



**MINUTES**  
**TWIN FALLS CITY PLANNING & ZONING COMMISSION**  
**September 29, 2015 Special Meeting 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**

Derricott  
 Grey  
 Monoz  
 Reid

**ABSENT**

Boyd  
 Frank  
 Tatum

**AREA OF IMPACT MEMBERS**

**PRESENT**

Higley  
 Woods

**ABSENT**

**CITY COUNCIL LIAISON(S):**

**CITY STAFF:** Spendlove, Strickland, Vitek, Nope

**I. CALL MEETING TO ORDER:**

Vice-Chairman Grey 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.

**I. CONSENT CALENDAR:**

1. Approval of Minutes from the following meeting(s): **September 2, 2015 WS, September 9, 2015 PH**
2. Approval of Findings of Fact and Conclusions of Law:
  - Westpark Commercial Subd #9 (Pre-plat 09-09-15)

**Motion:**

Commissioner Reid made a motion to approve the consent calendar, as presented. Commissioner Woods seconded the motion.

**Unanimously Approved**

**II. ITEMS OF CONSIDERATION: **None****

**III. PUBLIC HEARINGS:**

1. Request for the Commission’s Recommendation on a **PUD Amendment** to the Canyon Park West PUD #264 to allow a Panera Bread Restaurant on Lot 7 Block 1 with a drive through facility c/o Canyon Park Development, LLC on behalf of Canyon Park I (app. 2748)

**Applicant Presentation:**

Gerald Martens, EHM Engineers, Inc. representing the applicant stated he is here to request that a PUD Amendment be made to allow for only Panera bread to construct and operate a drive through window in conjunction with a restaurant. He reviewed on the overhead the elevations for the building and the site plan for the area. He asked that the Commission recommend approval for this change.

**Planning & Zoning Commission Minutes  
September 29, 2015-Special Meeting**

**Staff Presentation:**

Planner I Spendlove reviewed the request on the overhead and stated the Planning and Zoning Commission approved the Canyon Park Amended – PUD Subdivision on April 10, 2012. The Council approved the final plat on June 4, 2012. The Canyon Park West (Amended) C-1 PUD Agreement was approved and signed by the Council on August 20, 2012. The Canyon Park Amended final plat was recorded on December 23, 2013.

This is a request for an Amendment to a previously approved Planned Unit Development Agreement (PUD #264), on property described above. The current PUD, and underlying City Code Section 10-4-19, does not allow for a “Drive-Thru Restaurant” within the Canyon Rim Overlay Zone. PUD’s allow the applicant to request variations from underlying code sections for properties listed within the boundaries of the development.

In this case, the applicant is requesting an amendment to the previously approved PUD Agreement in order to allow a specific restaurant, Panera Bread, to install a “Drive-Thru Window” for their future restaurant on a specific lot within the development boundary. This would be a variation from City Code Section 10-4-19: Canyon Rim Overlay.

The Canyon Rim Overlay Zone was intended to protect the public interests along the canyon rim by limiting certain types of development, and prohibiting other types. A “Drive-Thru Window” along the Snake River Canyon was specifically left off the list of Uses, both Permitted and Special Use, within that code section. This was done in order to limit the typical impacts drive-thru windows have on the public interests along the Snake River Canyon Rim. Typical impacts accompanying drive-thru windows include: increased noise, traffic and light intrusion on neighboring properties and possibly from the canyon floor.

Despite the foregoing analysis written above, one should also look at the request in the context of where this specific property is located. The property immediately to the north is home to the new Visitor’s Center which contains the Twin Falls Chamber of Commerce and other tourist based offices. It also contains free public parking for the trail system and public viewing area of the Perrine Bridge. These amenities draw a fair amount of visitor traffic which contributes to the base noise and light intrusion of the area. It would be safe to accept the proposed drive-thru window will not greatly increase the typical impacts to the Canyon Rim, in terms of traffic and light intrusion beyond what is currently being witnessed at the Visitor’s Center immediately to the north.

Planner I Spendlove stated upon conclusion should the Commission recommend approval of the proposed Amendment to PUD Agreement #264, as presented, staff recommends the following conditions:

1. Subject to operation of a drive-thru window being limited to Panera Bread Restaurant only.
2. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards and the Canyon Park PUD Agreement #264.

**Planning & Zoning Commission Minutes  
September 29, 2015-Special Meeting**

**P&Z Questions/Comments:**

- Commissioner Woods asked if there is any data from the applicant on the length of queue lines.
- Mr. Martens explained his understanding is that the menu consists of food that is already prepared, the cars do not sit in line long waiting for things to be prepared. The drive through does allow for the required stacking.
- Commissioner Woods asked about the feature on the North East corner of the building.
- Mr. Martens explained that is an enclosure for the dumpsters.
- Commissioner Woods asked if there is anything that will prevent car headlights from intruding onto oncoming traffic from the bridge.
- Mr. Martens explained that there will be landscaped along the frontage as part of an agreement that Canyon Park has with the Idaho Department of Transportation, this landscaping has not been completed because they have been working to install the pressurized irrigation system, once that is complete the landscaping will be installed.
- Commissioner Munoz asked about the proposed landscaping and if the pictures presented represent a certain timeframe.
- Mr. Martens explained that the landscaping should be similar to what has been installed in the rest of the development.
- Commissioner Munoz asked about the specialty coffee's that they offer and if this might increase traffic through the drive through.
- Mr. Martens explained he is not aware of the details of the operation and ask the Woodbury representative Jeff Stokes to assist in answering this question.
- Jeff Stokes, representing Woodbury Corporation explained the trees shown on the exhibit should be at mature height within 5-7 years. He also explained that Panera wants to offer take out through the drive through rather than having to come in and wait. This is a newer layout for Panera and will be one of the first to have a drive through, he is not aware of their entire menu with regards to the coffees.
- Commissioner Reid asked if there are elevations of the back of the building that is going to face Blue Lakes Boulevard North.
- Mr. Stokes explained that Woodbury has a strict design criteria they like to maintain and that what is being shown tonight is a draft. Woodbury has asked for additional attempts to add awning over the windows and to try and dress up the building for more appeal.
- Commissioner Grey asked Planner I Spendlove to explain the CRO code section as it applies to this request.
- Planner I Spendlove explained that this property is currently zoned C-1 CRO PUD. When the original PUD Agreement was created the CRO zone did not and still does not allow for a drive through in that zone. Because this is part of a PUD zoned property the applicant can request that the drive-through be allowed.

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

**Closing Comments:**

Mr. Martens summarized that the applicant concurs with the staff recommendations and they plan for this project to be a quality project. The last site left for development is going to be a high end restaurant will most likely not have to come through any process for approval except building permits, and it should be a wonderful addition to the development.

**Planning & Zoning Commission Minutes  
September 29, 2015-Special Meeting**

**Deliberations Followed:**

- Commissioner Grey explained that he has several concerns one is that this will allow for a drive through that is not allowed in the CRO and then the drive through is specific to a certain business only, which could leave the area and then we have a building that can't be occupied by another user.
- Commissioner Woods explained that if it is restricted another user would have to come through this process again if they wanted to use the drive-through, which give the Commission the opportunity to review the type of business proposed for the site and the impacts to the area it could present.
- Commissioner Grey stated he is also concerned with the additional traffic leading into virtually a cul-de-sac, he doesn't understand why this business has to have a drive through in this location. He sees that area more conducive to an open outdoor eating area for the visitors coming to the area.
- Commissioner Munoz explained that it sounds like this is a trial run for this business and it may not be as successful or as busy as expected and may become irrelevant.
- Commissioner Woods pointed out on the overhead site plan that the window is on the side of the building not really visible and if this falls through as a drive through it won't leave that much of an impact to the site.

**Motion:**

Commissioner Woods made a motion to recommend approval for the request to the City Council, as presented. Commissioner Munoz seconded the motion. Commissioners Derricott, Munoz, Woods, & Higley voted in favor of the motion. Commissioners Grey & Reid voted against the motion.

**Motion Passed 4-2**

**Recommended for Approval to the City Council As Presented**

1. Subject to operation of a drive-thru window being limited to Panera Bread Restaurant only.
2. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards and the Canyon Park PUD Agreement #264.

**Scheduled for City Council October 26, 2019**

2. Request for a **Special Use Permit** to operate a retail business with extended retail hours from 6:00am to 6:00pm Monday through Saturday on property located at 1777 Canyon Crest Drive c/o Cash & Carry Stores, LLC (app. 2749)

**Applicant Presentation:**

John Mathews, representing the applicant, explained he is here to request a Special Use Permit to begin operating at 6:00am to allow for better business operation. It allows their customers to come in pick up their items and get back to their business to prepare for their day. There will be no additional impacts to the area, the property is surrounded by commercial property, and he asked that the Commission approve the request.

**Staff Presentation:**

Planner I Spendlove reviewed the request on the overhead and stated the City Council approved a rezone from R-1 43,000 to C-1 PUD/R-4 PRO PUD for this area on April 19, 1993, and September 20, 1993. Northbridge C-1 PUD Agreement was approved by the City Council on July 1993.

**Planning & Zoning Commission Minutes  
September 29, 2015-Special Meeting**

The request is to allow the operation of a retail store 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 store will be operated by Cash & Carry Smart Foodservice. They will be open 7 days a week with requested hours of operation of 6:00 am – 6:00 pm Monday-Saturday and 8 am to 5 pm on Sunday (permitted hours are 7 am to 10 pm for a retail business).

The applicant anticipates traffic counts of 300 customers per day, and anticipates 8 full time 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:** Retail establishments wishing to legally operate outside the permitted retail hours of operation of 7:00 am to 10:00 pm are required to obtain a special use permit.

*The impacts of this particular project operating with extended hours of 6:00 AM – 6:00 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 (Pole Line Road), and the current development pattern in the area. Noise and light from this operation is not anticipated to increase dramatically from what is currently in the area.*

It is important to note that the base operation of a retail store is an outright permitted use in this zoning district. The immediate properties surrounding this project are zoned C-1 (Commercial) PUD. With an arterial roadway 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. The access to the store is from Canyon Crest Drive and a private access.

Planner I Spendlove stated upon conclusion should the Commission grant this request as presented; staff recommends 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.

**PZ Questions/Comments:**

- Commissioner Munoz asked what kind of traffic will occur during the first hour of operations.
- Mr. Mathews explained that based on information they have about Twin Falls he would suspect approximately 10 or fewer.
- Commissioner Grey asked about access into the property from the Pole Line Road.
- Mr. Mathews explained the access into and out of the property.

**Planning & Zoning Commission Minutes  
September 29, 2015-Special Meeting**

**Public Hearing: Opened & Closed Without Comments**

**Deliberations Followed: Without Concerns**

**Motion:**

Commissioner Derricott 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 site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.

**IV. GENERAL PUBLIC INPUT: None**

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

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

1. Work Session- October 7, 2015
2. Public Hearing-October 13, 2015

**VII. ADJOURN MEETING:**

Vice-Chairman Grey adjourned the meeting at 7:00 PM

Lisa A Strickland  
Administrative Assistant  
Planning & Zoning Department