



NOTICE OF AGENDA
TWIN FALLS CITY PLANNING & ZONING COMMISSION
JULY 22, 2014 6:00 PM
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 Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods

City Council Liaison

Rebecca Mills Sojka

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 10, 2014**
2. Approval of Findings of Fact and Conclusions of Law:
 - Verizon Wireless (SUP 07-10-14) • Verizon Wireless (SUP 07-10-14) • Brown (SUP 07-10-14)

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

1. Request for the Commission's recommendation on an amendment to Twin Falls Vision 2030-A Comprehensive Plan to expand and clarify the depth of the commercial/retail corridor along the north side of a portion of Kimberly Road and to amend the water service boundary area to include that portion of Kimberly Road being proposed with this amendment for property within the City' Area of Impact c/o Bradford J. Wills (app. 2655)
2. Request for the Commissioner's recommendation on a Zoning Title Amendment to add a new Zoning District-Business Park District-to Title 10; Chapter 4; Section 24 and by adding a definition of Business Park District in Title 10; Chapter 2: Definitions c/o Bradford J Wills (app. 2656)
3. Request for the Commission's recommendation on the zoning designation for property being requested for annexation, consisting of 6(+/-) acres, located at the South East corner of Hankins Road and Kimberly Road (aka 3204 Kimberly Road) currently zoned C-1 c/o Buttars Family Limited Partnership, LLC (app. 2657) **WITHDRAWN**
4. Requests a Special Use Permit to allow a 24 Hour Convenience Store/Gas Station with a drive-thru window and an area designated for overnight parking of semi-truck and recreational vehicles on property located at 3204 Kimberly Road c/o Buttars Family Limited Partnership, LLC (app. 2658)

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

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

1. Work Session-**August 6, 2014**
2. Public Hearing-**August 12, 2014**

VII. ADJOURN MEETING:

Si desea esta información en español, llame Leila Sanchez al (208) 735-7287
Any person(s) needing special accommodations to participate in the above noticed meeting should contact Lisa A. Strickland at (208) 735-7267 at least two (2) working days before the meeting.

CITY OF TWIN FALLS
PLANNING & ZONING COMMISSION
Public Hearing Procedures for Zoning Requests

1. Prior to opening the public meeting, the Chairman shall review the public hearing procedures, confirm a quorum is present and introduce staff present.
2. Individuals wishing to testify or speak before the Commission shall wait to be recognized by the Chairman, approach the microphone/podium, state their name and address, then commence with their comments. Following their statements, they shall write their name and address on the Sign-In record sheet(s) located on a separate table near the entrance of the chambers. The administrative assistant shall make an audio recording of each public meeting.
3. **The Applicant, or the spokesperson for the Applicant, shall make a presentation** on the application/request. No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing – WHICH IS A MINIMUM OF 15 DAYS PRIOR TO PUBLIC HEARING. **The applicant's presentation should include the following:**
 - **A complete explanation and description of the request.**
 - **Why the request is being made.**
 - **Location of the Property.**
 - **Impacts on the surrounding properties and efforts to mitigate those impacts.**

The Applicant is limited to 15 minutes, unless a written request for additional time is received and granted by the Chairman prior to commencement of the public meeting.

4. Upon completion of the applicant's presentation City Staff will present a staff report which shall summarize the application/request, history of the property, if any, staff analysis of the request and any recommendations.
 - **The Commission may ask questions of staff or the applicant pertaining to the request at this time.**
5. The public will then be given the opportunity to provide public testimony/input/comments regarding the request.
 - **The Chairman may limit public testimony to no more than two (2) minutes per person.**
 - **Five (5) or more individuals, having received personal public notice of the application under consideration, may select a spokesperson by written petition. The spokesperson shall be limited to 15 minutes.**
 - **No written comments, including e-mail, received after 12:00 o'clock noon on the date of the hearing will be accepted for consideration by the hearing body. Written comments, including e-mail, received by 12:00 o'clock noon or before the date of the hearing shall be either read into the record or displayed on the overhead projector either during or upon the completion of public comment.**
 - **Following the Public Testimony, the applicant is permitted a maximum five (5) minutes rebuttal to respond to Public Testimony.**
6. Following the Public Testimony and Applicant's response, the Public Input portion of the public hearing shall be closed-**No further public testimony is permitted.** Commission Members, as recognized by the Chairman, shall be allowed to request clarification of any public testimony received of the Applicant, Staff or any person who has testified. The Chairman may again establish time limits.
7. The Chairman shall then close the Public Hearing. The Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. **Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed.** Legal or procedural questions may be directed to the City Attorney.

Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and thereafter removed from the room by order of the Chairman.



Public Hearing: **TUESDAY, July 22, 2014**

To: Planning & Zoning Commission

From: Rene'e Carraway, Community Development

AGENDA ITEM IV-1

Request: Request for the Commission's recommendation on an amendment to Twin Falls Vision 2030- A Comprehensive Plan to expand and clarify the depth of the commercial/retail corridor along the north side of a portion of Kimberly Road and to amend the water service boundary area to include that portion of Kimberly Road being proposed with this amendment for property within the City' Area of Impact c/o Bradford J. Wills (app. 2655)

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately ten (10) minutes.

Background:

Applicant:	Status: Petition Request	Size: (+/-) 66 Acres
Bradford J Wills 222 Shoshone St W Twin Falls, ID 83303 208-734-4411 Bradw@willsinc.com	Current Zoning: C-1; R-2; R-1 VAR within the Area of Impact	Requested Zoning: Amendment to the Comprehensive Plan - Future Land Use Map from Agriculture to Commercial/Retail
	Comprehensive Plan: approx. 660' commercial/retail along Kimberly Road to 3300 N Road w/land to the north all designated Agriculture	Lot Count: 5 Lots
	Existing Land Use: Designated as Commercial/Retail along Kimberly Road with Agricultural/Use. Currently the entire area is being farmed.	Proposed Land Use: expansion of the Commercial/Retail designation by approx. 660 ' to the north
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: R-2 & R-1 VAR in the Area of Impact; Agricultural	East: County; 3300 East Road/Agricultural
	South: R-2 & R-1 VAR in the Area of Impact; Agricultural	West: R-2 in the Area of Impact; Developed residential subdivision and C-1 in the Area of Impact; Twin Stop
	Applicable Regulations: 10-1-4, 10-1-5, 10-14-7, Twin Falls Comprehensive Plan – Future Land Use Map - 2.4, State Statute: Title 67-6509	

Approval Process:

An amendment to the Comprehensive Plan is required to follow *State Statute: Title 67-6509*. This process requires the Planning and Zoning Commission to hold a public hearing in which interested persons have the opportunity to be heard with regards to the application. The Commission will then forward their recommendation to the City Council.

The City Council will then hold a public hearing, in which interested persons have the opportunity to be heard with regards to the application. The City Council will then adopt, revise, or reject the amendment. If the Council makes a material change from what was presented at the public hearing, further notice and hearing shall be provided. As in this instance, this area is located out of the City Limits within the Area of Impact. The City Council is asked to make a recommendation to the Board of County Commissioners. There will be another public hearing before the County Commissioners who will be tasked to make a decision on the request. If approved a resolution will require adoption and codification.

Budget Impact:

Approval of this request will have negligible immediate impact on the City budget.

Regulatory Impact:

Upon a recommendation from the Planning and Zoning Commission on the proposed Comprehensive Plan amendment, the applicant shall proceed to the City Council with their request. An approved amendment may allow the applicant to apply for a rezone of the property to a zoning designation previously unsupported by the Future Land Use Map.

History:

The current Comprehensive Plan Twin Falls Vision 2030 was approved by the City Council in February 2009. This plan was an entire re-drafting of the Comprehensive Plan and collectively replaced the previous plan from 1993-1994.

Analysis:

This request has two parts – the first part is to expand the Future Land Use Map and Water Service Boundary, identified in Twin Falls City Comprehensive Plan Vision 2030, from the NE corner of the intersection of 3200 E Road aka Hankins/Kimberly Road, an area approximately 1320' deep, to the NW corner of the intersection of 3300 E Road aka Champlin Road/Kimberly Road. The second part of the request is for an expansion of the land use designation from Agricultural to Commercial/Retail thereby designating a deeper commercial/retail designation. The general area being requested for change is (+/-) 66 Acres is located North of Kimberly Road between Hankins Road (3200 East) and Champlin Road (3300 East). The specific area is defined by the supporting maps provided within this report as attachments #1 and #2.

The area described by the applicant is currently zoned R-1 VAR, R-2, and C-1 and is within the Area of Impact. This area is currently designated as Agricultural on the Future Land Use Map.

According to the applicant, a depth of 1320 feet along major arterials is needed to fully develop commercial properties to their full potential. For this reason, the applicant is requesting the current Commercial/Retail area north of Kimberly Road be extended an additional 760 feet. The applicant claims this Commercial/Retail area would be an effective buffer between the Industrial area to the south, and the Agricultural and Residential areas to the north.

The requested change from Agriculture to Retail/Commercial will be a dramatic shift in possible development for this area. The Comprehensive Plan has very different descriptive paragraphs for Agriculture and Commercial/Retail designations. Copies of each designation description are provided in this report for your reference as Attachment #4.

The Agriculture Designation was designed to preserve farm ground and direct development inward towards the corporate City Limits. In this particular area, it was designed to direct development toward the Major Arterial Roadway/Hwy 30/Kimberly Road to the south.

The Commercial/Retail Designation is designed to allow large scale commercial, retail, light industrial, office park, and similar uses. This particular Commercial/Retail designation area was placed along Kimberly Road with the intention to allow development along that corridor to continue as it has for a number of years. With the recent additions of Chobani and the future addition of Clif Bar, this historically major thoroughfare will continue to develop as a major corridor for Commercial and Industrial traffic.

It is known that large tracts of available commercial property in these locations are limited due to recent Industrial Projects. Attempting to conclusively predict the impact of changing the Comprehensive Plan and Future Land Use Map in this area from Agriculture to Commercial/Retail designations and expanding the water service boundary area is a very difficult task. It is safe to assume that the general area has become increasingly commercial in nature, and that these changes will have ancillary effects in the form of secondary businesses associated with these new Industrial users. In no way does changing the Water Service Boundary guarantee the City Services for these properties.

Conclusion:

The Commission may recommend approval of this request, recommend changes to the request, or recommend denial of this request. The recommendation of the Commission will then be forwarded to the City Council for their recommendation and then to the County Commissioners for a decision.

Attachments:

1. Letter of Request
2. Zoning Vicinity Map
3. Future Land Use Map
4. Comprehensive Plan Land Use Descriptions
5. Site Photos

Applicant:

Bradford J. Wills

222 Shoshone St. West

Twin Falls, Idaho 83303-0346

Comprehensive Plan Amendment

The purpose of this request is to amend the Comprehensive Plan by defining the boundary between the Agriculture area and Commercial/Retail area in this location.

These properties are part of the Kimberly Road Commercial Corridor fronting on the north side of Kimberly Road starting at 3300 E and continuing west approximately three quarter of a mile. See Exhibit A.

The property is approximately 66 (+/-) acres currently designated an agriculture area and is adjacent to the existing Commercial/Retail area on Kimberly Road. This area can also be accessed using the newly installed traffic signal located at 3250 E and Kimberly Road.

The Twin Falls Comprehensive General Plan shows approximate boundaries but dimensions or exact measurements are not used. This request is consistent with the current designation on the Comprehensive Plan of a Commercial/ Retail on this corridor. As in the many of the other commercial corridors in Twin Falls, a depth of 1320 feet is needed to allow for the full development of the property. Currently, the Comprehensive Plan shows an approximate 660 foot depth which limits the size of a new building or business. See Exhibit B.

The current Twin Falls Zoning Map shows a C-1 Commercial District the full depth of 1320 feet adjacent on the west boundary of the subject location and this request will continue it to the east boundary of the Twin Falls Area of Impact. See Exhibit C.

This already has a positive impact on the area by providing a transition from the industrial area south of Kimberly Road and the Agriculture Area (Future Residential Area) to the north with a buffer of a Commercial/Retail area.

In this area of Twin Falls, Chobani and Clif Bar complexes are providing jobs and infrastructure improvement to this area. Being located across Kimberly Road from Chobani, commercial development will offer additional opportunities for Twin Falls to grow. There is improved water distribution lines and storage proposed and new sewer collection system is located nearby. Convenient transportation is provided by Highway 30 and Interstate 84.

At the same time, on a separate application, a request for a Zoning Title Amendment to create a new district of Business Park BP-1. The overall plan is to amend the current Zoning of this property from the current uses of an R-2 District and an R-1 VAR District to a Business Park District. The strategy is for the Comprehensive Plan Amendment and the Zoning Title Amendment to be approved before applying for a Zoning Title Amendment creating the Business Park District for this area. This new Business Park District will offer a proper buffer between the future residential zones to the north.

Zoning Vicinity Map

Reference Only



Proposed New Water Service Boundary

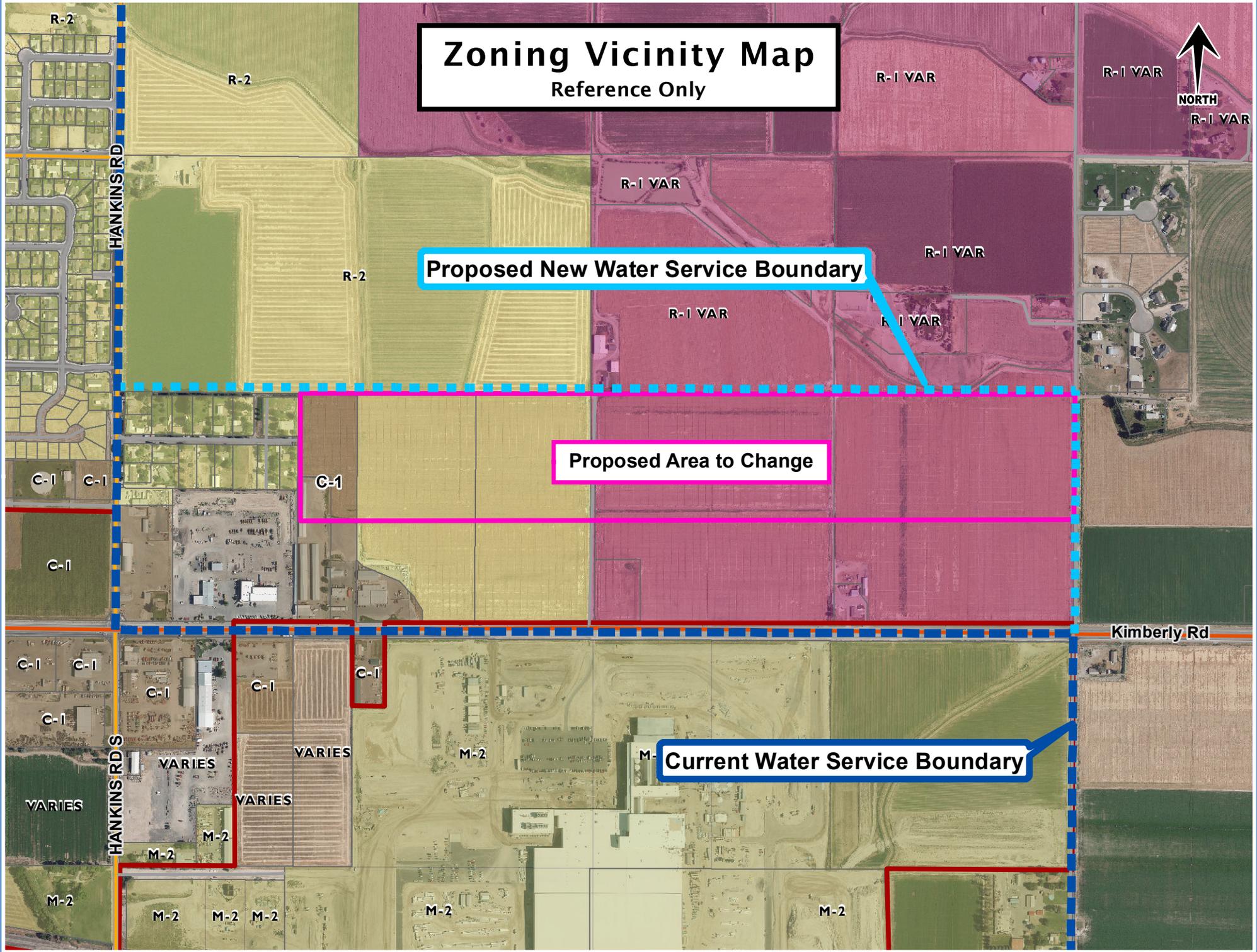
Proposed Area to Change

Current Water Service Boundary

HANKINS RD

HANKINS RDS

Kimberly Rd



Future Land Use Map

Reference Only



Medium Density Designation

Agriculture Designation

Proposed Water Service Boundary

Rural Residential Designation

Proposed Area to Change to Commercial/Retail

Outside TF City Area of Impact

Kimberly Rd

Current Water Service Boundary

Commercial/Retail Designation

Industrial Designation

HANKINS RD

HANKINS RDS

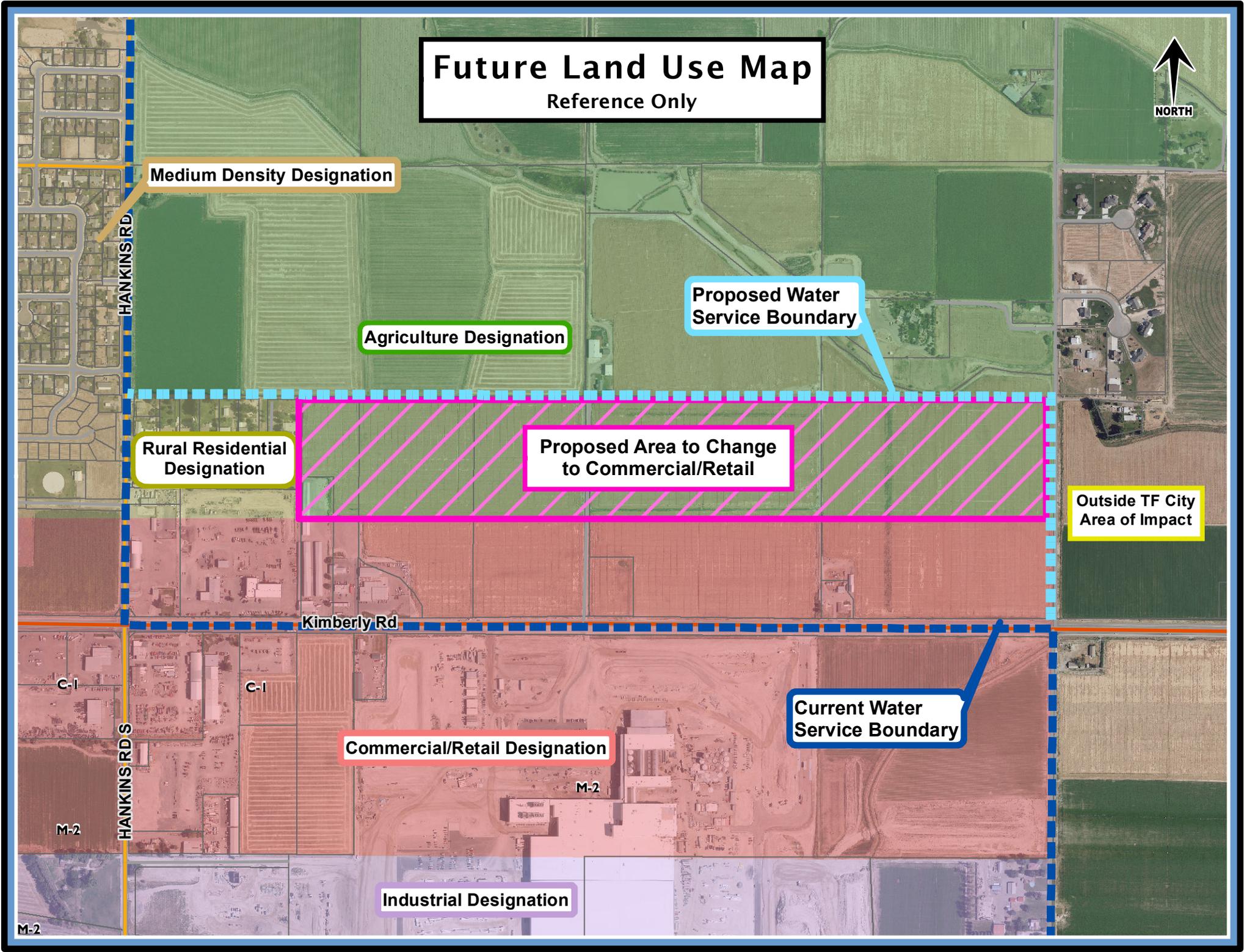
C-1

C-1

M-2

M-2

M-2



Twin Falls City Comprehensive Plan – Vision 2030

(Descriptions of Future Land Use Designations)

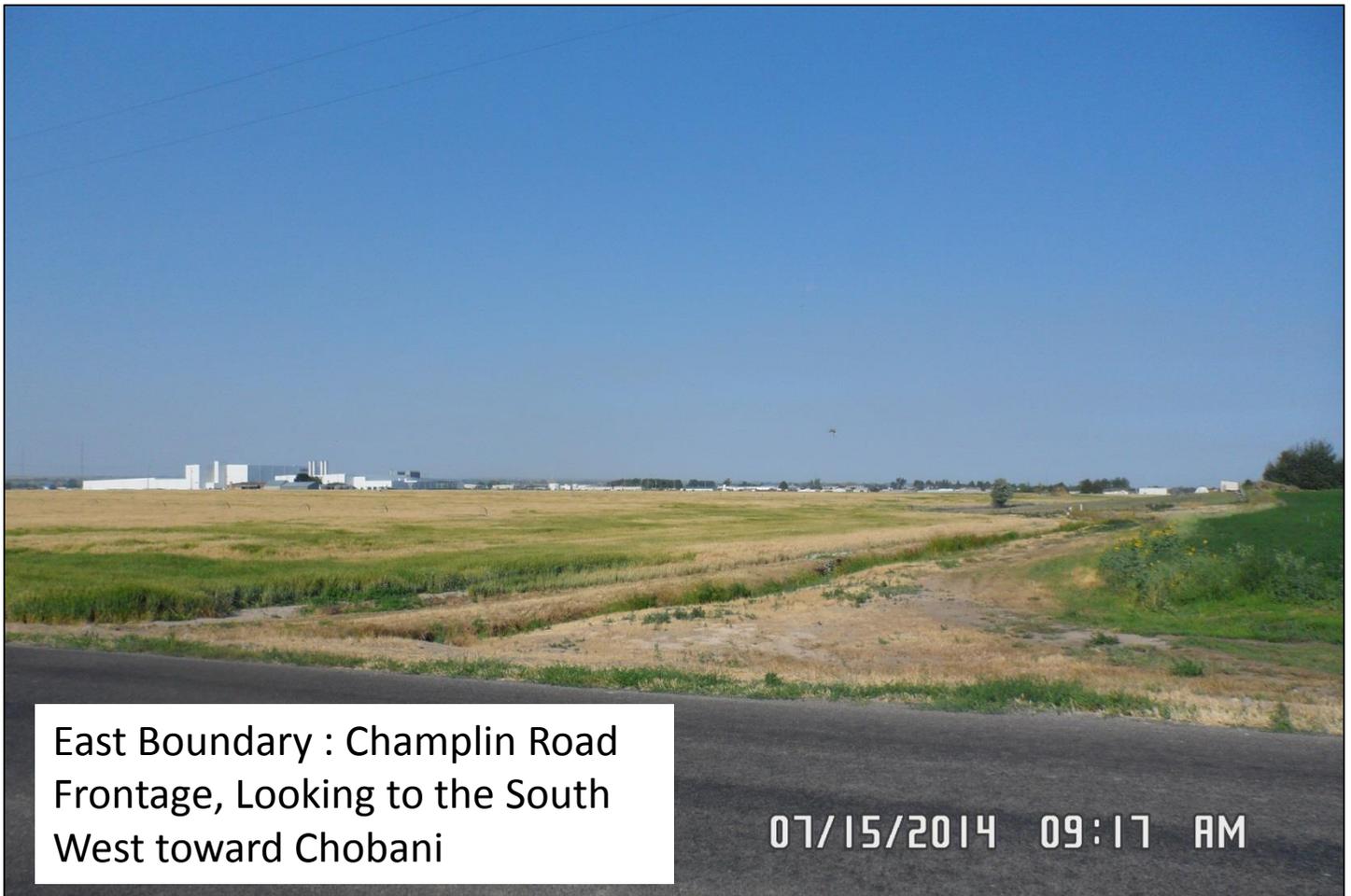
Agriculture

Existing agricultural land should be maintained to protect and preserve critical agricultural land and operations. Agricultural buffers should be expanded to sites north of the Airport Canal in order to avoid future land use and safety conflicts in the vicinity. Residential uses and other incompatible uses should not be allowed to “creep” into these areas, thereby reducing the likelihood for future conflicts.

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.

Commercial/Retail

Existing and future commercial uses will continue to be centered in established areas such as Downtown, Blue Lakes Boulevard, along portions of the Snake River Canyon Rim, and other major roadway corridors. Commercial areas will accommodate large-scale commercial, retail, light industrial, office park, and similar uses. In addition, a large new commercial area is proposed on the eastern edge of the community between Kimberly Road and the rail line to accommodate large-scale commercial uses, light industrial uses, office parks and similar uses. The distinction between commercial uses should be reduced, and a Mixed Use Commercial development approach encouraged in order to promote the development of commercial areas that are more dynamic and user-friendly.



East Boundary : Champlin Road
Frontage, Looking to the South
West toward Chobani

07/15/2014 09:17 AM



East Boundary : Champlin
Road Frontage

07/15/2014 09:18 AM



Kimberly Road Frontage at
Street Light by Chobani

07/15/2014 09:21 AM



07/15/2014 09:22 AM



Middle of North Boundary
Line; Looking West

07/15/2014 09:23 AM



Middle of North Boundary
Line; Looking East

07/15/2014 09:23 AM



West Boundary line; taken from end of Vickie Lane

07/15/2014 09:27 AM



West Boundary line; taken from end of Vickie Lane

07/15/2014 09:27 AM



Public Hearing: **TUESDAY, July 22, 2014**

To: Planning & Zoning Commission

From: Rene'e V. Carraway, Community Development Dept.

AGENDA ITEM IV-2

Request: Request for the Commissioner's recommendation on a Zoning Title Amendment to add a new Zoning District-Business Park District-to Title 10; Chapter 4; Section 24 and by adding a definition of Business Park District in Title 10; Chapter 2: Definitions. c/o Bradford J Wills (app. 2656)

Time Estimate:

The applicant's presentation may take up to fifteen (15) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	
Bradford J Wills 222 Shoshone St West Twin Falls, Idaho 83301 (208) 734-4411 Bradw@willsinc.com	Requested Zoning: Amendment to Twin Falls City Code – Title 10; Chapter 4
Representative:	
	Applicable Regulations: 10-2-1, 10-10, 10-14-1 through 7

Approval Process:

All procedures will follow the process as described in TF City Code 10-14: Zoning Amendments.

Zoning Title Amendments, which consist of text or map revisions, require a public hearing before the Planning Commission. Following the public hearing, the Commission may forward the amendment with its recommendation to the City Council. Any material change by the Commission from what was presented during the public hearing will require an additional hearing prior to the Commission forwarding its recommendation to the Council.

After the Council receives a recommendation from the Commission, a public hearing shall be scheduled where the Council may grant, grant with changes, or deny the Zoning Title Amendment. In any event the Council shall specify the regulations and standards used in evaluating the Zoning Amendment, and the reasons for approval or denial.

In the event the Council shall approve an amendment, such amendment shall thereafter be made a part of the Title upon the passage and publication of an ordinance.

Budget Impact:

Approval of this request will have negligible impact on the City budget.

Regulatory Impact:

A recommendation from the Planning and Zoning Commission on the proposed Zoning Title Amendment will allow the request to proceed to the City Council.

History:

The City Council approved Ordinance 2012 on July 6, 1981 which replaced Twin Falls City Code - Title 10; Zoning & Subdivision Regulations in its entirety.

The year 2011 was the last time a new zoning District was created and implemented into the Twin Falls City Zoning Code. The RB (Residential Business District) was established in response to the Comprehensive Plan identifying areas within the City that could benefit from a new district due to various current and future circumstances.

Analysis:

This is a request submitted by Brad Wills asking for the Commission's recommendation on a Zoning Title Amendment which would create a new Definition in Title 10 Chapter 2 for *Business Park*, amend the Definition for *Business Park PUD*, and create a new zoning district titled *BP1 (Business Park District)* in City Code; Title 10- Chapter 4- Section 24.

According to the applicants narrative this zone would be primarily used to provide aesthetically attractive areas of the City for development of compatible business, professional office, light industrial, research and development, service uses, wholesale trade and retail uses. It would also allow manufacturing to occur as long as the proposed more strict development requirements are met. The more strict development requirements are outlined in the proposed amendment Title 10-4-24.3 (see attachment #_ of this report). The goal of this amendment is to eliminate the need to go through the PUD Process in order to establish a business park which would allow for an assortment of commercial/retail/manufacturing type uses. The development requirements outlined in the current Business Park PUD code section (CC 10-6-3) have been incorporated, and slightly modified, to mitigate the potential impacts to neighboring properties.

IF the amendment is adopted as proposed the initial rezoning of property will take public hearings before the Commission and City Council, and Cnty Commissioners if in the area of impact. Once the property is rezoned there may not be another public opportunity to view and comment on the development - as long as it complies with the development requirements of the zone.

The current Twin Falls Comprehensive Plan was updated in 2009. Within that plan, certain types of Future Land Use designations were assigned and given a brief explanation of the types of development desired within those designated areas. The Commercial/Retail Designation has a description of the types of uses and developments that should be accommodated these include: *"large-scale commercial, retail, light industrial, office park, and similar uses"*.

Possible Impacts: This proposed code change would have multiple impacts to the following items: (1) multiple current code sections, (2) current and future businesses, (3) residents in multiple locations throughout the city and (4) potentially less public input opportunities.

1. **Multiple Current Code Sections:** The proposed amendment has multiple uses that are not currently defined in Title 10 Chapter 2 Definitions. Prior to effectively implementing this code section, multiple definitions of uses would need to be identified and defined. In order to be consistent with zoning decisions it is best to have uses identified and defined prior to attempting to implement them into practice.
 - The proposed amendment will effectively eliminate the need for City Code 10-6-3 Business Park PUD. This section was created in order to allow business parks to be allowed in the C-1 through the PUD process. This section contains very specific development criteria to be implemented with any Business Park PUD. The requested title amendment has incorporated most of these criteria into the development requirements while allowing for certain uses to take place within the zone; and with the option to create a stand-alone PUD for other unforeseen circumstances. The aforementioned section 10-6-3 would be outdated, not utilized and could potentially need to be removed from the City Code.
 - The proposed amendment lists “Manufacturing” as an outright permitted use. The amendment does not list certain types of manufacturing that would be allowed, but it does list certain criteria to be met in order to have manufacturing take place on the properties. The current Manufacturing Districts (M-1 and M-2) have multiple manufacturing types identified as permitted and special uses. These two current sections along with the proposed amendment would need to be re-evaluated so as to determine which uses need to be permitted, special, or not-permitted.
 - The City is currently undertaking some code changes to Off-Street Parking, building heights, and other code sections. Those code changes have not been finalized. There are multiple instances where this proposed code may contradict or compete with the new code sections that are currently in the process of being established.
 - There may be other Code Sections, not currently identified, that could be impacted by this new section. The full impact may not be known at this time without further investigation into the impacts of this proposed section, and a resolution to the code sections currently in the process of adoption.
2. **Current and future businesses could be adversely impacted by this amendment.** Currently the major arterials throughout the City have a zoning designation of C-1. By introducing a new zone that could replace the C-1 zone, it is hard to predict how the new development criteria will operate, connect and impact surrounding areas. One example is the change proposed to “Restaurants with Drive-Thru’s”, currently drive-thru’s require a Special Use Permit, the proposed change will make them a permitted use. This type of development can have a significant impact to neighboring property owners. If it is outright permitted, without any additional design criteria added to mitigate impacts, current and future businesses, as well as city residents, would be adversely impacted.

3. One of the potential impacts this amendment will have is bringing manufacturing type uses closer to residential properties. This amendment proposes to permit all manufacturing types in this zone without regard to the type, or scale of the operation. The amendment does not identify types of manufacturing; lists “Manufacturing” as a permitted use with the stipulation that all activities take place inside a building, and other development criteria be installed. The result of this is every area currently designated on the Future Land Use map as “Commercial/Retail” would be available to rezone and allow manufacturing to take place on the property. These Commercial/Retail areas border directly onto residential areas across the entire City. This would increase the opportunity for “Residential v Industrial” type land-use conflicts that could be detrimental to many homeowners in Twin Falls. Current zoning uses the Commercial Zoned properties as buffers between Residential and Industrial/Manufacturing Uses, thus attempting to reduce the land-use conflicts. This proposed amendment would bring those Manufacturing Uses closer to Residents.

(4) Potentially less public input opportunities. If the amendment is adopted as proposed the initial rezoning of property will take public hearings before the Commission and City Council, and Cnty Commissioners if in the area of impact. However, once the property is rezoned there may not be another public opportunity to view and comment on the development - as long as it complies with the development requirements of the zone.

Staff feels that this amendment to the City Code would cause multiple conflicts with current and potential code sections that are currently moving through the public input process. It would also render sections of the current code obsolete, which could have been addressed in this proposed amendment; the result of which leaves sections that will need to be amended at a later time in order to create a more coherent overall Code. Furthermore, it would also create an increase in conflicts between Residential and Industrial type land uses throughout the City without adequately accounting for the negative impacts that could occur to existing home owners and businesses. It could also allow developments to occur without public input.

The Commission shall ensure that any favorable recommendations for amendments are in accordance with the established goals and objectives of the current Twin Falls Comprehensive Plan.

Conclusion:

The Commission may recommend to the City Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested (will require another public hearing before the Commission), or it may recommend that the amendment be denied.

Attachments:

1. Letter of Request
2. Proposed Amendment (with comments by Staff)
3. Future Lane Use Map

Applicant:

Bradford J. Wills

222 Shoshone St. West

Twin Falls, Idaho 83303-0346

Zoning Title Amendment

Creation of a Business Park District BP-1

The primary purpose and objective of the Business Park BP-1 District is to provide aesthetically attractive areas of the City for development of compatible business, professional office, light industrial, research and development, service uses, wholesale trade, and retail uses.

This request amends Chapter 2 and Chapter 10 of the City of Twin Falls Code to create Business Park District designations to the current uses. No Comprehensive Plan Amendment would not be require because this district would be located within the existing land uses listed on the 2009 Comprehensive Plan.

A Business Park PUD District is now allowed within a C-1 Commercial District allowing for limited uses defined within the PUD agreement as long as the property follow the development requirements listed in section 10-6-3: Business Park PUD and the C-1 District.

Requiring a PUD to be established for a Business Park PUD is difficult unless the future use of the property is known at the beginning. This is not always possible and can require multiple requests to the City to amend the PUD Agreement.

The addition to City Code of a Business Park District designation restricts uses to a business park environment that would offer another option for a commercial area without requiring a PUD to be established.

The main different between the current code of a Business Park PUD within a C-1 District change and a Business Park District would be to allow manufacturing to occur as long as the stricter development requirements are met. A few of them are: all activity take place inside an enclosed building, no overnight outside storage of products, materials or manufactured goods, no fumes, odors, noise, or vibrations are allowed above a typical residential background levels, and more landscaping and screening requirements. It must be on a collector or arterial street with little or no access to residential areas, encouraging pedestrian and bicycle usage if close to a residential subdivision.

It is necessary to amend Chapter 2 Zoning Definitions to define the new term Business Park and clarify the existing term Business Park PUD.

The new district would offer an additional buffer designation between Commercial and Industrial Development and Residential Development.

Proposed amendment to the City of Twin Falls Municipal Code by adding an additional definition to the section Chapter 2 Zoning Definitions as below:

Chapter 2 ZONING DEFINITIONS

10-2-1: DEFINITIONS:

Add:

BUSINESS PARK: A development that contains a number of separate manufacturing, commercial, office and supporting uses and open space.

Amend:

BUSINESS PARK *PUD*: A development approved through the PUD process that contains a number of separate manufacturing, commercial, office and supporting uses and open space. (Ord. 2786, 6-1-2004)

Underscore and *Italics* indicates amended sections.

Business Park District; BP

Proposed Business Park land uses different from the C-1 Zone

~~Deleted from the C-1 Zone~~

Addition not included in C-1 Zone

~~10-4-8: C1, COMMERCIAL HIGHWAY DISTRICT:~~

~~10-4-8.1: PURPOSE:~~

~~This district 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. (Ord. 2526, 5-20-1996)~~

~~10-4-8.2: USE REGULATIONS:~~

10-4-24: BP, BUSINESS PARK DISTRICT:

10-4-24.1: PURPOSE: This district is intended to provide for limited commercial activities within the business park of various sizes from small shops to large structures. This district is designed for application on major streets or portions thereof.

10-4-24.2: USE REGULATIONS

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Communications and utilities:

- a. Radio and television stations without transmission and receiving towers.
- ~~b. Telegraph centers and telegraph stations.~~
- c. Telephone exchange stations.
- d. Underground and aboveground transmission lines.
- e. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.

2. Cultural facilities:

- ~~a. Botanical gardens and arboretums.~~
- ~~b. Historic sites and monuments.~~
- ~~c. Libraries, museums and art galleries.~~
- ~~d. Planetariums and aquariums.~~

3. Governmental Facilities:

- a. Fire stations and police stations.
- b. Governmental office buildings.
- c. Judicial facilities.

THERE ARE NO MANUFACTURING USES LISTED - ALLOWED?

4. Manufacturing: see 10-4-24.3 - J

- ~~a. Business park PUD only.~~

10-4-24.2 – Permitted Uses: cont.

5. Medical Facilities:

- a. Acupuncture facilities approved by the South Central district health department or other state regulatory agency.
- b. Ambulance service.
- c. Doctors' offices.
- d. Drug and alcohol treatment centers.
- e. Hospitals and clinics.
- f. Rehabilitation services.

6. Parks:

- a. Open space.
- ~~b. Park concessions.~~
- ~~c. Private parks and playgrounds without crowd attracting facilities.~~
- ~~d. Public parks and playgrounds without crowd attracting facilities.~~
- ~~e. Public parks and playgrounds with crowd attracting facilities.~~

7. Public Assembly:

- a. Auditoriums.
- b. Convention Facility, Conference Center – **there is no definition in Title 10; Chapter 2**
- b. Funeral chapels.
- c. Religious facilities.
- d. Schools - private, single purpose.
- e. Schools - private, vocational and/or academic.
- f. Schools - public.
- g. Theaters - indoor.
- h. Wedding chapels and/or reception halls.

8. Residential:

- ~~a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.~~
- ~~b. Bed and breakfast facilities.~~
- ~~c. Dwellings – multiple household (5 units or more).~~
- ~~d. Home occupations.~~
- ~~e. Household units existing at the time this title was adopted.~~
- ~~f. Household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use.~~
- ~~g. Household units in upper floor of commercial or professional buildings.~~
- ~~h. Nursing homes and rest homes.~~
- ~~i. Residence halls, residence hotels, rooming houses.~~

9. Retail Trade:

- a. Alcoholic beverages when consumed on premises where sold and if located three hundred feet (300') or more from residential property.
- b. Apparel and accessories.
- c. Automobile parts store.
- d. Bakery.
- e. Bookstore.
- f. Commercial greenhouses.
- f. Convenience Store– **there is no definition in Title 10; Chapter 2**
- g. Craft shop, in conjunction with retail business.
- h. Eating places, **including restaurants and fast food with drive thru window – A drive thru window currently requires a sup in all zones that this use is permitted.**
- i. Farm and garden supplies.
- j. Florist shop.
- k. Food, drugs, etc.
- k. Gasoline service stations. **–use requires a sup now**
- l. General merchandise.
- m. Hardware store.
- n. Hobby and toy store.
- o. Home furnishings and equipment.

10-4-24.2 – Permitted Uses: cont.

- p. Ice cream store.
- q. Import store.
- r. Laundering and dry cleaning.
- s. Laundromats.
- t. Lumber, plumbing and/or electrical supply stores.
- u. Music store.
- v. Pawnshop.
- w. Pet shop.
- x. Sporting goods store.
- y. Taxidermy studio.
- z. Temporary automobile, truck and recreational vehicle sales permitted with staff approval, provided that there shall be state approval, no parking or display of vehicles in landscaped areas, and no sight obstructions.

10. Services:

- a. Advertising.
- b. Apparel repair and alteration.
- c. **Banking—current code identifies/defines banking as “finance and investment offices” 10.n**
- c. Beauty and barber shops.
- d. Building care contracting offices.
- e. Business associations.
- e. **Call Center**
- f. Civic, social and fraternal organizations.
- g. **Computer, software development, web based business there is no definition in Title 10; Chapter 2 there is a definition for a Call Center - ?? Or...”Call Center”.... Is it Manufacturing software?, a call center? Computer repair?**
- g. Construction trade offices.
- h. Consumer credit collection offices.
- i. Copy center - self-service.
- j. Daycare services.
- k. Dog grooming and/or kennels.
- l. Duplicating and stenographic offices.
- m. Employment agency.
- n. Finance and investment offices (10.c)?**
- o. Horticultural services.
- p. **Motel and hotels – this is a residential land use classification under TF current code**
- ~~p. In home daycare services.~~
- q. Insurance and related business.
- r. Labor unions and organizations.
- r. **Package and letter delivery business there is no definition in Title 10; Chapter 2**
- s. Photography studios.
- t. Professional organizations.
- u. Professional services.
- v. Real estate and related business.
- v. **Studio for music, arts, dance or similar there is no definition in Title 10; Chapter 2**
- v. **Testing laboratories Current C-1 zone Requires a SUP**
- w. Tourist information center.
- x. Welfare and charitable facilities.
- x. **Research and Development Center. there is no definition in Title 10; Chapter 2**

11. Sports facilities:

- a. Athletic areas.
- b. **Gym and Sport Club there is no definition in Title 10; Chapter 2 (classified as “indoor recreation” by sup)**
- ~~b. Miniature golf courses.~~
- ~~c. Outdoor, public and commercial ice and roller skating facilities.~~
- ~~d. Outdoor, public and commercial swimming pools.~~
- ~~e. Outdoor, public and commercial tennis courts.~~

10-4-24.2 – Permitted Uses: cont.

12. Transportation:

- a. Bus facilities, including pick up shelters.
- b. Open parking lot or **ENCLOSED** garage for automobiles.
- c. Taxicab office.
- d. Ticket and arrangement facilities.

13. Wholesale:

- a. Wholesale distribution and warehousing, but excluding H-1 facilities. **Current C-1 zone Requires a SUP**

Notwithstanding the foregoing list of permitted uses, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit. (Ord. 2786, 6-1-2004; amd. Ord. 2798, 8-2-2004; Ord. 2850, 2-21-2006; Ord. 2958, 12-22-2008; Ord. 2999, 1-24-2011)

(B) Special Uses: 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 in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. Communications and utilities:

- a. Radio and television stations with wireless communications facilities.
- b. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.

2. Cultural facilities:

- a. Cemeteries.
- b. Zoos.

3. Governmental facilities:

- a. Jails, detention centers, work release centers.
- b. Water treatment plants.

THERE ARE NO MANUFACTURING USES IDENTIFIED AS ALLOWED BY SUP IN THE BP ZONE?

4. Manufacturing: moved to proposed new section -10-4-24.3-J

- a. Handcrafted furniture.

5. Medical facilities:

- a. Animal hospital - large animals.
- b. Animal hospital - small animals.
- c. Prosthetics - sales, service and/or construction.

6. Miscellaneous:

- a. Any facility with drive-through service. **CONFLICT WITH 9.H-**

7. Parks:

- a. Amusement parks.

8. Public assembly:

- a. Exhibition halls.
- b. Fairgrounds.
- c. Sports arena.
- d. Theaters—outdoor.

10-4-24.2 – Special Uses: cont.

9. Residential:

- a. Detached accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings.
- b. Motels and transient hotels.
- c. RV and camping parks.
- d. Shelter homes.

10. Retail trade:

- a. Alcoholic beverages when consumed on the premises where sold if located less than three hundred feet (300') from residential property.
- b. Automobile and recreational vehicle rental/storage yard.
- c. Automobile and truck sales and/or rentals.
- d. Car wash facilities.
- e. Equipment rental.
- f. Fuel sales (bulk).
- g. Gasoline service stations. – **Shown as a permitted use – 9k in the BP Zone**
- h. Large implement and heavy equipment sales and/or rentals.
- i. Manufactured/mobile home sales and/or rentals.
- j. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
- k. Sporting vehicles and motorcycles - sales and/or rentals.
- l. Storage unit rentals.
- m. Tire shops.

11. Services:

- a. Appliance repair.
- b. Auctions and/or public sales.
- c. Automobile and truck service and/or repair.
- d. Furniture repair/upholstery.
- e. Publishing and printing business.
- f. Sporting vehicles and motorcycles - service and repair.
- g. Tattoo parlors or derma graphic studios approved by the South Central district health department or other state regulatory agency.
- h. Testing laboratories. **listed 2x's – under 10.v as a permitted use and also here as requiring a sup**

12. Sports facilities:

- a. Go cart tracks.
- b. Golf courses and country clubs.
- c. Golf driving ranges.
- d. Indoor recreation facility.

13. Transportation:

- a. Freight transfer points.
- b. Open parking lot or garage for trucks and buses.
- c. Packing and crating.
- d. Trucking facilities.

14. Wholesale: **shown as a permitted use – 13.a**

- a. Wholesale distribution and warehousing, but excluding H-1 facilities. (Ord. 2620, 8-2-1999; amd. Ord. 2741, 11-4-2002; Ord. 2773, 12-15-2003; Ord. 2798, 8-2-2004; Ord. 2850, 2-21-2006; Ord. 2999, 1-24-2011)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection [10-17-1\(F\)](#) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

10-4-8.3 24.3: PROPERTY DEVELOPMENT STANDARDS:

The following property development standards shall apply to all land and buildings in the C4 BP District:

(A) Lot Area:

1. Commercial Business Park Uses: The lot area shall be of sufficient size to provide for the building, the required setbacks, off street parking and landscaping.
2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall provide the minimum lot area of the R6 district.

(B) Lot Occupancy: 1. Commercial Business Park Uses: No requirement.

2. Residential Uses: Residential uses less than five (5) units not attached to a commercial use shall conform to the lot occupancy requirements of the R6 district.

(C) Building Height: No building shall exceed thirty five feet (35') in height except as provided by section 10-7-3 of this title. (Ord. 2526, 5-20-1996)

(D) Yards: Front yards shall conform to the following standards, OR section 10-7-6 of this title, whichever is greater: (Ord. 2773, 12-15-2003)

1. Commercial Business Park Uses: ~~And Residential Uses With Five Or More Units Per Building~~ No property line setbacks are required on side yard or rear yard. A setback of thirty five feet (35') shall be maintained on major arterials and fifteen feet (15') on all other streets except there shall be a one hundred foot (100') building setback and a thirty five foot (35') parking lot setback from any street fronting a residential subdivision or adjacent to residential property or a residential zoning district. Buildings approved over thirty five feet (35') in height shall have four feet (4') additional setback for each foot of additional height over thirty five feet (35'). No building will exceed fifty feet (50') in height without a special use permit. In developed areas which have building lines already established, this requirement may be reviewed and adjusted by the commission, subject to the following exceptions:
 - a. A gasoline service station pump island, including cashier's booth, and canopy setback may be less than the required thirty five feet (35') property line setback on arterial streets, providing the property line setback is not less than thirty feet (30') for a pump island nor less than twenty feet (20') for the outer edge of a canopy. Gasoline service station pump islands, including cashier's booths, and canopies, shall not be used to adjust setbacks in developed areas which have building lines already established.
 - b. Outdoor or patio seating, including associated canopies or coverings, at a food service establishment providing the outdoor seating area including any canopies or coverings does not exceed a property line setback of twenty feet (20') or the minimum required arterial landscaping is provided, whichever is greater. Any outdoor or patio seating area proposed within a required setback must be approved by the planning and zoning commission. (Ord. 2981, 12-7-2009)

~~2. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall conform to the yard standards of the R6 district.~~

(E) Access: All lots shall have vehicular access on a dedicated improved public street with a fifty foot (50') minimum right of way unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

10-4-24.3 – Required Development Standards: cont.

(F) Landscaping:

1. ~~Commercial Business Park~~ uses shall provide landscaping equal to ~~ten~~ twelve percent (10 12%) of the total required parking area or ~~three~~ four percent (3 4%) of the total land area, whichever is greater. Parking lots of more than twenty five (25) vehicles shall have landscaped islands within the parking lot breaking up large asphalt areas. A thirty five foot (35') wide landscaped buffer with berming at least four feet (4') high or other alternative screening such as a block wall shall be required on any street fronting any residential property.
2. ~~Household buildings over five (5) units shall provide landscaping equal to ten percent (10%) of the lot area.~~

(G) Off Street Parking:

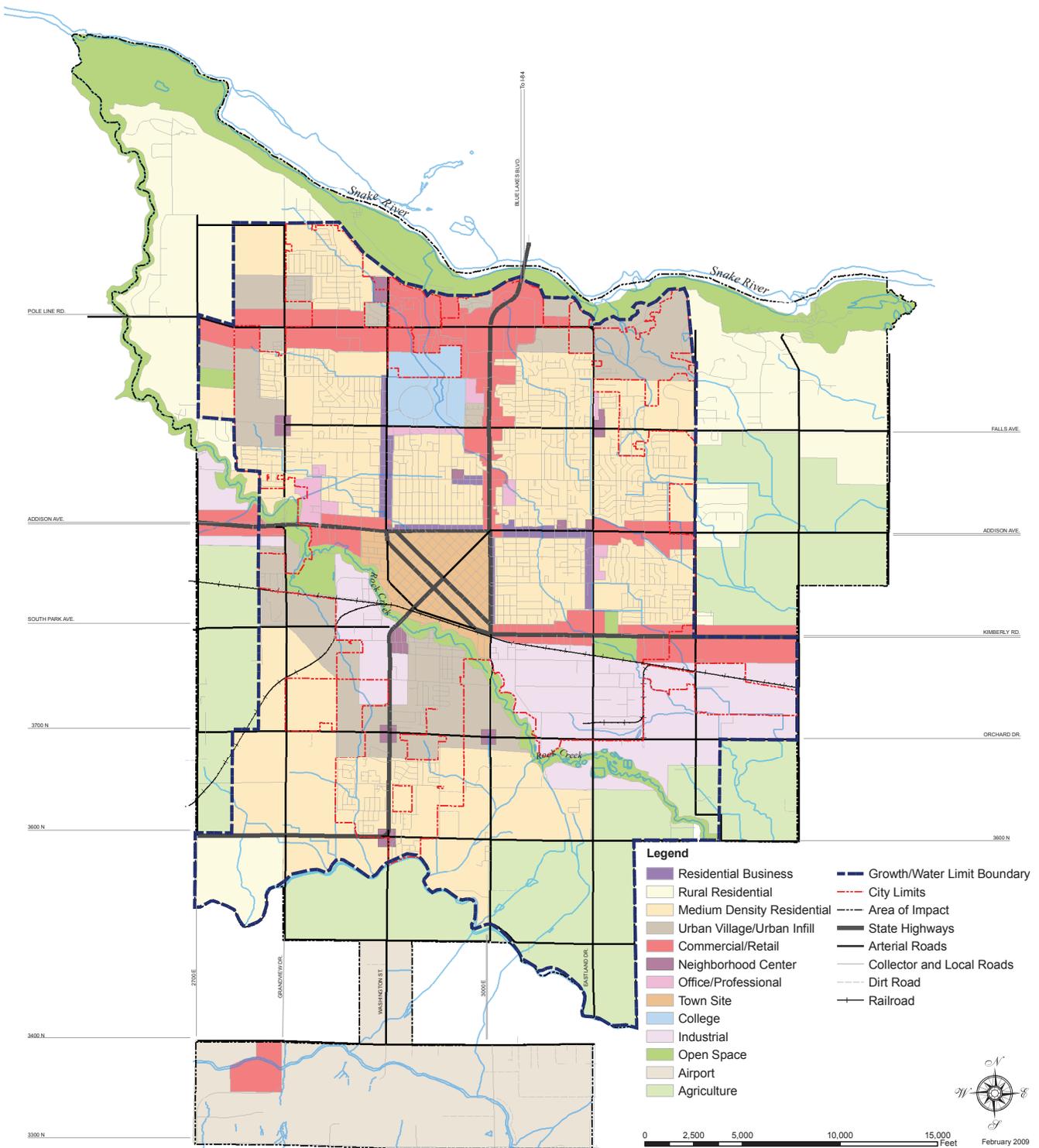
1. Each ~~commercial Business Park~~ use shall comply with the provisions of [chapter 10](#) of this title.
2. ~~Residential uses under five (5) units per building shall provide two (2) off street parking spaces for each residential unit.~~
3. ~~Residential units in commercial buildings shall provide one off street parking space for each dwelling unit in the building.~~

(H) Signs: See [chapter 9](#) of this title. (Ord. 2526, 5-20-1996)

- (I) Walls, Fences, Hedges, Trees, Shrubs And Landscaping Structures: Walls, fences, hedges, trees, shrubs and landscaping structures shall be permitted on the property line or within the required side or rear yard and shall be permitted in the front yard with the following restriction: No wall, fence, hedge, trees, shrubs or landscaping structures shall be placed within public rights of way without first obtaining written approval from the city. Notwithstanding the foregoing, all walls, fences, hedges, trees, shrubs and landscaping structures shall comply with the provisions of section [9-9-16](#) of this code. (Ord. 2550, 6-2-1997)

(J) A “Business Park”, as defined herein, may be established with the following development requirements:

1. All manufacturing activity shall take place inside an enclosed building. **THERE ARE NONE ALLOWED UNDER THE USES?**
2. No overnight or long term outside storage of any product, material, or vehicles used for the loading or unloading of manufactured goods. All manufacturing transportation activity shall be screened from adjacent residential areas.
3. No fumes, odors, noise or vibrations shall be allowed at the perimeter of the business park that is above typical residential background levels that are detectable from the outside of the building.
4. Business Park uses shall provide landscaping equal to twelve percent (12%) of the total required parking area or four percent (4%) of the total land area, whichever is greater. Parking lots of more than twenty five (25) vehicles shall have landscaped islands within the parking lot breaking up large asphalt areas. A thirty five foot (35') wide landscaped buffer with berming at least four feet (4') high or other alternative screening such as a block wall shall be required on any street fronting any residential property.
5. The business park shall be located adjacent to major arterial and collector streets, with no direct access to local residential streets except for emergency services, pedestrian or bike access. Limited access may be allowed by agreement with an adjacent property owner.
6. The business park can include a mixture of manufacturing and commercial uses.
7. No hazardous materials exceeding the exempt quantities as provided by the international building code and international fire code shall be manufactured or warehoused in the business park. Only hazardous materials used in the manufacturing process are allowed.



Twin Falls Comprehensive

General Plan Update

Map 2-4:
Future Land Use





Public Hearing: **TUESDAY, July 22, 2014**

To: Planning & Zoning Commission

From: Rene'e V. Carraway, Community Development Dept

AGENDA ITEM IV-4

Request: Requests a Special Use Permit to allow a 24 Hour Convenience Store/Gas Station with a drive-thru window and an area designated for overnight parking of semi-truck and recreational vehicles on property located at 3204 Kimberly Road c/o J. Francis Florence on behalf of Buttars Family Limited Partnership, LLC (app. 2658)

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	Status: Owner	Size: Land – 5.99(+/-) acres; Building – 6000(+/-) sf
Buttars Family Limited Partnership, LLC P.O. Box 2035 Twin Falls, ID 83303 208-939-9596 travel@agri-service.com	Current Zoning: C-1 Area of Impact (Aol)	Requested Zoning: SUP
	Comprehensive Plan: Commercial/Retail	Lot Count: 1 parcel
	Existing Land Use: Farm Equipment Dealership	Proposed Land Use: C-Store/Gas Station/ drive-up window and Overnight Parking for semi-trucks and recreational vehicles
Representative:	Zoning Designations & Surrounding Land Use(s)	
J. Francis Florence 195 River Vista Place, Suite 302 Twin Falls, ID 83301 208-280-5800 jff@westerra.cc	North: C-1 Aol ; Kimberly Rd, Commercial	East: C-1 Aol ; Commercial/retail (Burk's Tractor)
	South: C-1 Aol; Commercial/retail (Burk's Tractor)	West: C-1 Aol ; Hankins Rd, commercial/retail (NW Equipment)
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-7-6, 10-7-12, 10-10-1 thru 3, 10-11-1 thru 10, 10-13-2.2	

Approval Process:

The Special Use Permit process requires a public hearing to be held in which interested persons have the opportunity to be heard with regards to the application.

Within thirty (30) days after the public hearing, the Commission shall approve, conditionally approve, or disapprove the application as presented during the hearing. If conditions are placed on the permit, the Administrator shall issue a special use permit listing the specific conditions specified by the Commission for approval.

If an applicant or interested party appeals the decision of the Commission, the City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

Budget Impact:

Approval of this request will have a negligible impact on the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to operate a 24-hour Convenience Store/Gas Station with a drive-thru window and a limited designated area for overnight parking of semi-trucks and recreational vehicles.

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.

History:

The location has been zoned C-1 at least as far back as the 1970's. The applicant has received two non-conforming building expansion permits. On July 7, 2009 Special Use Permit #1155 was approved by the Commission for display pad sites in the landscaping along Kimberly Road.

Analysis:

The location for the proposed 24-hour Convenience Store/Fueling Station for smaller vehicles and semi-trucks is in the C-1; Commercial Highway District in the Area of Impact. The proposed Convenience Store will have a drive-thru window. There is a proposed area designated for overnight parking of semi-trucks and recreational vehicles as they pass through town. The applicant anticipates approximately 1000 customers a day. The applicant has supplied a narrative detailing the general operations of the proposed business. The applicant is expecting to operate 24 hours a day, 7 days a week. The facility will employ approximately 25 people.

The applicant describes the anticipated noise levels as being similar to the current use of farm implement dealership. He anticipates no impact to neighboring property owners with regard to odors, fumes, glare or vibrations.

Per City Code 10-4-8: C-1, Commercial Highway District: The proposed Fuel Station falls under "Special Uses" - Retail trade - Gasoline service stations. The proposed hours of operation of 24-hours a day also falls under "Special Uses" - Retail trade - "Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten (10:00) P. M. The proposed area designated for overnight parking of semi-trucks falls under "Special Uses" - Transportation - "Open parking lot or garage for trucks and buses. All of these specific uses require Special Use Permit approval prior to establishing the uses within the C-1 zone.

Per City Code 10-4-8.3: Property Development Standards: Required landscaping in the C-1 zone shall be equal to 10% of the total required parking area or 3% of the total land area, whichever is greater. The landscaping will be evaluated for compliance at the time of building permit process.

Per City Code 10-7-12: Special Landscaping Requirements for Gateway Arterials: Kimberly Road is considered a gateway arterial. In addition to the landscaping requirements of 10-4-8.3 City Code 10-7-12(B) states landscaped strip at least 10 feet (10') in width shall be provided immediately behind the sidewalk or future sidewalk when existing buildings are being remodeled, and thirty feet (30') when vacant land or cleared land is being developed..... This landscape strip shall contain trees and bushes-ground cover is not specific. The applicant is proposing to leave an existing metal storage building on the land. This building is not being remodeled as the convenience store or included as part of this development. If the request is granted the Commission may wish to place a condition on the special use permit that the applicant provide a minimum 30' wide strip of landscaping along Kimberly Road consistent with the current recent development along Kimberly Road.

Per City Code 10-10: Off-Street Parking: The current parking code states general retail uses, general merchandise, are required to provide one (1) parking space per two hundred fifty (250) square feet of total floor area. This requirement will be evaluated for compliance with current applicable code requirements and enforced at the time of building permit submittal.

Per City Code 10-11-1 thru 10: Required Improvements: New buildings are required to provide landscaping, screening, development of parking and maneuvering areas, street improvements; such as sidewalks, curb & gutter, storm water retention, trash enclosures and other infrastructure improvements. These improvements will be evaluated for compliance with current applicable code requirements and enforced at the time of building permit submittal for a certificate of occupancy. If the request is granted the Commission may wish to place a condition on the special use permit that the applicant provide detached sidewalks along Hankins and Kimberly Road to be consistent with other recent developments along Kimberly Road.

Possible Impacts: The impacts of this 24-hour Convenience Store/Fuel Station with a drive-thru window and a designated area for overnight parking of semi-trucks and recreational vehicles will generally include an increase in customer traffic to the immediate streets in the area, light intrusion on surrounding properties, deliveries by larger trucks, and an increase in noise disturbance to neighboring properties. A special use permit process is the opportunity for the Commission to review development of this site and If the request is granted the Commission may wish to place conditions to help mitigate any possible impacts to the surrounding area or to mitigate possible future impacts. If conditions are placed on the special use permit development and operation of the business shall be as represented and approved.

It is not anticipated this business will increase traffic to the area it could become a pre-destination point for travelers and/or truckers coming into or leaving Twin Falls. Kimberly Road is a major arterial into Twin Falls. Hankins Road is currently used heavily by semi-trucks. There is currently a signal at the corner of Hankins and Kimberly Road. As part of this development Hankins Road shall be constructed per City standards to include curb, gutter, detached sidewalk and a center turn lane. Kimberly Road shall have a detached sidewalk constructed along it. The curb and gutter will be reviewed by the City's Engineering Department and may be allowed to defer these improvements due to potential storm water issues. Deferral Agreements are approved by the City Council.

The possibility of light intrusion on neighboring properties is something that can be a negative impact on neighboring properties and or travelers on the roadways. City Code currently requires all lighting to be downward facing in order to help mitigate the light intrusion. The City always encourages new businesses to be open to neighboring properties complaints about light intrusion. If a problem arises the City has a process to get the situation rectified if needed.

The drive thru and 24 hour operation could produce an increase in noise for neighboring property owners. Current City Code requires screening between commercial and residential properties. This property is currently surrounded by commercial uses. Screening will not be required.

The applicant's proposed development/site plan identifies an area for "future wash bays". City Code requires car wash facilities to have a special use permit. A special use permit will have to be obtained before the wash bays can be constructed at this site.

The applicant has indicated eight (8) parking spaces for overnight parking for semi-trucks and/or recreational vehicles. Recreational vehicle camping parks require a special use permit in the C-1 zone. To mitigate the possibility of noise and traffic congestion the Commission may wish to place a condition on the special use permit to limit the number of overnight parking spaces for semi-trucks and/or recreational vehicles to eight (8), as shown on the site plan.

Although the property is not within City Limits the Agri-Service/farm implement dealership is connected to and paying services on both City water and sewer. The City has no record of when the water and sewer connection occurred and we have been unable to locate the tap installation records. There is no Out-Of-City Services Agreement with the City of Twin Falls for the city utilities that we have been able to locate. Troy Vitek, Assistant City Engineer, has reviewed the applicant's proposed development plan. Troy has indicated that future sewer capacity will be limited to the current capacity. If the request is granted staff recommends the Commission place a condition on the special use permit that the applicant execute an Out-Of-City Services Agreement with the City of Twin Falls for the City utilities.

Conclusion:

Should the Commission grant this request as presented staff recommends approval is 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.
2. Subject to the execution an Out-Of-City Services Agreement for City Water and Sewer services.
3. Subject to the execution a Deferral Agreement for the construction of curb and gutter along Kimberly Road.
4. Subject to the applicant constructing detached sidewalk along Kimberly Road per City Standards.
5. Subject to the applicant constructing curb, gutter, detached sidewalk and a center turn lane on Hankins Road per City standards and City Engineering Department review.
6. Subject to overnight parking only for semi-trucks and/or recreational vehicles being limited to eight (8) spaces.

Attachments:

1. Letter of Request
2. Zoning Vicinity Map
3. Aerial Photo Map
4. Applicant Submitted Site Plan (reference)
5. Applicant Submitted Building Elevation (reference)
6. Site Photos

Special Use Permit Narrative:

C.4.a. The reason for the request is to allow a convenience store with fuel islands for both smaller vehicles and truck traffic in a location in proximity ideal for the use. The convenience store will be designed to have a drive-thru, also requiring a special use permit and it would be possible based on the size of the current site to have overnight off-street parking for truck drivers in need of rest in a secure area.

C.4.b. i. The hours of operation would be 24 hours a day, 7 days a week.

ii. The area is in an area of large traffic patterns and this use would generate an anticipated 1000 number of vehicles entering and leaving the site per day although the location is at a signalized intersection.

iii. Initially it is estimated that the facility will employ 25 people.

C.4.c .i. Noise levels will not increase beyond what would naturally be assumed in a C-1 zone designation. The use of the site historically has been an implement dealership and anticipated noise levels would be similar.

ii. Glare from lighting will be directed towards the interior of the site.

iii. Odor issues should not be an issue.

iv. Fumes and vibration effects to adjoining properties should not be increased by the proposed use. Adjoining property uses have similar use categories.

v. The proposed use is compatible with the adjoining properties and zoning designation. The proposed use should be an asset to the neighborhood in that it provides a need compatible to neighboring businesses which currently does not exist.

Zoning Vicinity Map

Reference Only



VARIES

C-1

MARIE AVE

C-1

C-1

HA

C-1

VARIES

C-1

C-1

C-1

C-1

Kimberly Rd

C-1

C-1

C-1

C-1

C-1

C-1

C-1

VARIES

C-1

C-1

HANKINS RDS

VARIES

VARIES

M-2

M-2

VARIES

VARIES

M-2

M-2

M-2

Aerial Photo Map

Reference Only



HANKINS RD

Kimberly Rd

3085 KIMBE

2992 KIMBE

C-1

3204 KIMBE

C-1

3140 KIMBE

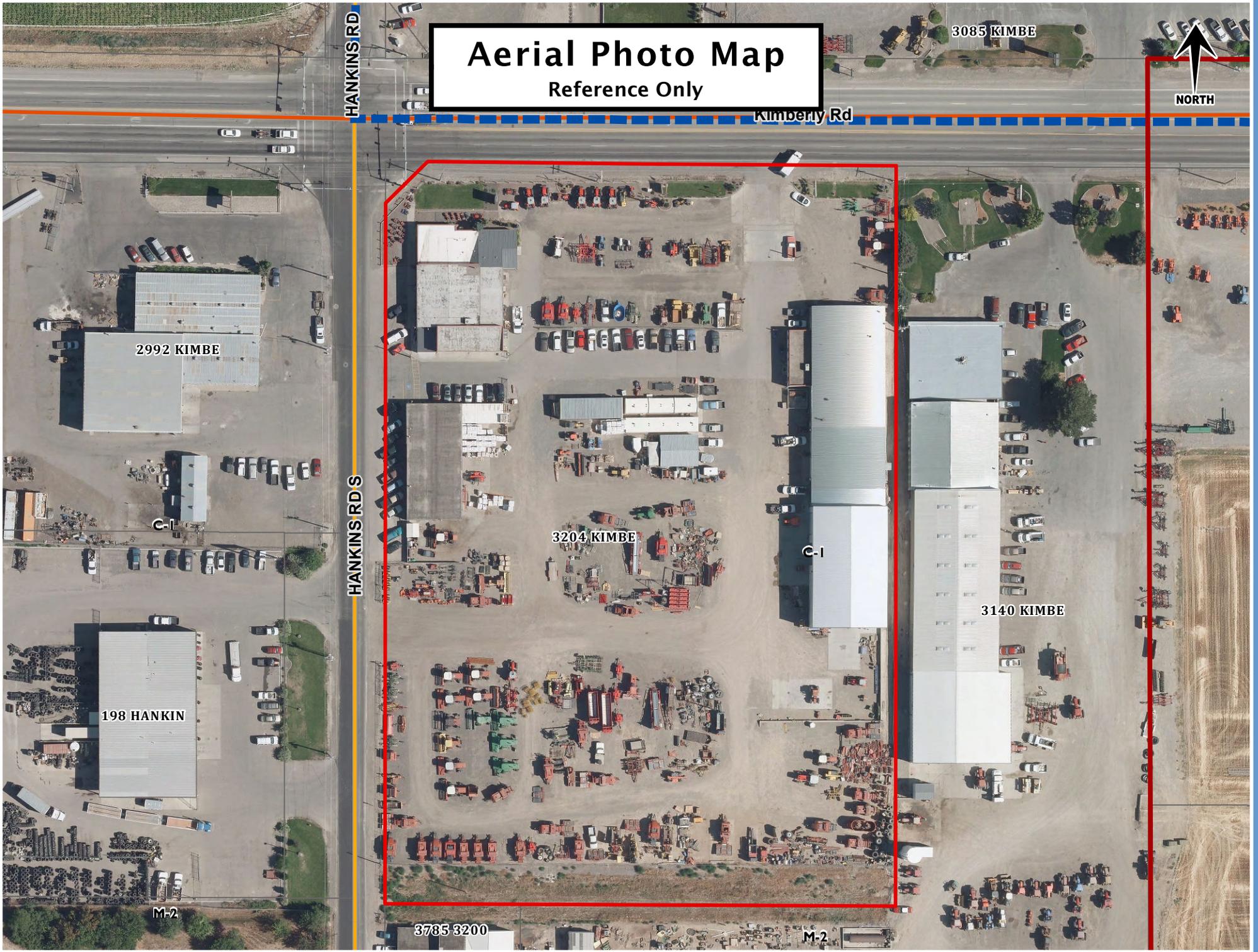
198 HANKIN

M-2

3785 3200

M-2

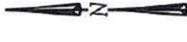
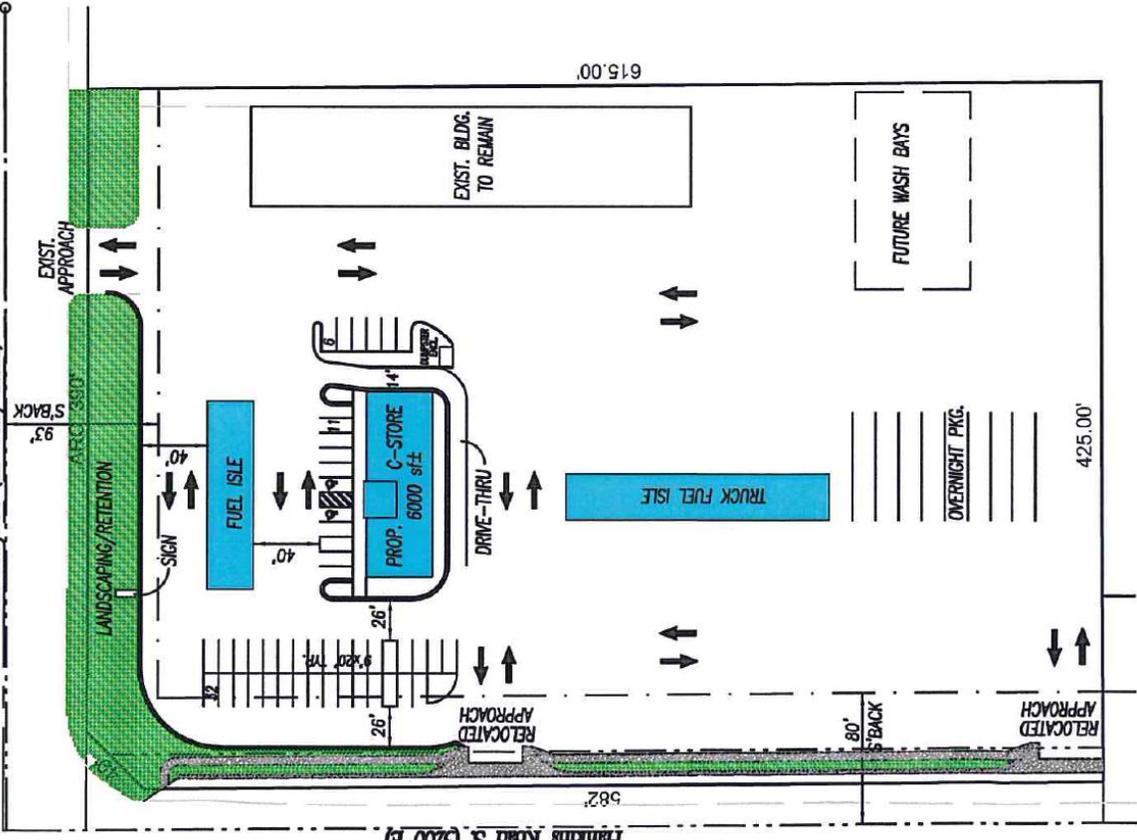
HANKINS RDS



SIGNALIZED INTERSECTION

U.S. Hwy. 30 (Kimberly Road)

Hankins Road S (3200 E)



Scale 1" = 100'

Located In

NW4 NW4, Section 24
 T. 10 S, R. 17 E, RM.
 Twin Falls County, Idaho
 2014

OWNER:

BUTTARS FAMILY LIMITED PARTNERSHIP
 REP. BY: J. FRANCIS FLORENCE
 195 RIVER VISTA PL., STE. 304
 TWIN FALLS, IDAHO 83301
 PHONE: 208-280-5800

PARKING:

REQUIRED: TO BE DETERMINED
 (PER ZONING ORDINANCE)
 PROVIDED:
 2 H'CAP VAN ACCESSIBLE
 47 STANDARD

LANDSCAPING:

PROPOSED: GATEWAY LANDSCAPING
 ALONG KIMBERLY ROAD, REMAINDER
 PER C-1 ZONE REQUIREMENTS

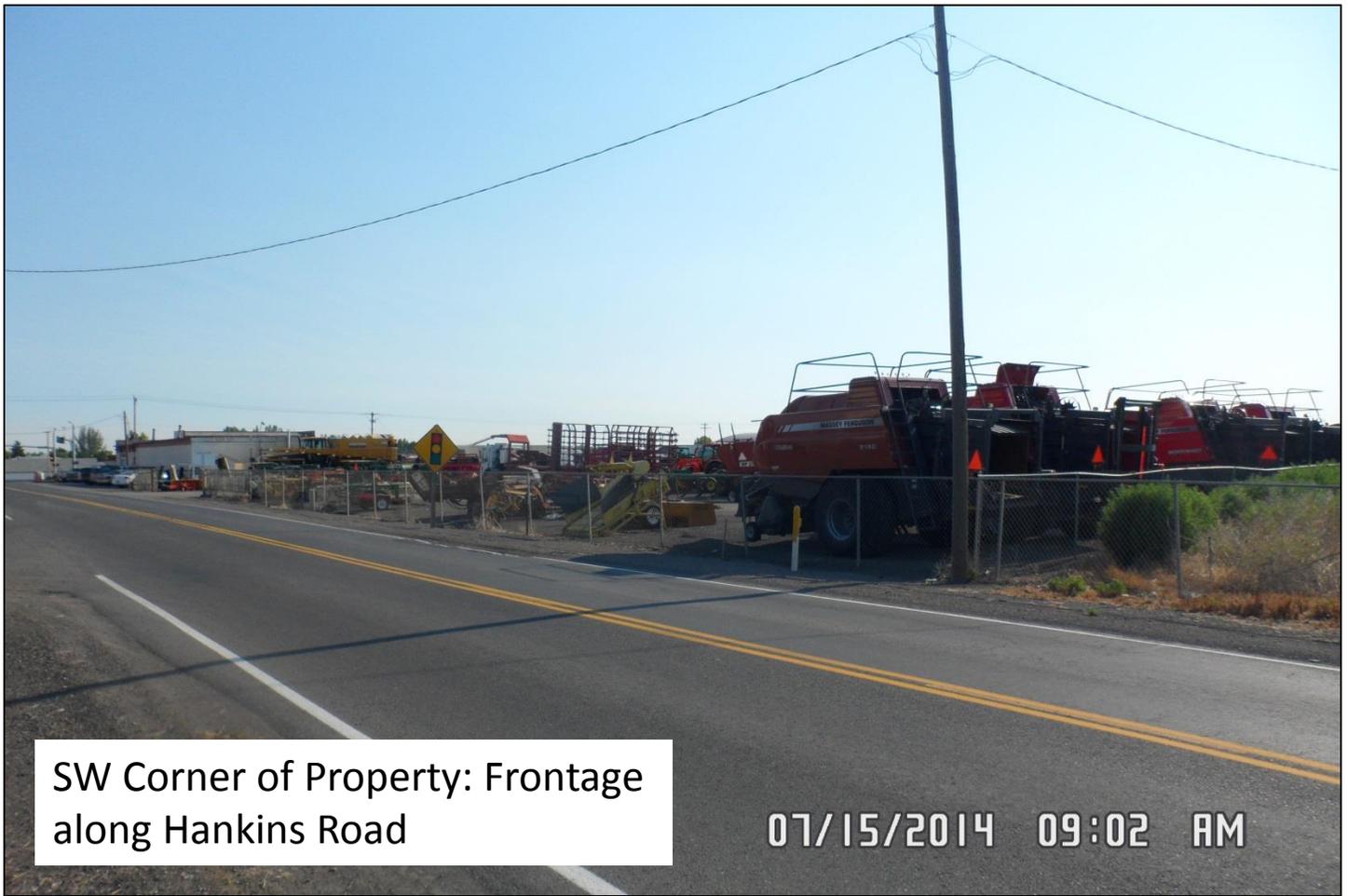
EXISTING ZONING:

C-1 COMMERCIAL

NOTE:

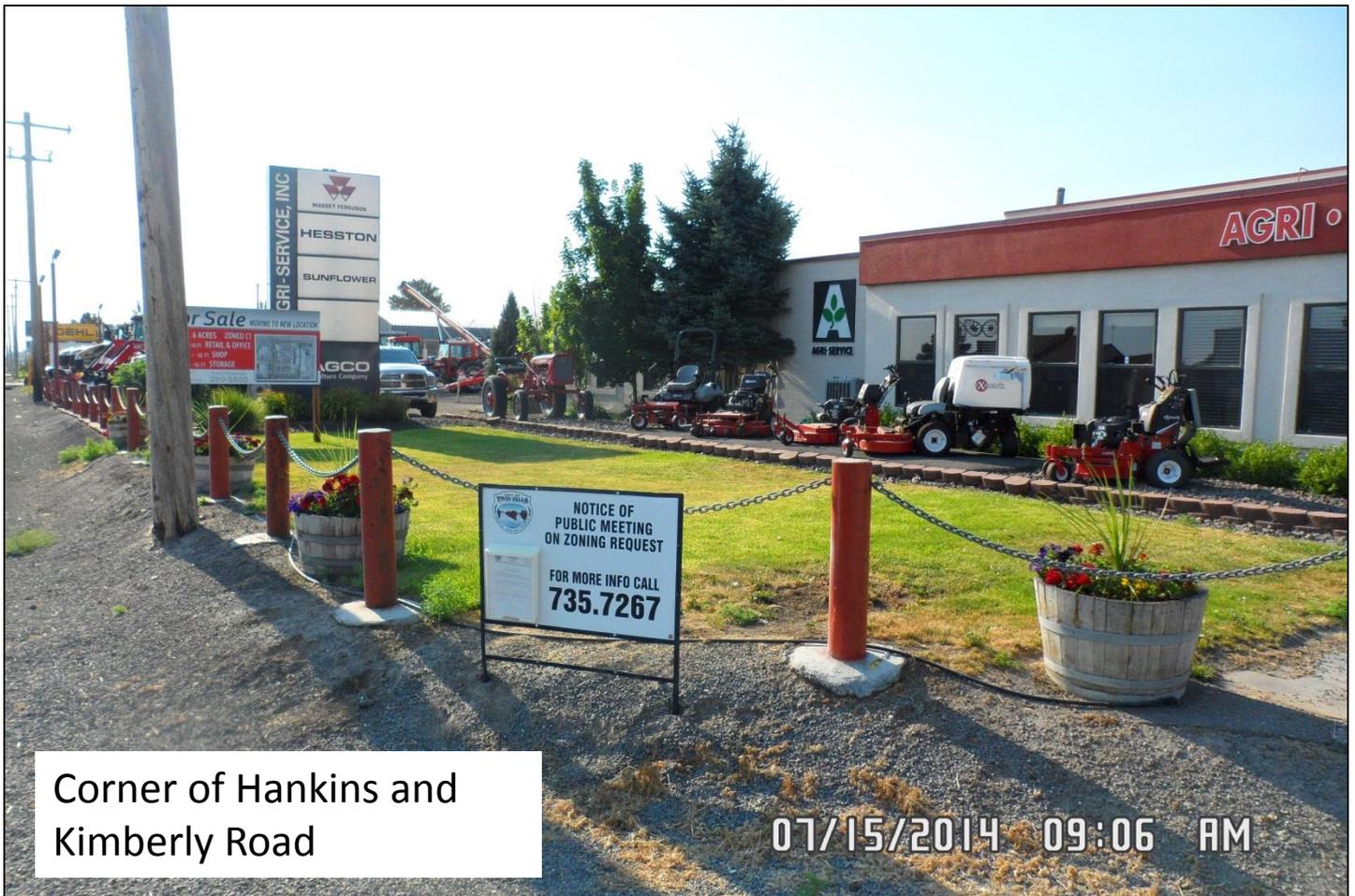
FINAL DESIGN SUBJECT TO CHANGE.





SW Corner of Property: Frontage along Hankins Road

07/15/2014 09:02 AM



Corner of Hankins and Kimberly Road

07/15/2014 09:06 AM



Looking South Along Hankins
Frontage from corner of Kimberly Rd

07/15/2014 09:06 AM



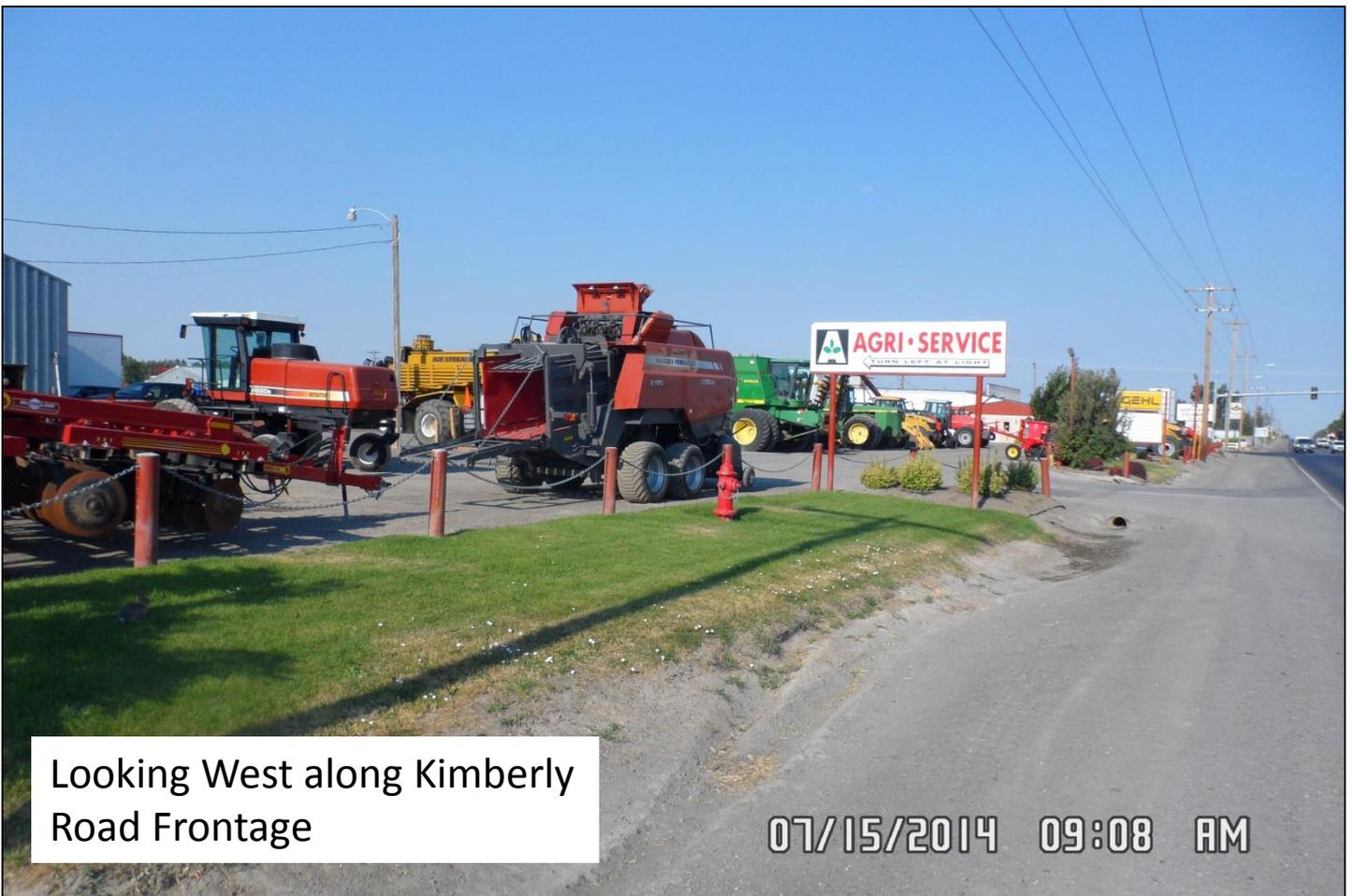
Looking East along Kimberly
Road frontage.

07/15/2014 09:06 AM



Existing approach on Kimberly Road

07/15/2014 09:07 AM



Looking West along Kimberly Road Frontage

07/15/2014 09:08 AM