



**MINUTES**  
**TWIN FALLS CITY PLANNING & ZONING COMMISSION**  
**February 10, 2015, 6:00PM**  
**City Council Chambers**  
**305 3<sup>rd</sup> Avenue East Twin Falls, ID 83301**

**PLANNING & ZONING COMMISSION MEMBERS**

**CITY LIMITS:**

Nikki Boyd   Jason Derricott   Tom Frank   Kevin Grey   Gerardo “Tato” Muñoz   Christopher Reid   Jolinda Tatum  
**Chairman   Vice-Chairman**

**AREA OF IMPACT:**

Ryan Higley   Steve Woods  
**Vice-Chairman**

**CITY COUNCIL LIAISON**

Rebecca Mills Sojka

**MEMBER ATTENDANCE**

**CITY LIMIT**

Present   Absent

Boyd  
Derricott  
Frank  
Grey  
Muñoz  
Reid  
Tatum

**AREA OF IMPACT**

Present   Absent

Woods   Higley

**CITY COUNCIL LIAISON(S):**

**CITY STAFF:** Carraway-Johnson, Nope, 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 public meeting(s): **None**
2. Approval of Findings of Fact and Conclusions of Law: **None**

**III. ITEMS OF CONSIDERATION:**

1. Request for approval of a **Preliminary Plat** for the Morning Sun Subdivision No. 8 approximately 30.47 (+/-) acres to develop 91 residential lots and 1 tract on property located at the southwest corner of Falls Avenue East and Hankins Road North and east of Meadowview Lane c/o EHM Engineers, Inc.

**Applicant Presentation:**

Gerald Martens, EHM Engineers, Inc., representing the applicant, stated the Morning Sun Subdivision has been an ongoing development and this particular piece is phase 8 of the project. This is a new block so it requires a new preliminary plat, it was historically known as the boy scouts property. This property has been through the process previously in 2010 and the market deteriorated and the plat expired. The property will be developed under the R-1 VAR standards which requires larger lots and only single family homes. This property has two access one from the west which is Meadowview Lane and one from the south with is Stadium Boulevard. It is a closed subdivision and the streets are all looped. There is no opportunity for people to cut through the neighborhood, for that reason a proposal was made to the City Council to allow for a special streets section basically narrowing the asphalt but requires a developer constructed tree scape along both sides with detached sidewalks, this proposal was approved. This will allow for a 3-5 foot landscaping strip of trees all planted by the developer making for a very nice quiet residential feel. The streets have low speeds and there will be restricted parking on one

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side of the street, they will work with the City on signage and that cost will be incurred by the developer. In summary this is a request for approval of a preliminary plat for 91 lots to be developed in phases from west to east.

**Staff Analysis:**

Planner I Spendlove reviewed the request and stated the applicant presentation was complete. This is a preliminary plat that was approved by the City Council previously had expired so the applicant is bringing the plat back through the process starting with the preliminary plat.

The streets within the subdivision have an alternative design. The standard local street is 36' of pavement (18' ½ of the street) with attached curb/sidewalk totaling 14' (7' on each side)= 50' of RoW (25' c/l to property line). The proposed street design for the Morning Sun #8 subdivision is 28' of pavement (14' @side) with a detached landscape strip and sidewalk on each side totaling 48' RoW (24' @ side). This alternative street design was approved by the City Council on February 2, 2015.

A request for a Parks – in – Lieu fee was also approved by the City Council on February 2, 2015. There are two collector streets bordering the subdivision, Stadium Blvd to the south and Meadowview Lane North on the west and two arterial streets bordering the subdivision; Falls Avenue East on the north and Hankins Road North on the east. Residences are not allowed to back out onto collector streets and this developed is designed to prohibit this type of driveway.

The plat is in conformance with the Comprehensive Plan Land Use Map and the property is zoned R-1 Variable.

A preliminary plat is presented to the Planning and Zoning Commission as a consideration item. The Commission may approve the preliminary plat, deny it, or approve it with conditions. The Commission's review is not a public hearing, however generally the Commission has allowed for public input. The preliminary plat only goes to the City Council upon an appeal. 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 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 each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed and approved.

Planner I Spendlove stated upon conclusion should the Commission approve the preliminary plat for Morning Sun Subdivision #8, as presented, staff recommends the following conditions:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards, including correction of plat notes.

**PZ Questions/Comments:**

- Commissioner Woods asked about the in-lieu value and if those funds will contribute to restrooms.
- Mr. Martens stated they have had extensive discussions about the parks in the area and have expressed a desire to expedite improvements in the Morning Sun Park by doing work of value. They believe they can make the improvements quicker and at less cost than the City. They are willing to write the check but would rather do the equivalent amount in improvements. The Morning Sun Park needs restrooms and picnic areas. The final amount of the in-lieu is an estimate and an appraised valuation will have to be provided. They do get some credit in this case because other public

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improvements have been made to the area providing a trail along the north side out to the boy scouts building. The cost of the path exceeded the value of the sidewalks.

- Commissioner Woods asked if Mr. Martens could give an estimate on the cost of constructing restrooms in the park.
- Mr. Martens estimates it would be over \$100,000.00 for a nice restroom and they would like to be able to get those done quickly.
- Commissioner Woods asked if it would be appropriate for the Commission to add a condition that requires improvements be made to the Morning Sun Park.
- Planner I Spendlove explained that such a condition would be out of scope for the Commission, these improvements are regulated through the Parks Department and the City Council.

**Public Comment: [Opened](#)**

- Victoria Wakewood, 1165 Skyline Drive, stated she would like to caution the Commission in approving this preliminary plat. She explained the access to and from their subdivision are along Hankins Road and this increase in density is going to impact their neighborhood. The area is getting busier and busier and lately development in this area is beginning to create a more dense area and road improvements are not following suite. She moved to this area on 3 acres in hopes that she could live a certain lifestyle she would hate to think that she has to move further out to avoid this type of density encroachment. She is also concerned with the resources available to support this development, the City needs to think about conservation and not give away so easily our natural resources. Once things are built nothing can be done, this is the time to take a step back and look again now to see if this development is appropriate for the City's future. She is opposed to this request.
- Shawn Athay, 881 Morning Sun Drive, asked if the berm along Falls Avenue will be continued for continuity. He also asked if Meadowview Lane will be widened to match up with the widths of the roads already in the subdivision and will it be fenced by the developer so that there is a barrier like in phase #5.

**Public Comment: [Closed](#)**

**Closing Statements:**

- Mr. Martens explained that the Meadowview Lane will be widened in its entire length during phase #1 of the project; it will include a detached sidewalk, curb and gutter on the east side with a fence similar to the one on the west side. The berm along will be continued along with a fence to provide a barrier to the backyards of the homes. As for approval of the preliminary plat the subdivision meets City Code requirements for development and therefore the developer has a right to move forward with this project.

**Deliberations Followed:**

- Commissioner Frank asked for clarification on how City services get approved for a development.
- Assistant City Engineer Vitek stated the platting process requires a water and sewer model to verify capacity. The City is in the process of constructing a waste water treatment plant and this project cannot get a "Will Serve" until that project is complete. There a lot of other things that can begin prior to approval of a "Will Serve". The preliminary plat has been reviewed for compliance and is ready for approval.
- Commissioner Munoz asked for clarification on the roadway width with parking restricted to one side of the road. As these are going to be public roadways how will the enforcement be accomplished.

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- Assistant City Engineer Vitek explained they have to follow traffic code and the signage will have to be installed prior to the City accepting the subdivision and lots being sold.
- Commissioner Boyd asked how much narrower is the road.
- Mr. Martens explained the road will be 29' back of curb wide versus 36' back of curb so approximately 7' narrower. The city does have to maintain these roads and this will mean less road width to maintain and seal coat. On street parking is precluded now within this subdivision except for guests, there is a very active home owners association and he expects that will continue. The design with the detached sidewalks will make for a more homelike environment.
- Commissioner Woods stated his concerns are related to sections outside of City Code Title 10 which is outside the scope of the Commission; he feels that other things outside of Title 10 should be considered when looking at development. Morning Sun Park is a concern because they are adding density to the area and the transportation plan is a concern with regards to the narrower streets. Enforcement of the parking puts additional pressure on the police department which is a concern. He is also concerned with emergency vehicle maneuvering with parking on one side of the street. His engineering background has taught him that making a design work is easier than asking people to comply. He thinks all of these impacts should be considered as a whole by the Commission prior to approval of the preliminary plat.
- Commissioner Munoz stated he does agree that the narrow roads may cause some issues but with only two accesses to this neighborhood it makes the concept more acceptable. He has experience with wider roads in the neighborhoods and parking on both sides and maneuvering emergency vehicles through these streets are also a problem. Enforcement is his biggest concern however knowing that these are public roadways and signage will be installed prior to building permits being issued. He thinks the R-1 Variable standards will also keep the density at a minimum compared to an R-2 or R-4 development.
- Commissioner Frank explained this is the third proposal he has seen for this property during his tenure and he thinks this is the best. The detached sidewalks and narrow streets may create more of a sense of community. The rules for the neighborhood will be provided to the people prior to purchasing the lots. He thinks this will be a nice change.
- Commissioner Grey asked what the current zoning is for the property.
- Planner I Spendlove explained the property is zoned R-1 Variable.

**Motion:**

Commissioner Derricott made a motion to approve the request, as presented, with staff recommendations. Commissioner Munoz seconded. Commissioners Frank, Boyd, Grey, Derricott, Munoz and Reid voted in favor of the motion and Commissioner Woods voted against the motion.

**Motion Passed 6-1**

**Approved, As Presented With The Following Conditions**

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards, including correction of plat notes.

Commissioner Tatum was seated at this time.

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2. Request for approval of a [Preliminary Plat](#) for the Canyon Village Subdivision, A PUD approximately 38.29 (+/-) acres to develop 3 commercial lots on property located at the southwest corner of Pole Line Road East and Eastland Drive North c/o EHM Engineers, Inc. on behalf of Northeast Investments, LLC.

**Applicant Presentation:**

Gerald Martens, EHM Engineers, Inc., representing the applicant, explained that this property is located at the southwest corner of Eastland Drive North and Pole Line Road East and is approximately 40 acres. This property has an approved PUD Agreement and Master Development Plan and the first step for moving forward with the development is to have the preliminary plat approved. The motivating force for this project is to allow for the construction of the Bishops Warehouse at the northwest corner of the plat. The proposed plat consists of 3 lots with one lot for the Bishops Storehouse, the second lot located on the east side of Meadow View Drive extended and a lot south of the lot for the Bishops Storehouse. This approval tonight will only allow for development on 1 lot for the Bishops Storehouse it does call for the development of Meadow View Drive in its entirety, the development of the pathway that will run north and south through the property, and a cross walk across Pole Line Road East which was a concern at previous meetings. There will be no other development on the other lots until a preliminary plat has come through on the division of the other two parcels. The applicant concurs with the staff recommendations as listed.

**Staff Analysis:**

Planner I Spendlove reviewed the request and stated on August 12, 2014 the Planning & Zoning Commission heard the preliminary PUD presentation for a request to Annex a 40 (+/-) acre parcel and to consider a Zoning District Change and Zoning Map Amendment. Due to commission and public comments the scheduled public hearing was rescheduled until October 14, 2014. At the October 14, 2014 Planning & Zoning Commission meeting and upon conclusion of the public hearing portion of the public hearing the applicant asked for this request to be tabled. By unanimous vote the request was tabled. On November 18, 2014 the applicant held a neighborhood meeting at EHM Engineer, Inc. offices. On November 25, 2014 the Commission held a second public hearing asking for a recommendation on the zoning changes being proposed. All members present voted in favor of the motion subject to conditions. On December 15, 2014 the City Council held a public hearing on this request. Upon conclusion of the public hearing and deliberations the Annexation and Zoning District Change and Zoning Map Amendment were approved as presented with the Commission's recommendations and to include that an appropriate pedestrian connection between said Property and nearby public trails should be designed, reviewed, and approved by the City Engineering Staff prior to construction of said connection by the Developer. All council members present voted in favor of the motion.

This is a request for a preliminary plat of Canyon Village PUD Subdivision, consisting of 38 acres divided into 3 lots. The site is undeveloped and is located on the corner of Pole Line Road and Eastland Drive. The purpose of the plat only containing three (3) lots is to facilitate the development of the Bishops Storehouse on Lot 1, and the building of Mountain View Drive to connect Pole Line Road with Cheney Drive. A subsequent re-plat of lots 2 and 3 will be required prior to development occurring on those lots. Such re-platting will be required to conform to the approved PUD Agreement #270.

The development of the Bishop's Storehouse was presented and approved during the Public Hearing process that took place in previous months with the Planning and Zoning Commission, and the City Council. The preliminary plat being presented appears to be in conformance with the Canyon Village PUD #270 in regards to the Bishops Storehouse. Review of the building permit for this particular lot and development will also be required; at that time it shall also be reviewed for compliance with the approved Canyon Village PUD #270

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Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed. It is also indicated on the Preliminary Plat that the site will be on a pressure irrigation (P.I.) system.

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for medium density residential use.

Planner I Spendove stated upon conclusion should the Commission approve the preliminary plat for Canyon Village Subdivision, 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 compliance with the approved Canyon Village PUD #270, and any conditions or agreements committed to during that approval process.

Assistant City Engineer Vitek added a third condition.

3. Subject to a right turn-bay being constructed on Pole Line Road East at the Mountain View Drive intersection unless a traffic study indicates otherwise.

**PZ Questions/Comments:**

- Commissioner Grey asked if all of the issues associated with the wetlands area have been worked out with the Army Corp of Engineers.
- Assistant City Engineer Vitek confirmed the Army Corp of Engineers has approved the plan.
- Commissioner Munoz clarified that the roads and paths will be developed when the Bishops Storehouse is constructed, he asked if the park will be completed at that time also.
- Mr. Martens explained the park area that fronts on the Bishop Storehouse pad will be developed, there is a crossing over the wetlands as a driveway into that parcel and as parting of constructing that bridge a portion of the wetlands will be developed and the plan has been approved by the Army Corp of Engineers.

**Public Comment: [Opened & Closed](#)**

**Closing Statements:**

- Mr. Martens stated to simplify the process the applicant accepts the right turn-bay condition and it will be constructed as part of this project.

**Deliberations Followed:**

- Commissioner Boyd stated she appreciates the additional landscaping throughout the master development plan and she thinks that it is time for development to occur in this area.
- Commissioner Frank stated he is appreciative of the developer putting in the cross walk and the path being installed.
- Commissioner Munoz explained that the work and effort that has been put into this project should be used as an example of how to achieve a good outcome.
- Commissioner Grey explained that if the development is done as shown on the master plan it should make the majority of people happy.

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**Motion:**

Commissioner Woods made a motion to approve the request, as presented, with staff recommendations. Commissioner Boyd seconded the motion. All members present voted in favor of the motion.

**Approved, As Presented With 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 compliance with the approved Canyon Village PUD #270, and any conditions or agreements committed to during that approval process.
3. Subject to a right turn-bay being constructed on Pole Line Road East at the Mountain View Drive intersection unless a traffic study indicates otherwise.

**IV. PUBLIC HEARINGS:**

1. Request for a **Special Use Permit** to allow an expansion of more than 25% to an existing auto service business on property located at 142 Washington Street North c/o Auto Oil Change, LLC (app. 2697)

**Applicant Presentation:**

Shane Burton, representative for Jiffy Lube, stated this request is for property located at 142 Washington Street North and the reason for the request is to expand the existing building more than 25%. The expansion is to allow for a new lobby for customers and to provide a break room area for employees and add an additional bay. The exterior and interior improvements will make the aesthetic of the building better. The third bay may increase traffic to the sight which will be approximately one additional customer per day. They have designed the addition to reduce the noise and light impacts to the neighbors. The additional bay is not a lube facility and will not have a pit. There will not be any exterior lighting along the back of the building. They provide tire rotation and rock chip repair along with lube services, this bay will be used a maximum of two of three time per day and as an overflow to allow faster service in the lube service lanes.

**Staff Analysis:**

Planner I Spendlove reviewed the request and stated the zoning for this property was passed under Ordinance 2012 in 1981 as a C-1 zone. No further Zoning history is known at this time. According to the Polk directories, the building was originally constructed in 1985-86 under the name Super Lube. The owners of the Jiffy Lube applied for a building permit to expand the operation in August 2014.

The applicant has supplied a narrative outlining the detail of the proposed operation and use of the property. The general operation of the facility will continue much as it has in the past. The new areas will consist of an expanded customer service and waiting area, and the new bay will be for tire rotation, windshield repair and other light services.

Per City Code 10-4-8.2: Auto Service establishments require a special use permit in order to be legally established. The code does not make a distinction between oil change places, tire shops, engine repair, or other automotive services. This location was established in 1985-86. There is no current special use permit for this property. This expansion will increase the size of the building by more than 25%, this increase triggered the requirement to acquire a new special use permit for the auto service use.

Per City Code 10-10: Off Street Parking is required for this business at a rate of three (3) spaces minimum, plus one and one half (1.5) spaces per service bay. The result is (9) parking spaces required. The site plan provided shows the minimum number of spaces being met.

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The parking layout as shown on the site plan depicts parking spaces that require backing onto an alleyway. This is prohibited by current city code. A site plan amendment will be needed in order for the site plan to be approved during the building permit approval process. A separate condition could be placed on this special use permit in order to directly address this issue. Staff will devote the necessary time to collaborate with the applicant in finding a solution to this issue that will comply with City Code.

Per City Code 10-11-1 thru 8: All the required improvements will be reviewed for compliance with current city code at the time of building permit submittal. Some of these improvements include screening, access, parking surface, streets, storm water retention, utilities, and others.

The property to the north is zoned C-1 Commercial. However, it is still being utilized as a residence. This property will be the most impacted by the expansion of this business. A screening fence will be required between the properties that should help mitigate some of the impacts. In general, the operation of the business will not be changed dramatically from what it has been in the past. Staff has not received any complaints regarding this business in the past and we do not foresee an increase of unmanageable impacts with this Special Use Permit.

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

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code requirements and standards.
2. Subject to the parking and access layout conforming to applicable City Code requirements.
3. Subject to the screening fence material being approved by staff prior to installation.

**PZ Questions/Comments:**

- Commissioner Woods asked about landscaping requirements along this area.
- Planner I Spendlove explained that this particular section has a special landscaping allowance, it is not required to meet the arterial landscaping requirement.
- Commissioner Woods asked staff to show where there may be backing out into the alley.
- Commissioner Boyd asked about the existing fence to the north of this property and if that is what has been approved for the site.
- Planner I Spendlove explained the fencing has not been reviewed therefore he has not confirmed that the existing fence is what they intend to use.
- Commissioner Reid asked about exterior lighting locations along the outside of the building.
- Mr. Burton explained there will be a light above the door on the north side of the building that will be controlled by a light switch, the rear does not have any lighting and the lights on the front of the building should be blocked by the addition to prevent it from impacting the residence to the north.

**Public Hearing: [Opened](#)**

- Sherry Sed, 158 Washington Street North, she explained she is the residence to the north. Her concern is without a distinction in the code between oil change places, tire shops, automotive services and engine repair if that would allow the business in the future to have an auto repair or tire shop. The noise from the equipment used to change tires and make other repairs could be quite disturbing.

**Public Hearing: [Closed](#)**

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**Closing Statements:**

Mr. Burton explained that he has spoken to Ms. Sed prior to the meeting and let her know that she is welcome to keep him informed of any of her concerns. He lives in the community and he doesn't want to create a negative impact on the neighbors. As for auto repair and a tire shop, the Jiffy Lube business is in the business of doing oil changes and doing them quickly, that is how they make their money. They do tire rotation occasionally and in the past year this location provided that service 13 times. There are no plans for becoming a repair shop.

**Deliberations Followed:**

- Commissioner Woods asked for clarification on whether the Special Use Permit stays with the property or if it is limited to just the applicant.
- Planner I Spendlove explained the Special Use Permit is attached to the property unless the Commission specifies otherwise in the conditions of approval.

**Motion:**

Commissioner Derricott made a motion to approve the request, as presented, with staff recommendations.

Commissioner Woods seconded the motion.

**Motion Amendment:**

Commissioner Woods made a motion that approval be subject to the Special Use Permit only being issued to Auto Oil Change. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

**Amended Motion:**

All members voted in favor of the motion with the amendment.

**Approved, As Presented, With The Following Amended Conditions**

1. Subject to 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 parking and access layout conforming to applicable City Code requirements.
  3. Subject to the screening fence material being approved by staff prior to installation.
  4. Subject to the permit only being issued to Auto Oil Change, LLC
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2. Request for a **Special Use Permit** to construct a fuel station/convenience store that will operate with extended retail hours from 5:00am to 11:00pm on property located at 1617 Washington Street North c/o Wal-Mart Stores, Inc. (app. 2698)

**Applicant Presentation:**

JoAnn Butler, representing the applicant, she stated the fuel station is an allowed use under City Code and the North Haven PUD agreement. The request is for extended hours, which the applicant feels is consistent with the surrounding area as there is a Wal-Mart store that is open 24 hours and a restaurant to the north that operates until 11:00pm. The applicant concurs with the staff report and the conditions of approval. The nine standards that need to be met prior to approval of the Special Use Permit are met with this request. In summary the C-1 zone promotes commercial activity along major streets, the fuel station with extended hours would be harmoniously maintained and will not be hazardous to existing and future uses. The site will be adequately serviced by public utilities and will not create additional

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requirements at public cost. There will not be an excessive impact to the surrounding uses and lighting will be governed by City Code.

**Staff Analysis:**

Planner I Spendlove reviewed the request and stated in 2004, the area around Wal-Mart was annexed and zoned C-1 PUD under the Agreement call North Haven Business Park PUD #235. In 2007, the owners of the property applied to amend the North Haven PUD #235. This amendment created a new North Haven PUD #245 that superseded the original #235. The new PUD approved in 2007 explicitly permits gasoline service stations within three hundred (300) feet of Washington Street North or Pole Line Road. The PUD allowed for 24 Hour operation, but was specific to the Walmart Store.

Recently Wal-Mart applied for a building permit to construct this Gasoline Service Station. The permit is still under review with the applicable City Departments.

The Special Use Permit is strictly for the operation of the convenience store outside the normal hours of operation (7:00 Am – 10:00 PM) as described in current Twin Falls City Code. The applicant has supplied a narrative and supporting documents outlining the details of the proposed operation and use of the property. The convenience store will be owned and operated by Wal-Mart. The convenience store hours requested are from 5:00 AM – 11:00 PM. The applicant does not anticipate an increase of traffic to the general area. The applicant anticipates a maximum of 3 employees during peak hours. The applicant does not anticipate an unmanageable increase of noise, glare, odors, fumes, or vibrations to surrounding property owners due to the proximity of this project to other established businesses which are commercial in nature.

Per City Code 10-4-8.2: Retail establishments wishing to legally operate outside the normal hours of operation are required to get a special use permit.

*The impacts of this particular project operating from 5:00 AM – 11:00 PM would generally revolve around traffic and light intrusion onto neighboring properties. The Wal-Mart store to the west currently operates 24 hours. Staff does not anticipate the traffic and light from this operation to increase from what is currently in the area.*

Per City Code 10-10: Off Street Parking is required for this business at a rate of one (1) space per two hundred fifty (250) square feet of floor area. The result is six (6) parking spaces required. The site plan provided shows the required minimum number of spaces being met.

Per City Code 10-11-1 thru 8: All the required improvements will be reviewed for compliance with current city code at the time of building permit submittal. Some of these improvements include screening, access, parking surface, streets, storm water retention, utilities, and others.

The immediate properties surrounding this project are zoned C-1 (Commercial) PUD. The property to the west is the Wal-Mart store that operates 24 hours. The properties immediately to the north and south are currently undeveloped. A restaurant is located further to the North. With arterial roadways even further to the North, and immediately to the East, this property was intended to become a commercial business. It is not anticipated that this project will increase the traffic volume to the overall site. The typical affects to adjoining property owners will be negligible due to the nature of the overall development being Commercial. The impact on the greater area should be considered. As this development progresses, it is acceptable to assume more traffic will be generated. However, this development is positioned at the intersection of two major arterial roadways which have been identified as commercial corridors in the current Comprehensive Plan and Future Land Use Map.

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

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

**PZ Questions/Comments:**

- Commissioner Munoz asked if the access into the fuel station from Washington Street North and if that drive way is sufficient to support the additional traffic coming in at that entrance. He is concerned there may be a bottle neck at that location.
- Assistant City Engineer Vitek stated it meets the standards for development, there were discussions about how close the access to the fuel station entrance can be to prevent traffic from bottle necking onto Washington Street North. The narrow drive will also assist in keeping the large fuel trucks from using that entrance to get into the site.

**Public Hearing: [Opened and Closed](#)**

**Deliberations Followed: [Without Concerns](#)**

**Motion:**

Commissioner Boyd made a motion to approve the request, as presented, with staff recommendations. Commissioner Woods seconded the motion. All members present voted in favor of the motion.

**[Approved, As Presented, With The Following Conditions](#)**

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
  
3. Request for a [Special Use Permit](#) to operate an indoor recreation facility on property located at 677 Filer Avenue c/o Ken Davis, Jr. on behalf of Mardi Catz Fun (app. 2699)

**Applicant Presentation:**

Ken Davis, Jr., the applicant, stated he is the owner of the Mardi Catz Fun center, the request is for a Special Use Permit for the use of Xbox equipment. The facility offers a place for entertainment and provides private parties upon request. The hours of operation are 11:00am to 8:00pm Thursday-Sunday and by appointment only Monday-Wednesday. He has operated this business in a space at the Mall and had no complaints about noise or disturbances to neighboring shops. He plans to have a location for flat screen televisions where the Xbox games can be displayed and played by the patrons. He would not be able to operate his business if there was a lot of noise, so it is kept at a minimum. He will have 8 flat screens with 8 Xbox stations. The place has a Mardi Gras theme and is very family oriented. The mini-golf brings in the traffic however the gaming is what keeps the customers coming back. The kids play together as teams, parents play with their kids and it is really fulfilling to watch. This is a social atmosphere where kids and families can have quality time to play and have fun. He understands the concern with noise pollution but he can't be an affective business operator if the noise levels are loud. His neighbors to the business are retail on one side and a bar on the other side. The business will be very unobtrusive to the surrounding area.

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**Staff Analysis:**

Planner I Spendlove, explained the narrative provide by the applicant was very thorough. The owner has described the operation as a party and fun atmosphere that will have gaming rooms for the various video game consoles; a glow in the dark pool table and miniature golf. They will provide areas for birthday parties, private parties, and group business events.

Per City Code 10-4-8.2: Indoor recreation uses require special use permit approval prior to being legally established. Typically indoor recreation has historically alluded to dancing, music, card games, and other similar functions. With the evolution of “gaming” it was decided that virtual games would fit into the indoor recreation designation.

Per City Code 10-4-8.3: There are no rear and side yard setbacks, and landscaping requirements are equal to five percent (5%) of the total parking area. Consequently this shopping center was established and developed prior to current landscaping requirements being established.

Per City Code 10-10: Off Street Parking is required for this business at a rate of one space for each three (3) guests at maximum designed capacity. The entire shopping center has a cross use agreement for all tenants and parking has been satisfied with that agreement.

The neighboring uses to the west are commercial/retail/office in nature. There are various restaurants, specialty shops, offices and other various businesses in the immediate area. The area outside the Campus Commons Commercial Center is entirely residential. The largest impact to the area will be increased traffic. This increase may be recognizable due to the nature of businesses currently residing in the area.

The business will be operating within the normal hours as defined by City Code. Staff does not foresee the operation of the business, as described, to create any unreasonable impacts for neighboring property owners or residents.

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

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to the noise level remaining at an acceptable level with respect to the surrounding residential neighborhoods.

**PZ Questions/Comments:**

- Commissioner Woods asked to clarify the address assigned to the space was correct.
- Planner I Spendlove explained the address is correct according to city records.
- Commissioner Woods asked what hours of operation would be allowed for the appointment only days.
- Planner I Spendlove the hours would need to be between 7:00am and 10:00pm according to code.
- Commissioner Munoz stated the condition associated with noise seem ambiguous, in the past he has seen decibels beyond the exterior walls; acceptable level is subjective.
- Planner I Spendlove explained the Commission can amend the noise level condition.
- Commissioner Grey stated he doesn't think 78 decibels 10 feet from the exterior wall would not be surpassed with an Xbox device.
- Commissioner Munoz agreed that is probably so but acceptable level is to vague.
- Commissioner Grey asked about hours when it is by appointment only.

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- Mr. Davis stated the parties are booked for two hours and will be scheduled between 11:00am and 8:00pm on those days as well. He may make some exceptions if they need to start around 10:00am but he will not extend the hours past 8:00pm.
- Commissioner Frank agreed a hard number is more agreeable but the neighbor to this business is a bar.

**Public Hearing: Opened**

- Dave Burgess, 477 Fillmore Avenue, he asked if the City is aware of the southeast corner of this development being sold and if so how that will impact the current parking.
- Cindy Brown, 465 Fillmore Avenue, she wanted to know how the games will be regulated with regards to maturity level. This is going to increase traffic and kids cut across this parking lot she is concerned for their safety.
- Carrie Hall, 1527 Kimes Avenue, she stated she has been a customer of this business when it was in the Mall with several systems going on with a class party and it the noise was not an issue. There were not any inappropriate video games and you can request that anything rated above a specific age group be put away so there is not an opportunity for them to access inappropriate games.
- Kathy Brown, 583 Fillmore Avenue, stated she is sensitive to noise but this sounds like it is going to be fun for the kids. She has not always had the best experience with businesses that have been in this space, so she is not afraid to call the police if the noise is disturbing. She asked if there would be alcohol served at the establishment and if there is an issue with this being next door to a bar with regards to state law.

**Public Hearing: Closed**

**Closing Statements:**

- Mr. Davis explained that Wednesday-Saturday 11:00am to 8:00pm, Sunday 12:00pm to 6:00pm, and on Monday & Tuesday when it is by appointment only the hours will be open from 11:00am to 8:00pm in two hour increments.

**Deliberations Followed:**

- Commissioner Frank asked for a number of customers.
- Mr. Davis explained in a full day of operation there could be approximately 40 but that is throughout the day. As for the rated games, they always ask about age groups and what rating they want to allow the kids to play. He does have some of the M rated games however they are kept in a room that is protected. He does verify age by identification and it is held behind the counter until the controller is turned back in. He serves Pepsi, coffee and hot cocoa, no alcohol.
- Commissioner Munoz asked if the bar next door is going to impact the business operation.
- Planner I Spendlove explained the bar was in this location previously and the state regulates this issue.
- Commissioner Frank asked if staff was aware of the lot the citizen was referring to as being sold.
- Planner I Spendlove explained this business has a cross use agreement and they have access to parking. This business proposed tonight is located on a separate lot and they have adequate parking.

**Motion:**

Commissioner Tatum made a motion to approve the request, as presented, with staff recommendations. Commissioner Grey seconded the motion.

**Motion Amendment:**

Commissioner Munoz make a motion that a decibel level of noise be defined in the condition. Motion was not seconded.

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**Discussion Followed:**

Zoning & Development Manager Carraway-Johnson explained staff is not experts in this field and in the past there conditions with a specific decibel a certain distance from the door however we no longer have anyone on staff that is proficient enough to assist in defining what that level should be for this type of business. She explained that if noise is an issue the neighbors are encouraged to call the police.

Commissioner Grey explained he doesn't think this is going to be an issue compared to a bar or night club. Commissioner Frank explained the condition is to help protect the neighbors as well as the applicant.

Commissioner Munoz explained when it is subjective it is very easy for a neighbor to make complaints that may or may not be valid. It is a Special Use Permit and revocation can be requested. He withdrew his amendment.

**Motion:**

All members voted in favor of the motion.

**Approved, as presented, with the following conditions**

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
  2. Subject to the noise level remaining at an acceptable level with respect to the surrounding residential neighborhoods.
4. Request for a **Special Use Permit** for the purpose of US Government Offices with adjacent open and enclosed ware yard for equipment, vehicles and materials with an outside PA System on property located at 2878 Addison Avenue East c/o Kent Taylor on behalf of Twin Falls BLM, LLC (app. 2700)

**Applicant Presentation:**

Kent Taylor, representing the applicant, he stated the applicant purchased property located at 2878 Addison Avenue East for the purpose of constructing an office and to an open storage yard. The City Code did not allow for a governmental facility within the C-1 zone. An Ordinance has been passed to allow for a government facility open storage yard. He has reviewed the staff recommendations and feels the decibel of noise are quantifiable when you are at the property line. The residential property to the south of this parcel has a 180' buffer between the business and the property line, before it reaches the neighbors. The PA system can be regulated, it has zoning and has a master control switch so as to not exceed the noise restrictions placed on this request. As for lighting of the property a photometric plan has been provided showing there will not be any migration of light onto the residential property. There will be some equipment parked on-site as well as in the building. The parking lot will be paved and will be fairly consistent with the uses in the surrounding area.

**Staff Analysis:**

Planner I Spendlove reviewed the request and stated after lengthy discussion with City Staff, it was decided this open storage yard use was not permitted in the C-1 Zoning Standards. The applicant and City Staff worked to find an amiable solution to the problem. The result of this collaboration was for the applicant to request a Zoning Title Amendment. The applicant has recently finished the public hearing process to place this "open storage yard" land-use in the C-1 Zone by Special Use Permit.

Per City Code 10-4-8.2: Governmental Open Storage Yards require a Special Use Permit prior to being legally established. The special use permit requirement allows for a public hearing to take place which promotes transparency between the government agency and the citizens residing in the area.

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*The major impacts of this particular project are going to be traffic, noise, and light. These items should be explored further by the commission to gain a better personal understanding of their extent.*

Per City Code 10-10: Actual parking requirements are reviewed and determined at the time of building permit submittal. It is anticipated that the site plan shown will meet the applicable City Code requirements. It is not anticipated that additional parking spaces will be needed for the proposed special use of the storage yard.

Per City Code 10-11-1 thru 8: All the required improvements will be reviewed for compliance with current city code at the time of building permit submittal. Some of these improvements include screening, access, parking surface, streets, storm water retention, utilities, and others. It is not anticipated this project will require supplementary improvements to mitigate impacts of this project on the immediate area.

The major impacts of this particular project are going to be traffic, noise, and light. These will be explored in the subsequent paragraphs. With the majority of the noise taking place in the summer months during the fire season. The noise would typically come from trucks and machinery coming and going from the location. Another part of the noise equation will be the Public Address (PA) System that is required for the facility. This system is required to broadcast throughout the buildings and into the storage yard. If this part of the request is granted it would be reasonable to place a condition on the noise level.

Another major impact is the light that will be generated for the storage yard that could be used at night for staging and parking equipment in the yard. The applicant is going to screen the entire storage area with a chain link and slat system. This system is somewhat successful in screening light, noise, materials, and equipment. However, a condition for staff to approve the screening material has typically been placed on permits where the applicant elects to use the chain-link and slat system.

Another impact of this project will be the increase in traffic to and from this facility. Although the impact is not anticipated to be large, there will be an increase of truck and vehicle traffic associated with the office and the equipment that will be transported to and from the facility during the firefighting season. This property is located in the C-1, Commercial Highway Zoning District, and the only access to this property will be off Addison Avenue, which is designated as an Arterial Roadway. The traffic impact will not be on the surrounding neighborhood roadways. Also, the areas used for parking and maneuvering are required to be paved with concrete or asphalt, which will greatly reduce any potential dust problems.

Planner I Spendlove stated should the Commission approve this request, as presented, staff recommends the following conditions.

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to the noise level generated by the public address system not to exceed 78 decibels, measured at the exterior property lines of the subject property.
3. Subject to equipment and vehicles being prohibited from idling unattended for extended periods of time.
4. Subject to the screening material being approved by staff prior to installation.

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**PZ Questions/Comments:**

- Commissioner Woods asked if a helicopter would ever be located at this site.
- Mr. Taylor stated this question was asked prior to the application submittal and there will not be any helicopters at this location.
- Commissioner Frank explained that his concern when he was reviewing the staff report was the PA system, for years he had a car dealership close to his residence and he could hear it constantly and noise can carry. He had concerns initially however the 180' buffer will most likely be sufficient.
- Commissioner Grey asked if this will be used as storage or will it be a repair location.
- Mr. Taylor stated there will not be any repairs done at this site.
- Commissioner Grey asked about conveying the response vehicle off-site safely when they are leaving for an emergency call. Currently it is more and more difficult to travel Addison Avenue East because of increase traffic and he doesn't want that to be an issue when the trucks have to respond to a call.
- Assistant City Engineer Vitek explained Addison Avenue East has been built out at this location and the City is currently having discussions with the Highway District about installing a light at the corner of Hankins Road and Addison Avenue East which will assist in slowing traffic.
- Commissioner Munoz explained was initially concerned about the decibels of noise but if you consider a diesel engine starting and warming up next to the property line could be noisier than the PA System.
- Zoning & Development Manger Carraway-Johnson explained the number attached in the condition associated with the decibels was based on a previous use that had an outside PA System. The 180' is going to be a fairly large buffer to the residence.
- Mr. Taylor also explained this will be a governmental facility that will be very responsive to people's needs. When they had a neighborhood meeting about this request they didn't seem to be too concerned.

**Public Hearing: [Opened](#)**

- Dave Wright 2862 Addison Avenue East stated that the back 180' of this property is used by his business during the winter to keep his snow plows and snow removal equipment. He stated this equipment can be noisy but he has never had any complaints from the residents.

**Public Hearing: [Closed](#)**

**Deliberations Followed: [Without Concerns](#)**

**Motion:**

Commissioner Grey made a motion to approve the request, as presented, with staff recommendations. Commissioner Tatum seconded the motion. All members present voted in favor of the motion.

**[Approved, as presented, with the following conditions](#)**

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to the noise level generated by the public address system not to exceed 78 decibels, measured at the exterior property lines of the subject property.
3. Subject to equipment and vehicles being prohibited from idling unattended for extended periods of time.
4. Subject to the screening material being approved by staff prior to installation.

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5. Request for a [Special Use Permit](#) to operate a financial institution/credit union with a drive through service on property located at 1061 Blue Lakes Boulevard North c/o Chris Tapia on behalf of Mountain America Credit Union (app. 2701)

**Applicant Presentation:**

Chris Tapia, representing the applicant stated they are excited to bring their business to the area. They are a non-profit organization and very community oriented. The driveway has been designed consistent with other businesses in the area, it has been placed behind the building with lighting that is downward facing and should not be an issue for the neighbors.

**Staff Analysis:**

Planner I Spendlove reviewed the request and stated that in 2014, the building that housed Gem State Security and other offices was demolished and the vacant lot was placed for sale. The special Use permit is for the operation of a drive thru in conjunction with a Financial Institution. The applicant has supplied a narrative that describes the drive thru facility. The proposed plan is to install four (4) lanes for drive thru service. Three (3) of those lanes will be transaction based and one lane will offer ATM and deposit services. The applicant has not provided the number of employees, hours of operation or anticipated customers generated by the business.

Per City Code 10-4-8.2: Any facility with a drive-through service requires a special use permit prior to being legally established. The major impacts of this particular project are going to be traffic, noise, and light. These items should be explored further to determine their extent.

Per City Code 10-10: Actual parking requirements are reviewed and determined at the time of building permit submittal. It is anticipated that the site plan shown will meet the applicable City Code requirements. It is not anticipated that additional parking spaces will be needed for the proposed special use.

Per City Code 10-11-1 thru 8: All the required improvements will be reviewed for compliance with current city code at the time of building permit submittal. Some of these improvements include screening, access, parking surface, streets, storm water retention, utilities, and others. It is not anticipated this project will require supplementary improvements to mitigate impacts of this project on the immediate area.

The major impacts of this particular project are going to be noise, light and increased traffic. All of these impacts are typically attributed to vehicles using the drive-thru service. Due to the proximity of Blue Lakes Blvd, it would be safe to assume that the noise and light generated by this drive-thru would not significantly increase the prevailing conditions found in the area. The hours of operation would be a large factor in determining the extent of the possible impacts to neighboring land owners and residents.

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

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

**PZ Questions/Comments:**

- Commissioner Grey asked for clarification of traffic flow into and out of the property.
- Commissioner Boyd asked if there is a curb cut along the north side of the property.

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- Commissioner Frank explained the site plan is problematic because it wasn't very clear and for larger trucks it is going to have a tight turn.
- Commissioner Munoz asked if the 6 vehicle stacking is for each lane or for the total drive through.
- Planner I Spendlove explained that is a total.
- Commissioner Frank asked if the site plan for the drive through will be reviewed under the new parking code requirements.
- Planner I Spendlover explained this plan was submitted prior to the code change.
- Commissioner Woods verified that the property to the east is a commercial business.
- Planner I Spendlove explained yes and it is zoned C-1.

**Public Hearing: [Opened & Closed](#)**

**Closing Statements:**

Mr. Tapia explained they agree this is not the best flow for traffic through the site however it was because of the setback requirements.

**Deliberations Followed: [Without Concerns](#)**

**Motion:**

Commissioner Woods made a motion to approve the request, as presented, with staff recommendations. Commissioner Boyd seconded the motion. All members present voted in favor of the motion.

**[Approved, as presented, with the following conditions](#)**

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

**V. GENERAL PUBLIC INPUT: [None](#)**

**VI. ITEMS FROM THE ZONING DEVELOPMENT MANGER AND/OR THE PLANNING & ZONING COMMISSION:**

- Zoning & Development Manger Carraway-Johnson explained that the next public hearing scheduled for February 24, 2015 will be a full agenda and will include the new schools. There have been a lot of items completed Fieldstone Professional PUD has been completed, the vacation, the zoning actions, the PUD Agreement have all been approved through City Council which will mean that construction of Cheney Drive West will be able to move forward. The development of this road will enable the other projects that have been planned for this area will also be able to move forward. The recommendation from the Planning & Zoning Commission to hire Logan Simpson Design to do the Comprehensive Plan Update is scheduled for the February 17, 2015 City Council Meeting.
- She reviewed the Dutch Bros Coffee complaints about their Grand Opening and the traffic issues at the site. Staff has met with the owners and the property owners and they are working on a resolution. They will putting some signs at the entrances along Pole Line Road so that traffic will have clearer directions. The issue is that originally this was a single plat and in 2012 the property of Randy Hansen and the other parcel were split off into separate plats. The plats were then recorded and a cross use agreement was drafted but was never recorded until after the public hearing for Dutch Bros Coffee came through in October, 2014.

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- Commissioner Frank explained that he may have voted differently had he known that a cross use agreement was recorded between these two lots.
  
- Commissioner Boyd stated based on the information that was presented it was also explained that the business would educate their customers and the people can be trained. She did receive another complaint from Randy Hansen that the Dutch Bros Coffee delivery truck traveling through their property to deliver supplies. Her concern is if the entrance is wide enough for the truck to maneuver.
- Zoning & Development Manager Carraway-Johnson explained she has spoken to Dutch Bros Coffee and she can't guarantee anything however with the signage added to the entrances and educating people it should help with these issues.
- Planner I Spendlove explained that the Dutch Bros Coffee design came in prior to the parking code change and if it had been submitted after the code change it would not have been approved as it is today. Knowing that things like this is are an issue changes were made in the code to address these issues.
- Commissioner Woods stated that he would like to public thank the Engineering Department and the Public Works Department for fixing the manholes around town.
- Commissioner Frank verified that all of the paperwork has been completed for the Commissioner that needed to renew their term.
- Zoning & Development Manager Carraway-Johnson confirmed that is correct and a presentation to the City Council will be made to renew the terms within a few weeks.
- Commissioner Grey asked if there is any way that the City can require the structure on Mr. Nagels property along Washington Street North be removed.
- Zoning & Development Manger Carraway-Johnson this building has not been declared an unsafe building and therefore the City does not require the structure to be removed.

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

1. Public Hearing-February 24, 2015
2. Work Session-March 4, 2015

**VIII. ADJOURN MEETING:**

Chairman Frank adjourned the meeting at 8:54 PM

Lisa A Strickland  
Administrative Assistant  
Planning & Zoning Department