

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, August 25, 2015**

To: Twin Falls City Planning & Zoning Commission

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

AGENDA ITEM III-1

Request: Request the Commission's consideration to remove conditions 4 & 5 of Special Use Permit #1361, granted by the Planning & Zoning Commission on April 28, 2015 and issued to Plant Therapy for the purpose of establishing a retail business and to include repackaging of products, wholesale distribution and warehousing on property located at 510 2nd Avenue South. c/o Plant Therapy (app. 2720)

Time Estimate:

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

Background:

Applicant:	Status: Owner	Size: 2 +/- acres with several existing Bldg(s)
Eagle Financial LLC and Plant Therapy Chris Jones 3223 Willow Court Twin Falls, ID 83301 208-735-2413 Chris@planttherapy.com	Current Zoning: M-1 and CB P-2 Parking Overlay	Requested Zoning: SUP for Repackaging/Assembly, Wholesale Distribution and Warehousing
	Comprehensive Plan: Townsite	Lot Count: 2 parcels with various bldgs.
	Existing Land Use: Vacant Automobile Dealership.	Proposed Land Use: Repackaging/Assembly, Wholesale Distribution and Warehousing with a small retail area.
Representative:	Zoning Designations & Surrounding Land Use(s)	
Andrew DiPietro Peterson Brothers Const. 1920 Highland Ave East Twin Falls, ID 83301 208-734-6303 andrew@petersonbroconst.com	North: CB P-2 Parking Overlay; 2 nd Ave South; Hoggarth Auto Sales	East: CB P-2 Parking Overlay; Liberty St S; Gertie's Restaurant
	South: M-1 Minidoka Ave; RR	West: CB P-2 Parking Overlay; Ketchum St S; residential units
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-7, 10-4-10,-10-7-6, 10-9, 10-10, 10-11-1 thru 8, 10-13-2.2	

History:

Recent zoning history includes approval of Special Use Permit #1361 on April 28, 2015. Since that time, Staff received multiple building permits for a change of use, to remodel parts of the existing structures and to build a new warehouse/storage building. In late July, staff received a formal request to remove two conditions placed on the approved Special Use Permit.

Analysis:

The applicant has requested removal of Conditions #4 and #5 placed on Special Use Permit #1361.

The site is zoned CB P-2 and M-1 and is 2 +/- acres with several existing buildings totaling 30,000 +/- sf. The narrative submitted with the sup request describes this business as being an existing retail business selling aromatherapy products. The business has minimal onsite customer traffic as the majority of the sales are online. The business is classified as primarily a wholesale distribution business. They purchase various products in large volumes, warehousing them and later repackaging/assembling them in smaller containers for shipment. The primary traffic volume on site is from delivery and shipment of products. The Special Use Permit narrative provided for the public hearing states they employ 30 people at their current business location, with the anticipation of adding more as business grows.

On April 28, 2015 there was a public hearing on the request to establish the proposed land use at this location. There was no one who spoke at the public hearing. Upon the conclusion of the public hearing and deliberations the Commission unanimously voted to grant a Special Use Permit to Plant Therapy for the purpose of establishing a retail business to include repackaging of products, wholesale distribution and warehousing on property located at 510 2nd Avenue South, as presented and subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to 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 (October 28, 2015).
5. Subject to the property being combined under one warranty deed with deed restriction to remain under one owner.

The Site plan presented to the Commissioners at the public hearing showed the entire 2 +/- acre site would be utilized in the operation of this business.

Since the approval of the Special Use Permit in April the applicant has applied for numerous building permits to address the change of use, the remodeling of existing buildings and a permit to construct new 8250 sf storage warehouse.

The applicant now proposes their entire operation will take place on the property fronting 2nd Ave S only.

There are 2 separate properties which the applicant owns. It was originally proposed for the business to take place on both parcels- the entire 2 +/- acre property. Since that time, the applicant has leased the southern lot and refined their business plan. He now proposes no part of their operations will take place on the south parcel. He is asking to remove Condition #4; the required improvements on Minidoka Ave and Condition #5; the combined deeds as they no longer apply.

Possible Impacts: Staff concurs with the applicants petition to remove Condition #5; *"Subject to the property being combined under one warranty deed with deed restriction to remain under one owner"* IF the applicant declares in writing they will not occupy or use any portion of the southern property then there is no benefit to requiring a combined deed.

The genesis of *Condition #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"* comes from the required Improvements within City Code Title 10; Chapter 11-Required Improvements, which states..... " *The improvements required herein shall be provided whenever a building or structure is constructed, placed, erected or enlarged or when there is a **change of use of a building, structure or parcel of land.** Unless otherwise provided, all required improvements shall be a condition of any building permit and they shall be completed prior to final inspection and occupancy of the building.*" ...

This condition is typically included on Special Use Permits as a courtesy disclosure of required improvements to businesses who have not yet applied for building permits. Removing the condition from the Special Use Permit does not allow the applicant to skirt the requirements of the code. If the applicant can substantially justify a means by which their business operations will be limited to the use of the northern lot exclusively, the requirement for the sidewalk improvements will no longer be required within City Code. Whether it is a condition on the Special Use Permit or not, the requirement stands within City Code.

As of this date, City Staff has not received substantially justifiable means portraying that the business, as presented, meets the required improvements to operate on the northern parcel only.

Conclusion:

The Commission is asked to make a decision on this request. A decision shall be by majority vote.

The Commission may vote to remove one or both of the conditions or the Commission may vote to have the conditions remain.

Attachments:

1. Letter of Request for removal of Conditions #4 & #5.
2. Original Letter describing the business
3. SUP #1361
4. Current Property Boundaries
5. Zoning Vicinity Map
6. April 28, 2015 P&Z minutes



July 30, 2015

City of Twin Falls, ID
Zoning and Development
Attn: Renee Carraway
PO Box 1907
Twin Falls, ID 83303

Hello Renee,

I am writing this letter to request the removal of Conditions #4 & #5 of Special Use Permit 1361. As you can see from the attached drawing, the property is made up of 3 parcels. We have designed the layout and location of the new building to fall fully within Parcel 1. And we will not be using the buildings in Parcel 2 for this business. Therefore, we would like to exclude Parcels 2 & 3 from the SUP. This should eliminate the need to combine the parcels under one warranty deed, and exclude the requirement for sidewalks in parcel 2.

Please add this to the agenda for the August 25th P&Z Public Hearing. And please let me know if you have any questions in the meantime.

Thanks,

Chris Jones, president
Plant Therapy

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



**CITY OF TWIN FALLS
PLANNING AND ZONING DEPARTMENT**

324 Hansen Street East
P.O. Box 1907
Twin Falls, Idaho 83303-1907

SPECIAL USE PERMIT

Permit No.1361

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on April 28, 2015 to Eagle Financial & Plant Therapy whose address is 3223 Willow Court Twin Falls, ID 83301 for the purpose of establishing a retail business to include repackaging of products, wholesale distribution and warehousing on property located at 510 2nd Avenue South and legally described as Twin Falls Townsite Block 122, Exc Tax #1621 & Exc SW .64A; ADJ 20' Vac Alley (16-10-17)

The Commission has attached the following conditions which must be fully implemented to avoid permit revocation (City Code Section 10-13-2.3):

This permit corresponds to Zoning Application No.2720

1. Subject to the site plan amendments as require 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 trash receptacle enclosure in compliance with 10-11-6
4. Subject to the sidewalk being installed along Minidoka Avenue 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.



CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION

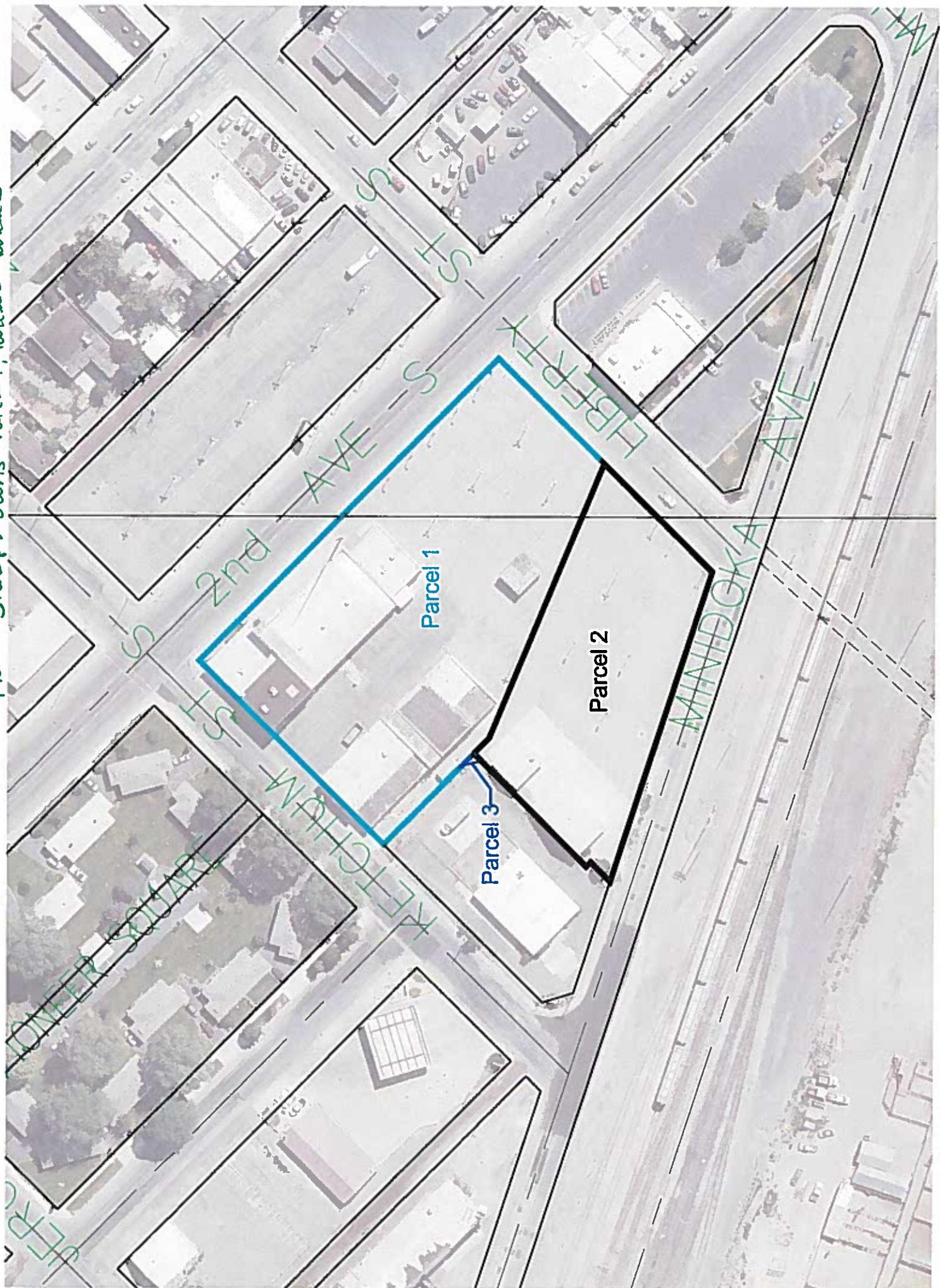
DATE

This 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.

Please contact the Building Department at 735-7238 for further information.

cc: Building Inspection

Plant Shop owns Parcel 1, Parcel 2 + Parcel 3



Parcel 1

Parcel 2

Parcel 3

2nd Ave S

Pioneer Square

Ketchikan St

Hbfprk Ave

Minidoka Ave

PZ Questions/Comments:

- Commissioner Grey asked for clarification on the overhead of what lots the deed would include.
- Commissioner Frank asked if there are aware of the staff recommendations.
- Mr. DiPietro explained that he has read and is aware of the staff recommendations.
- Commissioner Frank explained he is specifically referring to storm water retention.
- Assistant City Engineer Vitek explained that the site is already paved the storm water retention has already been accounted for, so unless they are going to change the existing paving substantially retention should not be an issue.

Public Hearing: Opened & Closed Without Comments

Deliberations Followed: Without Concerns

Motion:

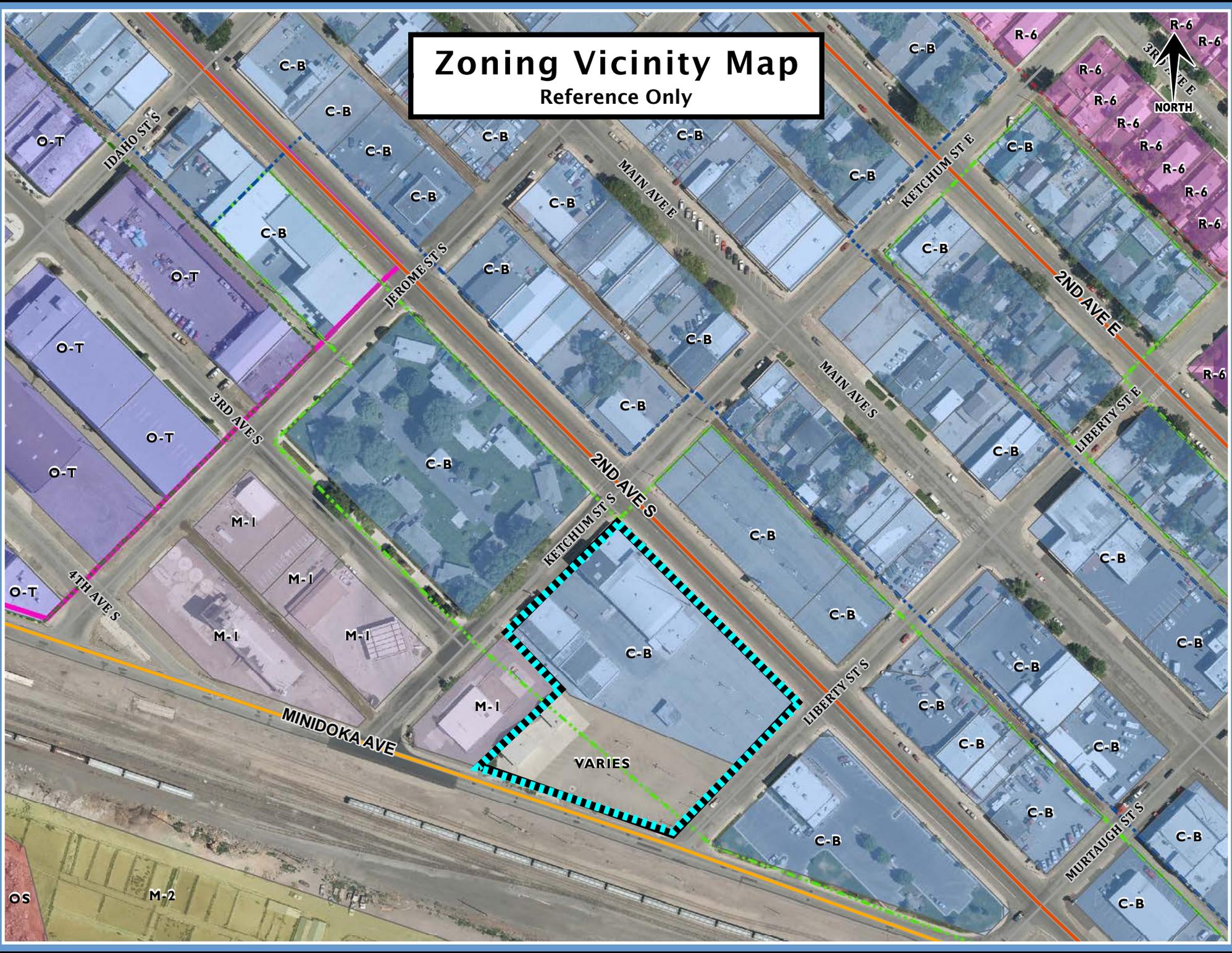
Commissioner Woods made a motion to approve the request, as presented, with staff recommendations. Commissioner Reid seconded the motion. All members present voted in favor of the motion.

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 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.**

Zoning Vicinity Map

Reference Only



property located at 510 2nd Avenue South. They believe that bring this unique business to this area will greatly help the evolving area of downtown Twin Falls.

Staff Analysis:

Planner I Spendlove presented the staff analysis and 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. The site is zoned CB and M-1 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) two times 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 2nd 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 2nd Ave.

Per City Code 10-4-7 and 10-4-10: The property has split zoning of CB and M-1. 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 2nd 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.

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.
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.

PZ Questions/Comments:

- Commissioner Grey asked for clarification on the overhead of what lots the deed would include.
- Commissioner Frank asked if there are aware of the staff recommendations.
- Mr. DiPietro explained that he has read and is aware of the staff recommendations.
- Commissioner Frank explained he is specifically referring to storm water retention.
- Assistant City Engineer Vitek explained that the site is already paved the storm water retention has already been accounted for, so unless they are going to change the existing paving substantially retention should not be an issue.

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

Deliberations Followed: [Without Concerns](#)

**Planning & Zoning Commission Minutes
April 28, 2015**

Motion:

Commissioner Woods made a motion to approve the request, as presented, with staff recommendations. Commissioner Reid 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 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.
2. 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)

Applicant Presentation:

Brad Wills, explained that he is here this evening to request an amendment for conveyance plats. The City was trying to allow properties to be split and ensure development of improvements would occur at once. The proposed change is that the City Council may require all abutting streets and utilities to be installed and accepted by the City at the time of the building permitting and or development stage whichever comes first.

Staff Analysis:

Planner I Spendlove presented the staff analysis and state 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. 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 main changes.

- 1) the removal of language that limits land development within the Conveyance Plats.
- 2) to replace obligatory language with an optional waiver by City Council decision for street and utility improvements.

Planner I Spendlove stated upon conclusion the Commission may recommend to the City Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested (will require another public hearing before the Commission), or it may recommend that the amendment be denied. As this change could affect properties within the Area of Impact this request will require a public hearing before the Board of County Commissioners.

PZ Questions/Comments:

- City Attorney Wonderlich, explained that the current code was developed so that when a larger acreage was developed improvements would be completed by the developer to include the acre that had been excluded so that roads would not bottle neck at corners and curb, gutter and sidewalks would be installed. The person that develops has to develop all of the infrastructure with the way the code is currently written. A parcel located at the SE corner of Sunway Drive North and North College Road has been used as an example. These parcels are owned by the Twin Falls School District and the City of Twin Falls. If at any time the City of Twin Falls wants to build a bathroom in the park at this location it would trigger all of the improvements to be completed by the City. If the school wanted to build it would trigger all the improvements to be completed by the School; this being the case neither entity would be able to develop. In this instance it would mean North College Road, Sunway Drive North, Falls Avenue West and Creekside would all have to be built, which would not be feasible for either party. The proposed change would allow the City Council to review cases like this and make a determination on what portion of the infrastructure would need to be completed. Before the ordinance people could leave out the property at the corner, the City would not get right-of-way the corner would not get developed and it would leave a huge bottle neck at the intersection.
- Assistant City Engineer Vitek explained that there is a property at the corner of Harrison Street and Orchard Drive that was left out of the platting process so when the 70(+/-) acres gets developed south of this property this is going to be an intersection that won't get developed. With the current ordinance if this property had come through as a conveyance plat process this corner would have to be improved at the time the 70 (+/-) acre plat was developed but because it did not this intersection is going to be an issue when the 70 (+/-) acres gets developed.

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

Deliberations Followed:

- Commissioner Frank has concerns with discretionary, it is not in the City's best interest to have partial completion of roads, curbs, gutters and sidewalk. He has concerns that this will allow things like this to occur in the future.
- Commissioner Higley explained that his is not fond of it being discretionary but the current requirements make property impossible to develop; it could be handled with feasibility studies.
- Commissioner Grey asked about Federation Way development along the south side of where the new elementary school is going to be constructed.
- City Attorney Wonderlich explained that was a re-subdivision of an existing plat not a conveyance plat.

Motion:

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

[Recommended Approval of This Request to the City Council, As Presented](#)

City Council Public Hearing Tuesday, May 26, 2015

V. GENERAL PUBLIC INPUT: [NONE](#)

**Planning & Zoning Commission Minutes
April 28, 2015**

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

- Planner I Spendlove showed on the overhead a photo of the signs posted on the property for item IV-1 on tonight's agenda. He explained this was the first public hearing item scheduled since the public notice ordinance change, he was required to post 6 signs on the property and notice had to go auto 1000' from the property line.
- Council Liaison Mills Sojka explained that there was one person in the audience that received notice of this request that showed up to see what was going on with the property. He would not have received a letter with the previous notice requirements.
- Commissioner Woods stated that he has had some issues with the landscaping requirements for a desert area. He is working on gathering some information with regards to how this can be addressed in the code and plans to work with some people that are knowledgeable of the types of plants that can be used. We have a shortage of water and then trees and shrubs are required which is not realistic for water conservation.
- Zoning & Development Manager Carraway-Johnson explained that staff always recommends drought tolerant plants and grass is not required for ground cover.

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

1. Work Session-[May 6, 2015](#)
2. Public Hearing-[May 12, 2015](#)

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 6:45 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



Public Hearing: **TUESDAY, August 25, 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** to allow for a drive through window in conjunction with a restaurant on undeveloped property located west of 291 Pole Line Road c/o EHM Engineers, Inc. on behalf of Westpark Partners (app. 2744)

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: 2741 sf Building; 1 Acre Land
Westpark Partners 453 Russet St Twin Falls, ID 83301	Current Zoning: C-1 PUD	Requested Zoning: Special Use Permit – restaurant with a drive thru window and extended hours of operation
	Comprehensive Plan: Commercial/Retail	Lot Count: 1 Lot
	Existing Land Use: Platted Undeveloped	Proposed Land Use: Restaurant w/drive thru, and extended hours of operation.
Representative:	Zoning Designations & Surrounding Land Use(s)	
Gerald Martens EHM Engineers Inc. 621 N College Rd Ste 100 Twin Falls, ID 83301 208-734-4888 gmartens@ehminc.com	North: C-1 PUD; Undeveloped Commercial	East: C-1 PUD; Commercial Business (Farmers National Bank)
	South: Pole Line Road; C-1, Undeveloped Commercial	West: C-1 PUD; undeveloped, Retail Business (Culvers)
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-8.2(B), 10-10, 10-11-1 thru 8, 10-13-2-2, Northbridge PUD	

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 City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

Budget Impact:

Approval of this request will have minimal impact on the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to operate a drive thru window in conjunction with a restaurant. Additionally, extended hours of operation area also being sought.

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:

Ordinance 2012 was passed in 1981, it created the zoning districts we currently use, and zoned various properties within City Limits. Many new zoning designations were assigned at that time, or when areas were annexed. In 1993, the Northbridge PUD C-2185 was recorded after multiple public hearings with the PZ Commission and the City Council. No further pertinent zoning history is known at this time.

Analysis:

The request is to allow the operation of a drive thru window in conjunction with a restaurant operating with extended hours of operation. The applicant has supplied a narrative and supporting documents outlining the details of the proposed operation and use of the property. The restaurant will be owned and operated by Popeye's. The requested hours of operation are from 10:30 am – 11:00 pm (City Code permitted hours are 7 am to 10 pm). The applicant anticipates traffic counts approximately 300 vehicles per day, and anticipates 25 total employees. The applicant does not anticipate an unmanageable increase of noise, glare, odors, fumes, or vibrations to surrounding property owners due to the proximity of this project to other established businesses which are commercial in nature.

Per City Code 10-4-8.2: Drive-thru windows require a special use permit. Additionally, retail establishments wishing to legally operate outside the permitted retail hours of operation of 7:00 am to 10:00 pm are also required to acquire a special use permit.

The impacts of this particular project operating a drive thru and extended hours of 10:30 AM – 11:00 PM would generally revolve around traffic and light intrusion onto neighboring properties. Staff does not anticipate the traffic increase to be detrimental to the area due to its proximity to a major arterial (Washington Street North), and the current development pattern in the area. Light from this operation is not anticipated to increase dramatically from what is currently in the area.

Per City Code 10-10: Off Street Parking is required for this business at a rate of one (1) space per one hundred (100) square feet of floor area. The result is twenty one (28) parking spaces required. The site plan provided shows the minimum number of required spaces being met. Further review will occur at the time of building permit submittal.

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

Per City Code 10-12-1 thru 4: The proposed location cited by the applicant has not been platted. In order to apply for a building permit, this location will need to progress through the platting process, including multiple public hearings. This special use permit does not remove other requirements listed in City Code for buildings to be placed on Legal, buildable lots.

Possible Impacts: It is important to note that the base operation of a restaurant is an outright permitted use in this zoning district. The immediate properties surrounding this project are zoned C-1 (Commercial) PUD. With arterial roadways to the West and immediately to the South, this property was intended to become a commercial corridor. The typical affects to adjoining property owners will be negligible due to the nature of the overall development being commercial. The impact on the greater area should be considered. As this area continues to develop, it is acceptable to assume more traffic will be generated. However, this development is positioned at the intersection of two major arterial roadways which have been identified as commercial corridors in the current Comprehensive Plan and Future Land Use Map. The access to the restaurant is internal from the private access road to the north.

Conclusion:

Should the Commission grant this request as presented; city staff recommends approval be subject to the following condition:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to extended hours of operation not to exceed 7 AM to 11 PM.
3. Subject to the subdivision process as required by Twin Falls City Code being completed prior to issuance of a building permit.

Attachments:

1. Narrative
2. Zoning Vicinity Map
3. Aerial Map
4. Site Plan
5. Building Elevations
6. Site Photos

July 23, 2015

City of Twin Falls – Special Use Permit Application Project Narrative

CBC Popeye's Twin Falls is pleased to be submitting this request for a special use permit for our new store in the City of Twin Falls. In order to answer Question #4 of the application we have responded to each below.

Reason for Request:

This request is being submitted as Popeye's Louisiana Kitchen restaurant intends to operate a drive-through order and pick-up window, which under municipal regulations requires a special use permit.

Explanation of Project:

The hours of operation are 10:30 am to 11:00 pm

The traffic that this project is expected to generate is approximately 300 cars per day.

Employee count will be approximately 25.

Evaluation of the effects on adjoining property:

i. Noise: The noise generated from this project will be primarily from customer vehicles in the parking lot and along the drive-thru lane. An order speaker will be installed along the drive-thru lane on the west side of the property.

ii. Glare: No glare is expected to be generated by this project.

iii. Odor: All odors created by the food preparation will be exhausted through the roof of the building.

iv. Fumes and vibration on adjoining property: None



CarrBaierCrandall

CBC Real Estate Group

v. A discussion of the general compatibility with adjacent and other properties in the district: At Popeye's, we are all about the food. Our Louisiana heritage gives us a melting pot of food cultures from seven nations to draw on for new recipes and products presenting a superior food platform for flavor innovation.

We believe that this project is compatible with the surrounding properties and commercial development in the area. Given that fast casual restaurants have opened in the same development, we feel Popeye's Louisiana Kitchen will be a compatible and complimentary business.

About Popeye's Louisiana Kitchen



The Popeyes® brand was founded in New Orleans, Louisiana in 1972 and is the world's second largest quick-service chicken concept (based on the number of units). Within the QSR industry, Popeyes distinguishes itself with a unique "New Orleans" style menu that features spicy chicken, chicken tenders, fried shrimp and other seafood, as well as jambalaya, Red Beans and Rice and other regional items. Popeyes is a highly differentiated QSR brand with a passion for its Louisiana heritage and flavorful authentic food.

Popeyes serves food the world craves and is continuing to expand its global reach. The Company operates and franchises over 2,000 Popeyes restaurants worldwide. Of the 1,600 domestic franchised restaurants, approximately 70% are concentrated in Texas, California, Louisiana, Florida, Illinois, Maryland, New York, Georgia, Virginia and Mississippi. Of the nearly 400 international franchised restaurants, approximately 55% are located in Korea, Canada and Turkey. More than 90% of the company-operated restaurants are concentrated in Louisiana and Tennessee.

Business Strategy

Our business strategy, announced at the beginning of 2008, capitalizes on our strengths as a highly franchised restaurant system. The model provides diverse and reliable earnings with steady cash flow, and relatively low capital spending requirements. Over the last five years, the



cash flow produced by our model has primarily been used to pay down debt and repurchase stock to enhance shareholder value.

Our strategy is built on the foundation of aligning and collaborating with our stakeholders, and is focused on the five pillars of our Strategic Plan listed below. We believe our execution of these proven strategies will continue to deliver positive results, making Popeyes more competitive and better positioned to gain market share and accelerate long-term growth.

To date, we have built a strong foundation for our domestic business. Going forward, our initiatives will remain focused on the same five successful strategies: create a culture of servant leaders, build a distinctive brand, run great restaurants, grow restaurant profits, and accelerate quality restaurants. We will build on this success by using the same Strategic Roadmap for our international business including making investments that we believe will help drive guest traffic, improve guest satisfaction, and strengthen our unit economics. This is the essential foundation for accelerating unit growth around the globe.

The Company's strategic plan focuses on the five pillars below which management believes are proven strategies for growing a high performance restaurant chain.

- **Create a Culture of Servant Leaders** - creating a culture so engaging that you can't wait to come work at Popeye's.
- **Build Distinct Brand** - offering a distinctive brand and menu with superior food at affordable prices.
- **Run Great Restaurants** - improving restaurant operations and the Popeyes' guest experience by delighting the guest with "service as distinctive as our food".
- **Grow Restaurant Profits** - reducing restaurant operating costs and increasing restaurant profitability while maintaining excellent food quality for our guests.
- **Accelerate Quality Restaurants** - building more restaurants across the U.S. and abroad with superior profits and investment returns.

Zoning Vicinity Map

Reference Only



Northbridge No 2 2291

VERMONT AVE

BOSTON

WASHINGTON ST N

OS

Proposed Popeyes Drive-thru

Culvers
Existing

Northbridge 2185

Denny's
Existing

CANYON CREST DR

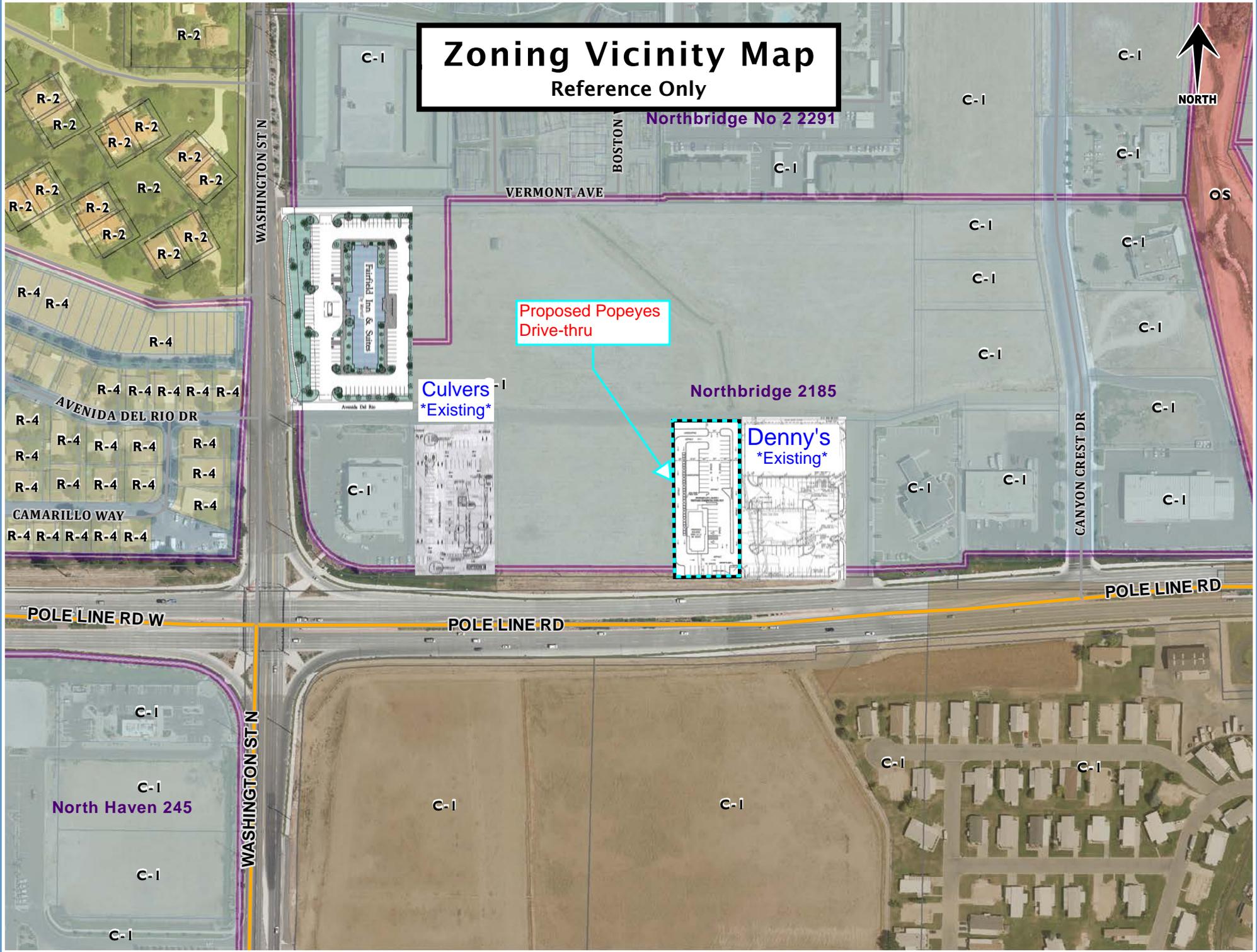
POLE LINE RD

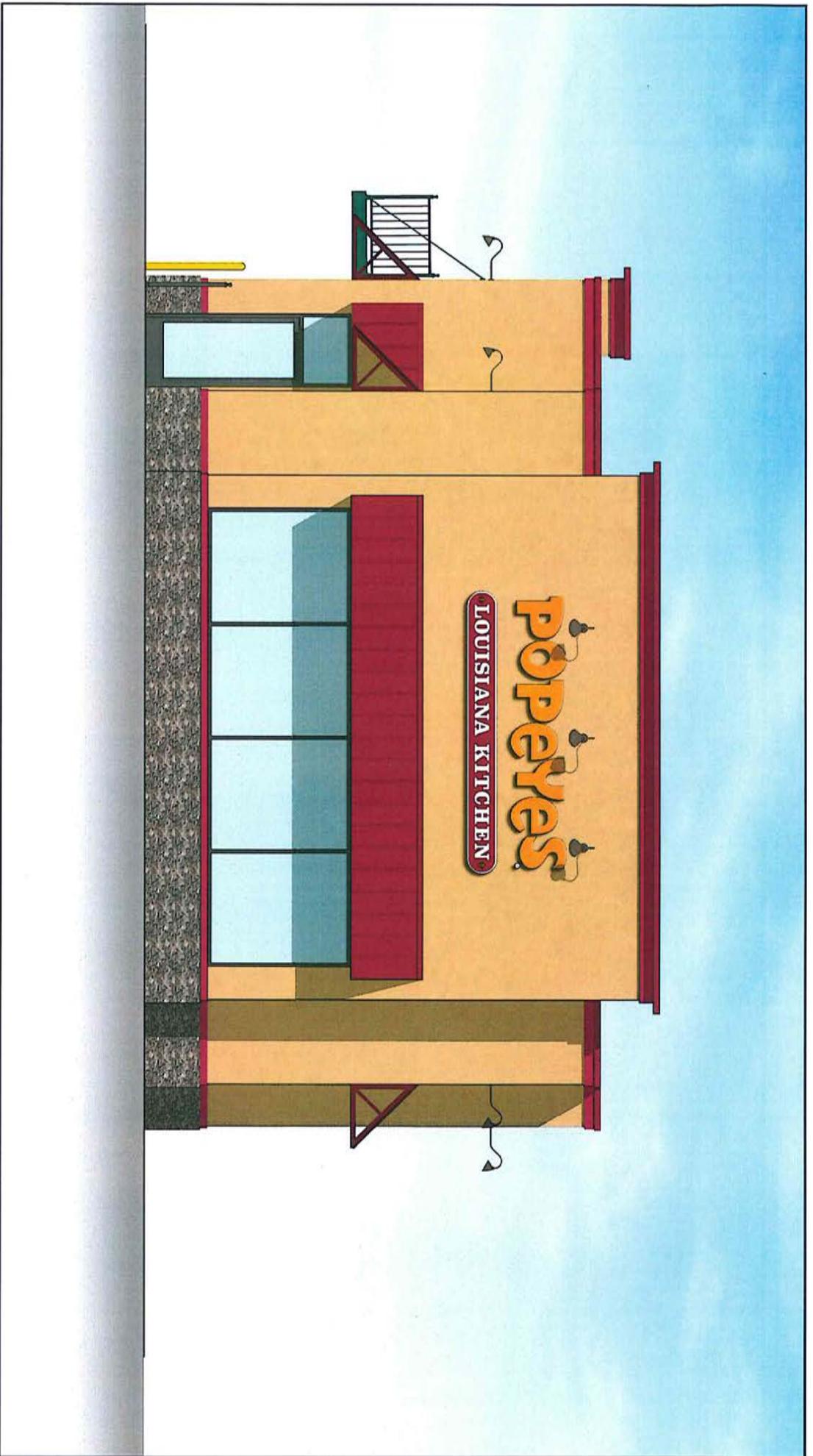
POLE LINE RD W

POLE LINE RD

North Haven 245

WASHINGTON ST N





Popeyes - Twin Falls

Twin Falls, Idaho

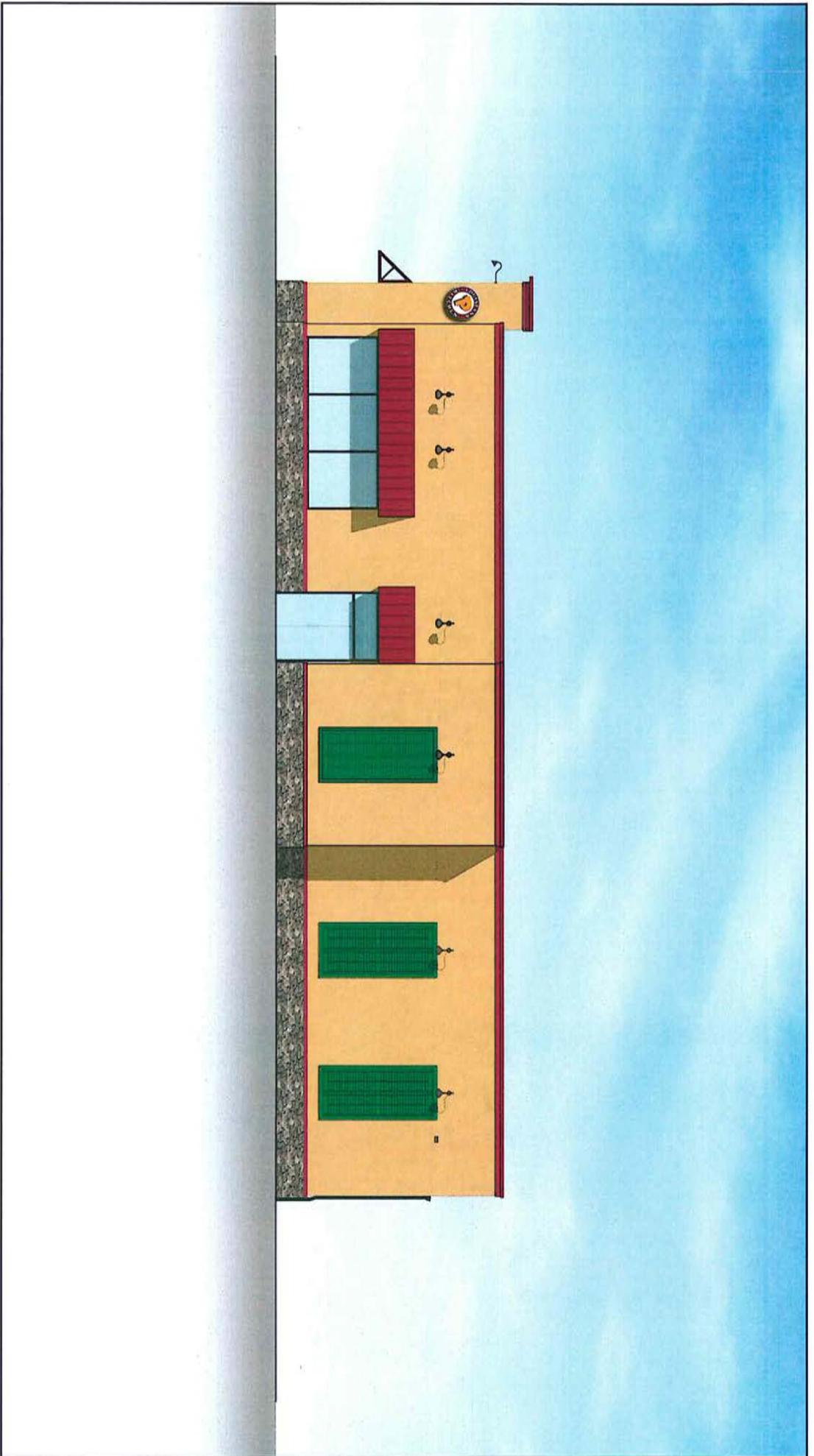
07/08/2015



Popeyes - Twin Falls

Twin Falls, Idaho

07/08/2015



Popeyes - Twin Falls

Twin Falls, Idaho

07/08/2015





Frontage along Pole Line Road



North side of the Project area.



Public Hearing: **TUESDAY, August 25, 2015**
 To: Planning & Zoning Commission
 From: Rene'e V. Carraway-Johnson, Zoning & Development Manager

AGENDA ITEM IV-2

Request: Request for a **Special Use Permit** to construct a 2400 sq. ft. detached accessory building on property located at 1983 Brook Stone Drive c/o Gary & Andrea Stahlacker (app. 2745)

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: 1 acre lot, 2400 sf bldg
Gary & Andrea Stahlacker 1353 Ashley Dr. Twin Falls ID 83301 gstahlee@aol.com 208-731-7080	Current Zoning: SUI (Aol)	Requested Zoning: SUP
	Comprehensive Plan: Rural Residential	Lot Count: 1 Lots
	Existing Land Use: Residential	Proposed Land Use: to construct a detached accessory bldg in excess of 1500 sf
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: SUI Aol; Residential	East: SUI Aol; Residential
	South: SUI Aol; Residential	West: SUI Aol; Residential
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-2, 10-11-1 thru 8, 10-13	

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. Conditions shall be implemented within 6 months or the permit if void.

If an applicant or interested party appeals the decision of the Commission with fifteen (15) days from the date of action (when the Findings of Fact are signed), the City Council shall set a hearing date to consider all information, 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 as the property is not within City Limits.

Regulatory Impact:

Approval of this request will allow the applicant to proceed with the building permit process to construct a detached accessory structure larger than 1500 square feet.

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 lot is part of the Stone Ridge Estates Subdivision, recorded in August 2008. The zoning of SUI on the property was established during the last Area of Impact Agreement signed with the County in 2004.

Analysis:

The Applicant has supplied plans showing a 2400 sf detached accessory building being constructed on the south portion of their lot. The applicant described the area as space for recreational vehicles, extra car and a work area. The owner hand drew the building elevations which appear to attempt to match the accessory building with the existing home.

Per City Code 10-4-5: Detached accessory buildings within the SUI Zone greater than 1500 sf are required to obtain a Special Use Permit prior to issuance of a building permit. The proposed plan is showing a new structure approximately 2400 sf. This size of detached structure is common throughout the existing neighborhood. There was an SUP issued in recent years for a large accessory structures on a property just to the East.

Per City Code 10-11-1 thru 8: Required improvements include streets, water and sewer, drainage and storm water. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal.

Possible Impacts: Accessory structures of similar size are common in this area. The design submitted is consistent with the existing neighborhood. Staff does not foresee any impacts related to noise, glare, odor, or fumes being overly imposing to neighboring property owners. The detached accessory building shall be made of materials residential in nature and built to be similar to the existing residence.

Conclusion:

Should the Commission grant this request as presented; staff recommends approval be subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to no business use or residential occupancy within this structure.
3. Subject to detached accessory building using materials residential in nature and being built to be similar to the existing residence.

Attachments:

1. Letter of request
2. Zoning Vicinity Map
3. Aerial Map
4. Applicant Submitted Site Plan
5. Applicant Submitted Elevations
6. Site Photos

March 20, 2015

City of Twin Falls
Community Development Services
P.O. Box 1907
324 Hansen Street East
Twin Falls, ID 83303
RE: *Special Use Permit*

RE: Special Use Permit Application
Reason for request

To whom it may concern:

This special use permit application is for the building of a 40 x 60 oversized garage. The purpose of this garage is for personal storage and maintenance of personal vehicles. There will be no anticipated traffic other than that of normal day to day comings and goings of the residents, Gary and Andrea Stahlecker, whom will reside at the residential structure currently being built on same lot legally described as Lot 19 Block 2 STONE RIDGE ESTATES SUBDIVISION. There will be no employees or set hours of operation.

Effects on adjoining property owners will be minimal, if any at all. The garage allows for personal vehicles and other property to be stored out of the site of the public. The garage will have similar, if not matching, exterior colors and style. The garage will be tastefully constructed and match accordingly with the residential structure on said premises. Adjoining property owner at Lot 2 Block 3 STONE RIDGE ESTATES SUBDIVISION has a similar structure on said property. The garage will provide a wind block to adjoining property as well as the property on which it sits. Glare will be minimal and no odor, obnoxious noise and/or vibration or fumes will be produced. Noise ordinances will be abided by and courtesy to neighbors will be respected.

Gary and Andrea Stahlecker

March 16, 2015

Stone Ridge
Twin Falls, ID 83301

RE: Special Use Permit

Dear Neighbor,

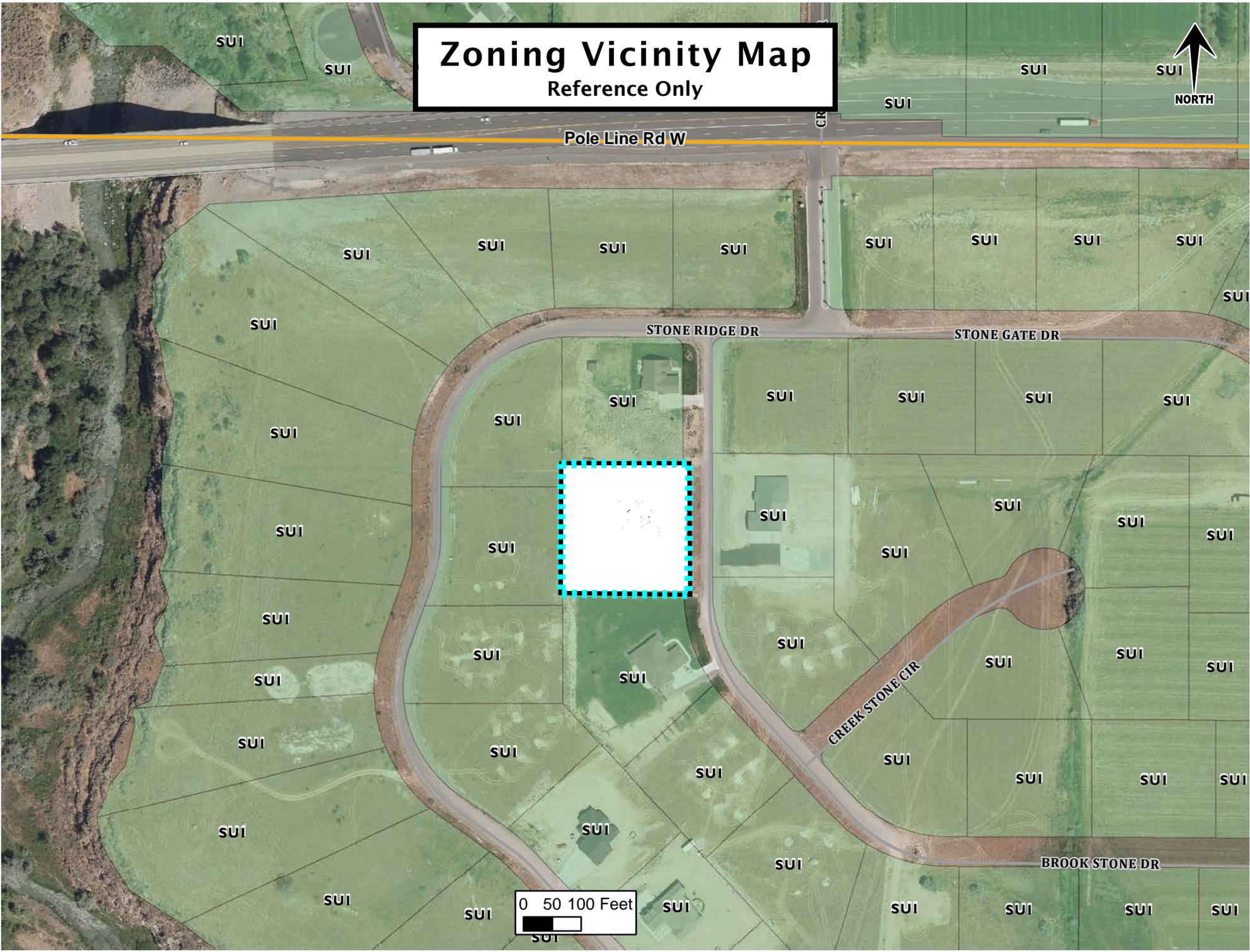
Our family is in the process of building our home in Stone Ridge Estates at 1983 Brook Stone Drive, legally described as Lot 19 Block 2 STONE RIDGE ESTATES SUBDIVISION. Along with our home, we will be building an oversized garage to allow for storage and maintenance of personal vehicles, a space for storage and hopefully the location of our RV during the winter once that purchase is made. To allow for the garage of 40 x 60 to be constructed we must obtain permission from neighbors within a 300 foot radius and notify the public of a hearing that will be held to object the building. We thank you for hearing us out and look forward to meeting all of you. Our family is excited to become a part of the subdivision and is thrilled to get our home built and moved in!

Sincerely,

Gary and Andrea Stahlecker

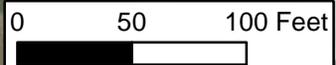
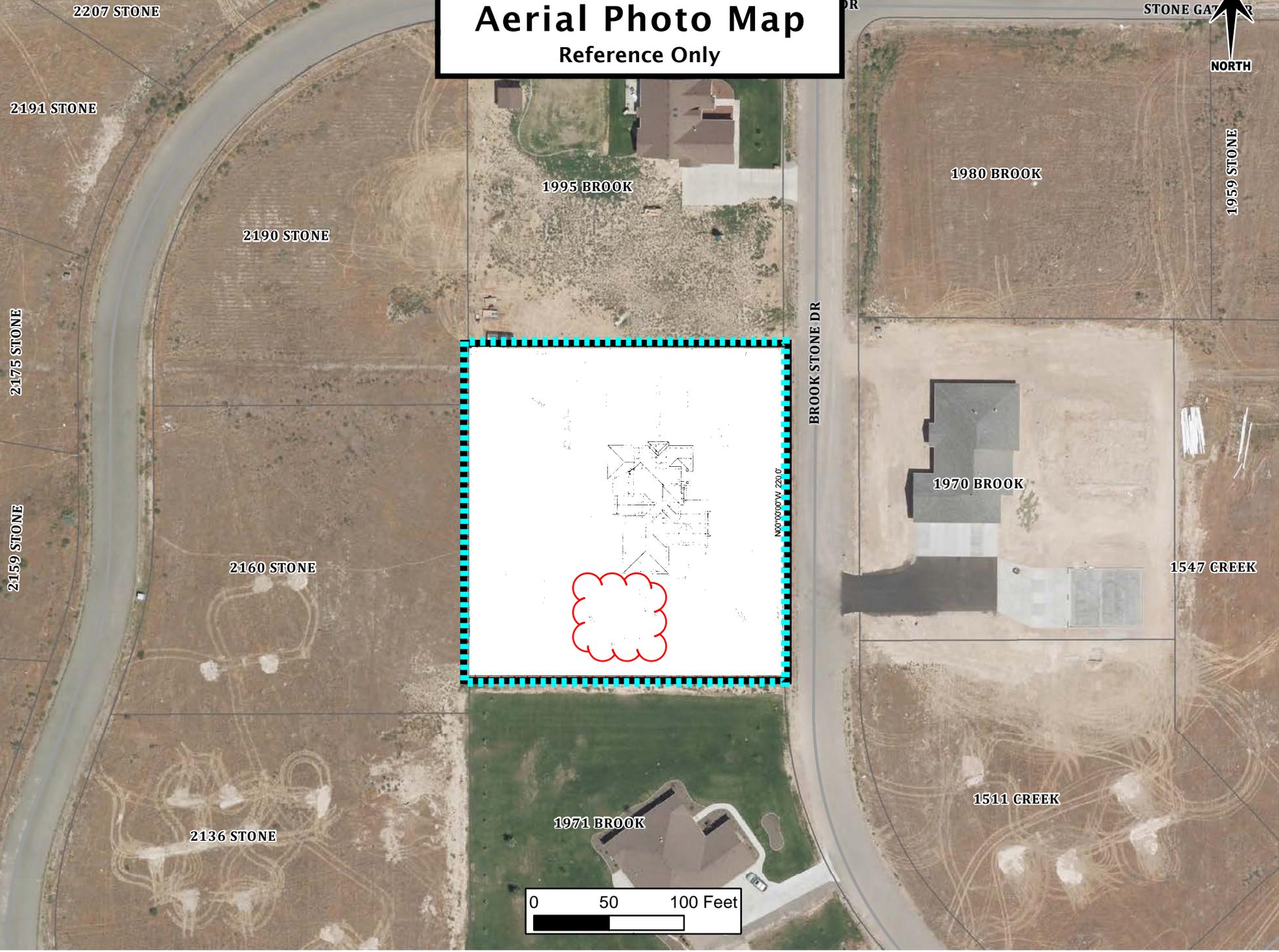
Zoning Vicinity Map

Reference Only

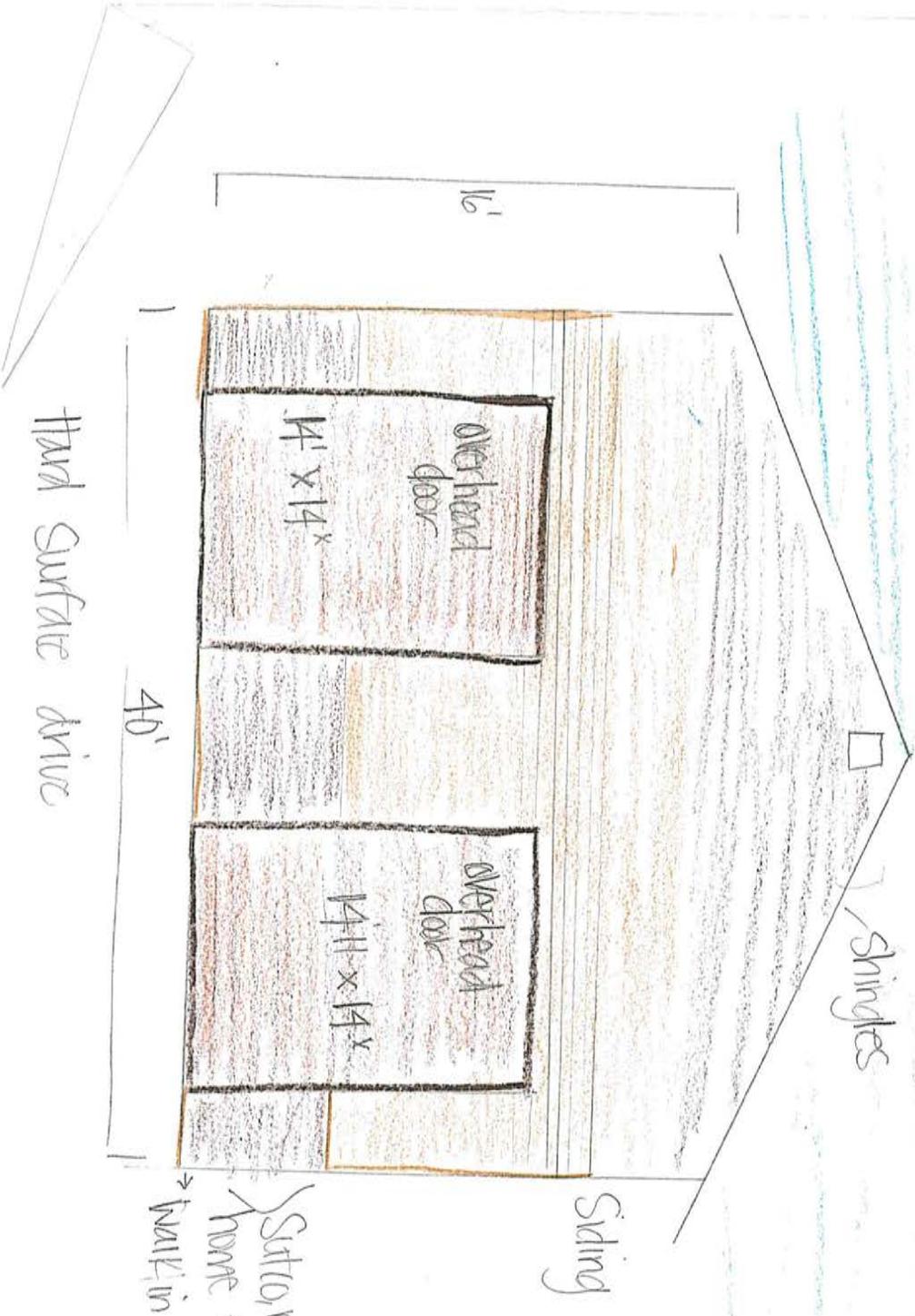


Aerial Photo Map

Reference Only



Shutterstock
Special Use
Permit
40x60 Shop/
Storage



→ walk in door
Sutro racket to match
home exterior.

Hard Surface Drive

Siding

Shingles

Overhead door

14' x 14'

Overhead door

14' x 14'

40'

16'

N00°00'00"W 220.0'

S89°29'25"E 210.0'

S89°29'25"E 210.0'

62' 0"

93' 6"

114' 9"

MINIMUM DISTANCE
WELL TO DRAINFIELD

66' 6"

66' 6"

60' 11"

WELL STRUCTURE LOCATION
WITH HOME OWNER TRIDE TO EXCAVATION

APPROX. PROPOSED
WELL LOCATION

N00°00'00"W 220.0'

ACCESS ROAD
BROOK STONE DRIVE

SECONDRARY DRAINFIELD

PRIMARY DRAINFIELD

SIT

40'
70' 0"

FUTURE SHOP

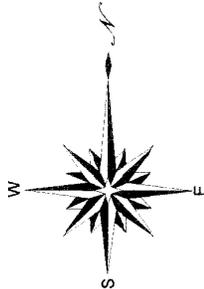
60'

Hand-drawn
50' wide road

HARD SURFACED
DRIVEWAY

102' 3"

88' 0"



SITE PLAN

SCALE: 1/16" = 1'-0"

GENERAL NOTES

ALL WORK PERFORMED SHALL MEET CURRENT ADOPTED CODES, OR
IN CASE OF CONFLICTING NOTICES, THE MORE STRINGENT REQUIREMENT
SHALL APPLY.

VERIFY ALL UTILITIES BEFORE DIGGING.

PROPERTY LINES ARE CONTRACT LIMITS.

SITE AND STRUCTURE SHALL BE KEPT CLEAN. SUBCONTRACTOR TO
VERIFY ALL UTILITIES BEFORE DIGGING. CONTACT OWNER OR OWNER'S REPRESENTATIVE BEFORE
PROCEEDING. DO NOT SCALE.



Frontage along Brook Stone Drive



South Side of the property showing the nearest neighbor to the accessory building location.