



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
October 22, 2013 6:00PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Munoz Chuck Sharp Jolinda Tatum
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods
Vice-Chairman

CITY COUNCIL LIAISON(S)

Suzanne Hawkins Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

<u>Present</u>	<u>Absent</u>
Boyd	Derricott
Frank	
Grey	
Munoz	
Sharp	
Tatum	

AREA OF IMPACT MEMBERS

<u>Present</u>	<u>Absent</u>
DeVore	
Woods	

CITY COUNCIL LIAISON(S): Hawkins, Mills Sojka

CITY STAFF: Carraway, Spendlove, Strickland, Vitek, Wonderlich

I. CALL MEETING TO ORDER:

Chairman Frank 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 4, 2013 WS](#)
[October 3, 2013 WS](#)
[October 8, 2013 Public Hearing](#)
2. Approval of Findings of Fact and Conclusions of Law:
 - Dunthorn Subdivision (pre-plat 10-08-13) • Artem Petroysan (Denied SUP 09-10-13)

Motion:

Commissioner DeVore made a motion to approve the consent calendar, as presented. Commissioner Woods seconded the motion.

Unanimously Approved

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate a drive-through window in conjunction with a restaurant on property located at 163 Pole Line Road (east of Walgreen's) c/o Culvers of Twin Falls, c/o Eugene Smith & Jay Campbell (app.2603)

Applicant Presentation:

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Jay Campbell, Campbell Construction representing the applicant, stated he will be in charge of the construction and development of the building. The store will be run by individuals and have approximately 500 stores. This will be the first in Idaho it will be open from 10:00 to 10:00 pm they don't serve breakfast but will be serving lunch and dinner. The food is prepared at the time it is ordered. The request is for a drive through for the business, there is a stacking lane for cars to wait for the order. General turn around for the drive through is approximately 4 minutes. The volume should be 35% through the drive through and 65% will be parking to come in to eat. They will be involved in the Community and have approximately 50 people.

Staff Analysis:

Planner I Spendlove reviewed the request and the exhibits on the overhead along with the history of the property. He stated the Northbridge PUD was approved in February of 1993. This PUD included 23 +/- acres of undeveloped land located at the NE corner of Washington St N and Pole Line Road. Various projects have been proposed for this PUD over the years. In 2009, Walgreens went through an amendment to the Northbridge PUD in that changed the zoning at the NE corner from R-4 PRO to C-1. The Magic Valley Marketplace Subdivision-A PUD, consisting of 3 commercial lots, was recorded 01-08-2010. Walgreens developed on the NE corner lot and the Culvers proposal consists of the remaining two lots. All three lots are included in the Northbridge PUD.

The applicant has supplied a business plan and a narrative detailing the proposed development and the nature of the business that will take place on the property. Culvers, based out of Wisconsin, will offer their trademarked Butter Burgers and Custard, as well as hand-battered cod and famous Wisconsin cheese curds. The proposed drive-thru window will be located on the East side of the building, not directly facing the closest residential areas. Within the applicant's business plan they indicate anticipating a staff of 55-60 total employees to operate the restaurant with operating hours listed as 10:00 am – 10:00 pm. If they eventually wish to operate outside the hours of 7:00 am to 10:00 pm a special use permit is required.

Per City Code 10-4-8.2: any facility with a drive-through service requires a Special Use Permit in order to be legally established in the Commercial Highway District (C-1). The C-1 Zone is intended to provide for commercial activities of various sizes from large malls to small shops, fast food restaurants and tourist accommodations. This district is designed for application on major streets or portions thereof. A fast food restaurant at the intersection of Pole Line Road and Washington Street North would follow the purpose and intent of the C-1 Zoning district.

Per City Code 10-4-8.3, 10-7-6, 10-7-12 and 10-11-1 thru 8: All property developments and improvements, including but not limited to building heights, yard setbacks, road centerline setbacks, regular landscaping, gateway arterial landscaping, and screening will be reviewed during the building permit process and will be required to meet minimum City Code standards and the Northbridge PUD.

Per City Code 10-10: Off street parking is required for this business at a rate of one (1) parking space per four (4) seats. This requirement will be reviewed during the building permit process; the minimum required parking spaces will be required to be installed at that time.

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The neighboring uses in the general area are commercial/retail in nature, or they are zoned to be such in the future. There is currently a convenience store/pharmacy immediately to the west, a one hundred (100) plus bed hotel currently under construction to the north, and undeveloped commercially zoned properties to the South and East.

A major concern with any fast-food/restaurant with a drive-thru is the noise from vehicles and the speaker box that could emanate towards residences. With the design submitted by the applicant showing the drive-thru lane and speaker box on the South/East side of the building, this places the possible noise instigators on the far side of the building, away from the closest residences located in the Los Lagos / Villa Del Rio subdivisions. Furthermore, the closest residences are more than three-hundred feet (300') from the property lines of the proposed development. The design of the building coupled with proposed hours of operation, have minimized the most common possible negative impacts that occur with drive-thru restaurants. The request appears to meet the minimum requirements & standards for the City and the Northbridge PUD and is in compliance with the Comprehensive Plan.

Planner I Spendlove stated upon conclusion should the Commission grant this request as presented staff recommends approval subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards and the Northbridge PUD.

Commissioner Questions/Comments:

- Commissioner Woods stated the biggest concern he has seen is that people tend to toss their trash out the windows.
- Mr. Campbell explained that the staff will police the parking area for trash and there will be trash receptacles available outside for trash.
- Commissioner Munoz asked for clarification as to how the stacked parking works for customers who have to wait for their meals.
- Mr. Campbell explained the cars will move forward in the stacking lane after the window for them to wait. If a customer doesn't need to wait they can exit to the east of the stacking lane.
- Commissioner Sharp asked about the entrance location to the site.
- Mr. Campbell explained the entrance the site is from Washington Street North and will not be from Pole Line Road.

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

Closing Statement:

Eugene Smith, the applicant stated he will be moving here with his wife. They will be hiring approximately 50 employees. Their priority is serving the customer, and they look forward to being part of the community.

Deliberations Followed: [Without Concerns](#)

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Motion:

Commissioner Boyd made a motion to approve the request, as presented to include the staff recommendation. Commissioner Devore seconded the motion. **All members present voted in favor of the motion.**

2. Request for the Commission's recommendation on the zoning designation for property being requested for annexation, consisting of 425 (+/-) acres, located approximately 10,900' along the boundary of the Snake River Canyon between Hankins Road North (3200 East) extended and the eastern boundary of Dierkes Lake, including the Evel Knievel Jump Site, Centennial Trail, Twin Falls City Gun Range, Shoshone Falls Park and Dierkes Lake, c/o City of Twin Falls. (app. 2605)

Staff Presentation/Analysis:

Planner I Spendlove, representing the applicant, reviewed the request and the exhibits on the overhead along with the history of the property. On August 14, 1909, Deed 886, State of Idaho to The State of Idaho, 149.3 (+/-) acres for schools was recorded. On December 30, 1932 Frederick and Martha Adams conveyed 71 (+/-) acres to the City of Twin Falls to be used as a public park. On February 2, 1933 House Bill #50 was approved to donate to the City of Twin Falls the 149.3 (+/-) acres to be kept and maintained as a park. On June 5, 1970 J. Anton and Lola Britt conveyed 35.72 (+/-) acres to the City of Twin Falls. On April 24, 1972 Fred and Marjuary Foss and Herbert Dierkes deeded 116.68 (+/-) acres to the City of Twin. On June 16, 1995 Carl and Ruth Stutzman and Ken and Jill Stutzman deeded 6.85 (+/-) acres to the City of Twin Falls in a land swap. On March 8, 2012 Renaissance Project Development, LLC deeded 6.65 (+/-) acres to the City of Twin Falls in a land swap.

This request is to annex 425 (+/-) acres with a zoning designation of Open Space (OS). Currently an undeveloped 50' access north of the dead end of Hankins Rd N, the Evel Knievel jump site and some areas of Centennial Trail are currently zoned SUI, consisting of 7 +/- acres, with the remainder of the City owned property zoned OS, all is located within the City's Area of Impact. The majority of the property is developed as public park, walking trail and city associated uses. Some of the land has not been developed.

The property is contiguous to City limits on the west boundary, which includes an undeveloped 50' access north of the dead end of Hankins Rd N, the Evel Knievel jump site and a portion of the Centennial Trail located east of the jump site, and thus is able to request annexation.

The proposed annexation consists of property owned by the City of Twin Falls and includes the Evel Knievel Jump Site, Centennial Trail, Twin Falls City Gun Range, Shoshone Falls Park and Dierkes Lake. The City of Twin Falls requests the annexation so we have governmental jurisdiction of city owned property. This pertains to emergency response, special events and property development. Per City Code 10-7-19 all uses on real property owned and/or operated by the city of Twin Falls are permitted uses.

Twin Falls City Code sections 10-15-1 and 10-15-2 require a hearing and recommendations from the Commission on planning and zoning designations for areas proposed to be annexed. Section 10-15-2(A) states: "The Commission hearing shall not consider comments on annexation and shall be

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limited to the proposed development plan and zoning changes.” The City Council shall then hold an additional public hearing to determine whether the designated area should be annexed and if so what the zoning designation shall be. If approved, an ordinance is prepared and at a later public meeting is adopted by the City Council. Once the ordinance is published the published ordinance is sent to the State and the official zoning map is officially amended. The property’s intended use has always been to be open space to be enjoyed by the public. The Comprehensive Plan designates this area as appropriate for Open Space.

Planner I Spendlove stated upon conclusion staff recommends the entire 425 (+/-) acres be zoned as OS; Open Space which is consistent with the existing uses and any proposed future use for this property. If the Commission finds the OS; Open Space zoning designation appropriate they should make a recommendation to the City Council as such.

Commissioner Questions/Comments:

- Commissioner Woods, asked for clarification of ownership.
- Planner I Spendlove stated the land is owned by the City of Twin Falls it is just not within City Limits.
- Commissioner Woods asked about fire, emergency and rescue calls as to who has jurisdiction for these issues.
- Planner I Spendlove explained that in the past there has been confusion with regards to jurisdiction because the property is in the area of impact but is City owned. This should help with these issues.
- Commissioner Woods asked for clarification for allowed uses with regards to private parks and crowd attracting facilities.
- City Attorney Wonderlich explained this property is all owned by the City there is no private property involved in this annexation. Section 10-7-19 that was referred to earlier explains that any City uses are permitted in any zone. This is all City property and is virtually all park land now.
- Commissioner Frank read definition for the OS; open space zone stating this District is intended to protect canyon areas and to provide open space for passive and active recreation.

Public Hearing: [Opened](#)

- Fran Florence, 4129 Hidden Lakes Drive, stated he thinks this is a wonderful plan and he hopes this will make it more consistent for management of the property. He was also wondering if there was a reason for the annexation to occur at this time.
- City Attorney Wonderlich explained that until the property deal was finalized with the Shoshone Height Subdivision all of this land was not contiguous to City Limits so it was not able to be annexed. What triggered this happened recently, it is related to the interest in the Evel Knievel jump site and the question came up as to why this property had not been annexed. There was not any answer to that question it should have been annexed previous to now. As for the fire district the Twin Falls Rural Fire District contracts with the City of Twin Falls, which is the Twin Falls Fire Department, so they are all the same people that show up for those fire calls.

Public Hearing: [Closed](#)

Deliberations Followed: [Without Concerns](#)

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Motion:

Commissioner Munoz made a motion to recommend the Open Space zone as an appropriate zoning designation for the 425 (+/-) acres being proposed for annexation to the City Council, as presented. Commissioner Grey seconded the motion. **All members present voted in favor of the motion.**

Recommended the 425 (+/-) acres proposed for annexation be designated as Open Space zone, as presented, to City Council

City Council Public Hearing Scheduled November 4, 2013

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

- Commissioner Woods stated he was surprised at the announcement for Clif Bars Project but asked for clarification as to whether or not this was in direct relationship to the approval of the bond for wastewater treatment facility.
- Assistant City Engineer Vitek explained that the subdivision where the Clif Bars company has chosen to build already had a will serve letter for services. The volume of wastewater associated with development had to be limited but was already accounted for prior to the need for a wastewater treatment facility.

VI. UPCOMING PUBLIC MEETINGS: (held at the City Council Chamber unless otherwise posted)

1. Work Session- **Wednesday, November 6, 2013**
2. Public Hearing- **Tuesday, November 12, 2013**

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 6:40pm.

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department