



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
July 14, 2015 6:00PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

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

AREA OF IMPACT:

Ryan Higley Steve Woods

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMIT MEMBERS

PRESENT

Boyd
Derricott
Frank
Grey
Moñoz
Reid
Tatum

ABSENT

AREA OF IMPACT MEMBERS

PRESENT

Woods

ABSENT

Higley

CITY COUNCIL LIAISON(S):

CITY STAFF: Carraway-Johnson, Spendlove, Strickland, Vitek, Wonderlich

I. CALL MEETING TO ORDER:

Chairman Frank called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **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 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.

Applicant Presentation:

Gerald Martens, EHM Engineer, Inc. representing the local Boys and Girls Club. This piece of property was donated to the Boys and Girls club a few years back and was part of a storm water retention master plan for the Golden Eagle project. Subsequent to that the Twin Falls School District purchase a portion of Golden Eagle property to develop a Junior High School. With the development of the school this property was no longer needed for the storm water retention plan. The school property will be responsible for maintain their own storm water on their property. This property is now developable it is approximately 2.47 (+/-) acres with 6 lots. These lots will be residential lots developed as homes and should be a good project that will benefit the Boys and Girls Club.

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Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated 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. 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 subject to those 3 issues being corrected.

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.

Planner I Spendlove stated upon conclusion this request is in conformance with the Comprehensive Plan which designates this area as appropriate for Medium Density Residential. Should the Commission approve the preliminary plat of the Golden Eagle #6 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 the redline changes made by City Staff being incorporated into the Final Plat.

PZ Questions/Comments:

- Commissioner Grey asked about the access that will be serving the property and an easement shown on the plat.
- Mr. Martens explained the easement is a storm water tract for the residential development.

Public Comment: [Opened](#)

- Linsey Westburg, representing the Boys & Girls Club, thanked the Commission, staff and EHM Engineering for all of their help in getting through this process.

Public Comment: [Closed](#)

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Woods made a motion to approve the request, as presented, with staff recommendations. Commissioner Grey 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 the redline changes made by City Staff being incorporated into the Final Plat.

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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 North. c/o Sue Hamilton on behalf of Noodles & Company (app. 2736)

Applicant Presentation:

Brandon Barrett, representing the applicant, stated this request is to serve alcohol with food at the restaurant. The food is prepared fresh and made to order. They will operate from 10:00am to 10:00pm and would like to serve beer and wine with their food. The request is compatible with the area and other adjacent properties and he requests that the commission approve the special use permit.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated 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.

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

Planner I Spendlove stated upon 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.

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

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Munoz 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.

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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 and Canyon Park West Amended PUD #264.
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)

Commissioner Boyd stepped down for this item.

Applicant Presentation:

Gerald Martens, EHM Engineers, Inc. explained that he is here representing the applicant and will also have the pastor speak about the operation of the program. He is part of Emanuel Luther Church of which he serves on the board. The church has established a mission to extend their program to young adults to go beyond childcare and a parochial school. For this program to be successful it needed a modern facility so a group or investors and have arranged the means to lease this facility to the Xrossway Program to make this nonprofit program viable. The building is a shell building it is accessed from Park View Drive all activities will occur in the facility. It will look like an office building and function much like one. He would request that this special use permit be approved and issued specifically to the Xrossway Program ONLY, so that it is non transferrable to another user.

Pastor Lutz, 218 Buckingham Drive, stated he has been a pastor for 18 years and being a pastor has been his passion. This is relevant because they are not just trying to open a gym, they want to help meet the needs of people. They want to serve the needs of their community for holistic health and wellbeing. They want people to be well, most churches focus on childhood education, and fitness is going to serve the communities health and wellness needs. He asked that the Commission approve their request.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated 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 Comprehensive 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.

The applicant is seeking approval of a special use permit to operate a Fitness and Life Center –Religious Facility with extended hours. This site is zoned R-2 PRO PUD. A religious facility requires 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 and counseling office and 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.

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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 commission 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.

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 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 religious 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.

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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 recommends 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 religious facility.

Planner I Spendlove stated upon 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.

PZ Questions/Comments:

- Commissioner Woods asked about screening between the building and the residential properties.
- Planner I Spendlove explained screening is required between commercial and residential properties.
- Commissioner Frank asked if there has been any input from the surrounding properties.
- Mr. Martens explained he had approximately three calls, several wanted to know how big the building was going to be and the third didn't have any issues just wanted to visit about the project. He explained this is not unlike the existing Emanuel Lutheran Facility it is used almost every night by the community. There are social halls for many of these types of facilities and this is one more way to integrate health into the mission. Parking lot lights are in the front, the only lights that are on the back of the building are shielded and do not project onto adjacent properties. The parking in the back is limited to employees. The patrons will be parking in front of the building.
- Commissioner Munoz stated he has concerns about activities occurring outside that would increase noise to the surrounding properties.
- Mr. Martens has no issue with a condition that limits the activities to the inside of the building.
- Commissioner Munoz asked if they have an estimate on how many people will attend.
- Mr. Martens stated the more the merrier, but it will be a facility that allows for social, fitness and holistic health but will not be a large commercial gym.
- Commissioner Tatum asked for clarification on the size of the office and activity space.
- Mr. Martens explained the worship space and restroom area will be approximately 3200 sq. ft. and the gym area will be approximately 2500 sq. ft.
- Commissioner Reid asked what the gym look like because they can all look different.
- Mr. Martens explained it will have exercise machines and a place for some exercise classes. It is about healing the mind and the body.

Public Hearing: [Opened](#)

- Eric Sept, 1410 Tara Street, spoke of his concerns regarding traffic and noise impact to his home. He is opposed to the request.

Public Hearing: [Closed](#)

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Closing Statements:

- Mr. Martens explained the property will be maintained along with the rest of the buildings within this business park. As for the noise, there is a 100' setback between the building and the residents, they will install screening and the traffic in the back will be limited to employees only.

Deliberations Followed:

- Commissioner Munoz stated keeping the activities inside the building will alleviate these concerns, and as always, if noise does become an issue the citizen can contact the Police Department, they are responsive. A special use permit may have a requested for revocation if an issue arises.
- Commissioner Woods explained the back side of the building is mostly wall which will reduce the noise impacts.
- Commissioner Grey thinks this is not going to be an issue simply because of the size of the facility and the number of people that will frequent the facility.
- Commissioner Frank explained these types of facilities are there to be good neighbors and it would not benefit them to create problems for the neighbors.

Motion:

Commissioner Grey made a motion to approve the request, as presented, with staff recommendations and with a condition that activities associated with the Xrossway Fitness be kept inside the building, and the hours of operation be limited to 6:00am to 10:00pm. Commissioner Wood seconded the motion. All members present 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 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.
3. All activities associated with Xrossway Fitness shall take place within the building.
4. Subject to hours of operation being limited to 6:00am to 10:00pm.

Commissioner Boyd returned to her seat.

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)

Applicant Presentation:

Rex Lytle, the applicant, stated he has a building that he has leased off and on for several years. He is requesting to allow an auto repair shop in the building, with a wood working shop next door that has been operating in that space for approximately 11 years.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and explained 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.

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The applicant is seeking approval of a Special Use Permit to operate a custom woodworking shop 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 operations. 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 posted on 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 existing 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.

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

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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.

Planner I Spendlove stated upon 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.

PZ Questions/Comments:

- Commissioner Woods asked about management of oils and things to avoid things getting into the waterways.
- Planner I Spendlove explained there will be a requirement for grease traps and the business will have to comply with environmental protection requirements.
- Commissioner Munoz asked about parking requirements related to the dealership requirements as well as the required parking for the use. Is the actual car sales portion of the business a change of use for the property?
- Planner I Spendlove explained the required parking for the dealership will not be included as part of the parking spaces required for the use. Depending on the previous use of the building it could be a change of use which may or may not require additional improvements.
- Commissioner Munoz asked about the building setbacks.
- Planner I Spendlove explained that the building itself is a legal non-conforming building and is within the centerline setback of Kimberly Road.

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

Closing Statement:

Mr. Lytle explained that the woodworks has been in the building for 11 years and they have never had any complaints about the business. They have installed some landscaping to the site and they are planning to make sure the site is clean.

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Boyd 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.

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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 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.

V. GENERAL PUBLIC INPUT: None

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

Zoning & Development Manager Carraway explained that the City Fair is scheduled for tomorrow at the “old Banner Building” from 3:00pm to 8:00pm. There will be several displays available to the public. It will be an open house with staff and consultants available for questions and input. Logan-Simpson will be at Java-A-Bowl-Of-Soul on Thursday and Friday of this week conducting interviews with citizens and the first Advisory Committee meeting will be held Thursday, July 16, 2015 at Noon.

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:

Chairman Frank adjourned the meeting at 7:28 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department