



NOTICE OF AGENDA
TWIN FALLS CITY PLANNING & ZONING COMMISSION
July 14, 2014 6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

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

AREA OF IMPACT:

Ryan Higley Steve Woods

City Council Liaison

Rebecca Mills Sojka

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **None**
2. Approval of Findings of Fact and Conclusions of Law:
 - Golden Eagle Subd #5 (pre-plat 06-23-15)

III. ITEMS OF CONSIDERATION:

1. Request for approval of a **Preliminary Plat** for Golden Eagle Subdivision #6, 2.47 (+/-) acres consisting of 6 residential lots on property located at the corner of 3600 N and Harrison Street South. c/o EHM Engineers, Inc.

IV. PUBLIC HEARINGS:

1. Request for a **Special Use Permit** for the purpose of serving alcohol for consumption on site in conjunction with a restaurant on property located at 1833 Blue Lakes Boulevard. c/o Sue Hamilton on behalf of Noodles & Company (app. 2736)
2. Request for a **Special Use Permit** for the purpose of operating a religious facility that will include congregation meetings, counseling and body fitness on property located at 1385 Parkview Drive, Ste 102. c/o EHM Engineers, Inc. on behalf of Xrossway Fitness (app. 2737)
3. Request for a **Special Use Permit** for the purpose of operating an automobile repair and sales business in conjunction with a custom woodworking shop and on property located at 2019 Kimberly Rd. c/o Rex Lytle (app. 2738)

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 Chamber unless otherwise posted)

1. Public Hearing-July 28, 2015
2. Work Session- August 5, 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, July 14, 2015**

To: Planning and Zoning Commission

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

AGENDA ITEM III-1

Request: Request for approval of a Preliminary Plat for Golden Eagle Subdivision #6, 2.5 (+/-) acres consisting of 6 residential lots on property located at the corner of 3600 N and Harrison Street South. c/o EHM Engineers, Inc.

Time Estimate:

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

Background:

| | | |
|--|--|--|
| Applicant: | Status: Owner | Size: 2.5 +/- Acres |
| Lindsey Westburg Boys and Girls Club of MV 999 Frontier Road Twin Falls ID, 83301 lwestburg@bgcmv.com 208-736-7011 | Current Zoning: R-4 | Requested Zoning: Approval of the preliminary plat of Golden Eagle Subdivision #6 |
| | Comprehensive Plan: Medium Density Residential | Lot Count: 6 Lots, 2 Tracts |
| | Existing Land Use: Undeveloped portion from the preliminary plat of Golden Eagle #3 | Proposed Land Use: Residential Development |
| Representative: | Zoning Designations & Surrounding Land Use(s) | |
| Gerald Martens EHM Engineers, Inc. 621 N College Rd, #100 Twin Falls, ID 83301 734-4888 gmartens@ehminc.com | North: R-4, platted , Residential Subdivision | East: R-4 , Residential and Agricultural |
| | South: R-2; R-4, Platted residential | West: R-4; Residential Subdivision |
| | Applicable Regulations: 10-1-4, 10-1-5, 10-12-1 through 4 | |

Approval Process:

As per Twin Falls City Code 10-12-2.3 Action on Preliminary Plat:

The Commission may approve, conditionally approve, deny or table for additional information when acting on the preliminary plat. If tabled, approval or denial shall occur at the regular meeting following the meeting at which the plat is first considered by the Commission. The action and the reasons for such action shall be stated in writing by the Administrator and forwarded to the applicant. The administrator shall also forward a statement of the action taken and the reasons for such action together with a copy of the approved preliminary plat to the Council for its information and record.

Budget Impact:

As the request is for a Preliminary Plat, approval of this request will have negligible impact on the City budget.

Regulatory Impact:

Upon approval of a preliminary plat 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.

History:

This property was annexed on May 8, 2006. The preliminary plat for Golden Eagle Subdivision No 3, which consisted of 70 acres with 295 (+/-) residential lots, was approved by the Planning & Zoning Commission on October 10, 2006. A final plat for Golden Eagle Subdivision, No. 3, **Phase 1**, which consisted of 22 (+) acres with 80 single family residential lots was approved by the City Council on July 21, 2008 and was later recorded on November 20, 2009. There have been no further phases developed of Golden Eagle Subdivision, No. 3.

This preliminary plat is a re-plat of Tract 198 of Golden Eagle Subdivision #3.

The final plat of Golden Eagle Subdivision #4, a Conveyance Plat, was for the remainder of Golden Eagle #3, consisting of 48 acres / 2 lots. Golden Eagle #4, a Conveyance Plat was approved and recorded in August 2014.

Golden Eagle Sub #5, consists of Lot 1 of Golden Eagle Subdivision #4, a Conveyance Plat. Golden Eagle Subdivision #5, consists of 38 (+/-) acres into two (2) lots. The site is zoned R-4 (Residential Medium Density). Lot 1 is planned for development of the new South Hills Middle School and Lot 2 is platted for future residential development. The final plat was approved by the City Council on June 29, 2015.

Analysis:

This Preliminary Plat is for Golden Eagle Subdivision #6, consisting of 2.5 (+/-) acres into six (6) lots. The site is zoned R-4 (Residential Medium Density) are planned for residential development. (See Attachment #3 for detail)

There have been extensive discussions between City Engineering Staff and the applicants Engineering Firm. Most items have been addressed. City Staff has made 3 minor changes to the latest edition of the plat, these are highlighted in Red, and can support approval of this preliminary plat.

This is the first step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. 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.

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

Conclusion:

Staff recommends the Commission approve the preliminary plat of the Golden Eagle #5 Subdivision, as presented, and subject to 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 the redline changes made by City Staff being incorporated into the Final Plat.

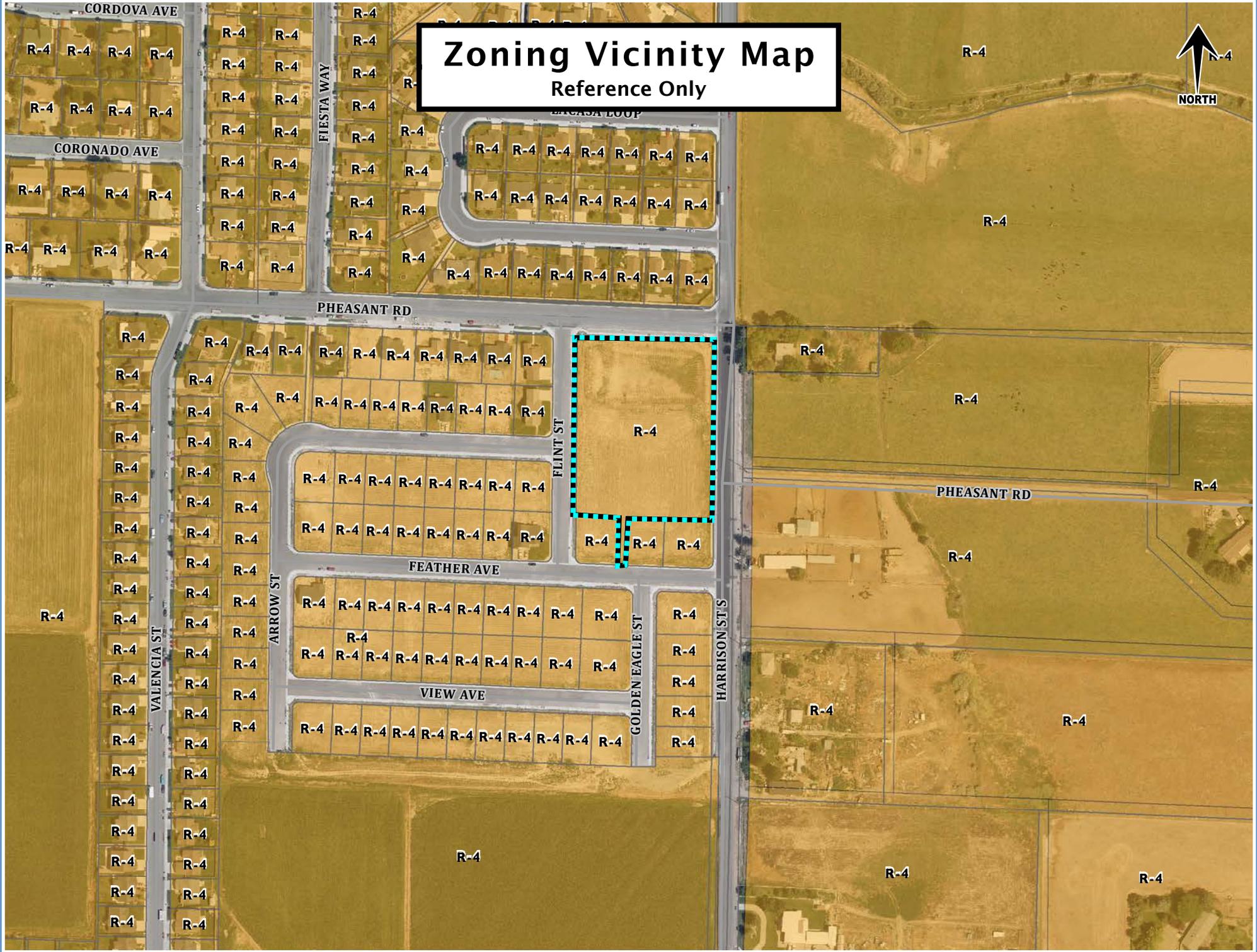
Attachments:

1. Golden Eagle #6 Preliminary Plat

2. Zoning Vicinity Map
3. Future Land Use Map

Zoning Vicinity Map

Reference Only



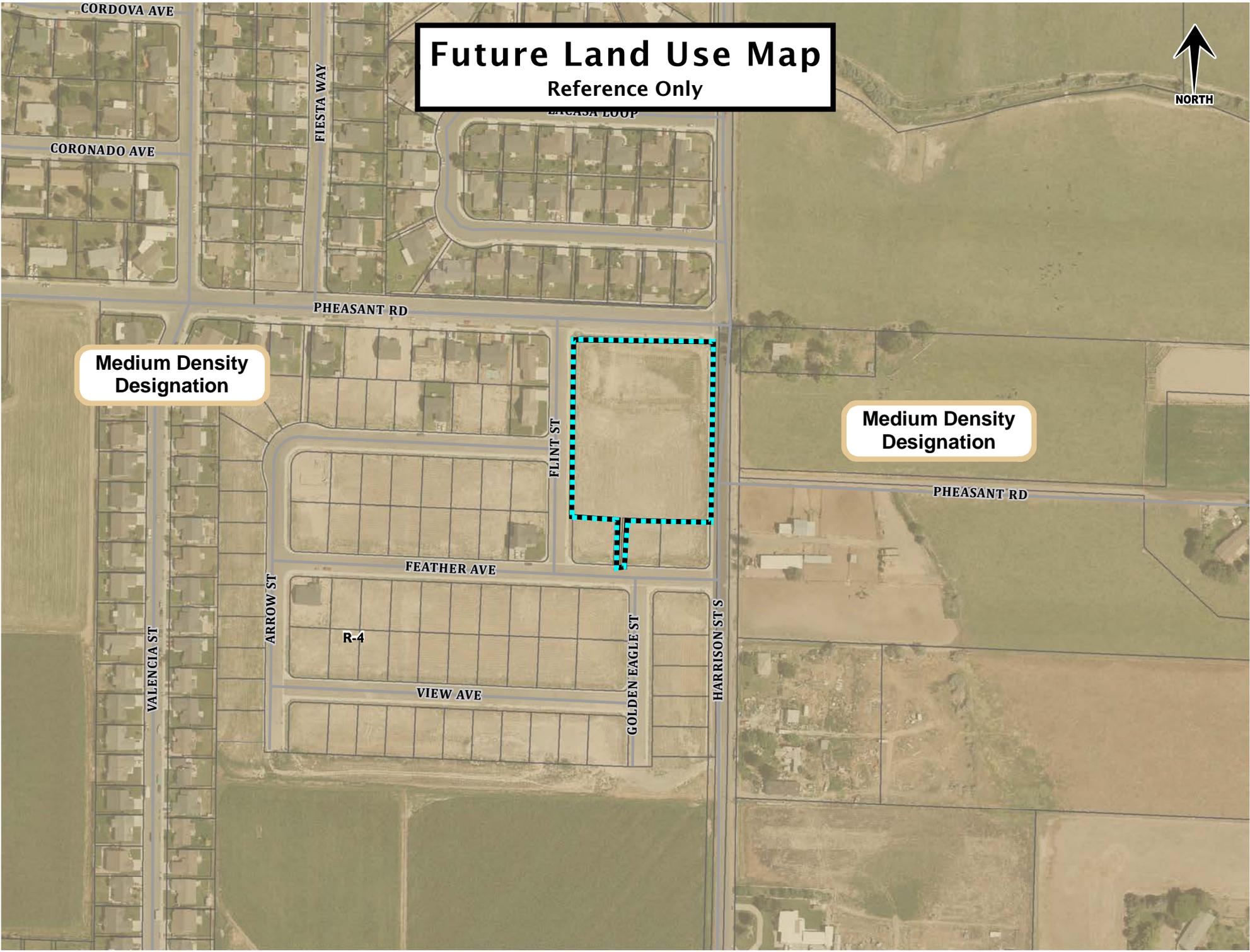
Future Land Use Map

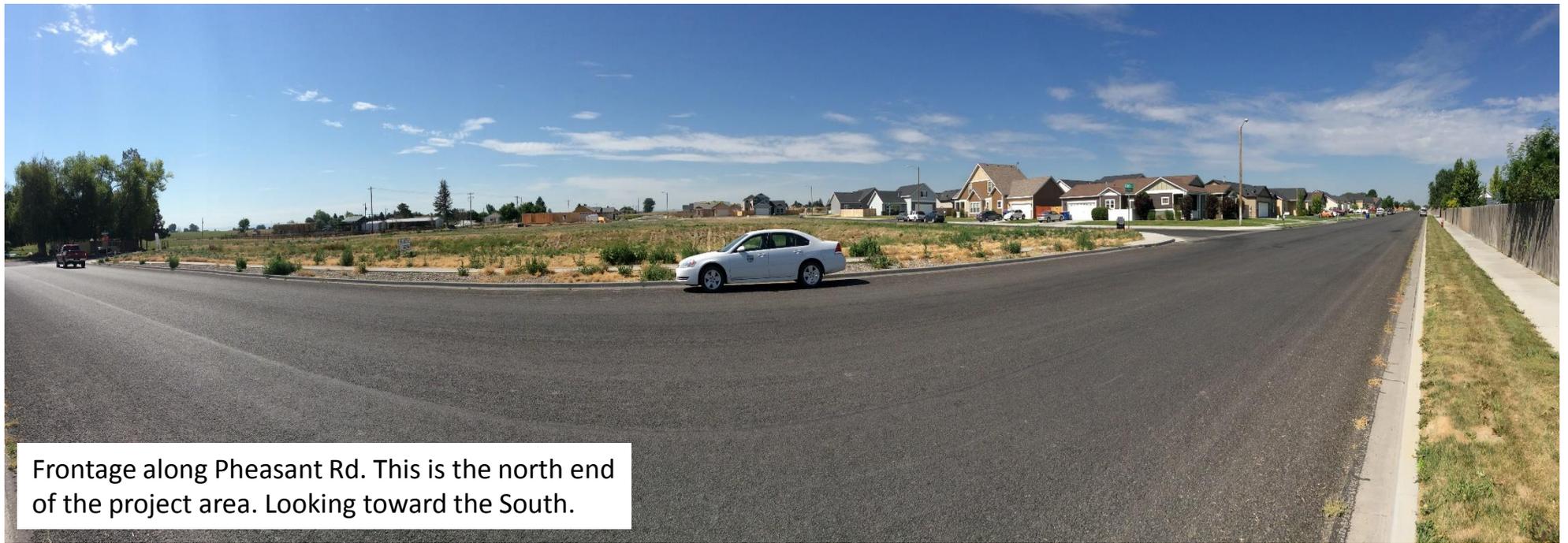
Reference Only



Medium Density Designation

Medium Density Designation





Frontage along Pheasant Rd. This is the north end of the project area. Looking toward the South.



Frontage along Harrison St South. Looking toward the West.



Public Hearing: Tuesday, July 14, 2015

To: Planning & Zoning Commission

From: Rene'e V. Carraway-Johnson, Zoning & Development Manager

AGENDA ITEM IV-1

Request: Request for a [Special Use Permit](#) for the purpose of serving alcohol for consumption on site in conjunction with a restaurant on property located at 1833 Blue Lakes Boulevard. c/o Sue Hamilton on behalf of Noodles & Company (app. 2736)

Time Estimate:

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

Background:

| | | |
|--|---|---|
| Applicant: | Status: Lease | Size: 2879 sf |
| Noodles and Company 520 Zang St, Suite D Broomfield, CO 80021 | Current Zoning: C-1 PUD | Requested Zoning: SUP – Alcohol Consumption on site. |
| | Comprehensive Plan: Commercial/Retail | Lot Count: 1 Lot |
| | Existing Land Use: Commercial Development under construction | Proposed Land Use: Commercial/Retail |
| Representative: | Zoning Designations & Surrounding Land Use(s) | |
| Sue Hamilton 520 Zang Street, Suite D Broomfield, CO 80021 913-488-6250 shamilton@noodles.com | North: C-1 PUD, Commercial | East: C-1 PUD, Commercial |
| | South: Blue Lakes Blvd N; C-1 PUD, Commercial | West: C-1 PUD, Commercial |
| | Applicable Regulations: 10-1-4, 10-1-5, 10-4-7, 10-13-2 | |

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 negligible impact the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to proceed with acquiring the appropriate alcohol licensing through the City and State.

Recent History:

The Canyon Park West Development went through multiple public hearings for a Planned Unit Development on multiple occasions. The first process took place in the year 2000 and resulted in PUD #219. In 2012, an amendment took place in the PUD. This process took place from March 2012 through June 2012. As a result, all development is required to comply with the Canyon Park West Amended PUD #264.

Analysis:

This is a request to allow the sale of alcoholic beverages for consumption on-site within the Noodles and Company restaurant. The applicant has provided a narrative detailing their operations. It is reasonable assume this restaurant will operate similar to others located within the same area.

Per City Code 10-4-7: Alcohol Sales for consumption on site requires a special use permit prior to being legally established when it is located within 300' of residential property.

It is not anticipated the added function of serving alcohol will have any significant impacts to the area. The base use of the property as a restaurant is a permitted use. The design and layout of the sight has also received approval from the City of Twin Falls when a building permit was issued.

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 and Canyon Park West Amended PUD #264.

Attachments:

1. Letter of Request
2. Zoning Vicinity Map
3. Site Plan –Applicant Submitted
4. Building Elevations
5. Site Photos



STATEMENT FOR REQUEST FOR SPECIAL USE PERMIT

- A) Reason for this request: Noodles & Company would like to be able to apply for a permit to sell beer and wine along with its noodle dishes, appetizers, salads, soups and sandwiches.
- B) Explanation of the project: Noodles & Company will employ approximately 30 people and plans to operate during daily from 10:30am to 10pm. We anticipate that the lunch hour and dinner hour will result in heavier customer traffic to the restaurant.
- C) Evaluation of effects: As a family-friendly casual dining restaurant, the adjoining properties should not expect to be effected by any adverse noise, glare or odor effects from the operation of the restaurant.

NOODLES, SALADS & SANDWICHES *from* **AROUND THE WORLD**

520 Zang Street | Broomfield, Colorado 80021 | 720.214.1900 | noodles.com

Zoning Vicinity Map

Reference Only

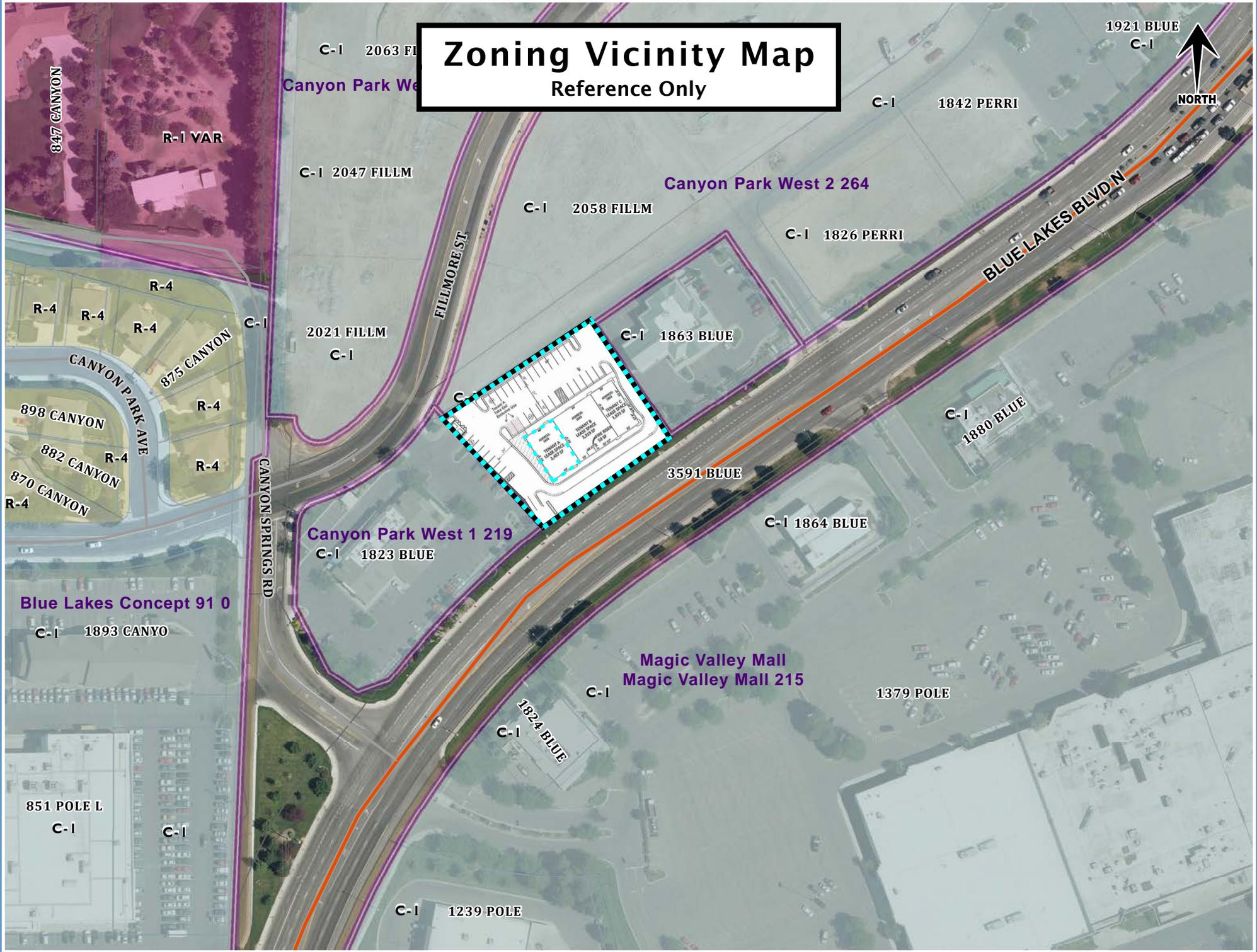
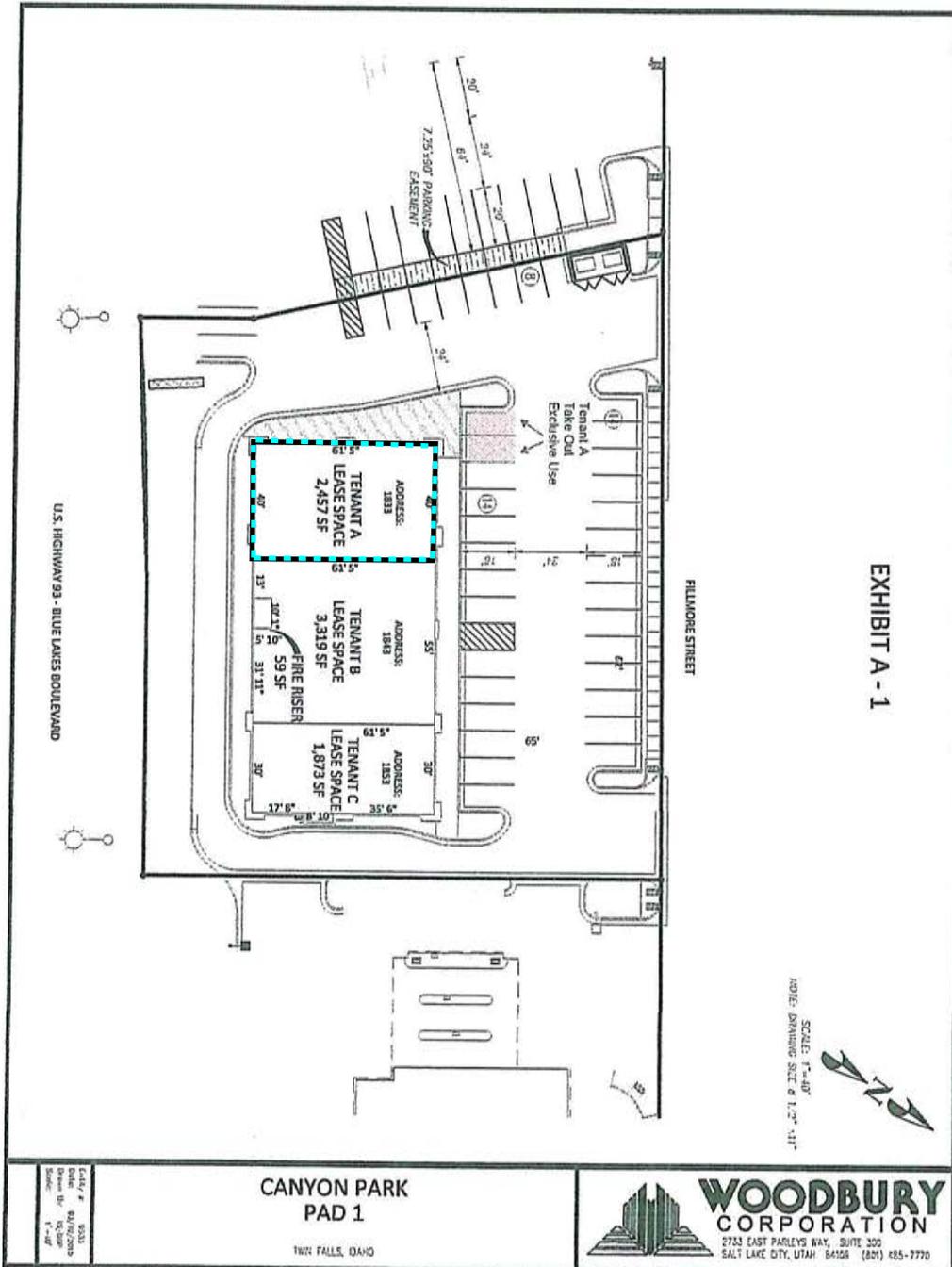
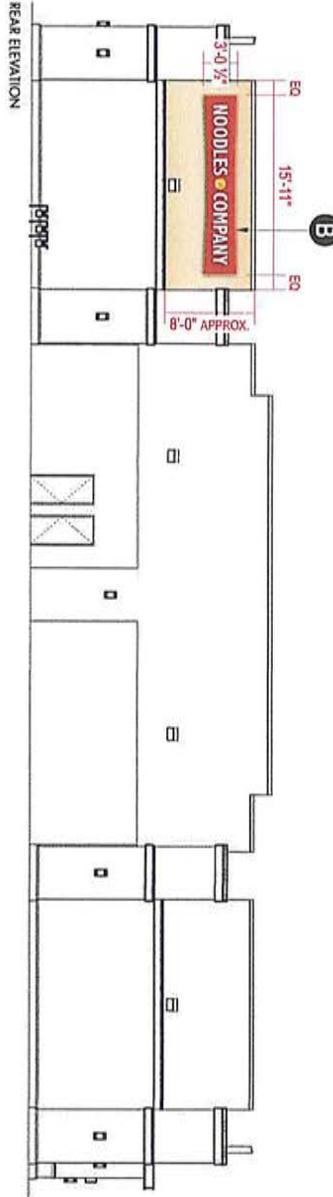
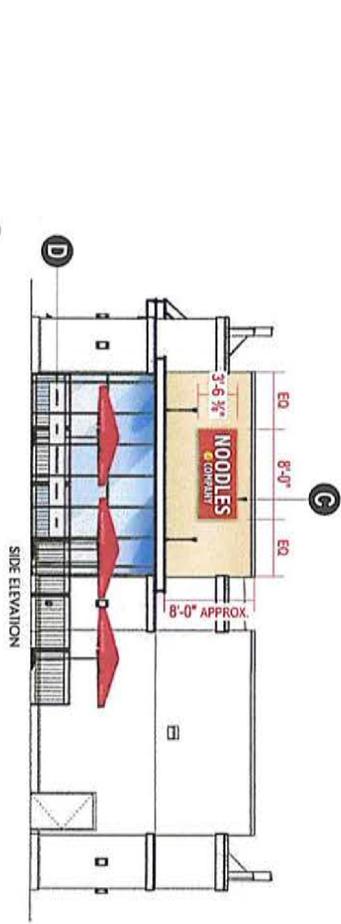
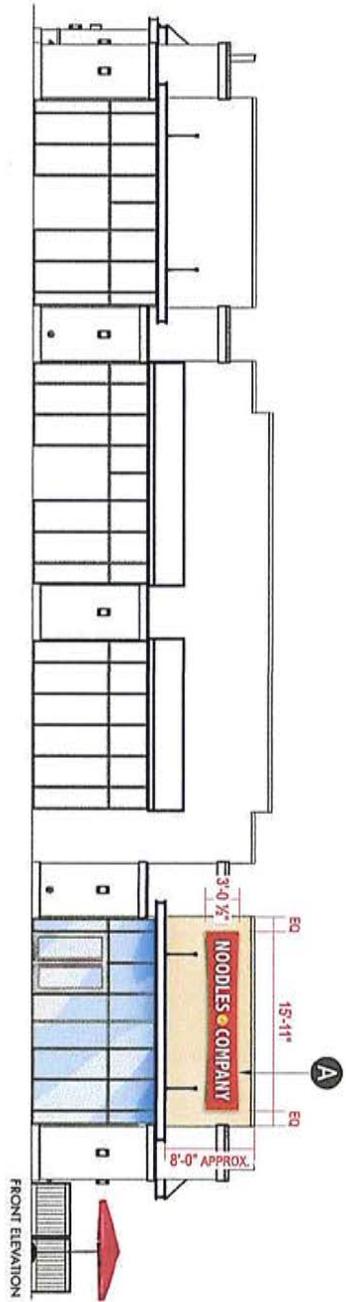


EXHIBIT A-1 BUILDING LAYOUT





ELEVATIONS
Scale: 3/32" = 1'-0"

SURVEY NOTE:
FIELD SURVEY REQUIRED
PRIOR TO MANUFACTURE



WALTON SIGNAGE
344 West 10th Street
Tulsa, Oklahoma 74103
918.466.4444

Client: **NOODLES #793**
Address: **BLUE LAKES BLVD NORTH**
Location: **TWIN FALLS, ID 83301**
Sales: **HOUSE** Designer: **GD**
Date: **07/07/14** File: **JG**

This is an optional drawing created by Walton. It is submitted for your personal use. However, it should not be used in connection with the project being prepared for you by Walton, but not otherwise. You are not authorized to show these drawings to anyone and they are not to be reproduced, stored, copied or published in any fashion.

Signs will be manufactured with 120 Wx24 H.C. aluminum. All signs are to be made of the material specified. All work is to be done in accordance with the purchase agreement attached hereto. In case of customer approval and the drawing, the drawing shall prevail.

This sign is intended to be installed in accordance with the National Electrical Code and other applicable local codes. This includes proper grounding and bonding of the sign.

Approve: _____ Date: _____
Sales: _____ Date: _____
P.M.: _____ Date: _____
Design: _____ Date: _____
Client: _____ Date: _____



Frontage along "Fillmore Street". Existing Zions Bank on the Left. Project Bldg on the right.



Frontage along Blue Lakes Blvd.



Public Hearing: **Tuesday, July 14, 2015**

To: Planning & Zoning Commission

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

AGENDA ITEM IV-2

Request: Request for a [Special Use Permit](#) for the purpose of operating a religious facility that will include congregation meetings, counseling and body fitness on property located at 1385 Parkview Drive, Ste 102. c/o EHM Engineers, Inc. on behalf of Xrossway Fitness (app. 2737)

Time Estimate:

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

Background:

| | | |
|---|--|--|
| Applicant: | Status: Owner | Size: 5500 sf new shell bldg (4000 main and 1500 basement), 0.32 Acre Lot |
| Xrossway Fitness & Life Center 621 North College Rd #100 Twin Falls, ID 83301 | Current Zoning: R-2 PRO PUD | Requested Zoning: SUP, Religious Facility |
| | Comprehensive Plan: Office Professional | Lot Count: 1 lots |
| | Existing Land Use: Empty Shell Building | Proposed Land Use: Religious Facility with Life Fitness Center |
| Representative: | Zoning Designations & Surrounding Land Use(s) | |
| Gerald Martens 621 North College Rd #100 Twin Falls, ID 83301 208-734-4888 gmartens@ehminc.com | North: R-2 PRO PUD, medical office | East: Parkview Drive; R-2, Canyon Ridge High School |
| | South: R-2 PRO PUD, Undeveloped | West: R-2, Residential Homes |
| | Applicable Regulations: 10-1-4, 10-1-5, 10-4-4, 10-4-18, 10-10, 10-13-2.2 | |

Approval Process:

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

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

If an applicant or interested party appeals the decision of the Commission, the 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 religious and holistic life coach counseling facility 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:

This property was originally part of the Riverhawk PUD for the High School. In 2009, the new owner of these lots West of Parkview drive applied for a Comp Plan Amendment changing the Future Land Use Map from Residential to Office Professional. In 2010, River Hawk Plaza PUD #257 went through the public hearing process and was approved for various professional, medical, and service businesses to take place on this property.

Analysis:

The applicant is seeking approval of a special use permit to operate a Fitness and Life Center with extended hours. This site is zoned R-2 PRO PUD. A religious facility is a Special Use in the base R-2 Zoning District. A Fitness Center is not enumerated within the Permitted or Special Uses in the R-2 zoning district.

The applicant has supplied a narrative and supporting documents outlining their operation. The area used by the religious facility will be 3224 sq ft, the fitness center will occupy 2592 sq ft. The applicant declared the hours of operation for the facility as 6 AM – 10 PM. The applicant has also supplied documents for their tax exempt status as a religious facility.

Per City Code 10-4-4: The R-2 Zone requires a Religious Facility to acquire a Special Use Permit prior to being legally established.

It is important to look at the impacts of the facility and not necessarily the type of religious facility being requested for special Use. In this case, the impacts of the proposed facility are going to be primarily the operating hours and the associated traffic, light and noise.

Per City Code 10-10: Religious facilities are required to provide 1 parking space for each 3 fixed seats, or 6 feet of bench, in all areas that may be simultaneously used for assembly. Where there is no fixed seating or a combination of assembly areas with and without fixed seating, 1 parking space shall be provided for each 35 square feet of assembly space. Exercise Gyms are required to provide 1 parking space for every 250 sq ft of exercise area.

A full assessment of the parking area has not been conducted. It is known that a cross access and parking agreement is in place amongst all the tenants of the Professional Plaza. It is anticipated there will be adequate parking for the proposed use. If the commissions believes the base code requirement to be insufficient, it may require additional spaces to be provided.

Per City Code 10-11-1 thru 9: the required improvements do not change between the uses of property. However, if the commission feels this particular use creates an unusual or increased impact, a condition could be placed on this permit to mitigate that impact.

Per River Hawk Plaza PUD #257: "Hours of operation for all professional office buildings shall be 6:00 am to 9:00 pm unless extended hours of operation are permitted with an approved special use permit."

The hours proposed by the applicant requires a special Use Permit to operate legally.

Possible Impacts: The impacts of this particular request are difficult to enumerate. The underlying base zone of R-2 does allow religious facilities through Special Use. However, the typical religious facilities we have historically reviewed did not contain a large fitness center. Nor were those facilities typically open for any member of the public from 6 AM to 10 PM. It is Staff's opinion this facility will act more like a Fitness Gym with personal counseling available to clients. The fact that it is tied to a religious facility allows this permit to be brought to the commission for consideration due to the current zoning of the property.

The impacts of Fitness Gyms typically include increased vehicle trip generation during early morning and later evening times and potential light intrusion onto neighboring properties.

The impact of light intrusion has been greatly mitigated with the layout of the sight and the screening that has been installed along the west property line. The increase in vehicle trips is always a concern for neighboring property owners. The location of this facility on Park View (collector) between North College and Cheney (both collectors) gives it an optimal advantage to limiting the impact of traffic on neighboring areas. Patrons will access the facility from reasonably sized roadways that are built to accommodate moderate traffic loads.

It is not anticipated that the two previously stated impacts will cause unreasonable or negative impacts to the area. However, staff feels it important to recognize Exercise Gyms, or similar uses, are not enumerated on the Permitted Use List within the R-2 PRO or River Hawk PUD #257. If the Commission elects to approve this application, staff would recommend this SUP being limited to *Xrossway Fitness and Life Center*, any change in ownership or operation will require a new Special Use Permit. This will set in motion a new public hearing process if any changes occur to the operation or ownership of this proposed business/entity.

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 this Special Use Permit being issued to *Xrossway Fitness and Life Center*, any change in proprietorship or operation will require a new Special Use Permit.

Attachments:

1. Narrative
2. Zoning Vicinity Map
3. Site Plan
4. Site Photos



RECEIVED

JUN 11 2015

CITY OF TWIN FALLS
BUILDING DEPT.

IN THE FIELDS OF:
PLANNING
SURVEYING
HIGHWAYS
WATER
WASTEWATER
STRUCTURAL
SUBDIVISIONS
BRIDGES
ENVIRONMENTAL
QUALITY CONTROL
CONSTRUCTION MGMT
GRANT ADMINISTRATION

Date: June 11, 2015
To: City of Twin Falls
Attn: Rene'e Carraway
From: Gerald L. Martens, P.E. 
Via: Hand Deliver
Regarding: Xrossway Fitness and Life Center

Transmitted herewith is an amended narrative for the above project. I have attached a copy of the attorney prepared narrative in support of the tax exempt status that explains the charitable and non-profit requirements of this community benevolence program.

The names and address of property owners within 750 feet will be delivered upon receipt.

191-14

REASON FOR REQUEST

The purpose for this Special Use Permit is to allow operation of a fitness and life center providing fitness, counselling and fellowship services to the Twin Falls community. The facility will include a 2592 sf fitness facility, 3224 sf fellowship facility, and supporting office, storage and restroom facilities.

The facility will be utilized from 6 AM to 10 PM seven days a week. All activities will occur within the building and have no impact on adjacent properties. The project will not create any excessive noise, glare or odors. The facility will generate traffic similar to a professional office facility and will be accommodated by an existing parking lot.

The Xrossway is an integrated mission addressing all aspects of life including religion, mental health, and physical health. Xrossway is a tax free entity as determined by the IRS. To obtain that designation the application included a document attached hereto which clearly outlines the integrated mission and the charitable aspect of the mission.

The counseling services are part of the mission, accomplished pastorally or by approved volunteers (coaches). The scope is outlined on page two of the attachment.

There will be a maximum of three employees on site.

Uses in the area consist of professional offices, health spa facilities, financial services, education, retail, hospitality, medical services, residential and religious facilities. The proposed fitness and life enhancement facility is compatible with these uses.

Attachment #1**XrossWay Lutheran Ministries, Inc.****Part IV of Form 1023**

XrossWay Lutheran Ministries, Inc. is an Idaho non-profit corporation ("XrossWay") and a church within the Lutheran Church - Missouri Synod ("LC-MS"). XrossWay believes that the Gospel of Jesus Christ has the power to transform the heart (emotional wellness), soul (spiritual wellness), mind (mental wellness) and body (physical wellness) so that its members can live life to their full redemptive potential. XrossWay believes that spiritual health is inexorably connected to emotional (heart), mental (mind), and physical (body) health.

"This life, therefore, is not godliness, but the process of becoming godly, not health, but getting well, not being but becoming, not rest but exercise. We are not now what we shall be, but we are on the way." - Martin Luther

XrossWay believes the Gospel is about so much more than just where we go when we die. Jesus Christ gave his life so that we could live life abundant, now and in eternity. XrossWay's goal is to help its members reach their full redemptive potential with a holistic discipleship path designed to redeem the whole person in heart, soul, mind and body, so that such members may be equipped by the great commandment to fulfill the great commission.

Accordingly, in addition to traditional worship services, XrossWay will also provide fitness and life coaching services so that XrossWay may nourish its members across all four dimensions of their being: heart, soul, mind and body.

Traditional Worship Services.

XrossWay will hold traditional worship services on Sunday mornings, Sunday evenings and Wednesday evenings. These worship services will be conducted by Pastor Clinton Lutz, XrossWay's executive director and pastor. XrossWay will not charge a fee for these worship services, but it will accept donations. These services will be held at the church ("Life Center"), located at 1385 Parkview Dr., Suite 102, Twin Falls, ID 83301. XrossWay anticipates devoting 25% to 30% of its efforts to providing these traditional worship services.

XrossWay Fitness.

XrossWay will also operate a fitness and life coaching center ("XrossWay Fitness") at the Life Center through XrossWay Fitness, LLC, a single member limited liability company, with XrossWay serving as its sole member. XrossWay will charge a monthly membership fee for access to XrossWay Fitness. This initial fee will be \$28. Despite this fee, XrossWay intends that XrossWay Fitness be open to all its members as well as the community at large. Accordingly, XrossWay will offer a discount to those individuals in financial need. Specifically, XrossWay will allow those individuals who are unable to pay the full membership to self report their adjusted gross income and number of dependents as reported on their most recent Form 1040. For those individuals at or below 200% of the poverty level published by the Department of Health and Human Services, XrossWay will discount the membership fee by 33% for

Attachment #1**XrossWay Lutheran Ministries, Inc.****Part IV of Form 1023**

such individuals and the members of their household. For those individuals at or below 100% of the poverty level published by the Department of Health and Human Services, XrossWay will discount the membership fee by 66% for such individuals and the members of their household. XrossWay's membership fee is set to cover only those expenses of maintaining and operating the Life Center. To the extent XrossWay takes in excess funds from the operation of XrossWay Fitness, such excess will be used to offer greater discounts to those individuals in financial need. In no event will any amount collected from XrossWay Fitness inure to the benefit of any private individual.

Significantly, XrossWay Fitness is not separate from the church but is an integral part of the church. XrossWay Fitness will be open 7 days per week and will provide access to (i) the fitness center, (ii) life coaching services, and (iii) religious counseling and teachings. As previously indicated, XrossWay Fitness will be at the Life Center (the same location that traditional worship services are held) and shall be operated in a grace-oriented culture. Whereas other churches sit mostly vacant until Sunday mornings, XrossWay Fitness will be open and operating seven days a week. This is what makes XrossWay different.

Through the fitness center, XrossWay will offer access to the usual array of fitness equipment (including cardio and strength training equipment). XrossWay will also offer training and educational programs on topics of fitness, spirituality, and XrossWay's holistic approach to redemption. XrossWay expects that the fitness equipment will be a combination of purchased and donated items. The staff at the fitness center will initially be volunteers from the church or other Christians in the community, but XrossWay hopes to eventually hire paid employees to fill some needs. All staff of the fitness center must be Christians who subscribe to the confession of the Apostles' Creed. Pastor Lutz will oversee its operation. Additionally, either Pastor Lutz or another [called member¹] will be present at all hours of operation to offer religious counseling or guidance.

Life coaching services will be provided through XrossWay's partnership with the Center for US Missions (the "*Center*"), which itself is a partnership between LC-MS World Mission, Concordia University Irvine, and the North American Mission Executives of the LC-MS. All life coaches will be overseen by Pastor Lutz, who has been certified as a mission coach by the Center². Life coaching will include (i) working with the individual to determine where that individual is, (ii) working with the individual to determine where God wants that individual to go, and (iii) working with the individual to determine how that individual may get there.³ Life coaches will be **volunteer** employees and must be Christians who subscribe to the confession of the Apostles' Creed. These life coaching services will be provided at the Life Center or potentially some other location as required by the individuals receiving such services.

Attachment #1**XrossWay Lutheran Ministries, Inc.****Part IV of Form 1023**

XrossWay Lutheran Ministries, Inc. is an Idaho non-profit corporation ("XrossWay") and a church within the Lutheran Church - Missouri Synod ("LC-MS"). XrossWay believes that the Gospel of Jesus Christ has the power to transform the heart (emotional wellness), soul (spiritual wellness), mind (mental wellness) and body (physical wellness) so that its members can live life to their full redemptive potential. XrossWay believes that spiritual health is inexorably connected to emotional (heart), mental (mind), and physical (body) health.

"This life, therefore, is not godliness, but the process of becoming godly, not health, but getting well, not being but becoming, not rest but exercise. We are not now what we shall be, but we are on the way." - Martin Luther

XrossWay believes the Gospel is about so much more than just where we go when we die. Jesus Christ gave his life so that we could live life abundant, now and in eternity. XrossWay's goal is to help its members reach their full redemptive potential with a holistic discipleship path designed to redeem the whole person in heart, soul, mind and body, so that such members may be equipped by the great commandment to fulfill the great commission.

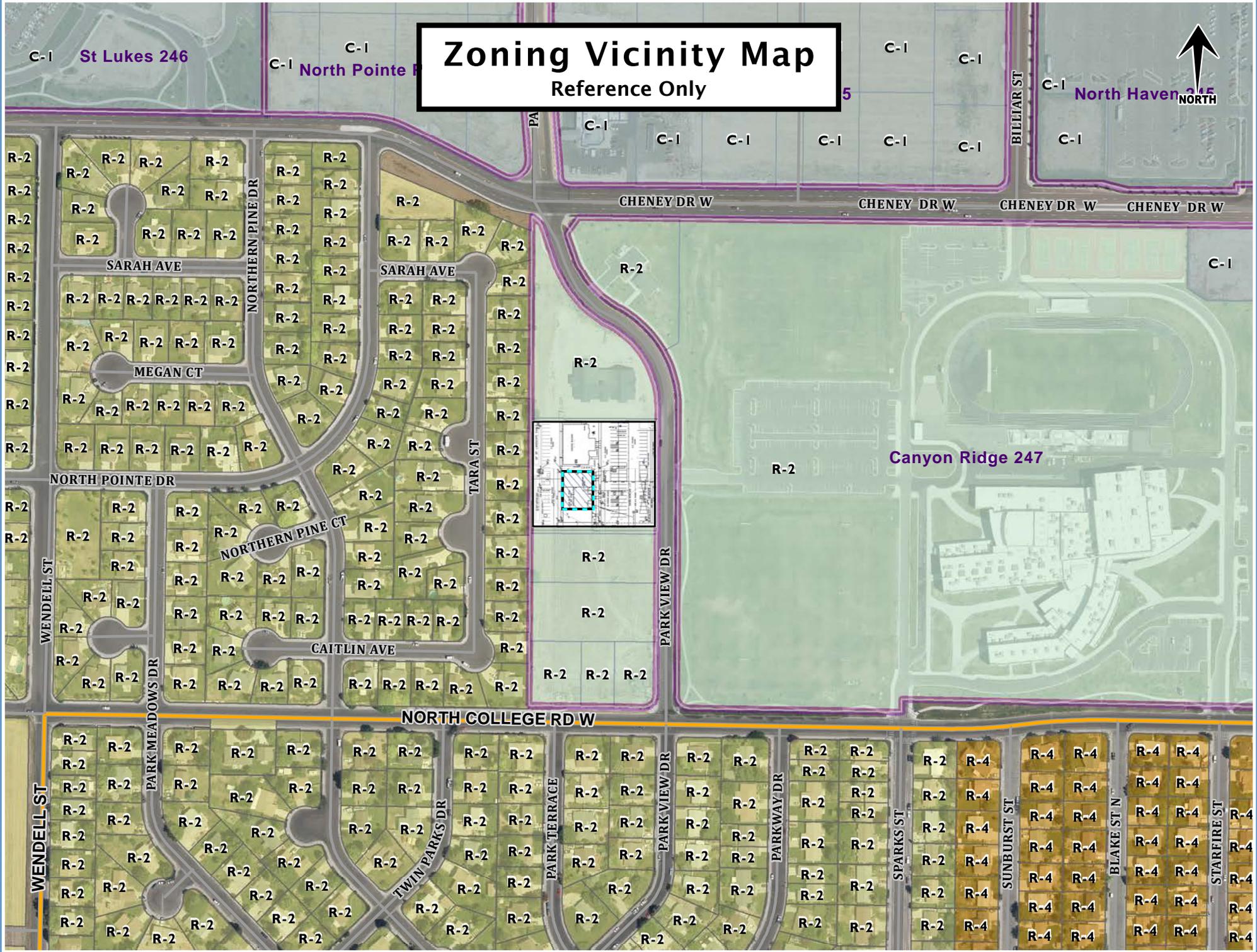
Accordingly, in addition to traditional worship services, XrossWay will also provide fitness and life coaching services so that XrossWay may nourish its members across all four dimensions of their being: heart, soul, mind and body.

Traditional Worship Services.

XrossWay will hold traditional worship services on Sunday mornings, Sunday evenings and Wednesday evenings. These worship services will be conducted by Pastor Clinton Lutz, XrossWay's executive director and pastor. XrossWay will not charge a fee for these worship services, but it will accept donations. These services will be held at the church ("Life Center"), located at 1385 Parkview Dr., Suite 102, Twin Falls, ID 83301. XrossWay anticipates devoting 25% to 30% of its efforts to providing these traditional worship services.

Zoning Vicinity Map

Reference Only



C-1 St Lukes 246

C-1 North Pointe

C-1

C-1

C-1

C-1 North Haven 245

C-1

C-1

C-1

C-1

C-1

C-1

C-1

BILLIAR ST

CHENEY DR W

CHENEY DR W

CHENEY DR W

CHENEY DR W

C-1

R-2

R-2

R-2

Canyon Ridge 247

R-2

R-2

R-2

R-2

NORTH COLLEGE RD W

R-2

R-4

R-4

R-4

R-4

R-2

R-4

R-4

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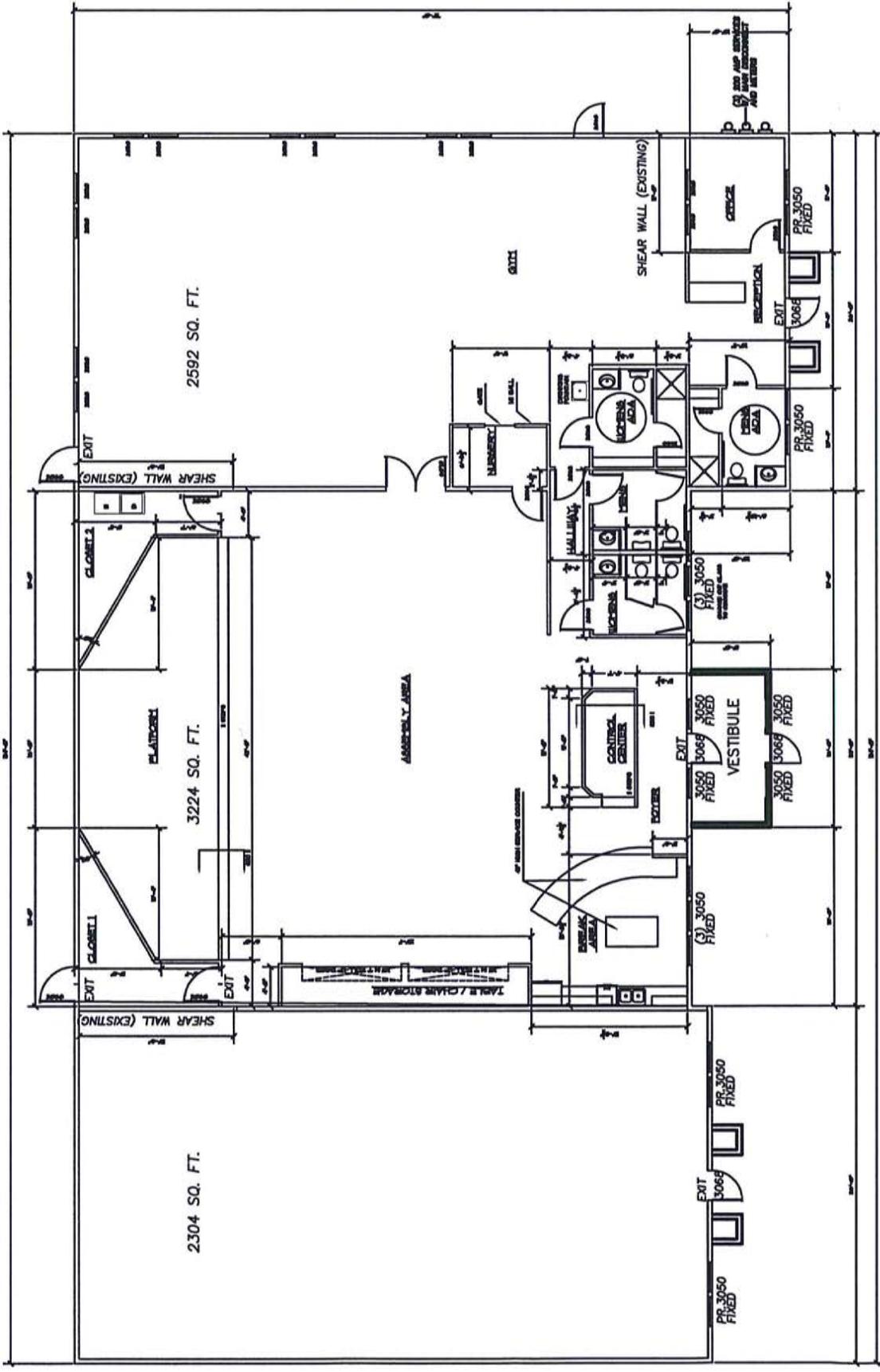
R-2

R-4

R-4

R-4

R-4





Project building in background. Frontage along Parkview Drive in foreground



View from the undeveloped area to the south of project building.



Rear of the building.



Public Hearing: **Tuesday, July 14, 2015**

To: Planning & Zoning Commission

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

AGENDA ITEM IV-3

Request: Request for a [Special Use Permit](#) for the purpose of operating an automobile repair and sales business in conjunction with an existing custom woodworking shop on property located at 2019 Kimberly Rd. c/o Rex Lytle (app. 2738)

Time Estimate:

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

Background:

| | | |
|--|---|--|
| Applicant: | Status: Owner | Size: 6500 sf building separated into two spaces. |
| Rex Lytle on behalf of Bitter Creek LLC PO Box 305 Twin Falls, D 83303 | Current Zoning: C-1 | Requested Zoning: SUP – Custom Woodworking and Auto Repair & Auto /Truck Sales business |
| | Comprehensive Plan: Commercial/Retail | Lot Count: 1 lots |
| | Existing Land Use: Custom Woodworking Shop and MT | Proposed Land Use: Custom Woodworking and an Auto Repair & Auto / Truck Sales business |
| Representative: | Zoning Designations & Surrounding Land Use(s) | |
| Lytle Signs Inc. PO Box 305 Twin Falls, ID 83303 208-733-1739 nathan@lytlesigns.com | North: M-1, Partially developed commercial. | East: C-1, Commercial Business |
| | South: Kimberly Road; C-1, Commercial Business | West: C-1, Commercial Business |
| | Applicable Regulations: 10-1-4, 10-1-5, 10-4-8, 10-11-1, 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 no impact on the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to operate a custom woodworking shop and an auto repair & automobile /pick-up truck sales 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 prior to operation.

History:

This is an older commercial property along Kimberly Road. It has been Zoned Commercial at least as far back as 1981 with the passing of Ordinance 2012 which created the Zones we currently use today. Over the years various commercial businesses have occupied the space. No further applicable zoning history is known at this time.

Analysis:

The applicant is seeking approval of a Special Use Permit to operate a custom woodworking in the western portion of the building and an Auto repair & Auto/Pick-up Truck sales business in the other. These two (2) independent businesses will share parking and access to the site. This site is zoned C-1, Commercial Highway.

The applicant has supplied a narrative outlining their operation. The businesses will be open within the normal business hours with retail hours of 7am to 10pm, employ 1-3 people and have may have approximately 10 customers per day for the repair side. The Auto sales will be a small portion of the business with most inventory being transacted over the internet. The custom woodworking shop is operated by a separate entity and has been in place for a few years. It occupies the western portion of the building and has all equipment and materials either inside the building or to the rear of the building shielded from view of the street.

Per City Code 10-4-8: The C-1 Zone requires custom woodworking, auto/pick-up truck sales and auto repair to acquire a Special Use Permit prior to being legally established.

These uses can be impactful on neighboring properties depending on the circumstances of the development patterns surrounding them. In this case, Kimberly Road is a State Highway designation, and has been for many years. The businesses typically found within this corridor tend toward larger scale operations in the construction or agricultural fields.

Per City Code 10-10: The custom woodworking shop will require no less than 1 space per 1250 sq ft. The auto sales will require 1 space per 500 sq ft of building and designated sales area. The auto repair will require 3 spaces, plus 1.5 spaces per service bay, as well as adequate screened storage space for vehicles waiting repair and/or misc. auto parts.

The City has not received a floor plan showing the distinction between the Repair and Sales area, or the total sq ft of the custom woodworking shop area. Staff does not anticipate the parking to be an issue considering the large area to the rear of the building. Staff does anticipate site improvements shall be required to meet the requirement of that all required parking maneuvering areas be paved

Per City Code 10-11-1 thru 9: the required improvements do not change between the uses of property. However, if the commission feels this particular use creates an unusual or increased impact, a condition could be placed on this permit to mitigate that impact.

Possible Impacts: The impacts of the custom woodworking shop typically center on noise and dust accumulation. These impacts will be reasonably mitigated due to the hours of operation and the location of the activities being within the building. We do not feel the custom woodworking business will create unreasonable or negative impacts to the surrounding area. It is still important to place a condition for all materials to be stored inside the building or behind a screened area.

An Auto Repair business and Auto sales lots typically create impacts in the form of noise, increased vehicle trip generations, and unsightly storage of materials, vehicles waiting to be repaired and junk vehicles. Some of these possible impacts are mitigated with the hours of operation, the location of the activities being inside a building, and a large storage area behind the building which will allow for screened storage of vehicles and parts from the nearest roadway. Despite the previous logic, staff feels it important to include a condition requiring all inoperable vehicles, parts and materials to be stored inside or behind a screened area.

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 all woodworking materials and equipment to be stored inside the building or within a sight obscured area at all times.
3. Subject to all vehicles waiting to be repaired if longer than three (3) days, inoperable vehicles, parts / materials to be stored inside the building, or within a sight obscured area at all times.
4. All sight obscuring materials to be approved by Staff prior to installation.

Attachments:

1. Narrative
2. Zoning Vicinity Map
3. Site Plan
4. Site Photos



City of Twin Falls
Planning & Zoning
231 2nd Avenue East
Twin Falls, Idaho 83301

Re: Special Use Permit for Bitter Creek LLC

To members of Planning & Zoning:

We are requesting a special use permit approval on behalf of Bitter Creek LLC in accordance with the Twin Falls City code, located at 2019 Kimberly Rd, in Twin Falls, Idaho.

We are proposing to change the tenant space located at this address from a child care facility to an automotive repair shop. It will be open from 7:30am to 5:30pm Monday-Friday. We anticipate 1-3 employees to start and approx. 10 customers a day visiting this location either dropping off a vehicle for repair or picking up a vehicle once the repair is complete.

Bitter Creek is also an automobile dealer and as such is required by the state to man the office a minimum of 20 hours a week which is the intent of the tenant. There will be minimal automobiles on the site as he mostly buys and sells over the internet.

This property has an existing free standing sign and wall sign on the building so we intend to utilize the existing signs for this business.

This location is in a commercial zone and the proposed business will fit in well with the other businesses in the area, the noise will be a similar level to the other automotive businesses in the area as well as the glare, odor and minimal fumes.

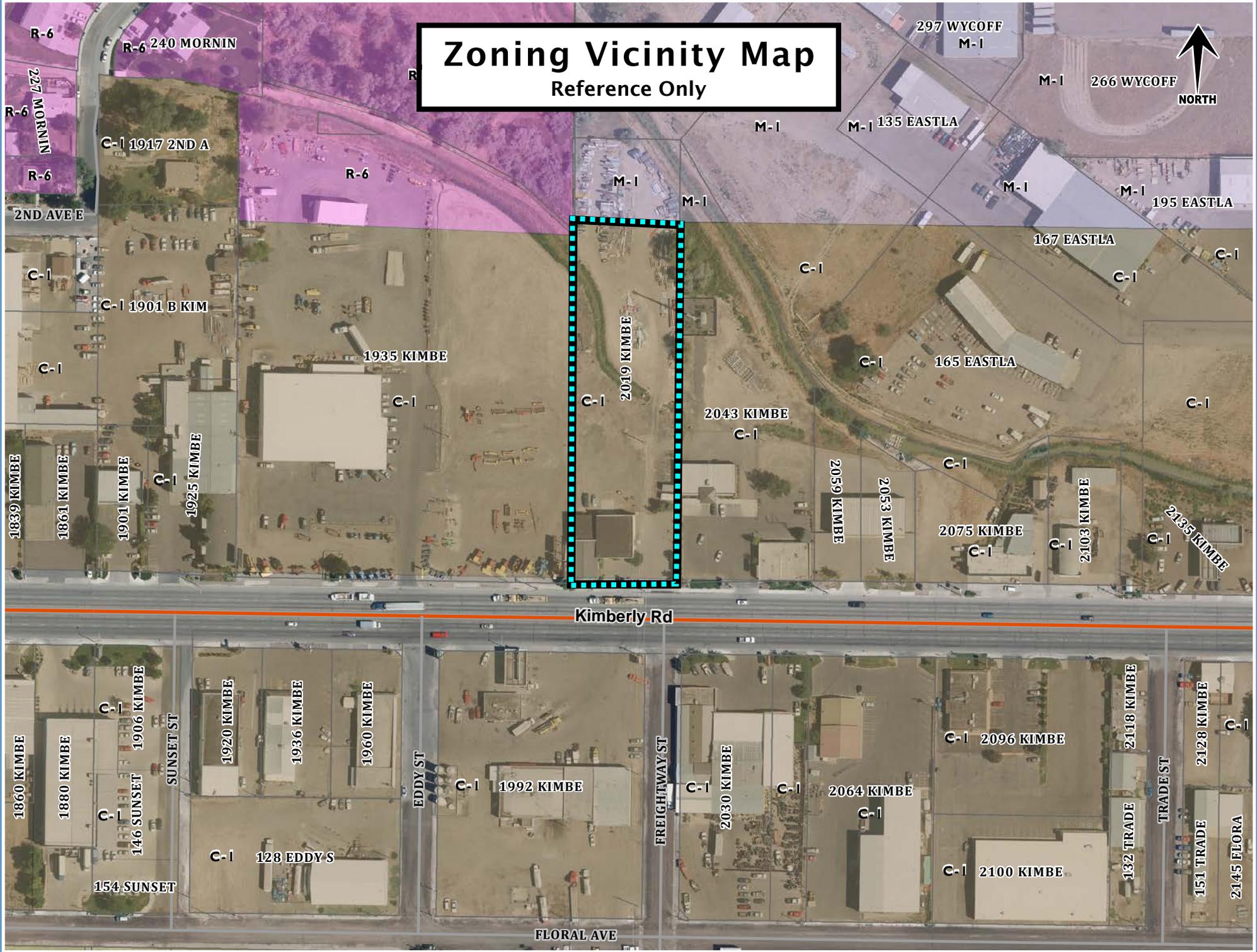
Sincerely,

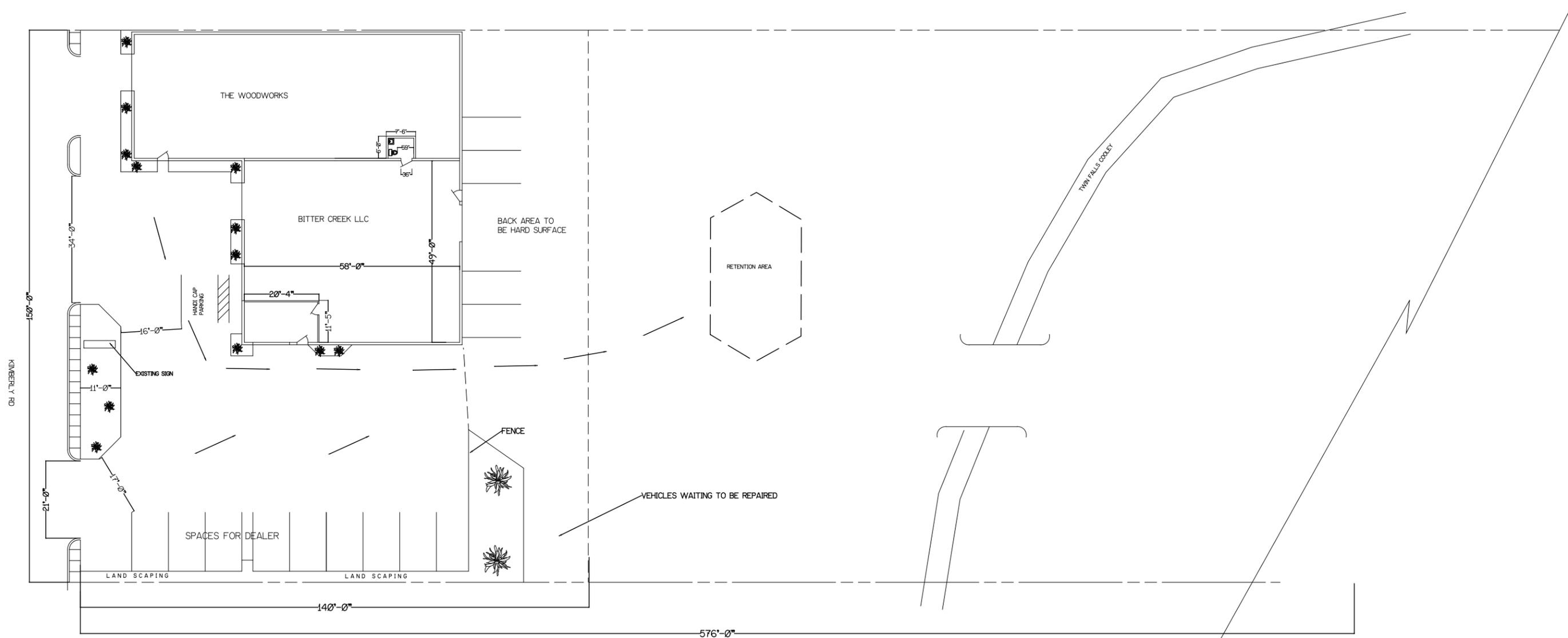
A handwritten signature in blue ink that reads "Nathan Fuller". The signature is written in a cursive, flowing style.

Nathan Fuller

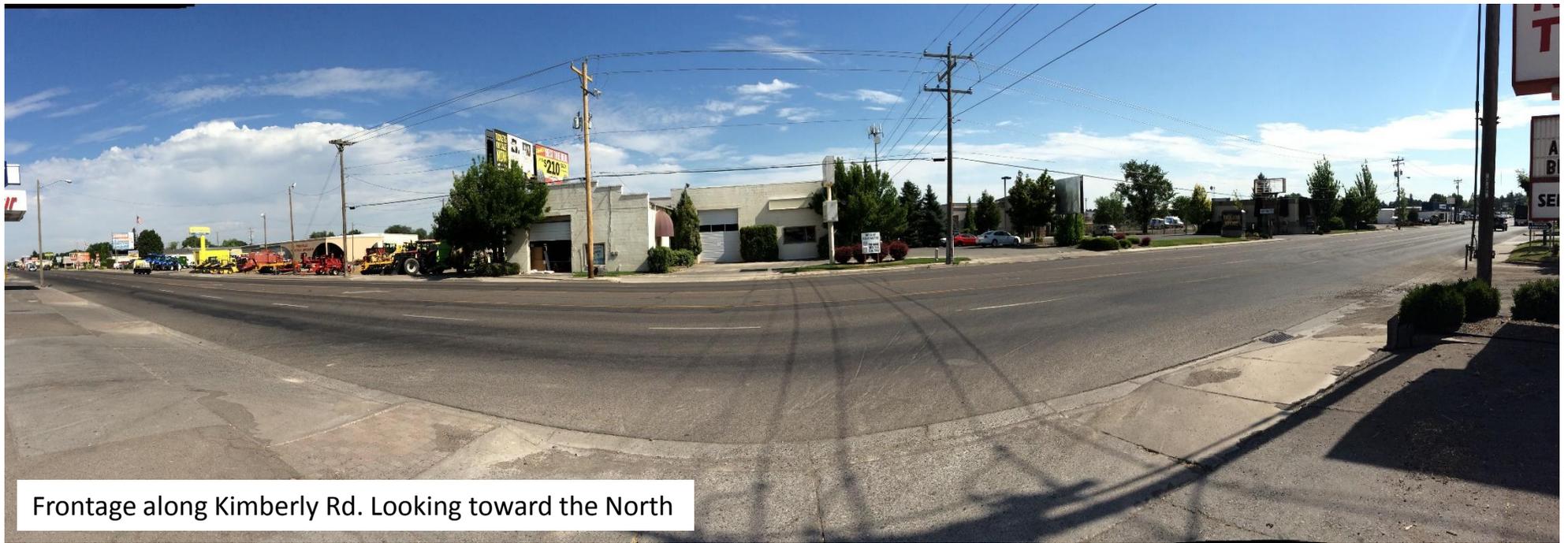
Zoning Vicinity Map

Reference Only





| | | |
|----------------------------|-------------------|---------------------------|
| CLIENT: BITTER CREEK LLC | DATE: MAY 7, 2015 | PATH: LYTLE SIGNS\LYTLE 2 |
| ADDRESS: TWIN FALLS, IDAHO | SCALE: NO SCALE | WO #: _____ DRAWN BY: CW |



Frontage along Kimberly Rd. Looking toward the North



Rear of Property, area used for vehicle maneuvering will be hard surfaced.

