COMMENT

PLANNING & ZONING PUBLIC HEARING SCHEDULED DECEMBER 14, 2010

2. Preliminary PUD presentation to request a Zoning District Change & Zoning Map Amendment from C-1 to C-1 PUD for 29(+/-) acres to develop a planned commercial development on property located on the south side of the 1200 & 1300 blocks of Pole Line Road West c/o James & Anna McCormick, Gary Nelson, Blass, Inc., Gary Slette, Gerald Martens, Evan Robertson, Dirk Gibson, Daniel Kohen, Stephen George and Kirby Dahl. (app. 2406)

APPLICANT PRESENTATION:

Gerald Martens, EHM Engineering, Inc, representing the applicant stated this property is approximately 29 (+/-) acres located along the south side of Pole Line Road and west of the Reform Church. In 2009 this property came through for a rezone to C-1 which was approved. One of the conditions of approval for this rezone was that there be a deed restriction and that the development could not move forward without approval of a PUD. The project will be a commercial development that will have a few restricted uses. A draft PUD has been submitted with a preliminary layout of the development. The property has only one access from Pole Line at the ½ mile line on to this property. The southern bound road will be developed and shared with the property owner to the south. The draft PUD has a list of restricted uses. He stated this is a request for a rezone and he asked that the Commission consider approval of the request at the public hearing scheduled in a few weeks.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated this is a preliminary PUD presentation. A public hearing regarding this request will be heard at the regularly scheduled Planning & Zoning Commission public meeting on Tuesday, December 14, 2010; further staff analysis will be given at that time

PUBLIC COMMENT: OPENED AND CLOSED WITHOUT ANY PUBLIC COMMENT

PLANNING & ZONING PUBLIC HEARING SCHEDULED DECEMBER 14, 2010

IV. PUBLIC HEARING ITEMS

1. Request a Special Use Permit to allow an automobile service and repair business and an automobile sales business in conjunction with an auto parts retail business and residential apartments on property located at 138 Blue Lakes Boulevard and 137 Ash Street c/o Billy Tucker (app. 2401)

APPLICANT PRESENTATION:

Billy Tucker, the applicant stated he purchased the building at 138 Blue Lakes Boulevard and the vacant lot located at 137 Ash Street. The plan is to have an auto service, repair and retail business at this location with apartments upstairs. The 137 Ash Street property would be used for parking. In order to have a dealer's license he has to have a property that he can sell cars. He doesn't want it to be a used car lot however he is required to have a place to display vehicles. They are working on repairs for this building and would like to be able to establish his business at this location.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated this site is located at 138 Blue Lakes Boulevard & 137 Ash Street, both lots area zone C-1; Commercial Highway District. The property has been vacant for quite some time with records indicating the last documented business that operated from 138 Blue Lakes Boulevard was for retail use and 137 Ash Street is an undeveloped lot.

The request is to operate an automobile sales business, an automotive service/repair business and retail automotive parts store at this location. The narrative also indicates the upstairs of this building will have two (2) residential apartments.

The business will operate from 138 Blue Lakes Boulevard with the majority of the required parking to be located at 137 Ash Street. To operate an automobile sales business and/or an automobile service/repair business requires a special use permit in the C-1 Zone.

Residential dwelling units above a permitted commercial use and an automobile parts retail store are permitted uses in the C-1 Zone. There is an existing building with 2 bay doors that can accommodate auto repair at 138 Blue Lakes Boulevard. The bay doors are located off the alley between Blue Lakes Boulevard

and Ash Street on the east side of the alley is 137 Ash Street which is the location proposed for the majority of the required parking and included in the plans is a future building.

The applicant has also stated he would like to obtain an automobile dealer's license for the purpose of buying and selling vehicles. He would display no more than 2-3 vehicles at any one time at the 138 Blue Lakes Boulevard property. Due to the limited onsite parking the Commission may wish to place a limit on the number of vehicles displayed for sale at any one time. The anticipated hours of operation are in compliance with code. Traffic is not anticipated to cause a noticeable increase to the travelers along Blue Lakes Boulevard. There is space for possibly five (5) parking spaces in front of the existing building with access off Blue Lakes Boulevard. There is also space for a couple of parking spaces on the east side of the existing building, adjacent to the alley. The required parking for the residential units would be 4 spaces. The building is 2300 +/- sq. ft. which means ten (10) spaces would be required for the commercial uses on the site. The total parking requirement would be 14 spaces. The applicant is planning on using the 137 Ash Street for a parking lot to support his business and the residential apartments.

The site plan currently shows six (6) parking spaces at 137 Ash Street. This number may need to be increased upon a complete review of the site. The access for this parking area will be off Ash Street. City Code 10-10-1 (B) states that for retail or commercial customer parking, medical-dental clinics, churches, restaurants, bars, entertainment facilities and residential uses the distance for private off street parking is 350'. Employee parking is 500'; the applicant's proposed parking area at 137 Ash Street is within the required 350'. All parking and maneuvering areas are to be hard surfaced per City Code 10-11-4. The bay doors at the existing building located at 138 Blue Lakes Boulevard are access from the alley. The applicant will be required to hard surface the alley between this property and 137 Ash Street and provide a paved pedestrian walk-way from the parking area at 137 Ash Street to 138 Blue Lakes Boulevard.

The applicant has indicated landscaping on the proposed site plans for both lots. The required landscaping is 3% of the total land area or 10% of the required parking and maneuvering area, whichever is greater. City Code 10-11-3 requires screening between any residential use and any trade or manufacturing use in abutting zoning districts or any zoning district where both such uses are permitted outright and may be required around any special use. The applicant will be required to have staff approved screening on the north side of 138 Blue Lakes Boulevard and the north side of 137 Ash Street as they are both adjacent to residences.

City Code 10-11-5(B) requires curb, gutter and sidewalk be constructed at the expense of the property owner. The location of the proposed parking area at 137 Ash Street does not have curb, gutter or sidewalk at this time. The applicant will be required to construct curb, gutter and sidewalk and an access to meet City standards as part of this project.

The applicant will be required to comply with City Code 10-11-8; drainage and on site water management at the 137 Ash Street site. City Code 10-7-14 stated there will be no outside storage or display of merchandise beyond the front sidewalk adjacent to the primary business building or outside of screened areas except for the display of vehicles, motor home, travel trailers, recreational vehicles, pickup shells and large implements where offered for sale or rent. All vehicles for repair that will have to be kept overnight and miscellaneous parts will have to be stored in the building or in a screened area.

A special use 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 a Certificate of Occupancy may be required to operate if the Special Use Permit is approved. A full review

to assure compliance with code requirements shall be completed as part of the building permit review process and prior to issuance of a Certificate of Occupancy.

Sign permits and Certificates of Occupancy are reviewed and administered by the Building Inspection Department. This request is in compliance with the Comprehensive Plan which designates this area as appropriate for commercial/retail uses.

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 this permit being limited to automobile and/or pick-up ($\frac{3}{4}$ ton or less) service and repair.
2. Subject to this permit being limited to automobile and/or pick-up ($\frac{3}{4}$ ton or less) sales-limited to 138 Blue Lakes Blvd and no more than three (3) vehicles displayed for sale at any one time.
3. No vehicles awaiting work or miscellaneous parts may be stored outside of an enclosed building or outside of a totally sight obscuring screened area.
4. Subject to storm water retention being retained onsite – review to be completed as part of building permit review process.
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 Munoz asked if the entire alley has to be paved at this time.
- Zoning & Development Manager Carraway explained that if access to the property is going to come from Kimberly Road and use of the alley becomes part of the business use and paving of the entire alley may become a requirement. The applicant has presented to staff the operation of the business does not include alley access from Kimberly Road– it is not part of the business plan.
- Commissioner Cope asked if the applicant was aware of the conditions staff is recommending and if they have any issues or concerns with the recommendations.
- Mr. Tucker stated he had a question about required parking spaces. He understands the apartments require 4 parking spaces and his calculations show the commercial portion needing 11 spaces. He will consult with staff regarding these requirements and plans to do what is required to operate his business from this location.
- Commissioner Munoz asked where the apartment tenants will park.
- Mr. Tucker explained the parking for the apartments will be on the lot located along Ash Street.
- Commissioner Lezamiz asked if because the storm water retention was addressed in the conditions if the Commission needs to add the paving, screening and curb, gutter and sidewalk requirements into the conditions.
- Zoning & Development Manager Carraway explained these items come up during the site plan review and are standard requirements. The Commission can however add them as a condition if they feel there may be a question related to the conditions later. Condition number five (5) does cover these requirements and should be enough.

PUBLIC HEARING: OPENED

- Bill Nichols 214 Blue Lakes Boulevard and the next lot adjacent to the 137 Ash Street. He stated he is in favor of filling up old buildings but he would like to know when these requirements have to

be completed. In the past when special use permits have been granted to properties in this neighborhood none of the requirements were met. He has curb, gutter, sidewalks along all of his properties and he has photos of other properties that had approved special use permits and that didn't fulfill the requirements.

- Mike Hayes, owner of Maxie's Pizza 170 Blue Lakes Boulevard stated his concern is parking requirements. He is afraid that customers for the parts store if they can't find parking at the front of the auto parts business they will park in the Maxie's Pizza lot because very few people access this location from the alley. This property has been vacant for quite some time and really doesn't have the kind of retail frontage necessary for that size building.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

- Mr. Tucker stated that there have been a lot of failures with this building mostly due to a lack of parking. The employees and tenants will have to park at 137 Ash Street and most likely he will be one of the tenants which should help with compliance. As for the retail portion he is not sure what kind of traffic he will have for the business but is willing to work with the neighbors if issues arise. Currently there is not any curb, gutter and sidewalk along his side of Ash Street but possibly with this request things can be resolved for this issue as well.

DISCUSSION FOLLOWED:

- Commissioner Munoz stated he would like to see the special use permit expire within a year to see how things are going and also reminded the neighbors that they can anytime they feel the conditions of the special use permit are not being met file a complaint with the City Staff or the Commission.
- Commissioner Lezamiz asked if a time line has been placed on the improvements.
- Zoning & Development Manager Carraway stated a time frame has not been established however the requirements typically need to be met prior to occupancy of the building. If there is a need for a deferral these arrangements are made during the site review process.
- Commissioner Jacobson asked if a timeframe would be better if it were set for after occupancy has occurred because all of the conditions for the retail space may not be met in a year's time and there may not be a business in place to acquire the necessary information.
- Commissioner Munoz stated that he made this recommendation because sometimes a special use permit has other issues besides the standard requirements that need to be reviewed for compliance. For example parking, display of the property and noise concerns that he would like to see reviewed in a year.
- Commissioner Bohrn stated he would like to not have a decision be made based on other experience in the past.
- Commissioner Munoz explained that the process for follow-up on enforcement issues is not always consistent and if there is a year expiration placed on the permit it allows staff and the neighbors another opportunity to address issues that may have arisen due to the approval of this permit.
- Commissioner Jacobson stated maybe the burden should be on the neighbors to report the issues because these issues can be brought forward at any time. Having an applicant re-apply for a special use permit again at the end of a year because there may or may not be any problems is probably not productive. There may be anticipated problems but the Commission should let things work through the process and expect that if the neighbors are impacted by this change that they report the issues so that the Commission can review the request again, if necessary.
- Commissioner Munoz explained that we have done this typically with difficult properties that can present challenges.

- Commissioner Schouten explained he has some of the same concern as Commissioner Munoz because there will be a lot of expenses associated with the property and the conditions of approval. A year would allow the Commission to review what is happening with the property and to see if things are being taken care of as it relates to the conditions of the special use permit.
- Commissioner Bohrn stated he is very pro business and if the applicant takes care of the fencing, paving and storm water retention and meets the requirements set forth in the occupancy process a lot of the concerns will be addressed. The biggest problem he sees with the one year expiration would be that it is going to take time and money to move forward with this project and a year may not be enough time for the applicant to be up and running. He explained the neighbors should report issues and he would spend the money on the improvements if he knew his permit was going to expire in a year.

MOTION:

Commissioner Schouten made a motion to approve the request, as presented, subject to 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 this permit being limited to automobile and/or pick-up (¾ ton or less) service and repair.
 2. Subject to this permit being limited to automobile and/or pick-up (¾ ton or less) sales-limited to 138 Blue Lakes Blvd and no more than three (3) vehicles displayed for sale at any one time.
 3. No vehicles awaiting work or miscellaneous parts may be stored outside of an enclosed building or outside of a totally sight obscuring screened area.
 4. Subject to storm water retention being retained onsite – review to be completed as part of building permit review process.
 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.
2. Request for a Special Use Permit to allow an indoor recreation facility operating as a personal training and fitness studio in the upper floor of an existing commercial building on property located at 808 Cheney Drive c/o Fitness Ventures, LLC (app. 2402)

APPLICANT PRESENTATION:

Roger Laughlin, representing the applicant, stated this property is located at 808 Cheney Drive in the Auto Pride building. There are two levels to the building and the upper level has been vacant. There are auto services available on the lower level. The request is to use the upper level of the building for a physical training studio. The area immediately right of the exercise room will be for open offices and additional equipment.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated this property is located at 808 Cheney Drive and is zoned C-1; Highway Commercial District. The request is to operate a fitness center at this location. A fitness center is classified as an indoor recreation facility. A special use permit is required to operate an indoor recreation facility in the C-1 zoning district.

The facility is described as a private training studio with weight equipment. The facility will feature personal training classes with a maximum of 20 participants in any class. The applicant intends to have staff on site only with classes are in session. The proposed class times are in compliance with code. The anticipated traffic would have minimal impact on the surrounding area as it is located on a developed site adjacent to a roadway with high volumes of traffic. There is currently 1 employee with the possibility of hiring 1-2 more.

The site is developed and has an existing commercial building. The Auto Pride Center is currently operating at this site. The fitness center, if approved will operate on the 2nd Floor of the building. The parking requirement for a use such as an indoor recreation facility is 1 space per 250 square feet of total floor area. Upon initial review the property appears to be in compliance with required improvements and shows adequate parking onsite.

The request is in compliance with the Comprehensive Plan which designates this area as appropriate for commercial/retail uses. The proposed use of a fitness center if approved and operated as presented should be compatible with the surrounding area as there are commercial uses on all sides of the proposed facility site.

A Special Use Permit is for zoning purposes only. Other permits such as sign, building/certificate of occupancy, electrical or plumbing permits, etc; may be required. Prior to operation all facilities must comply with all building and fire code regulations.

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

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

PUBLIC HEARING: OPENED AND CLOSED WITHOUT ANY PUBLIC CONCERNS

DISSCUSION FOLLOWED: WITHOUT CONCERNS

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 THE FOLLOWING CONDITION

1. Subject To Site Plan Amendments As Required By Building, Engineering, Fire, And Zoning Officials To Ensure Compliance With All Applicable City Code Requirements And Standards.
3. Request for Vacation of a 50' x 1337.5' (+/-) undeveloped public right of way, aka Willow Street, located on the west side of the 150 block of Grandview Drive c/o Lee & Diane Harmon on behalf of Triple C Concrete, Jeff Coats and KC & Tess Belieu (app. 2403)

Zoning & Development Manager Carraway stated that a correction to the size of the property needs to be made. The property being requested for vacation is approximately 50' x 665'.

APPLICANT PRESENTATION:

Lee Harmon, the applicant stated that between himself and the property owner to the south is a street called Willow Street. In 1941 it was establish that 30' of roadway would be platted in this area. Later

there was an addition 20' added because a minimum requirement is 50' for a roadway. He has contact JUB Engineering and if this is approved a survey would be done establish the property lines and the right-of-way would be divided accordingly amongst the property owners.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated this is a request to vacate a platted and dedicated portion of right-of-way called Willow Street. This right of way was platted as part of the Northview Acres Subdivision in 1941. It was never developed. As the right-of-way is undeveloped and the City has no plans to improve the roadway the adjacent property owners are requesting to vacate the property.

Willow Street only exists at this location in Twin Falls-as this 50'(+/-) by 665' portion is only accessible by Grandview Drive and dead ends in the middle of Triple C Concrete's property. Willow Street would not provide necessary access to any surrounding properties as all the properties already have an access to an adjacent developed right-of-way and would not be landlocked if the street was vacated. Willow Street was not developed and the City has no interest in developing it because it cannot be extended. Less than 500' to the west is Gulch Creek where the road would dead-end and less than 1000' to the east, if Willow Street were to be extended, the road would dead-end at Rock Creek Canyon. The City will not be pursuing the acquisition of additional right-of-way and development of the roadway.

No improvements have been placed, constructed, or installed at this point, CableOne, Qwest, Intermountain Gas Company, and the Twin Falls Canal Company are all supportive of the vacation request as they do not have any facilities located in the right-of-way. However, Idaho Power does have facilities in the right-of-way. They want to ensure that their rights are protected by requesting there be a minimum 20' easement, as they want to maintain all rights of ingress and egress to their facilities, be able to install new facilities, and be able to repair, replace or modify existing facilities. The vacation of the Willow Street right-of-way could be granted subject to the minimum 20' wide Idaho Power Easement.

The typical procedure when a request to vacate has been granted is that the area vacated is split evenly between the adjacent property owners. The right-of-way would be vacated to a point 46' from the centerline of Grandview Drive to provide for the minimum requirements for an arterial road section, as per the Master Street Plan.

Zoning & Development Manager Carraway stated upon conclusion should the Commission recommend approval of the request, as presented, staff recommends the following conditions:

1. Subject to an Idaho Power easement per conditions of Idaho Power letter dated December 7, 2009:
 - a. easement to be a minimum width of twenty-feet (20') to ensure the continued installation of new facilities and the operation, maintenance, repair, alteration, inspection and/or replacement of existing facilities;
 - b. incorporate a legal description written by a surveyor licensed in the State of Idaho;
 - c. include a perpetual right of ingress and egress as necessary for the full and complete use, occupation, and enjoyment of the easement reserved; and
 - d. preserve Idaho Power's right, at the landowner's expense to cut, trim, remove trees, brush, bushes, sod, flowers, shrubbery, overhanging branches and other obstructions and improvements which may injure or interfere with Idaho Power's use, occupation, or enjoyment of the reserved easements.

2. Subject to vacation of Willow Street not extending more than forty-six feet (46') from the centerline of Grandview Drive.
3. 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 AND CLOSED WITHOUT ANY PUBLIC CONCERNS

DISCUSSION FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Munoz 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 TO THE CITY COUNCIL, AS PRESENTED, WITH THE FOLLOWING CONDITIONS:

1. Subject to an Idaho Power easement per conditions of Idaho Power letter dated December 7, 2009:
 - a. easement to be a minimum width of twenty-feet (20') to ensure the continued installation of new facilities and the operation, maintenance, repair, alteration, inspection and/or replacement of existing facilities;
 - b. incorporate a legal description written by a surveyor licensed in the State of Idaho;
 - c. include a perpetual right of ingress and egress as necessary for the full and complete use, occupation, and enjoyment of the easement reserved; and
 - d. preserve Idaho Power's right, at the landowner's expense to cut, trim, remove trees, brush, bushes, sod, flowers, shrubbery, overhanging branches and other obstructions and improvements which may injure or interfere with Idaho Power's use, occupation, or enjoyment of the reserved easements.
2. Subject to vacation of Willow Street not extending more than forty-six feet (46') from the centerline of Grandview Drive.
3. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

CITY COUNCIL PUBLIC HEARING SCHEDULED FOR DECEMBER 13, 2010

4. Requests a Zoning District Change & Zoning Map Amendment from R-4 to M-2 for 6.2 (+/-) acres located at 202 Grandview Drive c/o Triple C Concrete (app. 2404)

APPLICANT PRESENTATION:

Jeff Coats, the applicant, stated the reason for this request is that they purchased approximately 6.62(+/-) acres a few years ago. This property is currently zoned R-4 and they would like to request that it be rezoned to M-2 so that the property can be used in conjunction with the existing concrete business. He would like for the property to be brought into compliance with the Comprehensive Plan. There are no plans for additional access and the intended use of the property is to provide space for equipment stationing, additional display of products and a truck washing area. The business is essentially growing and they need additional room to operate efficiently.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated this is a request for a Zoning District Change and Zoning Map Amendment for a single lot from R-4; Residential Medium Density District to M-2; Heavy Manufacturing. The property is 6.62 (+/-) and is located west of Grandview Drive and south of Addison Avenue West.

To the north are residences and Triple C Concrete. These properties are currently zoned C-1 and considered legal non-conforming as both the residences and the concrete manufacturing operation have existed on the site for a number of years. To the west is Gulch Creek; zoned OS; open space, to the east are residential properties zoned R-4 and Grandview Drive and to the south are residential properties zoned R-4. This site and the surrounding areas are within the area of impact.

The 6.62 (+/-) parcel is owned and is currently being used as storage area by Triple C Concrete the applicant has indicated they wish to rezone this property to bring it into compliance and they would like to add the use of concrete manufacturing and related operations which are permitted uses in the M-2 zone. If the request is approved there will be no access allowed onto Grandview Drive.

The Comprehensive Plan's Future Land Use Map 2-4 designates this area as industrial. The description of this designation in the Comprehensive Plan is to support industrial uses along Addison Avenue West but encourage a good first impression on the community. The expansion of the existing industrial use is not adjacent to Addison Avenue and will not affect the current area adjacent to the roadway. The applicant indicates that the access from industrial uses is discouraged from local and collector roads. This property will only have access to Addison Avenue West through the main property.

The Commission also reviews the extent and nature of the amendment proposed. The proposal of expanding the industrial use would not be out of character of the adjacent use and could be done in a nature to mitigate possible impacts to other surrounding properties. The City Code requires a sight-obscuring fence between residential and industrially-zoned property and so a minimum 6' high solid fence would be required on the south and west property lines. The M-2 zone does not require paving and concrete manufacturing and sand and gravel storage yards are permitted uses. To make a positive recommendation to the City Council the Commission must determine that the request meets both tasks.

Zoning & Development Manager Carraway stated upon conclusion if the Commission determines that the request is in conformance with the Comprehensive Plan and the extent & nature of changing the zoning of this property to M-2 would be harmonious and would not detract from the surrounding area then staff recommends the Commission recommend approval of this request, as presented.

PUBLIC HEARING: OPENED

Dan Creek stated he is a property owner south of this location and stated his concern is that this area has already been occupied by the business and it looks like a junk pile has been established and is afraid this request is going to devalue his property. He was aware of the business location when he moved to this location however with this change from residential to manufacturing it is going to add more dust and more

noise closer to his residence. He also stated he was aware the mobile home park adjacent to this property has been brought in to the city limits and was approved for an expansion.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

Mr. Coats explained they are regulated by the DEQ and keep record of their dust control procedures. They try very hard to meet these requirements and they are looking at another product that may assist in the dust control.

DISCUSSION:

- Commissioner Lezamiz asked if the property is screened.
- Mr. Coats stated that there are block walls along a portion of the property and in order to construct a fence taller than 6' they have to address engineering requirements but they are in the process of looking at screening materials and plans.
- Zoning & Development Manager Carraway addressed Mr. Creek's statement about the adjacent trailer park. There was a previous request to annex and rezone the property, however, the request for expansion of the trailer park was abandoned based on a property ownership issue.

MOTION:

Commissioner Cope made a motion to recommend approval of the request, as presented, with staff recommendations. Commissioner Derricott seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, AS PRESENTED

CITY COUNCIL PUBLIC HEARING SCHEDULED FOR DECEMBER 13, 2010

5. Request for a Special Use Permit to allow a utility owned building more than twenty-five square feet (25 sq ft) in an area and more than three feet (3') above ground on property located at 830 Eastland Drive North c/o Project Mutual Telephone Cooperative Assoc, Inc. (app. 2405)

APPLICANT PRESENTATION:

Steve Anderson, representing Project Mutual Telephones, stated they are applying for a special use permit to place an unmanned communication shelter on property located at 830 Eastland Drive North. This will assist the company in finishing a fiber optic project for the hospital. He asks that the Commission approve the request.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated the property is located close to the southeast corner of Falls Avenue East and Eastland Drive North and is zoned R-2 PRO; which is a residential single household or duplex district with a professional office overlay.

The request is to construct and operate an unmanned 10' x 20', telecommunications shelter at this site. A special use permit is required for a utility owned building or structure more than 25 sq. ft. in area and more than 3' above ground.

The current property owner has recently had the property surveyed and is in the process of doing a lot line adjustment to provide the applicant with the proposed site for this utility building. The shelter will be

utilized for the placement of fiber optic equipment and underground fiber optic cables. This will provide new and improve existing project mutual telephone services to the new St. Luke's Medical Center, as well as the surrounding community.

The narrative states the facility would operate continuously, 24 hours a day. The un-manned facility may require periodic visits by service technicians for maintenance of the equipment which would generally be 1 to 2 service technicians at any one time.

The Falls Subdivision is a 2 lot subdivision. The property owner recently had a record of survey completed and will be recording new warranty deeds showing lot line adjustments to both lots. The adjusted lot 1 is shown as 3291 sq. ft. which is less than the required minimum 6,000 sq. ft. for residential development. The professional office overlay allows a non-residential use to have a lot be of sufficient size to provide for the proposed building and required improvements. The Commission may wish to place a condition on this special use permit that the lot line adjustment be recorded before start of construction and development of the site to be in compliance with required improvements prior to final inspection by the building department.

The proposed structure is proposed to be placed at the east side of the lot. It will be painted in earth tone colors. City Code 10-11-1 through 10-11-9 requires development of a vacant lot be landscaped, provide screening, provide hard surfaced parking and maneuvering areas, construct accesses, curb, gutter and sidewalks, and develop storm water retention areas.

The landscaping required in the R-2 PRO zone is 10% of the total lot area. Screening is to be provided between any residential use and any trade or manufacturing use in abutting zoning districts or any zoning district where both such uses are permitted outright and may be required around any special use. City Code 10-11-4 requires all parking and maneuvering areas to be hard surfaced with Portland concrete or asphaltic concrete surface material. City Code 10-11-8(F) requires all commercial developments to design and construct storm water retention facilities. No storm water will be allowed from these areas. The required storm water retention for this proposed site is 470 CF.

A full review by the Engineering, Zoning & Building Departments will be required to assure the site/building plan meets all development standards prior to issuance of a building permit and meets all required improvements prior to final inspection.

Zoning & Development Manager stated upon conclusion should the Commission grant this request, as presented, staff recommends approval be subject to the following condition(s)

1. Subject to the lot line adjustment being recorded before the start of construction of the utility owned building.
2. Subject to development of this site being in compliance with all City required improvements; as per City Code Sections; 10-4-4.3 (R-2), 10-4-18.3 (PRO) and 10-11-1 through 10-11-9 (required improvements) prior to approval of a final inspection of the building permit.
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

- Mitton Glaze, Board Member for Amazing Grace Fellowship, asked where access would be located for PMT to get to this building when necessary.

PUBLIC HEARING: CLOSED

DISCUSSION FOLLOWED:

- Mr. Anderson stated the facility will be accessed from Eastland Drive and the access would be gained through an easement.

MOTION:

Commissioner Lezamiz made a motion to approve the request as presented subject to staff recommendations. Commissioner Cope seconded the motion. All members present voted for the motion.

APPROVE, AS PRESENTED, WITH THE FOLLOWING CONDITIONS

1. Subject to the lot line adjustment being recorded before the start of construction of the utility owned building.
 2. Subject to development of this site being in compliance with all City required improvements; as per City Code Sections; 10-4-4.3 (R-2), 10-4-18.3 (PRO) and 10-11-1 through 10-11-9 (Required Improvements) prior to approval of the final inspection of the building permit.
 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.
6. Requests Zoning Title Amendment that would amend Twin Falls City Code by adding a new City Code Section 10-4-23: Residential Business District c/o City of Twin Falls (app. 2400)

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated this request would modify Twin Falls City Code Title 10; Chapter 4; Zoning District Regulations by adding a new Zoning District, the Residential Business Zone. Title 10; Chapter 4 of the City Code identifies the different zoning districts and overlay districts and outlining the districts purpose, use regulations and property development standards. The proposed new code section follows this format.

This request does not involve the re-zoning of any property; there is no real property that is being considered for this designation under this request. The creation of a "Residential Business" zone was prompted by discussions from the Comprehensive Plan update process for a way to address property in areas of town that are on arterial roadways but are currently being used as residences and may wish to convert to nonresidential uses in the future.

The first section of the proposed code amendment includes the purpose statement for the Residential Business Zone. The language came from the description of the zone from the Comprehensive Plan and includes four (4) specific criteria for the zoning district, which states that land uses should:

- 1) Be low in scale and intensity;
- 2) Share design characteristics with nearby residential uses;
- 3) Provide a good neighborhood "fit" and;
- 4) Exude a distinct residential character

As non-residential uses along the designated areas continue to develop, the goal is to encourage the conversion of residences or require new construction to share scale and design characteristics with the surrounding residential neighborhood.

The second section of the proposed code amendment lists the permitted and special uses. The use list is a mixture of professional to light commercial uses. Many of the areas designated "residential business" on the Comprehensive Plan already have C-1 Zoning. The proposed land use would not be a substantial reduction to the uses that they are able to develop at this time. Similarly there is a limitation to the construction of new residences. While the arterial corridors need to provide a transition to the adjacent neighborhoods they are not conducive to further residential development. This zoning designation would allow areas that are currently limited to professional offices to be able to request a rezone and be permitted to implement light retail, medical and expanded professional uses. The effect of these allowances would be mitigated by the proposed design standards. An attachment to the staff report is the land use matrix comparing the different zones and use allowances in the code with the proposed "Residential Business" zone.

The third section of the proposed code amendment establishes the property development standards. Development standards and concepts for the "Residential Business" zone were researched and compiled from a number of sources. A survey of other Residential Business Zones, Planned Unit Development Agreements, especially for Neighborhood Commercial Zones were reviewed for design standards, and guidelines from the Professional Office Overlay Zone were used as they have been effective along the Blue Lakes Boulevard and Addison Avenue Corridors in allowing properties to convert to non-residential uses and maintain a residential character.

Some of the design guidelines include setbacks, lot occupancy, and building size restrictions. The commercial zone currently allows for buildings to be built on property lines but staff found that to maintain a residential feel and separation as the building may be next to a residence that a minimum setback of five feet (5') from property lines should be maintained, this is also consistent with building code which requires a minimum of 10' separation between buildings before fire wall and other protective measures are required.

There isn't a minimum lot size requirement being proposed, the lot size just needs to be sufficient to provide for required improvements, this is consistent with PRO and Commercial Zones. The building would not be able to occupy more than thirty percent (30%) of the lot which was a standard that was found typical to other similar zones in other areas.

The building size is restricted to a minimum footprint size (3,000 sq. ft.) and total building area (6,000 sq. ft.). The building height guideline allows a maximum of two stories and so the total building size is in consideration of a maximum two (2) story building. The inclusion of a building size restriction is to maintain a scale to new development that is considerate of the surrounding residential areas. While the building height only allows for a maximum of two (2) stories the maximum building height is maintained at thirty-five (35') which is consistent with the allowances of most zones in the City. The height is also allowed as the building design standards require a pitched roof. A pitch of 5/12 was suggested and used in the proposed code to encourage a residential character. Commercial Planned Unit Development Agreements in the City have often required a minimum pitch of 4/12 and in reviewing a roof pitch requirement staff concurred that a minimum of 5/12 may be more successful in conveying the character in new construction and be more consistent with existing residences.

The landscaping requirement proposed is for a minimum of 25% of the site to be landscaped, this is consistent with the Professional Office requirements along Addison and Blue Lakes Boulevard. The requirement for landscaping in the parking area is common to Planned Unit Developments to help eliminate a "see of asphalt"

The maximum number of parking spaces is also similar to the Professional Office Overlay and has been successful in limiting the scale of development. The maximum allowance of twenty-four (24) spaces is based on the largest allowed building size of 6,000 sq. ft. at a retail parking requirement.

Screening requirements are included as screening has been essential to protecting residential properties. Additional design standards include a regulation that site access be consolidated wherever possible. As this zone is on arterial and collector roadways then the Engineering Department has an interest in managing accesses to maintain safety and traffic flow.

An architectural guideline to require architectural variation and treatment is to discourage large blank walls which detract from the character of the area.

Zoning & Development Manager Carraway stated upon conclusion staff recommends that the Commission recommend approval of the Zoning Title Amendment, as presented, to the City Council.

DISCUSSION FOLLOWED:

- Commissioner Schouten stated the only issue he has is requiring a 5/12 pitch roof. There are a lot of buildings in these areas that are 4/12 pitch. Making it mandatory that the roof line be 5/12 pitch is concerning.
- Commissioner Munoz stated that this requirement would only apply to new developments not existing buildings.
- Commissioner Schouten stated that some of these buildings may require roof reconstruction which would then make it mandatory to change the roof line to a 5/12 pitch.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC CONCERN

MOTION:

Commissioner Lezamiz made a motion to recommend approval of the request, as presented. Commissioner Derricott seconded the motion.

DISCUSSION FOLLOWED:

- Commissioner Jacobson asked if this would be the appropriate time to make a change to the verbiage addressing the roof pitch requirements.
- Zoning & Development Manager Carraway stated this is when the change would need to be recommended.

MOTION TO AMEND:

Commissioner Schouten made a motion to amend the pitched roof requirement to be 4/12. Commissioner Cope seconded the motion.

APPROVAL OF AMENDMENT TO THE ORIGINAL MOTION:

All members present voted in favor of the amendment to the motion.

APPROVAL OF AMENDED MOTION:

All members present voted in favor of the amended motion.

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, AS AMENDED
CITY COUNCIL PUBLIC HEARING SCHEDULED FOR DECEMBER 13, 2010

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

- Zoning & Development Manager Carraway explained that there are 8 items scheduled for the next Commission Public Hearing – Tuesday, December 14, 2010. She then asked the Commission members if there will be a quorum available for the December 28, 2010 meeting. All members present stated they will be in attendance if there are items that need to be scheduled.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **December 14, 2010**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 07:50 pm

Leila Sanchez
Deputy City Clerk,
Recording Secretary



MINUTES
Twin Falls City Planning & Zoning Commission
December 14, 2010-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricott V. Lane Jacobson Bonnie Lezamiz Gerardo Munoz Jim Schouten
Chairman **Vice-Chairman**

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

CITY COUNCIL LIAISON

Lee Heider

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Cope
Derricott
Jacobson
Schouten

ABSENT:

Lezamiz
Munoz

AREA OF IMPACT MEMBERS

PRESENT:

Mikesell

ABSENT:

Devore

CITY COUNCIL MEMBERS PRESENT:

Lee Heider

CITY STAFF PRESENT: Carraway, Strickland

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Request for the Commission's recommendation for a Planned Unit Development Amendment to PUD Agreement #220 for a Zoning District Change & Zoning Map Amendment by incorporating 2 acres (+/-) located west of the western boundary of PUD Agreement #220 from R-4 to C-1 PUD to allow for a planned commercial development and to amend the land uses to allow for commercial uses other than an automobile dealership or associated business on property located on the south side of the 600 block of Pole Line Road. c/o Gerald Martens EHM Engineering, Inc. on behalf of RLS, LLC/Ken Edmunds (app. 2407)
2. Request for the Commission's recommendation for a Zoning District Change & Zoning Map Amendment from C-1 to C-1 PUD for 29(+/-) acres to develop a planned commercial development on property located on the south side of the 1200 & 1300 blocks of Pole Line Road West. c/o James & Anna McCormick, Gary Nelson, Blass, Inc. Gary Slette, Gerald Martens, Evan Robertson, Dirk Gibson, Daniel Kohen, Stephen George & Kirby Dahl (app. 2406)
3. Request for a Special Use Permit to operate a retail business outside the permitted hours of operation of 7:00 am to 10:00 pm for property located at 1440 Blue Lakes Boulevard North c/o The Smoke N Head, Inc. (app. 2408)
4. Request for the Commission's recommendation for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 for property located at 131 Caswell Avenue West. c/o Todd Ostrom on behalf of H30, LLC (app. 2409) **WITHDRAWN-rescheduled for January 11, 2011 Planning & Zoning Commission public hearing**
5. Request for a Special Use Permit to operate an automobile sales business for property located at 266 Blue Lakes Boulevard North. c/o Scott Record on behalf of Cosmo Auto Sales, Inc. Scott Record (app. 2410)
6. Request for a Special Use Permit to establish a retail business with a drive-through window operating outside the permitted hours of operation of 7 a.m. to 10 p.m. for property located at 1105 Kimberly Road. c/o Shane Black (app. 2411)
7. Request for a Special Use Permit to construct a detached accessory building larger than 1000 sq. ft. for property located at 3254 Woodridge Drive. c/o James Hutchings (app. 2412)
8. Request for a Comprehensive Plan Amendment which would amend Twin Falls Comprehensive Plan - Twin Falls Vision 2030; Chapter 11; Development Impact Fee and Capital Improvement Plans regarding amending the Street Impact Fee Capital Improvement Plan. c/o City of Twin Falls (app. 2413) **WITHDRAWN-rescheduled for January 11, 2011 Planning & Zoning Commission public hearing**

I. CALL MEETING TO ORDER:

Chairman Bohrn 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:

MOTION:

Commissioner Schouten made a motion to approve the consent calendar as presented. Commissioner Mikesell seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Request for the Commission's recommendation for a Planned Unit Development Amendment to PUD Agreement #220 for a Zoning District Change & Zoning Map Amendment by incorporating 2 acres (+/-) located west of the western boundary of PUD Agreement #220 from R-4 to C-1 PUD to allow for a planned commercial development and to amend the land uses to allow for commercial uses other than an automobile dealership or associated business on property located on the south side of the 600 block of Pole Line Road. c/o Gerald Martens EHM Engineering, Inc. on behalf of RLS, LLC/Ken Edmunds (app. 2407)

APPLICANT PRESENTATION:

Gerald Martens, EHM Engineering, Inc., representing the applicant stated this property consists of approximately 12 (+/-) acres. Since the application was submitted the property has sold and the new owner has authorized the procedures for rezoning to continue. This property is south of Pole Line Road and vacant. When Hertz was originally developed it was approved with the property being zoned C-1 excluding the 2 (+/-) acres that are zoned R-4 to make this an automobile center. This request this evening is to combine the remaining 2 (+/-) acres into the C-1 PUD zone and to allow for the commercial uses listed in the C-1 Zone.

P&Z QUESTIONS/COMMENTS:

- Commissioner Mikesell asked if there will be any division of the property since the new owner plans to use the property as a dealership lot again.
- Mr. Martens stated development should occur in a typical format with cross use agreements, landscaping, screening and accesses. These improvements have been implemented for the most part and the PUD should be clearer. As for additional paving and traffic cutting through this commercial lot the issue should be resolved due to more congestion on the lot. He will take this concern into consideration.

STAFF PRESENTATION:

Zoning & Development Manager reviewed the exhibits on the overhead and stated in October of 1995 the Hertz lot and lots west were annexed into the City of Twin Falls. In January of 2000 the City Council approved PUD Agreement #220 which was specific to allowing the development of "...a complete car center, with sales, service, repair, wash and detail" on a 9.6 (+/-) acres parcel. The development was to occur in two phases with no platting involved.

The applicant is requesting four changes:

- 1) Rezoning a 2 (+/-) acre parcel, located adjacent to the western boundary of the PUD Agreement #220, from R-4 to C-1 PUD.
- 2) Incorporating that 2 (+/-) acre parcel into the existing PUD Agreement
- 3) To Amend section 2B-uses listed in PUD #220 to allow for commercial uses, other than uses specific to "a complete car center, with sales, service, repair, wash and detail as identified in City Code 10-4-8 C-1 Zone; and
- 4) Other amendments as proposed

In the PUD there are still other required improvements that will need to be met. The gateway arterial landscaping will need to be met; screening between the commercial and the adjacent residential area, there are also 5 display pad sites that would still be legal if the new property owner wishes to continue using the lot as a car dealership.

The revised Master Development Plan that was submitted is a proposed Preliminary Plat that includes 8 commercial Lots. This preliminary plat for the entire property has been submitted to the Engineering Department for review. Subject to approval of this PUD Agreement technical and platting issues will be further reviewed by the Engineering Department to ensure compliance.

In reviewing a request for a Zoning District Change and Zoning Map Amendment the Commission has two main tasks:

- 1) Determine whether the request is in conformance with the Comprehensive Plan
- 2) Determine the extent and nature of the amendment requested [(10-14-5 (A))] could be done with minimal impacts to other surrounding properties.

Zoning & Development Manager Carraway stated that development of this property under the C-1 regulations would be in conformance with the Comprehensive Plan and retail uses would not be out of character with the adjacent uses and could be done in a nature to mitigate possible impacts to other surrounding properties. Should the Commission recommend approval of the request to the City Council, as presented, staff recommends it be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.
3. Subject to development meeting or exceeding C-1 District code requirements and Required Improvements (10-11-1 through 9).
4. Subject to completion of a minimum 6' sight obscuring screening fence along the entire southern boundary of the PUD property by June 1, 2011.
5. Subject to compliance with the Amended PUD Agreement #220.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

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

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, 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 dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.

3. Subject to development meeting or exceeding C-1 District code requirements and Required Improvements (10-11-1 through 9).
4. Subject to completion of a minimum 6' sight obscuring screening fence along the entire southern boundary of the PUD property by June 1, 2011.
5. Subject to compliance with the Amended PUD Agreement #220.

CITY COUNCIL PUBLIC HEARING SCHEDULED FOR JANUARY 10, 2011

2. Request for the Commission's recommendation for a Zoning District Change & Zoning Map Amendment from C-1 to C-1 PUD for 29(+/-) acres to develop a planned commercial development on property located on the south side of the 1200 & 1300 blocks of Pole Line Road West. c/o James & Anna McCormick, Gary Nelson, Blass, Inc. Gary Slette, Gerald Martens, Evan Robertson, Dirk Gibson, Daniel Kohen, Stephen George & Kirby Dahl (app. 2406)

APPLICANT PRESENTATION:

Gerald Martens, EHM Engineering, Inc, representing the applicant stated this property is approximately 29 (+/-) acres located west of The Reformed Church. The property was zoned C-1 and the condition was that it had to come back with a PUD Agreement and uses along the southerly 150' adjacent to residential property be limited to minimal commercial uses. This request tonight outlines the uses allowed adjacent to Pole Line Road and uses that would be allowed adjacent to the residential property. The southerly lots would be more neighborhood friendly types of uses for example, medical uses and professional offices. This project has evolved since the original zoning request and has had quite a bit of work done adjacent to it since that request. Cheney Drive was one of the main concerns related to this area and its development. These concerns have been addressed and Cheney will be extended. An exhibit of the lot layout is available and the applicants concur with the staff recommendations

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for a Zoning District Change and Zoning Map Amendment for 29(+/-) acres from C-1 to C-1 PUD to allow for a planned commercial development. The commercial uses that were provided in the draft PUD Agreement proposal appear to be in compliance with the Comprehensive Plan and the C-1 zoning designation. The original zoning approval required that a Planned Unit Development Agreement be approved prior to development. The changes indicated to the C-1 code are indicated in an attached document. The main changes proposed are that if Business Park Industrial uses are allowed they shall comply with City Code 10-6-3. Landscaping requirements and the extension of Cheney Drive West has been reviewed and agreed to by the applicants.

In reviewing a request for a Zoning District Change and Zoning Map Amendment the Commission has two main tasks:

- Determine whether the request is in conformance with the Comprehensive Plan
- Determine the extent and nature of the amendment requested [(10-14-5 (A))] could be done with minimal impacts to other surrounding properties.

Zoning & Development Manager Carraway stated that the development of this property under the C-1 regulations would be in conformance with the Comprehensive Plan and the C-1 PUD request is consistent with the development and long range plan for the Pole Line Road corridor. Should the Commission recommend approval of the request to the City Council, as presented, staff recommends it 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 dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development of the property.
3. Subject to complete design approval of Cheney Drive West being constructed to ½-width and per City Standards.

P&Z QUESTIONS/COMMENTS:

- Commissioner Mikesell asked if Cheney Drive is going to go through the trailer park and take 14 feet of the right-of-way. He is just concerned that this may be an easier path to take for a developer but may not be easy on the residence.
- Zoning & Development Manager Carraway stated that there would not be any taking of land. If the trailer park went away and Cheney was extended through to Grandview right-of-way would be required for development to occur.
- Brad Wills, 222 Shoshone St W, stated he owns the residential property to the south of this property. He is in support of this zoning request.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:

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

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, AS PRESENTED, SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development of the property.
3. Subject to complete design approval of Cheney Drive West being constructed to ½ with and per City standards.

CITY COUNCIL PUBLIC HEARING SCHEDULED FOR JANUARY 10, 2011

3. Request for a Special Use Permit to operate a retail business outside the permitted hours of operation of 7:00 am to 10:00 pm for property located at 1440 Blue Lakes Boulevard North. c/o The Smoke N Head, Inc. (app. 2408)

APPLICANT PRESENTATION:

Alan Nagel, the applicant, stated he is here to request that he have a special use permit to operate until 11:00pm so that he can offer full time shifts to employees. It will not generate much more traffic to the location this last hour is used for cleaning and preparation for the next day. The adjacent properties have 24 hour service as motels and the request seems to be compatible with the surrounding uses.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated the property is located at 1440 Blue Lakes Boulevard North and is zoned C-1; Commercial Highway District. Blue Lakes Boulevard North is designated in the City Code as a major arterial roadway and as such has high volumes of traffic and development is mostly commercial in nature. The request is to allow a retail business to operate from 7:00 am to 11:00 pm from Sun thru Sat. City Code 10-4-8.2(B)10(j) states "permitted retail/trade uses operating outside the hours of Seven o'clock (7:00) a.m. to Ten o'clock (10:00) p.m." require a special use permit."

The narrative states the request was generated as he feels that most of the neighboring businesses are open late and he is trying to accommodate the public that shop on Blue Lakes Boulevard North because many of the businesses on Blue Lakes Boulevard North are open with late hours. The narrative states the current business is operating with fifteen (15) employees and if the request is approved there could be additional employees

required to manage the extra hour of operation. City Code 10-11-3 requires screening between any residential use and any trade or manufacturing use in abutting zoning districts or any zoning district where both such uses are permitted outright and may be required around any special use. Screening is required to be a minimum of a 6' fence or wall or a landscaped area or any combination thereof.

There is a residence located adjacent to the eastern property line of this commercial property. There should be a minimum 6' sight obscuring screening fence separating the properties. If the Commission grants the request this evening they may wish to place a condition on the Special Use Permit that the applicant shall construct a 6' sight obscuring screening fence on the east property line and considering this is a time of year where outside construction may be limited due to weather the condition could allow the screening fence to be completed no later than spring 2011.

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 hours of operation being 7 am to 11 pm.
3. Subject to the applicant constructing a 6' sight obscuring screening fence, wall or landscaped area along the east property line-to be approved by staff and completed by May 31, 2011.

P&Z QUESTIONS/COMMENTS:

- Commissioner Cope asked if there is currently any screening along the property.
- Mr. Nagel stated that the back of the property is screened with shrubs and vines that are 6 feet or higher, and there is a fence along the sides but they are difficult to see because of the shrubs and trees.
- Zoning & Development Manger Carraway explained that this is a standard condition on a special use permit of this type and that staff will review the screening to determine if additional screening is required.

PUBLIC HEARING:

Jeff Jardene, 1315 Lawndale Street, stated the only reason he is here tonight is because he is against the extended hours. He has concerns that the business will draw more people into the neighborhood late at night and increase safety concerns.

CLOSING STATEMENTS:

Mr. Nagel stated the nature of his business is that the customers walk in and leave there is no hanging around and loitering. It is just like any other type of convenience store.

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated that entire street is open passed 11:00 pm. This area has encroached on the neighborhoods for years.
- Commissioner Cope stated he would agree.

MOTION:

Commissioner Schouten made a motion to approve the request as presented with staff recommendations. Commissioner Cope seconded the motion. Commissioners Mikesell, Schouten, Bohrn and Cope voted in favor of the motion. Commissioners Derricott & Jacobson voted against the motion.

MOTION PASSED 4-2

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 hours of operation being 7:00 am to 11:00 pm
 3. Subject to the applicant constructing a 6' sight obscuring screening fence, wall or landscaped area along the east property line to be approved by staff and completed by May 31, 2011
4. Request for the Commission's recommendation for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 for property located at 131 Caswell Avenue West. c/o Todd Ostrom on behalf of H30, LLC (app. 2409) **WITHDRAWN-rescheduled for January 11, 2011 Planning & Zoning Commission public hearing**
 5. Request for a Special Use Permit to operate an automobile sales business for property located at 266 Blue Lakes Boulevard North. c/o Scott Record on behalf of Cosmo Auto Sales, Inc. Scott Record (app. 2410)

APPLICANT PRESENTATION:

Scott Record, the applicant stated he doesn't intend to have any cars for resale on site. The state requires that there be 6 parking spaces available on-site and this request is to meet requirements for the dealership license. He stated there will not be any mechanical work being done and there is a limit as to how many cars you can sell in a year if you are not a dealer, which is the reason he is making this request. He purchases the vehicles wholesale and sells them online. There will not be any regular hours of operation, no employees, and no traffic. The property next to this location is a rental car business and this request seems compatible with the surrounding uses.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the over head and stated this property is located in the C-1, commercial highway district. The applicant would like to operate an automobile dealership from this property in addition to his other retail/service business. A Special Use Permit is required for automobile sales in this zone.

The property has had a number of office and retail uses since being converted from a residence during the mid-1990. In March of 2010, Mr. Record received a Certificate of Occupancy for his business; Flood Rescue, to operate from the site. The Building Permit /Certificate of Occupancy was approved for the main floor of the building to be occupied only. If this request is approved this evening the applicant is not anticipating the need to hire any additional employees nor does he expect any noticeable increase in traffic.

As a use is being added to the property off-street parking requirements are reviewed. There are currently twelve (12) parking spaces on the site. The building is approved for use on the main floor which is approximately 1200 sq. ft. Retail parking standards of one (1) space required per every 250 sq. ft. of total floor area equals a minimum of five (5) parking spaces required. There appears to be adequate parking on site to accommodate the required parking and to provide for additional vehicle display spaces. The parking area is paved and striped. Landscaping on the site is in compliance with minimum requirements for the zone. There are surrounding commercial uses and the property is adjacent to a high traffic arterial roadway and so there should be negligible affects on the area. The request is in compliance with the Comprehensive Plan which designates the appropriate use as commercial/retail.

Zoning & Development Manager Carraway stated upon conclusion if the Commission approves 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. Subject to no parts or miscellaneous auto-related equipment to be stored on property.
3. Subject to the Special Use Permit being permitted for use on the main level of building only.
4. Subject to a Designated Display Area equal to 5 vehicles shall be provided with a "visual boundary" and assurance of compliance with all other DMV Dealership requirements. A copy of the approved Dealership License to be provided prior to operation.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:

Commissioner Jacobson made a motion to approve the request as presented. Commissioner Derricott 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 no parts or miscellaneous auto-related equipment to be stored on property.
 3. Subject to the Special Use Permit being permitted for use on the main level of building only.
 4. Subject to a Designated Display Area equal to 5 vehicles shall be provided with a "visual boundary" and assurance of compliance with all other DMV Dealership requirements. A copy of the approved Dealership License to be provided prior to operation.
6. Request for a Special Use Permit to establish a retail business with a drive-through window operating outside the permitted hours of operation of 7 a.m. to 10 p.m. for property located at 1105 Kimberly Road. c/o Shane Black (app. 2411)

APPLICANT PRESENTATION:

Shane Black, the applicant stated he is here to request a special use permit to operate a coffee shop with a drive through during the hours of 6:00am and 10:00pm. He has reviewed the staff recommendations and requested that the condition for fencing off the alley offer the option to allow him to pave the alley if the alley is going to be used.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this property is zoned C-1, the City's Commercial Highway designation. The property is located at the NE corner of Blue Lakes Boulevard and Kimberly Road. There is currently an existing commercial building on the site that is vacant. The applicant is proposing a coffee shop with indoor seating as well as a drive-through window with extended hours of operation. Any facility with a drive-through window requires a Special Use Permit. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M. also require a Special Use Permit in the C-1 zone. The facility is proposed to operate from 6:00 am to 6:00 pm.

City Code §10-7-13 states the vehicle stacking requirements for drive-through facilities are: **(A)** For a fast food restaurant the requirement is 9 stacking spaces or such number as approved by the Planning and Zoning Commission, but not less than six (6) spaces; **(B)** All others six (6) spaces. The submitted site plan shows the design for stacking will have the vehicles coming in from the south from Kimberly Road and exiting onto Blue Lakes Boulevard. The applicant indicates six (6) stacking spaces on the proposed site plan. Upon review

with Troy Vitek, Assistant City Engineer, it was determined that access off Kimberly Road should be ingress only and the access on Blue Lakes Boulevard should be egress only. The property should be signed accordingly to direct the patrons to enter and exit as safely as possible.

A Certificate of Occupancy for a change of use to operate a service based business was issued in 2003. The proposed coffee shop is classified as a retail business and therefore is considered a change of use. The applicant will be required to provide landscaping as part of this process. The applicant's submitted site plan indicates landscaping on the north property line and some landscape pots along both Kimberly Road and Blue Lakes Boulevard. There is also landscaping indicated in the southeast corner of the property near the alley. City Code §10-4-8.3(F) states that commercial uses shall provide landscaping equal to 10% of the total required parking area or 3% of the total land area, whichever is greater and as per §10-7-12; Gateway Arterial Landscaping; as both Kimberly Road and Blue Lakes Boulevard are major arterials there shall also be a minimum 10' landscape strip from behind the sidewalk or future sidewalk. Due to the existing development of the lot and limited space available, an alternative landscaping plan should be considered.

City Code §10-10-3 indicates the parking requirement of eating places as one space per four (4) seats or eight feet (8') of bench. The parking requirement will be reviewed at the time of the building permit application. City Code §10-11-4 states that all parking and maneuvering areas must be hard surfaced. The area shown on the site plan for the drive-through vehicles appears to be unpaved at this time. There is also access to the property being shown from the alley along the eastern boundary. The applicant has indicated to staff that the alley would not be used for vehicle access to the property; therefore, hard surfacing of the alley is not required at this time. The Commission may wish to place a condition on the proposed Special Use Permit that the alley be fenced or blocked so vehicles may not access the property from the undeveloped alley. She explained that the applicants request to be able to pave the alley be allowed as an option to blocking the access would not be an issue if the Special Use Permit is approved as presented. If the applicant later decides to utilize the alley then paving will be required at that time.

The applicant indicates in his narrative that the existing asphalt is broken up and has pot holes. He anticipates with a small amount of patching and filling the area could be an acceptable driving surface for a short time. The applicant is requesting some time to complete the required improvements - the landscaping as well as the resurfacing of the asphalt until the weather permits in the spring. The Commission may wish to place a time when these improvements should be completed.

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 an Alternative Landscaping Plan being approved by staff. The plan to be completed by June 1, 2011.
2. Subject to the parking and maneuvering areas being hard surfaced -completed by June 1, 2011.
3. Subject to the alley being fenced or blocked so there is no vehicle access to the property.
4. Subject to the access off Kimberly Road being ingress only and the access on Blue Lakes Boulevard being egress only. The accesses must be signed as such.
5. Subject to hours of operation being 6:00 am to 10:00 pm.
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:

- Mark Kishner stated that he operates the AAMCO located next to this property and he can see how the drive through lane could cause a traffic issue along Kimberly Road an alley access might be something to consider for the business.

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 an Alternative Landscaping Plan being approved by staff. The plan to be completed by June 1, 2011.
 2. Subject to the parking and maneuvering areas being hard surfaced -completed by June 1, 2011.
 3. Subject to the alley being fenced or blocked so there is no vehicle access to the property.
 4. Subject to the access off Kimberly Road being ingress only and the access on Blue Lakes Boulevard being egress only. The accesses must be signed as such.
 5. Subject to hours of operation being 6:00 am to 10:00 pm.
 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.
7. Request for a Special Use Permit to construct a detached accessory building larger than 1000 sq. ft. for property located at 3254 Woodridge Drive. c/o James Hutchings (app. 2412)

APPLICANT PRESENTATION:

Ryan Eborn, representing the applicant, stated the request is for a 30 x 36 detached garage and the building is approximately 80 square feet over the allowed size. He asked that the request be approved.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the property is zoned R-1-VAR; residential single household district in the City's Area Of Impact (AOI). The applicant would like to construct a 1080 sq ft detached accessory building to be used as a garage for the storage of recreational vehicles. In the R-1-VAR zone a special use permit (sup) is required for a detached accessory building larger than 1,000 sq ft in size.

The property is developed with a single family residence. The applicant indicates that they want to have a detached accessory building that is 30' x 36' or 1080 sq ft. The applicant indicates that the proposed building would be for the storage of recreational vehicles. The building will be sided to match the existing siding on the house, along with rock work on the front of the building. It will have two overhead doors and one standard door. It will also have two windows. Site improvements such as curb, gutter and sidewalk are required upon development in the R-1 VAR zone. At this time the surrounding properties do not have curb, gutter or sidewalk. When reviewing the application with Troy Vitek, Assistant City Engineer, a deferral for curb, gutter and sidewalk will be acceptable and will need to be obtained.

If this request is approved, development of the detached accessory building will trigger the requirement for hard surfacing of the driveway to the accessory building. The driveway to the existing garage is concrete. The remaining area from the proposed detached accessory building to the existing driveway will be reviewed to assure compliance with code.

The property is in a residential area and surrounding properties are residential. The structure and site improvements will be reviewed as part of the building permit review process to ensure compliance with zoning building and engineering development standards.

The request is in conformance with the Comprehensive Plan and should have minimal impacts to the surrounding neighbors if developed as presented.

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 building being used for non-commercial purposes only.
2. Any lighting be downward facing and screened to mitigate possible impact to adjoining properties.
3. Subject to a Deferral Agreement for curb, gutter and sidewalk being approved and recorded prior to a building permit being issued.
4. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:

Commissioner Jacobson made a motion to approve the request as presented. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED, WITH THE FOLLOWING CONDITIONS

1. Subject to building being used for non-commercial purposes only.
 2. Any lighting be downward facing and screened to mitigate possible impact to adjoining properties.
 3. Subject to a Deferral Agreement for curb, gutter and sidewalk being approved and recorded prior to a building permit being issued.
 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. Request for a Comprehensive Plan Amendment which would amend Twin Falls Comprehensive Plan - Twin Falls Vision 2030; Chapter 11; Development Impact Fee and Capital Improvement Plans regarding amending the Street Impact Fee Capital Improvement Plan. c/o City of Twin Falls (app. 2413) **WITHDRAWN-rescheduled for January 11, 2011 Planning & Zoning Commission public hearing**

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

- Zoning & Development Manager Carraway stated there will be four (4) items on the December 28, 2010 Planning & Zoning Agenda. She also reviewed the final decisions made by City Council on items that had been previously heard by the Commission.
- The residential business zone was approved with the 4/12 roof pitch recommendation made by the Planning & Zoning Commission.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **December 28, 2010**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 7:08 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department



MINUTES

Twin Falls City Planning & Zoning Commission
December 28, 2010-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricott V. Lane Jacobson Bonnie Lezamiz Gerardo Munoz Jim Schouten
Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

CITY COUNCIL LIAISON

Lee Heider

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Bohrn
Cope
Derricott
Lezamiz
Munoz
Schouten

ABSENT:

Jacobson

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Mikesell

ABSENT:

CITY COUNCIL MEMBERS PRESENT: NONE

CITY STAFF PRESENT: Carraway, Green, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION: **NONE**

IV. PUBLIC HEARINGS:

1. Request for a Variance to allow individual water and sewer facilities on property located at 647 Pole Line Road in the City's Area of Impact c/o Katherine B. Breckenridge (app. 2415)
2. Request for a Variance to allow a one-hundred square foot (100 sq. ft.)- twenty-five foot (25') tall free-standing sign that will include a fifty square foot (50 sq. ft.) message center sign fronting onto Pole Line Road on property located at 1631 Grandview Drive North in the City's Area of Impact c/o Mike Smit on behalf of Twin Falls Reformed Church (app. 2416)
3. Requests a Special Use Permit to operate an automobile dealership on property located at 1139 Falls Avenue East c/o George F Hilarides on behalf of Freedom Auto Finders (app. 2417)
4. Request for the Commission's recommendation on a Zoning Title Amendment which would amend Twin Falls City Code 10-4-8.2, 10-4-9.2, 10-4-10.2, and 10-4-12.2 by requiring a special use permit for utility owned buildings and structures over twenty-five (25) square feet in area or three feet (3') above ground c/o City of Twin Falls (app. 2414)

Planning & Zoning Commission Minutes

December 28, 2010

I. CALL MEETING TO ORDER:

Chairman Bohrn 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:

- a. Approval of Minutes from the following meeting(s): **DECEMBER 14, 2010**
- b. Approval of Findings of Fact and Conclusions of Law:
 - * The Smoke N Head, Inc (SUP 12-14-10) * Cosmo Auto Sales (SUP 12-14-10)
 - * Shane Black (SUP 12-14-10) * James Hutchings (SUP 12-14-10)

MOTION:

Commissioner Cope made a motion to approve the consideration items as presented. Commissioner Schouten seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION: **NONE**

IV. PUBLIC HEARINGS:

1. Request for a Variance to allow individual water and sewer facilities on property located at 647 Pole Line Road in the City's Area of Impact c/o Katherine B. Breckenridge (app. 2415)

APPLICANT PRESENTATION:

Katie Breckenridge, the applicant, stated she is here to request the help of the Commissioners with the development of a piece of land that she owns along the canyon rim. Her grandfather in 1906 and was sent here to determine whether or not there was a potential for building a mill in this area for the Colorado Milling & Elevator Company. The silos from the mill are still present today. In 1908 her grandfather purchased the land from I.B. Perrine. The farm grew over the years until things began to change. Blue Lakes needed to be widened for the first time so the land was given to the City, next Pole Line Road needed to be widened the land was given to the City, her mother was very involved in the founding of the College of Southern Idaho and land was gifted for the purpose of expanding the college. All of the land between North College Road bound by Blue Lakes Boulevard on the east and the Lazy J Mobile Home park along the west side to the Canyon Rim was donated. She stated they have given and given and now she is here to request help in completing a project she wants to develop.

She would like to develop a subdivision that would consist of 7 lots with single family houses without annexation and without hooking into city services. She stated her family has fought hard to preserve what is left of the family farm. She reviewed photos and exhibits on the overhead. There are several conflicts with this request and the code. The zoning changed from R-1-4300 to R-1 VAR in 2004 and they were not notified. The comprehensive plan designates this area to be commercial and the zoning map designates this area as residential. They would like to protect the land, they disagree with the staff report but they do appreciate the staff. Codes can change and they are asking that the Commission approve the subdivision of their land into 7 lots without having to connect to City services. This is for the first time a request for the City to give something back to the Breckenridge Family.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated in February of 2009, the TBS Conveyance Subdivision was approved and recorded. The plat divided the land into two lots parcel 1 and parcel 2, the northern 13 (+/-) acres parcel 2 in this subdivision

Planning & Zoning Commission Minutes

December 28, 2010

is the subject of this request. The southern lot 9.5 (+/-) acres is to continue to be used as agricultural land. The applicants Katie Breckenridge and Rob Struthers are requesting a variance to the City of Twin Falls Code specifically Title 10; Zoning & Subdivision Regulations. City Code defines a Variance is a modification of the requirements of this Title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings or other Title provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots and public ways.

The property is located along the Snake River Canyon Rim and is zoned R-1 VAR, residential single household district and is located within the City's Area of Impact. The property is used for agricultural purposes and includes a single family residence. The request is for a variance to the City Code regulations that require centralized water and sewer facilities when development occurs. The existing single family home on the property is a permitted use, the farming use is considered a legal non-conforming use as the R-1 VAR zone would not permit a new farming operation be established today however, the code recognizes that the farm has been in operation previous to the zoning of the property.

If this request is approved the applicant would continue the process to subdivide the platted lot also known as parcel 2, into a single family development consisting of 7 single family resident lots. From one (1) to three (3) acres in size. The applicant does not wish to annex the property and wants the subdivision designed for individual homes to be developed with individual wells and septic facilities to keep the rural feel.

City code §10-4-3.1 states that "centralized water and sewer facilities are required" for development within the R-1 VAR zone; City code §7-8-3(e) states that: "the developer of a new subdivision shall, at his expense, construct the necessary extensions of the public water system to provide a public water supply for each lot in his subdivision, providing the boundary line of the subdivision is within one-half (1/2) mile of a public water line. (ord. 1758, 3-15-1976; amd. 1980)" As the property is zoned R-1 VAR and within ½ mile of multiple public water lines then provision and connection to public water and sewer lines is required for development and a septic and well system would not be permitted unless a variance is granted for these code requirements.

City code section 10-13-2.1(c) 4 sets forth five (5) criteria for a variance to be granted - all (5) criteria must be met in order to approve a variance. The five (5) criteria are as follows:

- 1) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - The applicant states "that this land is peculiar as it is one of the last portions of the original Breckenridge Farm and that she did not intend for this property to be annexed into the City". The applicant also discusses that this property is adjacent to the canyon rim and that the proposed development would be low impact to preserve the canyon rim in accordance with the City's Comprehensive Plan."
 - Staff's review of this condition determined that there is not a special condition or circumstance specific to this property that is not applicable to other land located within the R-1 VAR district. It is required for property to annex into the city limits and extend city water and sewer lines to develop property within the R-1 VAR zone. If property is in the R-1 VAR zone and city services are not adjacent to the property the applicant is required to extend the services or wait until services have been extended nearer to develop. The city does not permit "Out-of-City" service agreements as of 2006 and has not permitted individual septic and well systems for residential development within the areas of R-1 VAR zoning in the Area of Impact. The subject property is directly adjacent to city limits and city services and there are not any conditions that would preclude the property from developing according to code.
- 2) That a literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title.

Planning & Zoning Commission Minutes

December 28, 2010

- The applicant indicates “ that their request for a waiver from hooking up to city sewer from the Department of Environmental Quality was verbally denied and they believe that the reasons were not in line with Idaho State Statutes”
 - Staff’s review of this condition is that the applicant in not being denied any rights commonly enjoyed by other properties in the same zoning district. The applicant could develop a single family subdivision if they followed the procedures and requirements that other properties in the R-1 VAR zone have gone through. With regards to the waiver request submitted to the department of environmental quality, city staff is not involved with that determination.
- 3) That special conditions and circumstances do not result from the actions of the applicant.
- The applicant states “that the property was rezoned without their knowledge or request and that this would be a one-time variance applying only to this property”
 - Staff review of this condition determined that in 2004 all code requirements were met for the process to amend the Area of Impact agreement and amend the City Code to rezone the R-1-4300 zoning district designation to R-1 VAR. Even if this property had a zoning designation that allowed for septic and well facilities to be considered code section 7-8-3(E) requires if property is within a ½ mile of city water services that the development should connect to the city system regardless of the zoning of the property. The request of the applicant to use individual septic and sewer systems area not due to special conditions and circumstances of the subject property or due to an inability to develop the property according to code but due to the applicant’s desire to implement a development with a rural feel.
- 4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district.
- The applicant states that this is a “one time consideration of a specific and unique piece of property”
 - Staff review concedes that granting this request would provide this property special privilege that has not been allowed to other properties in the same zoning district. Other areas of R-1 VAR development have either had to annex and provide extensions and connections of city services or postpone development until they can meet code requirements.
- 5) That a literal enforcement of the provisions of this title would result in unnecessary hardship for purposes of this section, where a reasonable conforming use is, or can be, located on a lot or parcel, there is no unnecessary hardship.
- The applicant states “that they do not feel annexation and connection to city services is necessary because of costs that would be involved in connecting to city services for six (6) lots.
 - Staff review concludes it does not find that literal enforcement would create an unnecessary hardship as the applicant could develop a six (6) lot single family subdivision on the property.

Zoning & Development Manager Carraway stated upon conclusion staff does not find that all five (5) required criteria are met in this request. However, if the Commission determines that all five (5) required criteria are met in this request the decision shall be subject to 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.

Planning & Zoning Commission Minutes

December 28, 2010

PUBLIC HEARING: OPENED

- Dana Ross, 1846 Harrison Street North, Stated she lives in the senior community apartments at Glenn Eagle and is here to support the request. She is begging that this be approved because a residential development would help keep down the noise verses having this develop into something commercial. It still feels rural in this area and has been peaceful and feels safe.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

Katie stated that the presentation from staff is an opinion presented to the Commission. Codes can change and do change and she does not agree with the staffs opinion. She knows there are ways to work around code because the codes have changed regarding this property over and over and so she requests that this variance be granted.

DISCUSSION FOLLOWED:

Commissioner Munoz stated that this type of development would be nice for this area.

Unfortunately the request doesn't meet all 5 of the conditions for the Commission to approve the variance.

Commissioner Mikesell stated he likes the concept but the Commission is still not able to approve this request.

Commissioner Lezamiz stated she agrees, the development would be appropriate for this area but the conditions are not able to be met as the code stands.

MOTION:

Commissioner Lezamiz made a motion to approve the request as presented. Commissioner DeVore seconded the motion. All members present voted against the motion.

MOTION FAILED 8-0

2. Request for a Variance to allow a one-hundred square foot (100 sq. ft.)- twenty-five foot (25') tall free-standing sign that will include a fifty square foot (50 sq. ft.) message center sign fronting onto Pole Line Road on property located at 1631 Grandview Drive North in the City's Area of Impact c/o Mike Smit on behalf of Twin Falls Reformed Church (app. 2416)

APPLICANT PRESENTATION:

Mike Smit, representing the applicant, stated they are requesting a variance to the current sign code to allow the church to erect a free standing sign on their frontage that borders Pole Line Road of up to 25ft in height and with a total size of 100 sq. ft. of which 50 sq. ft would be a message center sign. The reason for the request is that the facility is surrounded by C-1 developments and they would like to communicate events and programs facilitated at the church. They ask for this variance to include a message center sign large enough to be read by vehicles driving at a speed of up to 45 miles per hour and a sign tall enough to be seen over high profile vehicles when stopped on Pole Line Road. There should not be any negative effects if approved. The surrounding property owners are in support of this request. They believe this request meets the five (5) conditions for approval of a variance. The special conditions are that

Planning & Zoning Commission Minutes

December 28, 2010

the church is located along high volume roads on all three sides, there is very little residential zoning in this location but as an R-2 they don't have the same opportunity of their neighbors. They feel literal interpretation of the code would limit their rights that the surrounding properties currently are allowed. There are other residentially zoned properties for example the Twin Falls High School on Filer Avenue and the Nazarene Church that all have signs larger than are larger than the code allows. The church was built approximately 20 years ago, none of the surrounding properties were zoned commercial when the church was built and by allowing Twin Falls Reform Church to have this sign it will not create any special circumstances. Granting the variance will not afford any special privilege to the church. Denial of this request would present a hardship for a couple of reasons: 1) There is a higher standard for landscaping required making a smaller sign harder to see, 2) as traffic multiplies and backs up at the Pole Line road and Grandview Drive intersection it will be more difficult to have a smaller sign seen. There is not another legally conforming sign that would meet the needs of this property.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the Twin Falls Reformed Church is requesting a variance to the City Of Twin Falls' Sign Code Regulations. The church is located at the southwest corner of Pole Line Road West and Grandview Drive North and is zoned R-2 in the City's Area of Impact.

In December of 2008, after 2 years of review from a citizen committee & several public hearing processes with the planning and zoning commission and the city council, an amendment to the sign code regulations was adopted.

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

- a) A lot is allowed a maximum of (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.

The current sign code regulations limits the height of a free-standing sign to (8') and limits the size to a maximum (60 sq. ft.) sign for uses such as a church located in a residential district.

Twin Falls Reformed Church is a non-residential use on a residentially-zoned property. The applicant is requesting a variance to allow a 20'8" tall double sided 100 sq ft free-standing sign to be located on the corner of Pole Line Road and Grandview Drive North. They are also requesting that a message center be included as part of the 100 square feet of signage.

City Code Section 10-13-2.1(C) 4 sets forth five (5) specific criteria for a variance to be granted all (5) criteria must be met in order to approve a variance. The applicant provided a narrative that addresses the five (5) criteria and is included with your staff report packets as well as staff's

Planning & Zoning Commission Minutes

December 28, 2010

analysis the Commission's role is to determine if the applicant meets all (5) criteria and the intent of the code. The five (5) criteria are as follows:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - 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 (20' 8") tall double sided 100 sq ft sign instead of a sign that meets code.
2. That a literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title.
 - 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. While literal interpretation of the code limits the height allowed for new sign requests it allows for additional signage that was not available to previous sign requests prior to the code change. The previous sign code allowed a maximum of 32 sq ft & required approval by the Commission while the current sign code outright allows a maximum signage area of 60 sq ft. The signs located at the Nazarene Church and the Twin Falls High School were installed before the current sign code. The Canyon Ridge High School sign was installed as per their PUD agreement.
3. That special conditions and circumstances do not result from the actions of the applicant.
 - Staff review of this condition indicates that the applicant has other options to obtain the size of free-standing sign they propose. The property is currently zoned R-2 and the other properties such as the hospital came through a rezone process which is an option also available to this applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district.
 - Staff review concludes other schools and churches were required to comply with the code that was in place at the time that the signs were proposed and were not granted allowances outside of the code requirements. Other non-residential uses in residential zones are required to comply with current sign regulations as of today's code. As an example recently Harrison Elementary School requested a variance for a proposed sign and was denied.

Planning & Zoning Commission Minutes

December 28, 2010

5. That a literal enforcement of the provisions of this title would result in unnecessary hardship for purposes of this section, where a reasonable conforming use is, or can be, located on a lot or parcel, there is no unnecessary hardship.
- Staff review concludes it does not find that literal enforcement would create an unnecessary hardship as a reasonable conforming use can be located on the property. The sign code regulations do allow for a free-standing sign for this property.

City Code 10-13-2.1 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 stated upon conclusion staff does not find that all five (5) required criteria are met in this request. However, 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 at height as determined by the Commission or a maximum of 20'8", as presented, and as approved by the Commission.
3. Subject to the freestanding sign being allowed at a size as determined by the Commission or a maximum size of 100 square feet, including the message center, as presented, and as approved by the Commission. .
4. Subject to the sign being compliant with all other regulations of City Code §10-9 sign code regulations and including City Code §10-9 -8(G), providing a minimum 24" wide base.

P&Z QUESTIONS/COMMENTS:

- Commissioner DeVore asked if the property were zoned C-1 would this be a hearing item and asked how the Canyon Ridge High School PUD allowed for a variance to the sign code.
- Zoning & Development Manager Carraway stated that if the property were zone C-1 this would not be a public hearing item. She also explained that Canyon Ridge High School was going through their process about the same time the sign code was being developed and under a Planned Unit Development there can be modifications to the code if the Commission & Council finds that it is appropriate for the project; their signs were thoroughly reviewed and approved through the PUD zoning process.
- Commissioner Munoz asked if a Planned Unit Development can come through after development.
- Zoning & Development Manager Carraway stated if there is other development that is desired a PUD can be proposed.

Planning & Zoning Commission Minutes

December 28, 2010

- Commissioner Bohrn asked if this property was zoned differently the sign code requirements for the new zoning would apply.
- Zoning & Development Manager Carraway stated that is correct. The designation for this property on the Comprehensive Plan Map is Urban Village/Urban Infill land use. This district is not part of the zoning code currently but a religious facility would be appropriate under this designation and with a PUD the signage could be reviewed that could meet the needs of the applicant and meet the zoning requirements.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

CLOSING STATEMENTS:

Mr. Smit stated he and the Community Development Director Humble had a lengthy discussion about this process and in which direction to proceed. Because of the Urban Village/Urban Infill designation in the fact that there would be some reluctance to change the Comprehensive Plan for a simple sign request. That is why they chose to take this process.

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated that this was completely missed and that the criteria has been met. There is going to be a sign everywhere and somewhere along the line we missed this zoning issue.
- Commissioner Bohrn says they don't meet the criteria.
- Commissioner Munoz stated it doesn't meet all 5 of the criteria the variance can't be approved.
- Commissioner DeVore stated the problem is meeting all 5 of the criteria.
- Commissioner Mikesell would recommend a rezone.

MOTION:

Commissioner Munoz made a motion to approve the request as presented. Commissioner Schouten seconded the motion. Commissioner DeVore and Schouten voted in favor of the motion and Commissioners Mikesell, Bohrn, Derricott, Munoz, Lezamiz, & Cope voted against the motion.

MOTION FAILED 6-2

3. Requests a Special Use Permit to operate an automobile dealership on property located at 1139 Falls Avenue East c/o George F Hilarides on behalf of Freedom Auto Finders (app. 2417)

APPLICANT PRESENTATION:

George Hilarides, the applicant, stated he is here to request a special use permit to provide retail service to car buyers. Freedom Auto Finders opened in the Fall of 2009. The service provides and alternative to buyers without having to visit a new or use car dealership. As insiders for buying and selling automobiles they thought this would be a great service to offer and the response has exceeded their expectations. They have already saved their customers money and time. Currently the business is licensed as a wholesaler however after a review of their service it was requested by the state that the business also become licensed as a retailer. As part of that licensing process the state requires a minimum of 5

Planning & Zoning Commission Minutes

December 28, 2010

designated vehicle display spaces. The business does not wish to have cars for sale, inventory cars or be a car lot however to meet the requirement they have gained a cross use agreement from the Locust Grove Development designate 5 spaces for their business to operate as a licensed dealer. There will not be any indications of a car dealership at this location, their only desire is to offer an alternative to people in search of a vehicle. Normal hours of operation are 9-5 Monday thru Friday and would be required by state to post a 1'x 1' sign designating the 5 spaces. Approval of this permit should not have a negative impact on the surrounding properties and they request that it be approved.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the over head and stated the request is to operate an automobile and pick-up sales business at 1139 Falls Avenue East. This property is located in the C-1; commercial highway district. A special use permit is required for automobile sales in this zone. The applicant has indicated that the majority of sales would not involve more than (1) to (2) vehicles being on the site for more than (2) to (3) days at any one time. State law requires licensed dealer's to have a minimum of five (5) dedicated spaces that are reserved strictly for display of vehicles for sale. Freedom Auto Finders leases a suite to operate the sales office and has an agreement with the property owner to designate five (5) dedicated spaces exclusive for freedom Auto Finders for the display of vehicles for sale. The five (5) dedicated spaces are located in front of the building along Falls Avenue East. The entire parking area is paved and striped. Upon review of the "Falls Avenue Professional Center" and as per City Code 10-10-3 a minimum of 80 parking spaces are required. There are currently 81 spaces provided on site. The designation of five (5) spaces to be used for "display vehicles only" puts the number of legal parking spaces on site at 76 (81-5). As 76 does not comply with the minimum required parking spaces onsite the "Falls Avenue Professional Center" property owner has provided a cross-use agreement for the additional parking spaces from the adjacent Locust Grove Complex. There are surrounding commercial uses and the property is adjacent to a high traffic arterial roadway and so there should be negligible effect on the area. The request is in compliance with the Comprehensive Plan which designates this area as appropriate for commercial/retail uses.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the 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. Limited to a maximum of five (5) vehicles displayed on the property at any one time.
3. Special Use Permit limited to this business operating as approved.
4. A designated display area, as shown on the site plan, equal to 5 vehicles shall be provided with a "visual boundary" and assurance of compliance with all other Department of Motor Vehicle dealership requirements. A copy of the approved dealership license to be provided prior to operation.

P&Z QUESTIONS/COMMENTS:

- Commissioner Mikesell asked how they going to manage the spaces.
- Zoning & Development Manager Carraway stated the staff would be willing to work with the applicant in designating the spaces to prevent public use of the spaces.
- Commissioner Munoz verified that this SUP is only for this business as presented.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:

Commissioner Schouten made a motion to approve the request as presented. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

APPROVED AS PRESENTED WITH STAFF RECOMMENDATIONS

4. Request for the Commission's recommendation on a Zoning Title Amendment which would amend Twin Falls City Code 10-4-8.2, 10-4-9.2, 10-4-10.2, and 10-4-12.2 by requiring a special use permit for utility owned buildings and structures over twenty-five (25) square feet in area or three feet (3') above ground c/o City of Twin Falls (app. 2414)

APPLICANT PRESENTATION:

Zoning & Development Manager Carraway reviewed the request and stated on July 6, 1981 the City Council approved Ordinance 2021 which replaced Title 10 of the Twin Falls City Code in its entirety. She stated this is a request to amend Twin Falls City Code Title 10; Chapter 4; Sections 8.2, 9.2, 10.2, 12.2. The request, if approved, would delete utility owned buildings and structures that are more than (25 sq ft) in area or more than (3') above ground out of the "allowed uses" section of the code and allow them through the special use process.

A special use is a use that is otherwise prohibited by the terms of this title in a given zone, but which may be allowed or allowed subject to conditions under specific provisions of this title and when determined to not be in compliance with the Comprehensive Plan. A special use permit requires a public hearing and allows the surrounding neighbors an opportunity to voice their concerns and ask questions.

Title 10; Chapter 4; Sections 8.2, 9.2, 10.2, 12.2 of the City Code identifies the land use regulations allowed in the C-1, commercial highway district; M-1, light manufacturing district; M-2, heavy manufacturing district; and AP, airport district. There is presently an allowance in these code sections that outright allows utility owned buildings and structures that are more than (25 sq ft) in area or more than (3') above ground.

Community Development staff was recently approached by the possibility of a large utility owned facility being constructed in an area that although was permitted due to recent development and/or changes to the area may not be appropriate any longer. Staff believes this could cause potential problems in the future. By allowing this use through the special use process it will allow a review by staff and the Commission to determine if the desired location is appropriate.

This is the first step of the Zoning Title Amendment approval procedure. Upon conclusion of the public hearing the Commission makes a recommendation to the City Council on whether or not to approve the request as presented, deny the request, or approve the request with conditions and/or modifications. If the Commission recommends approval they shall assure

Planning & Zoning Commission Minutes

December 28, 2010

the request is compatible with the Comprehensive Plan. The City Council shall then hold an additional public hearing where they may approve the application as recommended by the Commission, deny the application, or remand the application back to the Commission for further proceedings. If approved, an ordinance is prepared and at a later public meeting is adopted by the City Council. Once the ordinance is published the City Code is officially amended.

Zoning & Development Manager Carraway stated upon conclusion staff recommends that the commission recommend approval of the attached ordinance as presented to the city council.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:

Commissioner Lezamiz made a motion to approve the request as presented. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL, AS PRESENTED, TO THE CITY COUNCIL

CITY COUNCIL HEARING SCHEDULED FOR JANUARY 24, 2011

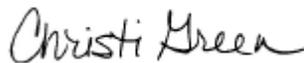
V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for [January 11, 2011](#)

VII. ADJOURN MEETING:

Commissioner Bohrn adjourned the meeting at 7:20 P.M.



Christi Green
Administrative Assistant
Recording Secretary



Lisa A Strickland
Administrative Assistant
Transcribing Secretary