



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
June 10, 2014, 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 Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods
Vice-Chairman

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

Present Absent

Boyd
Derricott
Frank
Grey
Munoz
Reid
Tatum

AREA OF IMPACT MEMBERS

Present Absent

Higley
Woods

CITY COUNCIL LIAISON(S): Mills Sojka

CITY STAFF: Carraway, Spendlove, Strickland, Vitek

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.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **May 13, 2014 PH, May 28, 2014, June 4, 2014**
2. Approval of Findings of Fact and Conclusions of Law:
 - Kimberly Construction (SUP 05-28-14)
 - ProWest Engineering (SUP 05-28-14)
 - White Cloud Communications (Variance 05-28-14)
 - Silcock Enterprises (SUP 05-28-14)
 - Century Motorsports (SUP 05-28-14)

Motion:

Commissioner Munoz made a motion to approve the Consent Calendar, as presented. Commissioner Grey seconded the motion.

Unanimously Approved

III. ITEMS OF CONSIDERATION:

1. Request for consideration of the Preliminary Plat for Lengfeld Subdivision, consisting of two (2) single family residential lots on approximately 3.83 acres located southwest of the intersection of Madrona Street North and Candleridge Drive. c/o Don Acheson/Reidesel Engineering, Inc. on behalf of Mitchell Moffitt.

Applicant Presentation:

Don Acheson, Riedesel Engineering, Inc, representing the applicant, stated this is a continuation to a platting process. This was originally a conveyance plat known as Reeder Conveyance. The preliminary plat Lengfeld Subdivision will create 2 conforming lots for an existing home that fronts Madrona Street North and the remaining lot for a new home for the applicant. This is taking an existing lot and creating 2 lots it exceeds the minimum lot size for the R-2 zone. The surrounding land uses are either existing subdivisions or a few surrounding vacant lots. He asked that the Commission approve the preliminary plat so that the applicants can move forward in the process.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and reviewed the history of the property. He stated the property was purchased in 1985 from the McCallie family, John Reeder constructed a separate dwelling on the lot in 1986. At the time, the County Assessor's Office was requested, by Twin Falls Bank & Trust, to split off the new home from the lot in what was called a *Mortgage Split*. This mortgage split was to allow for financing purposed only and was processed; however, the County assigned a separate RPT# for this portion of the lot. This led the Reeder's to believe that the lot had indeed been split legitimately. The property as a whole was annexed by the City of Twin Falls in December of 1995. The Conveyance Plat was recorded on November 5, 2012, a Conveyance Plat requires a preliminary and final platting process to be completed prior to a building permit being issued; this is why this request is coming before the Commission tonight.

This Preliminary Plat for the Lengfeld Subdivision, includes 3.83 (+/-) acres and is zoned R-2; Residential Single Household or Duplex District. The request is to plat two (2) lots for single family residential development. The plat is in conformance with the City Code requirements and standards. Access to Lot 1 will be obtained through a shared approach with Lot 2 off Madrona Street North. An Access Easement will have to be recorded before a building permit can be issued for Lot 1. The Fire Department review has indicated the need for an additional fire hydrant. The location of the residence on Lot 1 will determine where this hydrant will need to be placed. The location and size of the residence on Lot 1 has not been determined at this time. The sewer and water tap locations will be finalized at building permit process.

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

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that Lot 1 will be connected to City of Twin Falls water and sewer systems. Lot 2 is currently on a septic system and city water. The developer is negotiating sewer capacity at this time. A guarantee of services comes when the City Engineer signs a Will-Serve Letter after final and construction plans are reviewed. It is also indicated on the Preliminary Plat that the site will be on a private Pressure Irrigation (P.I.) System.

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This request is in conformance with the Comprehensive Plan which designates this area as appropriate for Medium Density Residential development.

Planner I Spendlove stated upon conclusion should the Commission approve the request, as presented, staff recommends the following conditions:

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to an access easement being recorded before building permit can be issued on Lot #1.
3. Subject to a fire hydrant being installed at the time of building permit being issued for Lot #1.
4. Subject to a completed transfer of sewer capacity or the lots will have to be placed in trust.

PZ Questions/Comments:

- Commissioner Frank asked about the shared access for all the lots.
- Assistant City Engineer Vitek stated he believes there is already an easement in place that serves the parcel to the northeast and the new final plat would reflect that easement.
- Mr. Acheson stated there has been an agreement from the adjacent property owner to build their own access onto Madrona Street North and the access shown on the plat is for lots 1 and 2.
- Commissioner Grey asked about the process for getting a will serve.
- Assistant City Engineer Vitek explained if you are within a certain distance of city services the code states you have to connect; which is why a will serve will be needed to approve a building permit. When the waste water treatment plant upgrade is complete additional will serves will be allowed but until that time DEQ will not allow the city to issue more will serves; otherwise the lot has to be put into trust until a will serve is available.

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

Deliberations: [Without Concerns](#)

Motion:

Commissioner Grey made a motion to approve the Lengfeld Subdivision Preliminary Plat, as presented, with staff recommendations. Commissioner Boyd seconded the motion. All members present voted in favor of the motion.

[Approved, As Presented, With Staff Recommendations](#)

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to an access easement being recorded before building permit can be issued on Lot #1.
3. Subject to a fire hydrant being installed at the time of building permit being issued for Lot #1.
4. Subject to a completed transfer of sewer capacity or the lots will have to be placed in trust.

IV. PUBLIC HEARINGS:

1. Request for a Zoning Title Amendment to amend Title 10; Chapter 4; Section 23.3 - Residential Business District Property Development Standards [c/o Gerald Martens, EHM Engineers, Inc.](#) (app. 2639)

Applicant Presentation:

Gerald Martens, the applicant, stated he is proposing an amendment to the RB Zoning standards. EHM Engineers, Inc acquired a piece of property along Filer Avenue and Adams Street. A portion of the property is zoned C-1 and a second portion of the property is zoned RB. The RB zone is a relatively new zone and it was discovered that prior to now there have not been any properties developed under these standards; when trying to design a development using the RB zoning standards they figured out why nothing has been developed. The criteria were impossible to meet when developing the lots. The majority of the criteria will remain unchanged however there were a few areas that were changed. Staff has indicated that the intent of the standards was to help maintain the residential character while allowing the property to be utilized for things other than residential uses. These properties are typically along arterials or collector streets that are moving towards a change from residential to light commercial or professional uses. The goal is to minimize the impacts to the remaining residential properties in the area.

- **A- 10-4-23.3 (B) Lot Occupancy:** No building shall occupy more than 60% of a lot.
- **B- 10-4-23.3 (D) Building Size:** No building shall have a total floor area square footage of greater than six thousand (6,000) square feet.
- **C- 10-4-23.3 (F) Access:**
 2. Driveway access: No driveway with access to more than two (2) parking spaces will open onto the side street for access to ingress to the properties containing the nonresidential uses, nor can any additional curb cuts be made on the side street curbs. However, if a driveway presently exists that goes to the side street, then the presently existing driveway may be maintained, but the use may not be expanded to include other parking places.
 3. When an existing residential structure is converted to a nonresidential use, the driveway requirements above may be modified by the Administrator if it can be shown that strict compliance to these development standards is not possible.
- **D- 10-4-23.3 (G) Landscaping:**
 1. Twenty percent (20%) of each property shall be maintained in landscaping.
- **E- 10-4-23.3 (H) Off Street Parking:**
 1. ~~All off street parking shall be placed on the alley side of the lots or behind buildings so that the portion of the property that fronts the side streets and arterial streets shall continue to have lawn and landscaping consistent with surrounding properties as opposed to asphalt, rock, or pavement. Also, any Any~~ use that has a parking requirement, as determined by section 10-10-3 of this title, in excess of twenty four (24) spaces is prohibited.
 2. Off street parking shall conform to the requirements contained in 10-10-3 of this title. When an existing residential structure is converted to a nonresidential use, the parking requirements may be modified by the Administrator if it can be shown that strict compliance to these development standards is not possible.

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Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and outlined the proposed changes as follows:

- **A- 10-4-23.3 (B) Lot Occupancy:** *No building shall occupy more than ~~sixty thirty~~ percent(30 60%) of a lot.*

The Residential Zoning Districts have a max occupancy of 60%. Staff found that when current code was applied to a potentially converted residence, the 30% max occupancy was nearly impossible to meet therefore conversion to a commercial use would then create a non-conforming property which is not allowed by code. The proposed amendment will help address this non-compliance issue if existing residences were converted to businesses.

- **B- 10-4-23.3 (D) Building Size:** *No building shall have a ~~footprint square footage greater than three thousand (3,000) square feet or~~ total floor area square footage of greater than six thousand (6,000) square feet.*

This change will allow a building to have a larger footprint while maintaining the cap of overall square footage at six-thousand (6,000) square feet. This will give builders greater flexibility in building designs tailored to specific needs and circumstances on existing residential lots. It also creates the option to build a one story building up to six-thousand square feet, which some would argue is more desirable than a two story structure. Staff feels it would still meet the intent of the code to keep buildings on a residential scale due to the height restriction of two (2) stories.

- **C- 10-4-23.3 (F) Access:**

2. Driveway access: No driveway with access to more than two (2) parking spaces will open onto the side street for access to ingress to the properties containing the nonresidential uses, nor can any additional curb cuts be made on the side street curbs. However, if a driveway presently exists that goes to the side street, then the presently existing driveway may be maintained, but the use may not be expanded to include other parking places.

3. When an existing residential structure is converted to a nonresidential use, the driveway requirements above may be modified by the Administrator if it can be shown that strict compliance to these development standards is not possible.

This change will allow access to be established on the side streets, while limiting them to no more than two (2) spaces. This will maintain the residential character and intent of the code while giving property owners more options to fulfill the parking requirements. Previously, Staff was concerned that a single driveway may not allow access to the required parking on a converted lot while also following the other requirements outlined in the code (setbacks, landscaping, driveway, Etc.). Staff does not foresee any negative impacts due to this proposed change.

○ **D- 10-4-23.3 (G) Landscaping:**

1. Twenty ~~five~~ percent (~~25-20%~~) of each property shall be maintained in landscaping.

No other district in the code requires twenty five percent (25%) of landscaped area. The Neighborhood Commercial Zone has very similar goals to the RB and it requires 20%. Staff has no concerns with this change.

○ **E- 10-4-23.3 (H) Off Street Parking:**

1. ~~All off street parking shall be placed on the alley side of the lots or behind buildings so that the portion of the property that fronts the side streets and arterial streets shall continue to have lawn and landscaping consistent with surrounding properties as opposed to asphalt, rock, or pavement. Also, any Any~~ use that has a parking requirement, as determined by section 10-10-3 of this title, in excess of twenty four (24) spaces is prohibited.

2. Off street parking shall conform to the requirements contained in 10-10-3 of this title. When an existing residential structure is converted to a nonresidential use, the parking requirements may be modified by the Administrator if it can be shown that strict compliance to these development standards is not possible.

The proposed changes to this section will address potential issues with conflicting code requirements. Staff has determined it may be very difficult to comply with the required parking in the rear of converted residential properties, especially in locations that do not have alleyways. This change will allow reasonable solutions to be reached on converted properties while maintaining meaningful governmental oversight by City Staff.

○ **F- 10-4-23.3 (K) Building Design Standards:**

4. *Commercial Buildings: commercial buildings on street frontages shall have functional entrances that face the street and have between 10 percent (10%) and at least forty percent (40%) of the façade as windows. Windows shall be non-reflective glass on the ground floor.*

Staff does not perceive any negative effects will result from this change to the code. Under further review of the implementation of the current code, Staff has determined that the requirement of forty (40%) may have a more commercial feel rather than a residential feel. Giving a target range to be obtained will allow the developers, businesses, and property owners more options to design a building that fits in the neighborhood while maintaining a residential feel.

The current Twin Falls Comprehensive Plan was updated in 2009. Within that plan, the Residential Business (RB) District was presented as a type of development/district on the Future Land Use Map (Map 2-4). The comprehensive plan states "Residential Business 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".

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.

The amendments requested will not change any of the allowed or special permit land uses in the Zoning District. The changes are exclusively dealing with the development standards. The applicant and staff evaluated the current zoning code against existing and potential developments. It was found that some of the currently required development standards would render a disproportionately amount of properties undevelopable and/or nonconforming upon re-development. Staff is supportive of the proposed changes that will alter this code section into a realistic alternative for smaller scale businesses to potentially operate in and around residential neighborhoods, as opposed to full blown Commercially Zoned property.

Planner I Spendlove stated upon 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.

PZ Questions/Comments:

- Commissioner Munoz had a question regarding sign code requirements.
- Zoning & Development Manager Carraway stated this would be a non-residential zone and the sign code would apply.
- Commissioner Frank stated his concern is with allowing a 6000 sq. ft. building because these areas usually consist of fairly small lots. How does that maintain a residential feel, it seems like a fairly large building unless it is built on several lots.
- Zoning & Development Manager Carraway stated the intent was to design the code so that these existing residential properties would be able to be converted and become useful again. After reviewing the Comprehensive Plan it is in compliance.
- Mr. Martens also explained that 6000 sq. ft. would require multiple lots to allow for that size building and it is only allowed to cover 60% of the lot, it will require parking and 20% of landscaping. In order for all of the conditions to be met it will take at least 15-18000 sq. ft. to accommodate a 6000 sq. ft. building. When you develop or upgrade on a collector street it is very expensive, additional right of way has to be dedicated, streets have to be widened, sidewalks have to be installed, and utilities have to be rebuilt so the economics only work if you can recoup the cost of development.
- Commissioner Munoz asked if alternative landscaping plans will be allowed for developments occurring in this zone.
- Planner I Spendlove explained the requirements for parking and landscaping will be required therefore the building will have to be designed so that all of the requirements can be met. It is up to the developer to design the development to meet the development standards.

Public Hearing: Open & Closed without public comment.

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Closing Statements:

- Mr. Martens explained that the development will run out of parking space before they run out of landscaping. So planning will have to be done to meet the requirements.

Deliberations: [Without Concerns](#)

Motion:

Commissioner Boyd made a motion to recommend approval of the request, as presented. Commissioner Tatum seconded the motion. All members present voted in favor of the motion.

**[Recommended for Approval to the City Council](#)
[City Council public hearing July 7, 2014](#)**

2. Request for a Special Use Permit to allow for a new free standing Wireless Communication Facility on property located in the Hollohan Addition Lot 10 Exc S 25' and Exc E 125' (aka Clouchek Avenue) c/o Verizon Wireless (app. 2641) **WITHDRAWN**
3. Request for a Special Use Permit to allow for a new free standing Wireless Communication Facility on property located a 1592 Elm Street c/o Verizon Wireless (app. 2641) **WITHDRAWN**
4. Request for a Special Use Permit to allow for a 24 Hour Gasoline Service Station with a drive through window on approximately 2.7(+/-) acres located at the north east corner of Meadowview Lane and Kimberly Road. c/o Steve Fisher on behalf of Nick Lynch / Mr. Gas (app. 2463)

Applicant Presentation:

Jim Lynch, the applicant stated they would like to grow their business and wanted to move to another area of town. This piece of land is in a great zone with high density apartments behind it and they plan to be good neighbors. He would like to provide an RV Island so that maneuvering is easier through the property. They are working on plans for design of the site; this building will be between 8500 to 10000 sq. ft. with a coffee shop and coolers. There is a large amount of growth in this area. They have requested an access from the state and will provide plenty of parking for the customers. They want to be good neighbors and it will be a great benefit to that area of town.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated the location has been zoned C-1 at least as far back as the 1970's. There is no further zoning history for this location. It has been used as undeveloped agricultural land.

Per City Code 10-4-8.2(B)-6a& 10g & j: A gasoline service station, a 24 hr. retail operation, and a drive thru, are all required to obtain a Special Use Permit prior to being established in the C-1 (Commercial Highway) Zoning District.

Per City Code 10-7-6 Street Setbacks: Any building located along this stretch of Kimberly Road will need to follow a Center Line Setback set forth in the code. On this section of Kimberly Road, the Centerline Setback is 93'. The site plan submitted by the applicant appears to meet this

requirement; however, this setback will be officially reviewed at the time of building permit submittal.

Per City Code 10-7-12 Gateway Arterial Landscaping: This stretch of Kimberly Road is a Gateway arterial. There will be a required 35 foot wide landscape strip along the Kimberly Road frontage. This landscaping will be required to follow all applicable standards for numbers of trees and bushes. This requirement will be assessed at the time of building permit submittal.

Per City Code 10-10 Off Street Parking: The parking requirement for this type of use will be assessed at a rate of one parking space for every three hundred square feet (1:300). The site plan provided by the applicant shows a building footprint of approximately 7,500 square feet. The number of parking spaces shown on this site plan meets or exceeds the amount required. The official count and assessment will be performed at the time of building permit submittal.

Per City Code 10-11-1 thru 8 Required Improvements: All improvements required under this code section will be reviewed at the time of building permit submittal. The required improvements outlined in city code include landscaping, screening, parking, streets, storm water retention and utilities. Some of these improvements have been addressed on the site plan; others will be reviewed at the time of building permit approval.

The lot in question was part of a larger parcel that was split sometime in 2008. This split by a previous owner was done without recognition by the City as a legal lot. As a consequence, this lot may need to be platted prior to approval of any development occurring on this lot. Further review by city staff will determine if required.

The impacts of this gasoline service station will generally include an increase in customer traffic to the immediate streets in the area, light intrusion on surrounding properties, deliveries by larger trucks, a 24 hour operation for the store, and an increase in noise disturbance to neighboring properties.

The increase of traffic to the area should be kept to a minimum given the location of the property along Kimberly Road which is a major arterial in Twin Falls. It is safe to assume the majority of traffic will enter and exit onto Kimberly Road thus diminishing the possible negative impacts of the customer and truck traffic on the surrounding residential area.

The possibility of light intrusion on neighboring properties is something that can be a negative impact on neighboring properties. 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 can be accomplished in a variety of ways; the minimum standard of screening will be required and reviewed at the time of building permit submittal. The commission may require more than the minimum standard outlined in the code if it finds that the proposed development will have greater impacts on the neighboring properties than the minimum standard will mitigate. The applicant has attempted to address this issue by showing a landscape strip on the north side of the property that shows multiple trees.

Planner I Spendlove stated should the Commission grant this request as presented; staff recommends approval be 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 final determination, whether the property requires platting prior to development.
3. Subject to access location on adjacent roadways being determined by City Staff and Idaho Transportation Department.

PZ Questions/Comments:

- Commissioner Frank stated he was surprised to see that the apartments behind this property are zoned C-1.
- Zoning & Development Manager Carraway stated they are zoned C-1 but it is still considered a residential use.
- Assistant City Engineer Vitek stated the approach shown on Kimberly Road is part of the Idaho Transportation Departments Roadway, the City really has no jurisdiction. They however do look to the see for input. He is not sure that what is shown on the site plan even meets the requirements for an access, and the applicant stated they are in discussions with ITD. This access could happen but he is not going to say that is an approved location for a secondary approach. If ITD does approve that he would also recommend a fourth condition be placed on the Special Use Permit to require a deceleration lane. Currently there is a right turn drop lane that enters that property along Kimberly Road west bound that would force the traffic onto Meadowview Lane allowing the traffic to slow down and make the right hand turn lane. However, if they develop the easterly approach there is no deceleration lane, essentially people would be stopping mid traffic to make the right turn. Staff recommends that a deceleration lane be installed if ITD approves the approach onto Kimberly Road shown on the site plan.
- Commissioner Frank asked if other developments have been required to install a deceleration lane.
- Assistant City Engineer Vitek stated that there are other properties that have installed these types of lanes and they have been successful. He stated he is not sure that ITD will grant the access but if they do the deceleration lane should be a condition.
- Commissioner Munoz asked if ITD does not approve the approach onto Kimberly Road what will happen to the layout of the project. If the special use permit has been approved based on this site plan.

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- Zoning & Development Manager Carraway stated the request is for approval of the land use.
- Commissioner Munoz explained he understands however he may feel differently about approving the land use if the traffic flow changes forcing traffic to Meadowview Drive, which creates a different impact on the area.
- Commissioner Frank asked if there is going to be an outside kiosk for taking orders, and if the drive through is for the coffee shop.
- Mr. Lynch explained the drive through will be used for the coffee shop and the drive through will only operate from 6:00am to 10:00pm so it should not be a disturbance to the neighbors.
- Commissioner Reid asked what can go in the C-1 zone.
- Planner I Spendlove reviewed the allowed uses in the C-1 zone on the overhead.
- Commissioner Reid asked when the apartments were built.
- Planner I Spendlove explained the property was developed between 2006 and 2008.

Public Hearing: Open

- James Slimic, 267 Meadowview Lane, stated he is concerned with late night traffic with diesel trucks parked and running at night and he would hate to see this be built there. This is going to impact the area dramatically.
- Mike Worthington, 270 Jo Ellen Drive, stated he is opposed to this request he fails to see the need for another gas station along Kimberly Road. The proposed site is zoned C-1 but this area still has a residential feel and this will increase a hazard to the residential area. The 24 hour service will provide a disturbance to the neighborhood. He stated a service station will increase traffic flow through the neighborhood, noise; fumes from the gasoline, people loitering and the glare from lights located on the site will impact the neighborhoods also. He is opposed to this request.
- Fran Florence, 4129 Hidden Lakes Kimberly, stated typically he is speaking on behalf of most proposals. He is currently working with the property owner on the southeast corner at Hankins Road and Kimberly Road at a lighted intersection and along a truck route. While the concept may make sense to have these services, the location proposed for this development doesn't make sense. Some of the reasons for this are that this is not going to be located at a lighted intersection; the RV vehicles are similar to semi-trucks and maneuvering to get to this location is going to be difficult without the benefit of the light. The easiest way to get back to Hankins Road or Kimberly Road would be to travel through the neighborhood. As for the ITD discussion, when he developed another C-store in town he took the appropriate steps to resolve any issues related to the project prior to seeking approval from the City. The potential issues in question about this development have not been resolved and he feels that this makes it very difficult for the Commission to make a decision. He requested that the Commission consider this and table the request until answers are available.
- Gary Asher, 260 Joellen Drive, stated with the apartments being built traffic has increased through their neighborhood and he is opposed to this request.

Public Hearing: Closed

Closing Statement:

Mr. Lynch stated his business has been in Twin for at least 25 years. He has never had a delivery truck show up on site before 7:00am and they are not there at midnight making deliveries. Their engineer drew the site plan. He explained to his engineer that they want to provide and access so that the RV's can make the corner easily; this will not be a truck stop. This is designed to be a convenience store, and he doesn't understand why people would be inclined to travel through a neighborhood to travel in and out of the site. The majority of the customers will be coming into town to go to work and will not be crossing traffic to get in and out of the gas station. The last thing they want to do is have problems with the neighbors and will work to address any concerns.

Deliberations:

- Commissioner Grey stated that this is C-1 and development along this corridor is inevitable. He has frequented the applicant's services stations and they seem to be good stewards. He can't say this is an inappropriate use but taking into consideration the recommendation from Assistant City Engineer Vitek, he has difficulty approving the request without knowing the decision that has been made from ITD about the access on Kimberly Road and without requiring the deceleration lane if it is approved.
- Commissioner Munoz stated there are a lot of unknowns with this request. A gas station is not a big deal, but the 24 hours of operation makes it so that semi-trucks can come at any time of the night and park along the back of the property close to the residential area. He doesn't think he knows enough to approve the request, as presented, because he does have concerns about the final traffic flow layout without a decision from ITD about the access along Kimberly Road.
- Commissioner Derricott does agree with the traffic concern but development of any kind in this location is going to increase traffic. Traveling through a neighborhood street with and RV is not going to be convenient. If this were a Lowe's or something he could see even more of a traffic increase.
- Commissioner Munoz stated the Lowe's is not open 24 hours, a traffic increase is expected, but an increase in traffic 24 hours a day is more concerning.
- Commissioner Grey stated his concern is the rush hour without a deceleration lane.
- Commissioner Munoz stated if the access is not approved it will change the traffic pattern.
- Commissioner Frank stated if ITD doesn't approve the access along Kimberly Road the project is not viable.
- Commissioner Grey stated if ITD doesn't approve the access along Kimberly Road the only access to the property is from Meadowview Lane but it doesn't mean the project is dead. Should the Commission table this prior to having the decision made by ITD.
- Commissioner Frank stated he has seen conditions that have prevented projects from moving forward. This is a four lane road so he is not concerned about traffic. When you build close to C-1 there are going to be uses that may be difficult to deal with and it will increase traffic. If there is another gas station that goes in further down the road let the competition begin.
- Commissioner Munoz stated he is okay with the gas station, it's the 24 hour request and the traffic pattern he is concerned with because we don't have information from ITD.
- Commissioner Frank stated the motion can be made to address the concerns with the access.

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Motion:

Commissioner Derricott, made a motion to approve the request, as presented, with the following amended conditions. Commissioner Reid seconded the motion.

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 a final determination whether the property requires platting prior to development.
3. Subject to access location on adjacent roadways being approved by City Staff and the Idaho Transportation Department.
4. If ITD allows Kimberly Road access the applicant shall provide a right turn deceleration lane.

Discussion:

- Commissioner Munoz ask if the, as presented, includes the tentative access along Kimberly Road.
- Zoning & Development Manager Carraway stated the site plan presented includes the access along Kimberly Road with the condition that if ITD approves the access that a deceleration lane is provided.
- Commissioner Tatum asked if they are locked into the site plan presented with the access on Kimberly Road.
- Zoning & Development Manager Carraway explained that the motion basically says the Commission is okay with a gas station that operates 24 hours and has a drive through window, the amended conditions only address the access.
- Commissioner Tatum, asked if the decision from ITD significantly alters the design of the project does the applicant have to come back again with the new configuration of the project.
- Zoning & Development Manager Carraway stated a change in the layout of the property to accommodate access would not require the applicant to come back through. A condition could be added that any major changes could be brought back through for the Commission to review.
- Commissioner Tatum stated she just wanted to make sure the applicant didn't have to bring it back if the layout changed from what was presented on the site plan.
- Zoning & Development Manager Carraway stated staff would just make sure that the final site plan complied with development standards and conditions.

Vote:

All members present voted in favor of the motion.

Approved, As Presented, With Amended Staff Recommendations

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 final determination, whether the property requires platting prior to development.
3. Subject to access location on adjacent roadways being approved by City Staff and the Idaho Transportation Department.
4. If ITD allows Kimberly Road access the applicant shall provide a right turn deceleration lane.

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

- Mr. Lynch explained that the reason for the 24 hours operation request is because the extra hours are used for cleaning the store and the parking area. It is very difficult to do that during normal business hours. He also stated that on a good night between 12:00am and 5:00am they average approximately 2 customers per hour.
- Zoning & Development Manager stated the request for the code amendment heard tonight should be heard by the City Council on July 7, 2014. The requests that were withdrawn on this agenda have been rescheduled for the July 8, 2014 Planning & Zoning Agenda. She also stated she received confirmation from the county that the request from Leon Corr for the rezone is scheduled with the Board of County Commissioners on July 17, 2014.
- Commissioner Derricott asked for some photos for grouped landscaping to be included when the request for the parking code amendment is discussed at the next work session.
- Planner I Spendlove stated he has a good sample that he will bring to the next work session.

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

1. Public Hearing- **June 24, 2014**
2. Work Session - **July 2, 2014**

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:37pm.

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department