



**MINUTES**  
**TWIN FALLS CITY PLANNING & ZONING COMMISSION**  
**August 25, 2015 6:00PM**  
**City Council Chambers**  
**305 3<sup>rd</sup> Avenue East Twin Falls, ID 83301**

**PLANNING & ZONING COMMISSION MEMBERS**

**CITY LIMITS:**

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

**AREA OF IMPACT:**

Ryan Higley   Steve Woods

**CITY COUNCIL LIAISON**

Rebecca Mills Sojka

**ATTENDANCE**

**CITY LIMIT MEMBERS**

**PRESENT**

Boyd  
Derricott  
Frank  
Grey  
Moñoz  
Tatum

**ABSENT**

Reid

**AREA OF IMPACT MEMBERS**

**PRESENT**

Higley  
Woods

**ABSENT**

**CITY COUNCIL LIAISON(S):** Mills Sojka

**CITY STAFF:** Carraway-Johnson, Spendlove, Strickland, 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): **August 5, 2015 WS**
2. Approval of Findings of Fact and Conclusions of Law: **None**

**III. ITEMS OF CONSIDERATION:**

1. 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 2<sup>nd</sup> Avenue South c/o Plant Therapy (app. 2720)

**Applicant Presentation:**

Andrew Dipetro, Petersen Brothers Construction, representing the applicant. He reviewed on the overhead the location of the property and stated 2nd Avenue South is where most of the business will be conducted and what they are requesting that they not have to combine the two lots but instead record a cross use agreement between the two parcels. There could be some overlap in using the property so rather than placing a barrier between the two parcels, this would allow the owner flexibility for access into the business. Constructing the sidewalk area along Minidoka Avenue and doing the cross use agreement they feel will satisfy the conditions. They would like to have conditions 4 & 5 removed from the Special Use Permit that was approved in April.

**Planning & Zoning Commission Minutes  
August 25, 2015**

**Staff Presentation:**

Planner I Spendlove explained that staff report that was written was completed prior to a meeting with the applicant regarding their request. Staff had several discussions with the applicant regarding the conditions and required improvements. Condition #4 "sidewalk being installed along Minidoka Ave frontage" was listed as an "FYI" for the applicant to be aware that this improvement will be required with this development. This condition can be removed from the Special Use Permit however it will not eliminate the requirement, it is a condition required by City Code. Condition #5 was added to the Special Use Permit because at the time it was not made clear by the applicant whether or not both parcels were going to be used with this development. There were a couple ways this could be addressed either the applicant combine both lots or provide a cross use agreement so that if one of the parcels is leased to another party they are aware that access and parking can be shared amongst both properties. The applicant explained that they would only be using parcel 1 for the development, staff made it clear that would be fine however there would have to be some means of precluding the use of parcel 2 for the development. The applicant did not want to put in the sidewalk improvement along Minidoka Avenue so by limiting the development to parcel 1 it would allow this condition to be removed from the Special Use Permit. This is a change of use which triggers the required improvements.

Planner I Spendlove stated upon conclusion staff is not opposed to the removal of the conditions, if the applicant plans to build the sidewalk along Minidoka Avenue and provides a cross use agreement for the property.

**PZ Questions/Comments:**

- Commissioner Grey asked if they plan to build the sidewalk along Minidoka Avenue.
- Mr. Dipetro stated yes they plan to build the sidewalk along Minidoka Avenue and provide a cross use agreement for the property.
- Commissioner Munoz asked if the 6 month completion time will still apply if Condition #4 is removed.
- Planner I Spendlove explained the sidewalk will have to be complete prior to the Certificate of Occupancy being issued.
- Commissioner Frank asked if a condition should be added that requires the cross use agreement to be complete prior to occupancy.
- Planner I Spendlove explained staff would recommend a condition be added to the Special Use Permit requiring the cross use agreement.

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

**Deliberations Followed:**

Commissioner Munoz stated that with the sidewalks being installed and the cross use agreement being provided he is satisfied. He would like to make sure the requirement for the cross use agreement is included in the motion.

**Motion:**

**Planning & Zoning Commission Minutes  
August 25, 2015**

Commissioner Munoz made a motion to amend SUP # 1361, as presented, with staff recommendations and a condition that a Cross Use Agreement be provided prior to the Certificate of Occupancy being issued. Commissioner Woods 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 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.~~
6. Subject to a Cross Use Agreement being provided prior to the Certificate of Occupancy being issued.

**IV. PUBLIC HEARINGS:**

1. Request for a **Special Use Permit** 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)

**Applicant Presentation:**

Gerald Martens, representing the applicant, the property is proposed to be sold as a 1 acre parcel for development of a restaurant with a drive through window. The next part of the process will include a preliminary plat. The drive through will meet code; it will be along the west side two lanes wide to allow for a bypass lane.

**Staff Presentation:**

Planner I Spendlove reviewed the request on the overhead and stated Ordinance 2012 was passed in 1981 which 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.

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.

**Planning & Zoning Commission Minutes  
August 25, 2015**

*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 eight (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.

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.

Planner I Spendlove stated 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.

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

**Deliberations Followed:**

Commissioner Grey asked about traffic flow between the new business and the existing business to the east.

**Planning & Zoning Commission Minutes  
August 25, 2015**

Mr. Martens explained there is a Cross Use Agreement between these properties and it is a shared approach.

**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.

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

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
  2. Subject to 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.
2. 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)

**Applicant Presentation:**

Gary Stahleker, the applicant stated they would like a special use permit to construct a 2400 sq. f.t detached accessory building for storage of personal vehicles and items.

**Staff Presentation:**

Planner I Spendlove reviewed the request on the overhead and stated 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. 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 provided a drawing of 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.

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.

**Planning & Zoning Commission Minutes  
August 25, 2015**

Planner I Spendlove stated upon 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.

**PZ Questions/Comments:**

Commissioner Wood asked about hard surface requirements.

Planner I Spendlove explained in this area the first 50' has to be hard surfaced in this situation the driveway will access the detached accessory building so this should not be an issue, the driveway shall be paved.

**Public Hearing: [Opened & 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.

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

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

Zoning & Development Manager Carraway-Johnson explained that the next work session will continue the discussion about landscaping requirements. Jonathan has been working on the packet for the next meeting and will try to have it ready prior to the meeting. Logan-Simpson the consultant team for the Comprehensive Plan Update will be back in town on September 11, 2015 at which time another Comprehensive Plan Update Advisory Board Committee meeting will be held from 12:00pm to 2:00pm. They will also have a booth set up at the Wings & Things event from 1:00pm to 3:00pm at the City Park on September 12, 2015.

Commissioner Boyd asked for clarification as to whom she should send photos to that relate to the landscaping discussion.

Planner I Spendlove stated that information should be emailed to him and Renée so that it can be reviewed and brought up for discussion. He also explained that the packet may not be very big for the next meeting but there needs to be some further discussion about the direction the City would like to take for developing the code amendment.

Commissioner Boyd stated that recently she visited a place with a similar downtown area that has redone their downtown and she saw lots of things that could possibly be discussed for landscaping but one of the things she liked the most were directional signs they had posted throughout their downtown area to help promote the businesses in the area.

Planner I Spendlove explained that these are the things that need to be talked about before staff moves forward with a code amendment. He asked that the Commission to review the packet that will be sent out and to be prepared for some good discussion.

**Planning & Zoning Commission Minutes  
August 25, 2015**

Zoning & Development Manager Carraway-Johnson announced that the City Council approved the budget for 2016 and in that budget 4 new positions were added to the roster, two new police officers, one recreation coordinator and one Planner I position. The goal is to have this position assist with the code amendment list and other projects related to Planning & Zoning.

Commissioner Grey asked about any conversation that may have taken place with the Idaho Department of Transportation regarding the lengthening of turn lanes.

Zoning & Development Manager Carraway-Johnson stated that she would ask the Assistant City Engineer if he had any updates to report.

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

1. Work Session- **September 2, 2015**
2. Public Hearing- **Wednesday, September 9, 2015**

**VIII. ADJOURN MEETING:**

Chairman Frank adjourned the meeting at 6:38pm.

Lisa A Strickland  
Administrative Assistant  
Planning & Zoning Department