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**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

**City Council Liaison**

Rebecca Mills Sojka

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**I. CALL MEETING TO ORDER:**

1. Confirmation of quorum
2. Introduction of staff

**II. CONSENT CALENDAR:**

1. Approval of Minutes from the following meeting(s): **April 14, 2015**
2. Approval of Findings of Fact and Conclusions of Law: **None**

**III. ITEMS OF CONSIDERATION: **None****

**IV. PUBLIC HEARINGS:**

1. Request for a [Special Use Permit](#) to establish a retail business to include repackaging of products, wholesale distribution and warehousing on property located at 510 2<sup>nd</sup> Ave South. c/o Petersen Brothers Construction on behalf of Eagle Financial, LLC and Plant Therapy (app. 2720)
2. Request for a [Zoning Title Amendment](#) amending Title 10, Chapter 12: Section 2.5 (B)-regarding the timing of required improvements for Conveyance Plats as determined by City Council. c/o Bradford J Wills (app. 2719)

**V. GENERAL PUBLIC INPUT:**

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

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

1. Work Session- **May 6, 2015**
2. Public Hearing-**May 12, 2015**

**VIII. ADJOURN MEETING:**

Si desea esta información en español, llame Leila Sanchez al (208) 735-7287

Any person(s) needing special accommodations to participate in the above noticed meeting should contact Lisa A. Strickland at (208) 735-7267 at least two (2) working days before the meeting.

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

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

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

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

**\*\***

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



Public Hearing: **TUESDAY, April 28, 2015**

To: Planning & Zoning Commission

From: Rene'e V. Carraway-Johnson, Community Development Department

## AGENDA ITEM IV-1

**Request:** Request for a Special Use Permit to establish a retail business to include repackaging of products, wholesale distribution and warehousing on property located at 510 2<sup>nd</sup> Ave South. c/o Petersen Brothers Construction on behalf of Eagle Financial, LLC and Plant Therapy (app. 2720)

**Time Estimate:**

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

**Background:**

<b>Applicant:</b>	<b>Status:</b> Owner	<b>Size:</b> 2 +/- acres with several existing Bldg(s)
Eagle Financial LLC and Plant Therapy 3223 Willow Court Twin Falls, ID 83301 208-735-2413 <a href="mailto:Chris@planttherapy.com">Chris@planttherapy.com</a>	<b>Current Zoning:</b> M-2 and CB P-2 Parking Overlay	<b>Requested Zoning:</b> SUP for Wholesale Distribution and Warehousing
	<b>Comprehensive Plan:</b> Townsite	<b>Lot Count:</b> 2 parcels with various lots
	<b>Existing Land Use:</b> Vacant Automobile Dealership.	<b>Proposed Land Use:</b> Wholesale Distribution and Warehousing with a small retail area.
<b>Representative:</b>	<b>Zoning Designations &amp; Surrounding Land Use(s)</b>	
Andrew DiPietro Peterson Brothers Const. 1920 Highland Ave East Twin Falls, ID 83301 208-734-6303 <a href="mailto:andrew@petersonbroconst.com">andrew@petersonbroconst.com</a>	<b>North:</b> CB P-2 Parking Overlay; 2 <sup>nd</sup> Ave South; Hoggarth Auto Sales	<b>East:</b> CB P-2 Parking Overlay; Liberty St S; Restaurant
	<b>South:</b> M-2 & CB P-2 Parking Overlay; Minidoka Ave; RR	<b>West:</b> CB P-2 Parking Overlay; Ketchum St S; Gertie's Restaurant
	<b>Applicable Regulations:</b> 10-1-4, 10-1-5, 10-4-7, 10-4-10,-10-7-6, 10-10, 10-11-1 thru 8, 10-13-2.2	

**Approval Process:**

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

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

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

### **Budget Impact:**

Approval of this request will have marginal impact on the City budget with the change of the property to a commercial use, and increased sales tax.

### **Regulatory Impact:**

Approval of this request will allow the applicant to operate a wholesale distribution and warehousing operation in conjunction with a retail business on specific property within Twin Falls.

**A special use permit is for zoning purposes only.** Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.

### **History:**

It is unknown when this particular lot was first used for Vehicle Sales. The Polk Directories list Bob Reese Motors being established in 1951-1952, on property listed as 516 2<sup>nd</sup> Ave South. In 1982 the Latham Motors Dealership was established at this location. It is thought this site was later expanded for use by Latham Motors. Latham Motors vacated the premises in the early 2000's. Since that time, these lots have been vacant. No further pertinent zoning history is known at this time.

### **Analysis:**

The site is zoned CB and M-2 and is approximately 2 acres with several existing buildings totaling approximately 30,000 sf. The narrative describes this business as being an established retail business selling aromatherapy products. The business is primarily a wholesale distribution business purchasing the products in large volumes, warehousing and later repackaging for shipment. The applicant's narrative describes their business as primarily a wholesale distribution business for online customers. They currently have 30 employees, with the anticipation of adding more as business grows. They plan on building an additional 8,250 sf warehouse, as shown on their site plan. The business operations will be from 7:00 AM to 10:00 PM. They expect one semi-tractor trailer delivery per week and courier service (UPS, FedEx) twice a day. The applicant does not feel any excessive noise, glare, odors, fumes, or vibrations to cause a hardship on neighboring properties.

*The location is the old Latham Dealership, 510 2<sup>nd</sup> Ave S. This property included an entire block of the Twin Falls Townsite. A portion was sold to a business a few years ago with the remaining property under 2 parcels. If the special use permit is granted the property owner should combine the 2 parcels into 1 warranty deed. This property was developed for the purpose of displaying vehicles for sale and the day to day operations of an automobile dealership. The attached photos of the site show the current state of the buildings and the adjacent vacant parking lot. The site is currently void of any living landscaping. The applicant has shown some areas that will be landscaped along 2<sup>nd</sup> Ave.*

**Per City Code 10-4-7 and 10-4-10:** The property has split zoning if CB and M-2. The CB zone requires wholesale distribution and warehousing operations to obtain a Special Use Permit prior to being legally established.

*The typical impacts from warehousing operations typically include noise and increased traffic from truck deliveries.*

*An increase in traffic will occur around this property. Any property that was previously vacant will see an increase when a new business starts operations. However, this location is located on 2<sup>nd</sup> Ave South, which is designated a State Highway, and is adequate to handle the anticipated increase in traffic that may occur.*

*The increase in noise will be attributed to the day to day operations of warehouse type activities. Particularly, the noise from equipment and vehicle operation used to move products and materials in and around the warehouse buildings. This site is quite large, and the new warehouse building is proposed on the eastern side of the property away from the current residential complex.*

**Per City Code 10-10:** The parking requirement for the office space is one (1) space for each two hundred fifty (250) feet of floor area. The requirement for the warehouse is tied to the maximum number of employees per shift. It is safe to assume the overall parking requirement for this business will be satisfied. An official review will take place at the time of building permit submittal. The commission should review the proposed plan and address any additional parking needs it considers necessary.

**Per City Code 10-11-1 thru 9:** Required improvements for this site will include maintaining the parking lot asphalt. Landscaping requirements include 5% of the required parking area. Other improvements include drainage, access, screening and sanitation facilities.

*The lot is currently developed with several buildings and has an asphalt surface with some light poles. The landscaping is tied to the parking requirement, the amount the applicant has supplied will be officially reviewed at the time of building permit submittal. The Commission may wish to require additional landscaping to enhance the area. Drainage is an item the applicant will need to work with the Engineering Department to satisfy their requirements for the area. Additional improvements will be required along Minidoka Ave. The sidewalk along that street section is missing. A separate condition should be placed on this permit requiring that section of sidewalk to be installed per current codes and standards.*

**Possible Impacts:** Staff does not foresee a significant increase in negative impacts to the surrounding properties with the establishment of this business as presented.

#### **Conclusion:**

Should the Commission approve this 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 compliance with storm water retention requirements.
3. Subject to placement of a trash receptacle enclosure in compliance with 10-11-6.
4. Subject to the sidewalk being installed along Minidoka Ave frontage prior to occupancy or within 6 months from the date of special use permit approval.
5. Subject to the property being combined under one warranty deed with deed restriction to remain under one owner.

#### **Attachments:**

1. Letter of Request
2. Zoning Vicinity Map
3. a & b Aerial Maps (2)
4. Applicant Submitted Site Plan
5. Site Photos



City of Twin Falls

Community Development Services

PO Box 1907

324 Hansen Street East

Twin Falls Idaho 83301

To Whom It May Concern:

RE: Eagle Financial LLC, Plant Therapy

We are requesting the approval of a Special Use Permit to allow for the use of this entire facility; property and buildings, for a combined use of wholesale distribution, re-packaging and light retail. This will accommodate a thriving local business the opportunities it needs to grow and contribute to the local economy. This will also include the construction of an 8,250 square foot warehouse building. We believe that adding a thriving, unique business like this, at this location, will greatly help the evolving image of "Down Town Twin Falls".

Owners Comments:

*"We are seeking a SUP for the property located at 510 2nd Ave S. in Twin Falls. This is the former Latham Motors property. We are in the retail business of selling aromatherapy products. We intend to sell our products through our retail store at this location and online. Because of the large volume of product we sell, we buy our product in bulk. We regularly buy bottles, cases, envelopes, etc. by the semi load. We are seeking this special use permit because it is our understanding that by storing these large amounts of products, it is considered warehousing. We are also doing a limited number of wholesale sales from the same location, therefore we are seeking a SUP for "wholesale distribution and warehousing" as defined by the Twin Falls City Code.*

*Plant Therapy, will be leasing the property from Eagle Financial LLC, and has been in business since 2008, when we had a small retail store on Main Avenue in Twin Falls. We have had steady growth and currently employ more than 30 people full time. We anticipate this growth to continue and will likely hire more staff members as time goes on. We currently do not operate outside of normal business hours (7am-10pm as defined by the city code). We have never received a complaint from any of our neighbors and we are not a nuisance to the surrounding area. We feel like we will be a great addition to the downtown area. It will be good for Twin Falls to have the property, which has been vacant for around 5 years, occupied and cleaned up. We intend to make this our long term business location."*

The expectation for traffic is based off of a semi-tractor trailer delivery once a week, FedEx and UPS twice a day, the retail customers who will visit the retail storefront and the employees who work there during normal business hours. These employees are going to be an aggregate of management, office staff, "bottlers", warehousing, and shipping. The different departments are located throughout the facility and will most likely increase as this business grows and has success.

Excessive noise, glare, odors, fumes and vibration will not be an issue. The warehouse will compliment the style and look of the surrounding buildings. The intent of the owners is also to present curb appeal that reflects the business located there, Plant Therapy. That will be accomplished by the frontage areas having an organic look and feel that will include adding islands of landscape improvements including trees and shrubs.

Should any other questions or concerns arise concerning the approval process of this Special Use Permit, please contact me directly at (208)-734-6303.



Andrew DiPietro

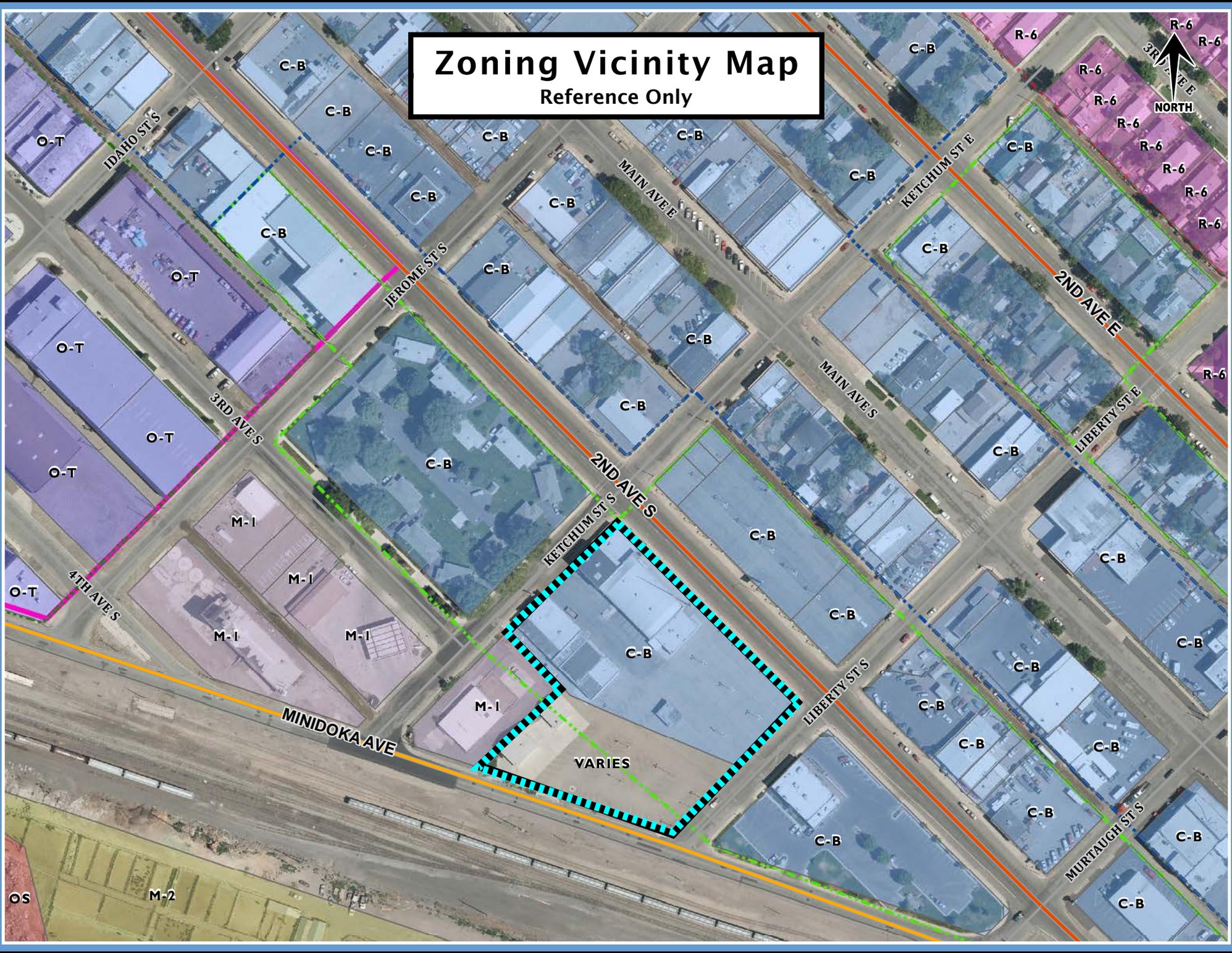
Project Manager / Facilitator

Petersen Brothers Construction

Twin Falls, Idaho

# Zoning Vicinity Map

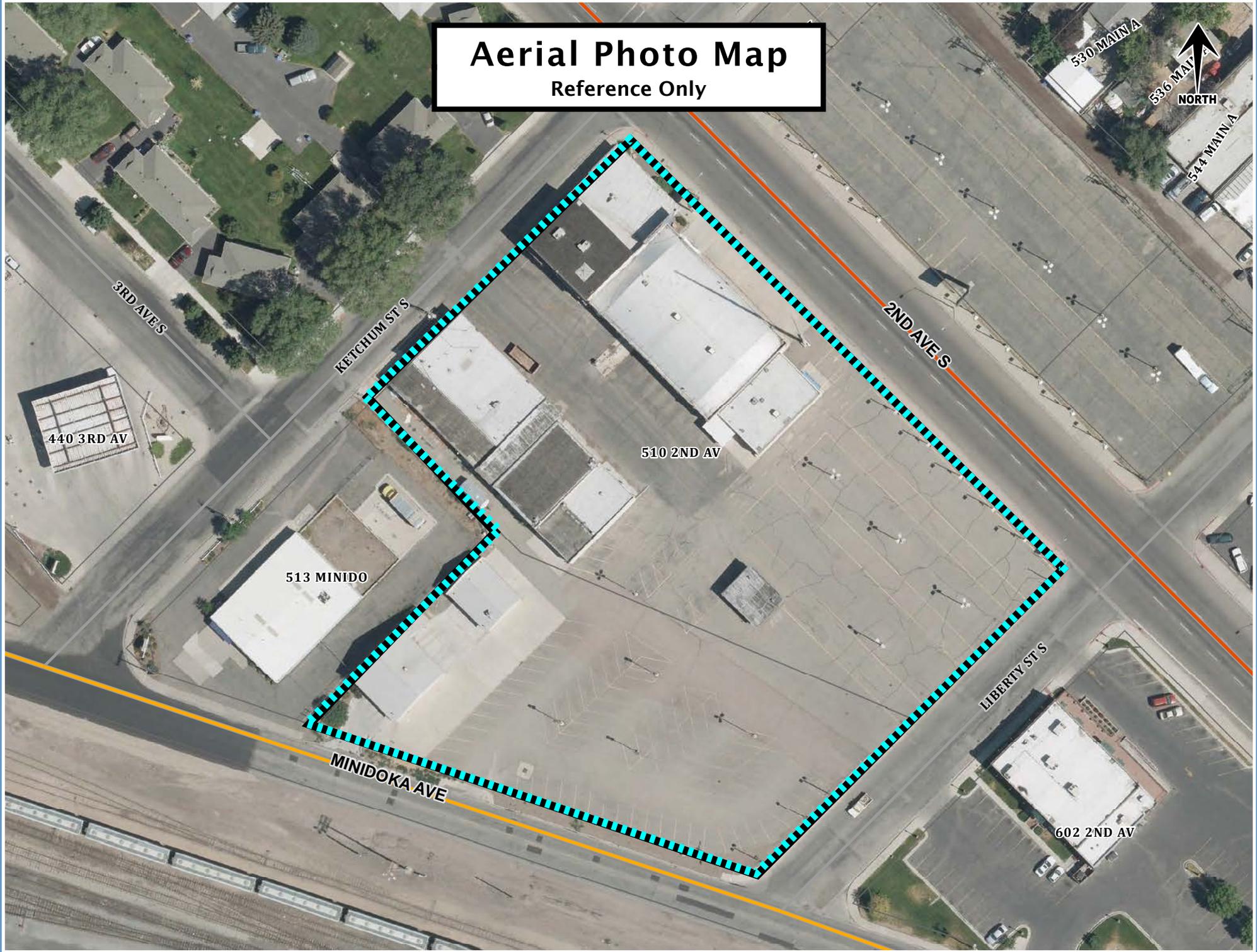
Reference Only



# Aerial Photo Map

Reference Only

NORTH



3RD AVE S

KETCHUM ST S

2ND AVE S

530 MAIN A

536 MAIN A

544 MAIN A

440 3RD AV

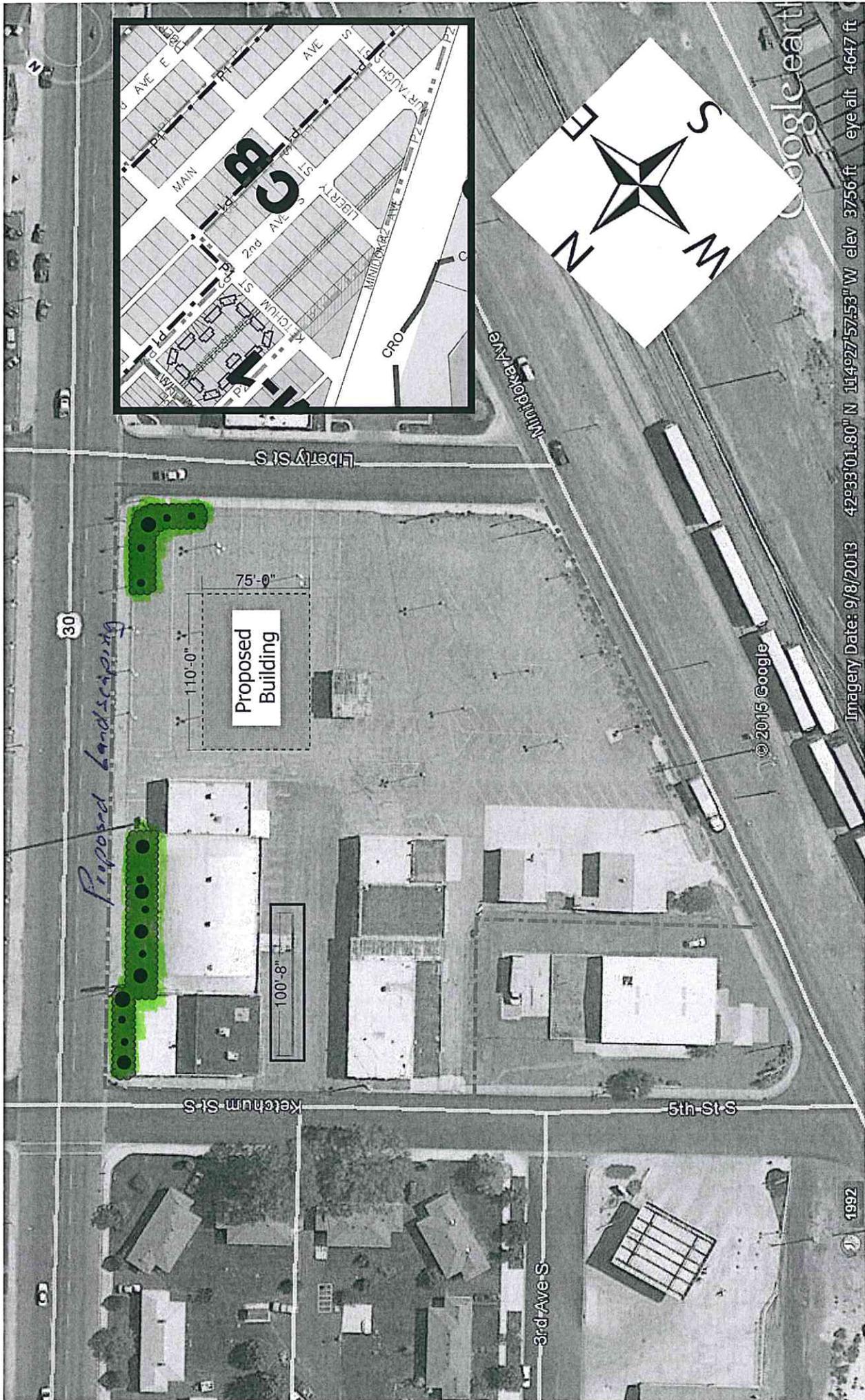
510 2ND AV

513 MINIDO

LIBERTY ST S

MINIDOKA AVE

602 2ND AV



30

*Proposed Landscaping*

Kitchen St S

Proposed Building

75'-0"

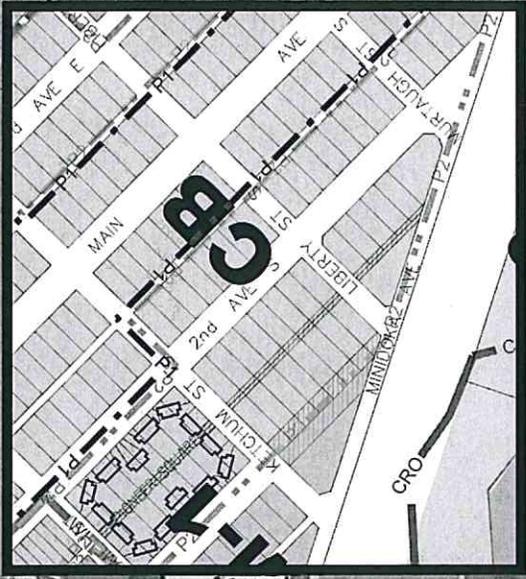
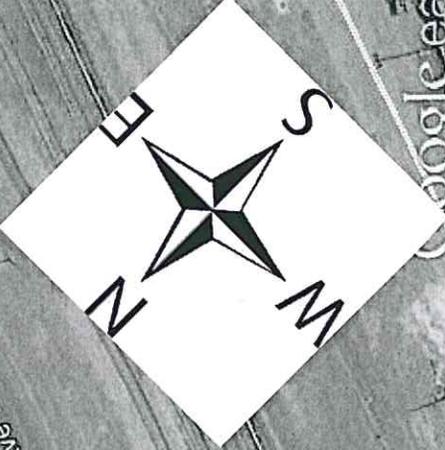
110'-0"

100'-8"

5th St S

3rd Ave S

1992



© 2015 Google

Imagery Date: 9/8/2013 42°39'01.80" N 114°27'57.53" W elev 3756 ft eye alt 4647 ft

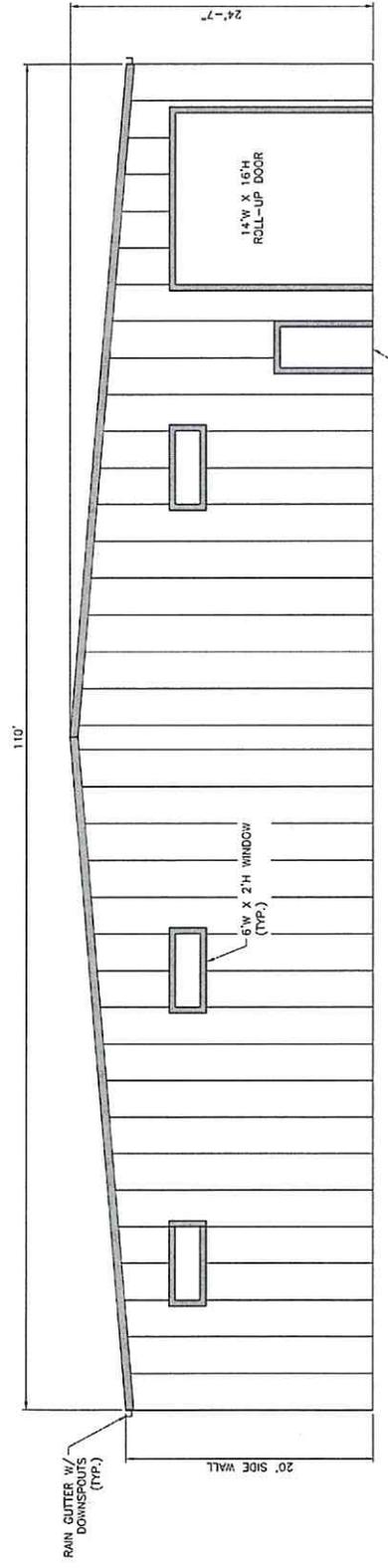


NO.	DESCRIPTION	DATE

THIS DOCUMENT AND THE SCALA AND DESIGN INCORPORATES THE LATEST REVISIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES. THE DESIGNER HAS REVIEWED THE PERMITTING AGENCIES' COMMENTS AND HAS MADE THE NECESSARY REVISIONS TO THE DESIGN TO SATISFY ALL APPLICABLE REQUIREMENTS. THE DESIGNER'S LIABILITY IS LIMITED TO THE DESIGN AND DESIGN DOCUMENTS ONLY. THE DESIGNER DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY OTHERS. THE DESIGNER'S LIABILITY IS LIMITED TO THE DESIGN AND DESIGN DOCUMENTS ONLY.

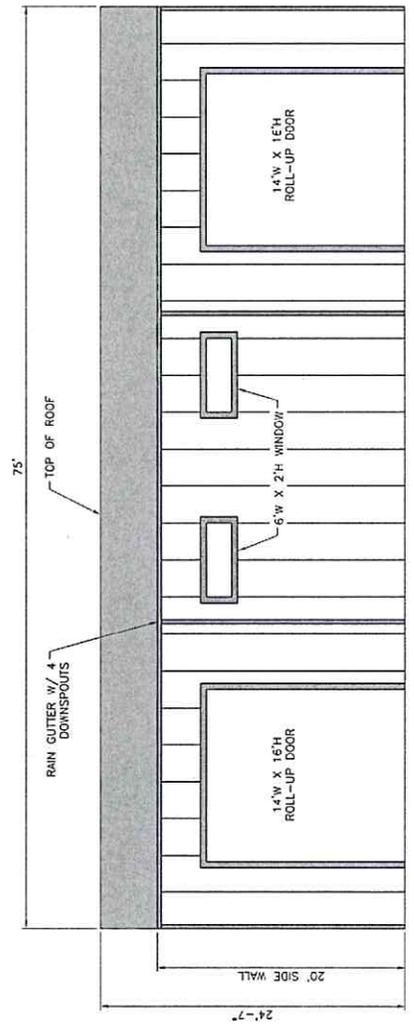
FOR PETERSON BROTHERS CONSTRUCTION  
PLANT THERAPY - SPECIAL USE PERMIT  
A PORTION OF BLOCKS 122 AND 136  
OF THE TWIN FALLS TOWNSITE

C-501  
SHEET NUMBER

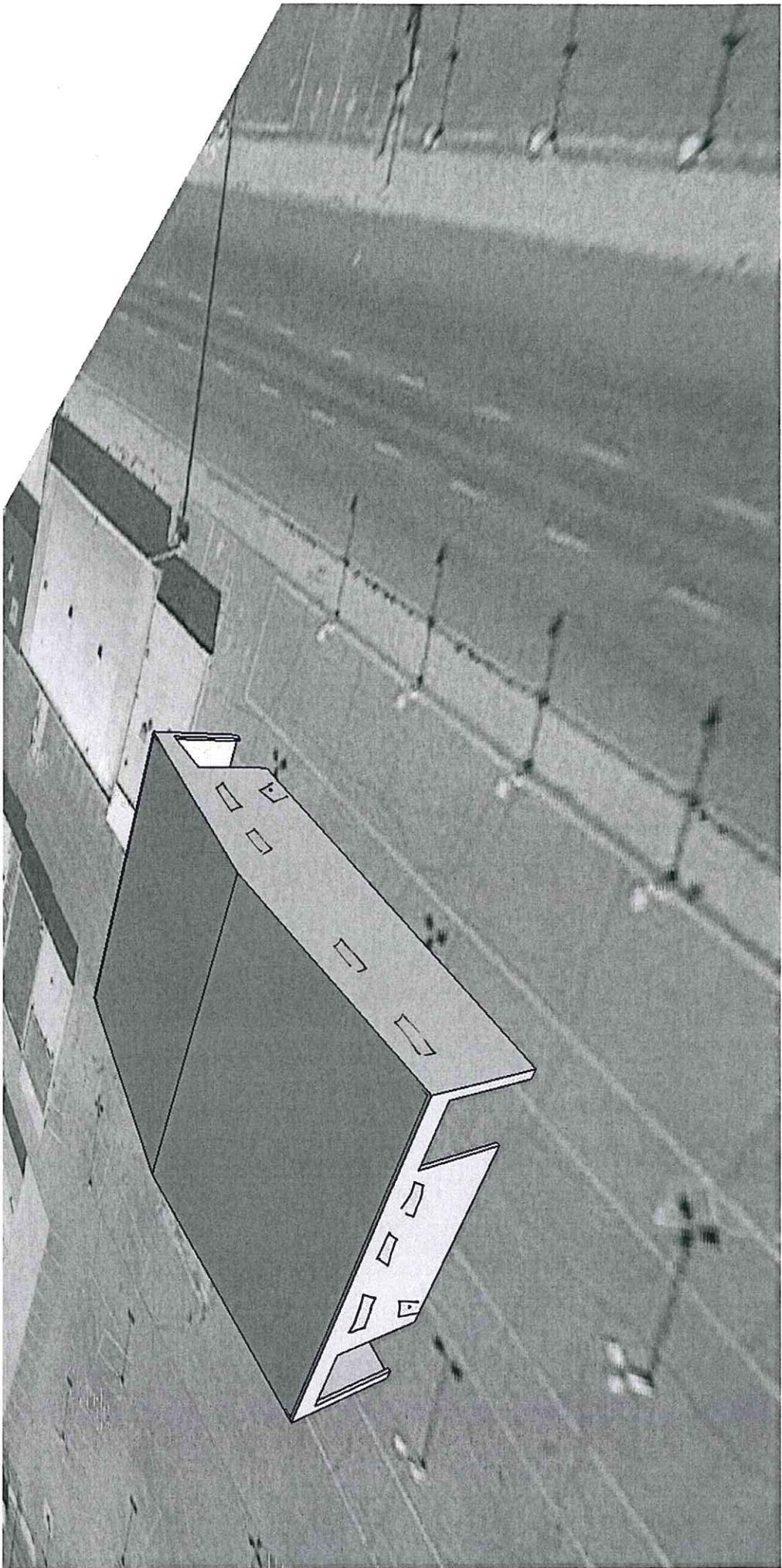


**FRONT ELEVATION**  
SCALE IN FEET

NOTE:  
EXTERIOR COLOR OF BUILDING TO BE  
FRUSTR WHITE WITH POWDER GRAY TRIM



**LEFT SIDE ELEVATION**  
SCALE IN FEET





Corner of 2<sup>nd</sup> Ave S and Ketchum

04/13/2015 04:23 PM



Frontage along 2<sup>nd</sup> Ave South

04/13/2015 04:24 PM



Frontage along Liberty St

04/13/2015 04:26 PM



Frontage along Liberty St

04/13/2015 04:28 PM



Frontage along Minidoka

04/13/2015 04:29 PM



Frontage along Minidoka  
looking towards 2<sup>nd</sup> Ave South

04/13/2015 04:30 PM



Frontage along Ketchum St

04/13/2015 04:34 PM



Public Hearing: **Tuesday April 28, 2015**  
 To: Planning and Zoning Commission  
 From: Jonathan Spendlove, Community Development Department

## ITEM IV-2

**Request:** Request for a [Zoning Title Amendment](#) amending Title 10, Chapter 12: Section 2.5(B)-regarding the timing for required improvements for Conveyance Plats as determined by City Council.  
 c/o [Bradford J. Wills](#) (app. 2719)

**Time Estimate:**

Applicant presentation will be approximately five (5) minutes. Staff presentation may be an additional five (5) minutes.

**Background:**

<b>Applicant:</b>	
Bradford J. Wills 222 Shoshone St W. Twin Falls, ID 83301 208-734-4411 <a href="mailto:bradw@willsinc.com">bradw@willsinc.com</a>	<b>Requested Zoning:</b> Amendment to Twin Falls City Code: Title 10 - Chapter 12 - Section 2
<b>Representative:</b>	
	<b>Applicable Regulations:</b> 10-12-2, 10-14

**Approval Process:**

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

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

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

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

**Regulatory Impact:**

Approval of this request will amend Title 10 of the Twin Falls City Code.

**History:**

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

In 2007, Ordinance #2901 was passed that amended the definition of "Subdivision" within City Code. This ordinance also created the "Conveyance Plat" and associated process within Title 10 Chapter 12 Section 2.

**Analysis:**

This request was initiated by the applicant in order to address an issue with the timing of implementation of required improvements associated with Conveyance Plats.

The amendment proposes two (2) main changes. First, removal of language that limits land development within the Conveyance Plats. Second, replacing obligatory language with an optional waiver by City Council decision for street and utility improvements.

**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. As this change could affect properties within the Area of Impact this request will require a public hearing before the Board of County Commissioners.

**Attachments:**

1. Proposed Amendment

## EXHIBIT # 2

The original purpose for the conveyance plat process was to allow division of a parcel of land without requiring development. But, in order to insure future infrastructure development, no building permits can be issued until the regular subdivision process is followed.

The purpose of the process was to avoid the situation where a parcel with no development requirements is left behind. For example, a property owner has 40 acres and a house on the corner of two under-developed arterials. The owner wishes to retain the house and one acre at the intersection, and to sell off the remaining 39 acres. With the current code, the 39 acres cannot be developed without also improving the corner intersection. This prevents some of the bottlenecks we have seen in the past. This example is the worst case scenario for creating problems.

On the other hand, an example is the Sunway Park, future elementary school, and surplus School District property situation is about the worst case scenario for the property owners within a conveyance plat. A building permit on any parcel would trigger millions of dollars of public infrastructure requirements.

If immediate development is intended, then the regular subdivision process should be used. It would be better that the City Council could be given the discretion in the second sentence of 10-12-2.5(B)(4) to either require development of all public infrastructure related to the original parcel, or to require only development of infrastructure related to a parcel of the original conveyance plat (following the normal subdivision process).

It is proposed that Twin Falls City Code §10-12-2.5(B) is amended as follows:

“10-12-2-5: CONVEYANCE PLATS: ...

(B) Conveyance Plats: The applicant may request that the subdivision application be processed as conveyance plat if the following exist:

1. The proposed subdivision does not exceed two (2) lots.
- ~~2. No part of the land will be used for land development.~~
2. 3. To record the remainder of a tract created by the final platting of a portion of the property provided that the remainder is not intended for immediate development.
3. 4. To record the subdivision of property into parcels that is not intended for immediate development. All public rights of way and easements shall be dedicated. The City Council may require all ~~All~~ abutting streets and utilities to shall be installed and accepted by the city at the time of the building permitting and/or development stage, whichever comes first.
4. 5. If either parcel develops or is built on, the City Council may require construction of street and utility improvements ~~will be required~~ on both parcels.”

Applicant:     Bradford J. Wills