



**MINUTES**  
**TWIN FALLS CITY PLANNING & ZONING COMMISSION**  
**December 8, 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  
Tatum

**ABSENT**

Muñoz  
Reid

**AREA OF IMPACT MEMBERS**

**PRESENT**

Higley  
Woods

**ABSENT**

**CITY COUNCIL LIAISON(S):**

**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): 11-10-15 PH, 11-04-15 WS
2. Approval of Findings of Fact and Conclusions of Law:
  - Hernandez (SUP 11-10-15)

Commissioner Woods asked that a typographical error be corrected on page 2 of 8 the word “wondering” be changed to “wandering”.

Administrative Assistant Strickland confirmed that this error has been corrected.

**Motion:**

Commissioner Boyd made a motion to approve the minutes, as amended. Commissioner Woods seconded the motion.

**Unanimously Approved**

3. Consideration of a request to approve the 2016 Planning & Zoning Commission Schedule of Regular Meetings/Public Hearings.

**Motion:**

Commissioner Woods made a motion to approve the calendar as presented. Commissioner Grey seconded the motion.

**Unanimously Approved**

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**III. ITEMS OF CONSIDERATION:**

1. Consideration of the **preliminary plat** for Morning Sun Subdivision No. 9, consisting of 8.75 +/- acres and 27 single family residential lots and 1 tract on property located at the North East corner of Hankins Road North/3200 East Road and Stadium Blvd. c/o Gerald Martens/EHM Engineers, Inc. on behalf of Morning Sun Partners, LLC

**Applicant Presentation:**

Gerald Martens, EHM Engineers, representing the applicant, stated this is the next phase in the Morning Sun Subdivision. This portion of the project has been moved ahead of the Morning Sun Subdivision No. 8, to accommodate the school district. This is in anticipation of the sewer and water mains that would be needed for the school construction to move forward and the curb cuts have been installed, irrigation has been piped and a lot of the work has been done. The request tonight is for the approval of the Morning Sun Subdivision No. 9 Preliminary Plat of 27 residential lots that are in conformance with the zoning. He has submitted a request for a park-in-lieu to spend the money to enhance facilities at the Morning Sun Park located at Stadium Boulevard & Meadow View Lane North in lieu of another park in the area.

**Staff Presentation:**

Planner I Spendlove review the request on the overhead and stated the Twin Falls School District purchased the property in 1990 and the Sacket Farm Conveyance Plat was approved by the City Council and was for the purposes of selling a 2 acre lot to the City for a regional pressurized irrigation pump station. In August 2014, the City Council granted a request for annexation of this property. In November 2014, the City Council approved a Comprehensive Plan Amendment from Agricultural to Medium Density and a Water Service Boundary change to include this area. On February 9, 2015, the City Council approved a Zoning District and Zoning Map Amendment that changed this property from R-1 VAR to the R-2 Zoning District. Also in February 2015 the City Council approved a final plat of the Sacket Farms Sub No. 2. The Pillar Falls Elementary school is under development on Lot 1, Block 1, Sackett Farms Sub No. 2.

There was a Parks in- Lieu Contribution request for \$17,064 submitted with the Morning Sun Subdivision No 9 preliminary plat application. This request has not been to the Parks and Recreation Commission for their review and recommendation nor to the City Council for their consideration. On March 9, 2015 the City Council approved the final plat of Morning Sun Subdivision No. 8 subject to a commitment by the developer to work with the Parks and Recreation Director to finalize an appropriate parks-in-lieu amount and/or to consider what, if any, park amenities may be considered to be installed at the Morning Sun Park by the developer. As of today there has been no further discussion between the P&R Director and the developer. On the Morning Sun preliminary plat application there is a statement from the developer that he wishes to combine the parks-in-lieu fees for both Morning Sun No. 9 and Morning Sun No. 8 and use the money to improve and install park amenities to Morning Sun Park. This proposal has not been submitted to the Parks & Recreation Director for consideration as of today.

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 subject to conditions. A final plat, that is in conformance with the approved preliminary plat and including any

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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.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls water and sewer systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed. It is also indicated on the Preliminary Plat that the site will be on a pressure irrigation (P.I.) system.

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for medium density residential use.

Planner I Spendlove stated upon conclusion staff recommends the Commission approve the preliminary plat of the Morning Sun Subdivision No. 9, as presented, and subject to the following conditions:

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to City Council decision on the Parks-In-Lieu Contribution request of Morning Sun Subdivision No. 8 and Morning Sun Subdivision No. 9 prior to the Morning Sun Subdivision No. 9 final plat being scheduled before the City Council.

**P&Z Questions/Comments:**

Commissioner Grey asked for clarification the improvements to be made at the existing parks in this area. Planner I Spendlove explained the discussion of the parks-in-lieu is associated with the Morning Sun Subdivision No. 9 as for improvements to be made to existing parks that is a discussion that the developer has with the Parks & Recreation Commission who then forwards their recommendation to the City Council.

Commissioner Grey asked if the roads within in the plat are roads with sidewalk, curb and gutter and if the path shown on the plat leads to the school.

Planner I Spendlove confirmed that there is a path to the school as well as curb, gutter and sidewalk along the streets.

Commissioner Woods asked how the parks-in-lieu amount is determined.

Planner I Spendlove explained there is a formula that is used to determine the amount.

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

**Closing Statement:**

Mr. Martens stated he has read and agrees with the staff recommended conditions for approval.

**Deliberations Followed: Without Concerns**

**Motion:**

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

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**Approved, As Presented, Subject To The Following Conditions**

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to City Council decision on the Parks-In-Lieu Contribution request of Morning Sun Subdivision No. 8 and Morning Sun Subdivision No. 9 prior to the Morning Sun Subdivision No. 9 final plat being scheduled before the City Council.

**IV. PUBLIC HEARINGS:**

1. Request for a **Special Use Permit** to operate an automobile restoration business and to include a commercial paint booth on property located at 2042 4<sup>th</sup> Ave East. c/o Sonny Warner on behalf of Dave Buddecke (app. 2755)

**Applicant Presentation:**

Sonny Warner, Sonny Speed and Custom, he owns an automotive restoration business. They do not do oil changes and things like that, they do body repair and panel replacements and refurbish vehicles. They are a growing company and need a larger location. The fumes from the paint booth should not be a problem, they are regulated by the state and they will secure the appropriate permits to install the booth.

**Staff Presentation:**

Planner I Spendlove review the request on the overhead and stated this property has a history dating back to 1978 with several approved special use permits for different types of businesses to operate. The property is located in the M-1 zone and the building has been vacant for some time. Automobile and truck service and/or repair businesses require a special use permit in order to operate as well as a paint booth so each item has been included in the request.

The applicant has supplied a narrative outlining the details of the proposed use of the property and building. The hours of operation will be 8:00 AM – 5:00 PM, Monday – Friday. There are three (3) employees. The applicant believes that the impacts to neighboring land uses will be minimal.

Required improvements to the property are required to be in conformance with city code at the time of building permit. All required improvements including landscaping, screening, parking areas, drainage and storm water retention will be reviewed with the building permit submitted to the city and will be required to meet the minimum requirements. Currently the landscape area complies with minimum required city code however; the trees and bushes will have to be replaced and maintained per city code.

This particular business has been in operation at his current location, 323 Wycoff Circle, for some time. The City has not received any recent zoning complaints regarding this business or location. It is believed that the proposed automobile restoration business, including a commercial paint booth, being proposed will not greatly impact beyond what is reasonably acceptable at this location. However, any automobile restoration business has the potential to become an unsightly visual impact to neighbors and the community. In order to mitigate this visual impact to neighbors and the

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community as a whole, it would be acceptable to require all inoperable vehicles and parts to be stored inside, or within a sight obscuring fence area. Also, a time limit for vehicles to be parked outside that are either waiting to be worked on or work is completed would be appropriate.

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 the trees and bushes being replaced and maintained per city code no later than March 31, 2016.
3. Subject to all inoperable, un-licensed, or junk vehicles, and all parts being stored inside, or behind a sight obscuring fence that has been approved by staff.
4. No vehicle parked outside for longer than 2 business days prior or after work is completed.
5. Subject to a Certificate of Occupancy issued by the City prior to operation of the paint booth, as described.

**P&Z Questions/Comments:**

- Commissioner Boyd asked how the materials are disposed of from the paint both.
- Mr. Warner explained that rent a recycler from a local paint company that processes the material so that they can be disposed of correctly.
- Commissioner Frank asked if there is room for storing vehicle or will they have to store them in a fenced area.
- Mr. Warner explained that there is room in the building however if there is a need for a car to be taken to salvage that may need to sit a day or two at this location it will be placed in a fenced area along the back.
- Commissioner Grey asked about the condition that landscaping be replaced.
- Planner I Spendlove explained because the building has been vacant the landscaping is dead.

**Public Comment: [Opened](#)**

- Commissioner Frank read into the record a letter from a citizen that has been filed with the applicant packet.
- Jeff Devey, 2054 4<sup>th</sup> Avenue East, asked about the screening on the north and south property and adjacent to 4<sup>th</sup> Avenue East; because there may be times that vehicle projects get junked and then set aside. He doesn't want this to become an eyesore for the area.

**Public Comment: [Closed](#)**

**Closing Statement:**

Mr. Warner explained that his plan is to fence along the west side of the property and have it connect to the west side of the building. The stuff that would be outback could not be seen by the road. The neighbor to the south is one of his customers and does not have any concerns with what would be in the back area.

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**Deliberations Followed:**

Commissioner Woods stated that it seems all of the concerns have been addressed and he understands how people feel about paint booths however the environmental laws have become very stringent in the construction and operation of paint booth that it should not be a concern.

**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, 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 the trees and bushes being replaced and maintained per city code no later than March 31, 2016.
  3. Subject to all inoperable, un-licensed, or junk vehicles, and all parts being stored inside, or behind a sight obscuring fence that has been approved by staff.
  4. No vehicle parked outside for longer than 2 business days prior or after work is completed.
  5. Subject to a Certificate of Occupancy issued by the City prior to operation of the paint booth, as described.
2. Request for a **Special Use Permit** to construct and operate an indoor storage container rental warehouse on property located on the west side of the 100 block of Madrona Street. c/o U-Haul Company of Idaho (app. 2756)

**Applicant Presentation:**

John Bideganeta, Bideganeta Construction. Inc. representing the applicant state this will be a low impact business. They would have pods that they are deliver to a customer's location and then the pod is delivered back to the site and stored in the warehouse. The site would be paved, landscaped and sidewalks installed improving this locations appearance tremendously.

**Staff Presentation:**

Planner I Spendlove reviewed the request on the overhead and stated this location has been zoned C-1 at least as far back as the 1970's. The property is undeveloped and is being used as an illegal overflow storage yard for U-Haul on Kimberly Rd. There is no further zoning history for this location.

The property is zoned C-1 and is located on an undeveloped portion of Lot 1; Block 3, Severson Subdivision. The site fronts Madrona St and is 90' x 250' +/- . U-Haul Real Estate Company owns the site. It is currently being used as an illegal vehicle storage/junk yard. The request is to rent metal containers/pods and store them in a warehouse. The applicant has provided a narrative outlining the business as they plan to operate. The narrative does not state how many storage containers/pods they anticipate inside the warehouse at any one time. Within the C-1 zone there is no allowance for outside storage. The Commission may wish to place a condition there be no outside storage on this site. The applicant does not anticipate the increase in traffic to be significant due to the nature of the business. The receiving and delivering of containers/pods will be via U-Haul trucks and trailers only.

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Per City Code 10-4-8(B)14 –Wholesale Category; a. Wholesale distribution and warehousing, but excluding H-1 facilities. Warehousing within the C-1 zone requires a special use permit prior to legally establishing and operating this business. The proposed operation of this business is to allow for the rental/storage of individual pods within a warehouse.

These types of businesses, as described by the applicant, typically cause minimal impacts. Those impacts commonly involve increase in traffic, and occasionally noise. The noise impacts do not typically affect neighboring businesses as the operations primarily take place indoors. Occasionally these businesses create some noise due to forklifts and truck traffic. However, the location of this business is near Kimberly Road, and consequently surrounded by Commercial Businesses.

The traffic impact of this business will also be minimal. It is safe to assume the majority of traffic will enter and exit the area via Kimberly Road / Madrona St. However, we do anticipate some traffic to utilize Madrona Street and Elizabeth Blvd to the North. It is not anticipated the traffic increases will significantly affect the surrounding businesses or homes.

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 outside storage of containers or materials associated with this business.
3. Subject to no outside storage of U-Haul rental trucks or rental equipment on this site.
4. Subject to the receiving and delivering of containers/pods via U-Haul trucks and trailers only.

**P&Z Questions/Comments:**

- Commissioner Grey asked about the size of the building to be constructed.
- Planner I Spendlove stated it is anticipated the building will be approximately 2500 sq. ft.
- Phil Dan, U-Haul representative stated the boxes are 5'W x8'L x7' tall and currently they have 19 on site and a year ago they had 18. There may be a bigger need in the future but currently this building should serve them well for now.

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

**Deliberations Followed: [Without Concerns](#)**

**Motion:**

Commissioner Tatum 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, 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 outside storage of containers or materials associated with this business.

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3. Subject to no outside storage of U-Haul rental trucks or rental equipment on this site.
  4. Subject to the receiving and delivering of containers/pods via U-Haul trucks and trailers only.
3. Request for a **Special Use Permit** to operate an indoor recreation facility in conjunction with a retail business on property located at 218 Main Avenue North. c/o The Typewrite Exchange, LLC/William R Snyder (app. 2758)

**Applicant Presentation:**

Gillian Funk, stated she is hoping to operate a fitness studio at this location. The business will be very personalized training along with some yoga and pilates exercise classes in the back. She hopes to have some retail selling workout clothes and accessories. This is excited about operating downtown, she feels like there is a really good vibe in that area and it will be a good fit for the future plans for downtown.

**Staff Presentation:**

The location has been zoned CB at least as far back as the 1970's. There is no further zoning history for this location. Current records list the Typewriter Exchange as the latest business occupying this building. The building is currently empty. The Applicant has provided a detailed narrative outlining the business as it will operate. As this is a change of use a building permit may be required.

Per City Code 10-4-7: Indoor Recreation Facilities are required to obtain a Special Use Permit prior to legally establishing and operating the business. City Code does not currently differentiate between large and small indoor facilities. Nor does City Code currently differentiate between types of Indoor Recreation Facilities. Similar types of business have received Special Use Permits to operate within the CB Zone in the past.

These types of businesses, as described by the applicant, typically cause minimal impacts. Those impacts commonly involve increase in traffic, and occasionally noise.

The noise impacts do not typically impact neighboring businesses as the operations take place indoors. Occasionally these businesses have music associated with their workout classes. Based on the construction of the building and the surrounding areas being commercial in nature, it is safe to assume the noise impact will be minimal.

The traffic impact can cause issues for existing owners in the area. The offering of yoga or other aerobic classes usually brings a number of people to one location at certain times of the day due to the class setting. However, staff believes there is an adequate amount of public parking within the area to support the need for current and future businesses. Limited parking is a result of a lively downtown, with patrons visiting shops and conducting business. Although this can produce unique challenges staff believes it is a good challenge to have in the downtown area.

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Planner I Spendlove stated upon conclusion should the Commission approve 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.

**P&Z Questions/Comments:**

- Commissioner Frank asked about a parking location near the building and if it was privately managed.
- Planner I Spendlove confirmed the parking area identified is privately managed, it is not a City parking lot.
- Commissioner Grey asked about equipment being used in the facility and hours of operation.
- Ms. Funk explained it will be medicine balls, mats, rowing machines and bikes but no heavy equipment will be used. She explained her busiest hours of operation will be between 6am-9am not typically during the busiest hours of the surrounding businesses and then also later in the evening after business hours. Throughout the day there will be individuals coming in for personal training but not large groups. As for the noise impacts she did make friends with her adjacent neighbors and did a sound test to see if they would be impacted by the noise from the music that is used during the classes and neither neighbor could hear it on their side of the shared walls. She wants to be a good neighbor.

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

**Deliberations Followed:** [Without Concerns](#)

**Motion:**

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

**[Approved, As Presented, 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.
4. Request for a **[Zoning Title Amendment](#)** to amend Title 10; Chapter 7; Section 14: by redefining the area prohibited for the outside storage or display of merchandise and defining the term "primary business building". [c/o City of Twin Falls](#) (app. 2757)

**Staff Presentation:**

The City Council approved Ordinance 2012 on July 6, 1981 which replaced Twin Falls City Code - [Title 10; Zoning & Subdivision Regulations](#) in its entirety.

Ordinance 3005 was approved in June 2011 which made changes to references in Twin Falls City Code - Title 10; [Chapter 4: Zoning Designations](#), as well as various definitions in Title 10; [Chapter 2: Definitions](#).

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This is a request made by the City of Twin Falls. The purpose of this request is to clarify the identified Code Section. Specifically, the manner in which the code is applied to areas where commercial businesses may place outside merchandise.

The amendment removes a slight ambiguity within the code in regards to the “adjacent sidewalk of a primary business”. The amendment further defines what the definition of “primary business” includes.

Planner I Spendlove stated upon conclusion staff feels this amendment to the City Code would clarify and more accurately define the intent of Section 10-7-14: Outside Storage and Display. 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 (which will require another public hearing before the Commission), or it may recommend that the amendment be denied.

**P&Z Questions/Comments:**

- City Attorney Wonderlich explained that there was actually a jury trial on this code, the person was found guilty they appealed the decision and convince the District Court Judge that the word sidewalk was ambiguous. In order to address this problem some modifications were made to the verbiage.
- Commissioner Higley asked for clarification.
- City Attorney Wonderlich explained the word sidewalk has been removed from the code and replaced with the words pedestrian area. If there is a pedestrian area adjoining the building the businesses can display items in that location.
- Commissioner Higley gave an example that a business has a sidewalk parallel to the street and the building sits back from the sidewalk could the business display things on the sidewalk.
- City Attorney Wonderlich explained no that would not be allowed and never has been. The idea is if you have merchandise keep it close to the building along the pedestrian area. The idea is to prevent businesses from using the up their parking lot area.

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

**Deliberations Followed:** [Without Concerns](#)

**Motion:**

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

**[Recommended Approval To The City Council, As Presented](#)**  
**[Scheduled for City Council January 4, 2016](#)**

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

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

- Commissioner Frank thanked Commissioner Boyd for her service on the Planning & Zoning Commission and wished her the best in her new position as a City Council member.
- Commissioner Boyd was very thankful for the time she served on this Commission and for the knowledge that she has gained.

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

1. Work Session- **January 6, 2016**
2. Public Hearing-**January 12, 2016**

**VIII. ADJOURN MEETING:**

Chairman Frank adjourned the meeting at 7:04 PM

Lisa A Strickland  
Administrative Assistant  
Planning & Zoning Department