



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
January 12, 2016 6:00PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Vacancy **Vacancy** 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

Frank
 Grey
 Tatum

ABSENT

Reid
 Munoz

AREA OF IMPACT MEMBERS

PRESENT

Higley
 Woods

ABSENT

CITY COUNCIL LIAISON(S):

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

I. CALL MEETING TO ORDER:

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

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **December 8, 2015 PH**
2. Approval of Findings of Fact and Conclusions of Law:
 - Morning Sun Subd. No. 9 (pre-plat)
 - U-Haul (SUP 12-08-15)
 - The Typewriter Exchange, LLC (SUP 12-08-15)
 - Warner (SUP 12-08-15)

Motion:

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

Unanimously Approved

III. ITEMS OF CONSIDERATION:

1. Consideration of a preliminary plat for the **Sunway Subdivision No. 2** approximately 53.38 +/- acres consisting of 2 lots on property located on the east side of Sunway Drive North, West of Creekside Way (extended) and south of North College Road West (extended) c/o EHM Engineers, Inc.

WITHDRAWN TO BE RESCHEDULED

2. Consideration of a **preliminary plat** for the Eastpark Professional Subdivision No. 2, **A PUD**, 3.34 +/- acres consisting of 6 lots on property located on the south side of Bridgeview Boulevard and east side of Locust Street North c/o EHM Engineers, Inc.

Applicant:

Gerald Martens, EHM Engineers, Inc. representing the applicant stated the intent of this request is to subdivide approximately 3.4 acres into 6 lots to develop a professional office complex. Their plan is to construct 6 office buildings with the use being primarily medical. The lot on the corner is proposed for an ophthalmology specific surgery center. He stated this use is appropriate and will comply with the PUD requirements that are applicable to the project, such as building heights, setbacks, building orientation and architectural style. All of the interior development will be private drives with no additional public streets. There will be improvements to the existing public streets on the south and west side providing turn lanes as required by the City.

PZ Question/Comments:

- Commissioner Woods stated the he wanted to clarify what items from the PUD Agreement would apply to this project.
- Mr. Martens explained that there are only two or three paragraphs that would apply to this project such as, building size, height and orientation of the building to minimize the impact on the adjacent residential neighborhood.

Staff Review:

Planner I Spendlove reviewed the request on the overhead and stated this property is part of the Eastpark PUD #213, which went through the Public Hearing process in 1998. This PUD assigned the Zoning Districts and placed limitations on the uses allowed on the property. He stated there are only a few requirements in the PUD that will apply to the portion of the plat the applicant representative was discussing. The plat is what is being considered this evening and it has to meet code for size, access and public improvements. The preliminary plat meets City Code requirements for approval. He also stated that in October 2015, the applicant went before the City Council to request waiving the required improvements for portions of the Interstate Amusement Conveyance Plat. This waiver was granted for the portions of the Conveyance Plat not being developed by Mr. Welch and his Associates. The result is this land may move forward through the Platting and development process without triggering the development of the remaining portions of land contained in the original Conveyance Plat.

This is the first step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

Planner I Spendlove stated upon conclusion this request is in conformance with the Comprehensive Plan and the requirements found in Twin Falls City Code. Staff recommends the Commission approve the

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preliminary plat of the Eastpark Professional Subdivision #2; 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.

PZ Question/Comments:

- Commissioner Grey asked to be shown on the aerial map where the construction of the professional complex will be.
- Mr. Martens explained it would be located on the southwest corner of Bridgeview Boulevard and Locust Street North. The first building for this site is planned to be a surgery center. That particular piece of the property allows a building of up to 10,000 sq. ft. the rest of the lots are limited to 6,000 sq. ft. They will be professional office buildings.
- Commissioner Grey asked what is left to be done along Cheney Drive and when it would happen.
- Assistant City Engineer Vitek explained the lane along Cheney Drive will be completed when the eastern portion of the plat gets developed.

Public Input: [Open & Closed Without Input](#)

Deliberations: [Without Concerns](#)

Motion:

Commissioner Tatum 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, With The Following Conditions](#)

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.

IV. PUBLIC HEARINGS:

1. Request for a [Special Use Permit](#) to operate an automobile service business on property located at 127 Filer Avenue, Suite B. [c/o BDG Partners, LLC on behalf of The Tint Lady \(app. 2759\)](#)

Applicant Presentation:

Gerald Martens, BDG Partners, representing the applicant stated this project involves the very first RB zoning. EHM, Engineers, Inc. lab occupies a portion of this building and the applicant is a possible tenant for one of the remaining spaces available in the building. This will be their base of operation and will be done inside in a sanitary environment so that the window tinting can be done correctly. There will be a maximum of 3 employees operating 5 days a week from 7am to 5pm. There will be some cars in the parking area waiting for tinting or waiting to be picked up. It should be a quiet operation and should have limited impacts to the surrounding properties

PZ Questions/Comments:

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Commissioner Woods asked for clarification as to which suite this business would be operating from. Mr. Martens explained which portion of the building is occupied and which unit this business would lease on the overhead.

Staff Review:

Planner I Spendlove reviewed the request on the overhead and stated in 2014, a portion of this property was rezoned from R-4 to RB after progressing through the Public Hearing Process. The western part of this property had been previously zoned C-1 for a number of years and remains C-1.

In 2014-2015, the owner constructed a new shell building that meets the development criteria for the RB Zoning Code. The western half of the building is zoned C-1 and the eastern half is zoned RB.

The property is located at 127 Filer Ave, Suite B. This property is bisected by the RB and the C-1 Zoning Districts. It is important to note the suite proposed for this business has the west half zoned C-1 and the east half zoned RB with the tinting operation taking place within the C-1 Zoning District and the office operations taking place in the RB Zoning District.

The applicant is requesting to operate an automobile service business. The applicant has supplied a narrative detailing the operation of the business. The business will perform window tinting on vehicles inside the building. The applicant states all work will take place during normal business hours and vehicles waiting overnight will be stored inside.

Per City Code 10-4-8- C-1 Zone:

Automobile Service businesses require a Special Use Permit prior to being legally established on property zoned C-1. An automobile service business is not allowed in the RB zone at all. Although certain automobile service businesses are less intrusive and less impactful on surrounding properties, City Code does not make a distinction between these types.

Per City Code 10-4-23:

Office activities are a permitted use within the RB Zoning District. The RB District does not allow Automobile Service Business activities within its boundaries. However, since the activities of the Automobile Service Business will be taking place on the portion of the property Zoned C-1 it seemed appropriate to allow the applicant to go through the process of applying for a Special Use Permit.

Per City Codes 10-10 and 10-11-1 thru 8:

Required improvements such as parking, screening, landscaping and others are typically enforced at the time of building permit submittal. This is an existing shell building, it is anticipated that the required improvements were provided at the time of original construction of the site. It is also not anticipated the change of "Use" will trigger additional required improvements.

The commission may wish to review the current site plan and require any additional items it deems appropriate to mitigate potential negative impacts this business may incur to the area.

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This type of business will have some traffic and noise impacts. These will be associated with the coming and going of customers, deliveries of supplies, and the maneuvering of vehicles on the property. The applicant has described all operations taking place indoor which will eliminate much of the possible noise associated with work on vehicles.

The noise from traffic will increase simply because there had not been any businesses located on this property previously. However, this location is designated on the future land use map as Residential Business, and this is in close proximity to Washington St North which is one of the larger arterial roadways in the city.

Planner I Spendlove stated upon conclusion should the Commission approve the 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 Special Use Permit being issued to "The Tint Lady" with business operations being conducted as depicted through this public hearing process. Any change in ownership or operations will require a new special use permit.
3. Subject to no outside storage of vehicles or materials associated with this business.

PZ Questions/Comments:

- Commissioner Grey asked about the landscaping of the site and the trash container.
- Mr. Martens explained that the gate for the trash enclosure was installed today, as for the landscaping it is sparse.

Public Hearing: [Opened](#)

- Chairman Frank read into the record a citizen letter that has been filed in the application packet.
- Douglas Shanfelt, 181 Filer Avenue, stated he has no objection to the special use permit if it is restricted to tinting only and to this applicant. He has issues with the building not looking residential and access along Adams Street.
- Leila Mason, 160 Filer Avenue, stated that she has no issues with tinting window but she wants to make sure that this doesn't expand to stereo installations creating additional noise.

Public Hearing: [Closed](#)

Closing Statement:

- Mr. Martens explained that the building has improved the area and this Special Use Permit will be issued only to this applicant for only this use.
- Commissioner Woods asked for clarification on the access along Adams.
- Mr. Martens explained that he is not clear on what the confusion is for the access, but in all of the previous presentation for this project it was always depicted on the plans. It is a service access off of Adams Street, it is not an access to the parking lot it is solely for access by the tenants to the back of the building. The parking lot does not exit onto Adams Street and he is willing to meet with the citizen that has raised concerns tonight.

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Deliberations: [Without Concerns](#)

Motion:

Commissioner Grey 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.

[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 the Special Use Permit being issued to “The Tint Lady” with business operations being conducted as depicted through this public hearing process. Any change in ownership or operations will require a new special use permit.
 3. Subject to no outside storage of vehicles or materials associated with this business.
2. Request for a **Special Use Permit** to construct a 1360 sq. ft. detached accessory building on property located at 2428 Blick Lane. [c/o James Ray Construction/JVR Investments](#) (app. 2760)

Applicant Presentation:

James Ray, representing the applicant, stated that this property is approximately ½ acre in size and because the accessory building is larger than 1000 sq. ft. it requires a Special Use Permit. The applicant will use the building to store an RV and to do some work on his personal cars.

Staff Review:

Planner I Spendlove reviewed the request on the overhead and stated this lot was created with the Settler Ridge Subdivision #2 in 2006. A single family dwelling is currently under construction. The Applicant has supplied plans showing a proposed 1360 sf detached accessory building. The applicant described the building for private RV storage and non-commercial activity.

Per City Code 10-4-2:

Detached accessory buildings within the R-2 Zone greater than 1000 sf are required to obtain a Special Use Permit prior to being legally constructed. The proposed plan is showing the shop in the North West corner of the property. Within this existing neighborhood this size is not uncommon.

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 house and the developed neighborhood. Staff feels these types of buildings being constructed within 3 feet of the property line can be imposing on neighboring property owners. However, no residence has been constructed on the property to the west as of this date.

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Planner I Spendlove stated upon conclusion should the Commission approve the 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 construction of the detached accessory building to be consistent with the submitted drawings/elevations, as presented.
3. Subject to no business use or residential occupancy use within this structure.

PZ Questions/Comments:

Commissioner Woods asked for clarification on the setbacks.

Planner I Spendlove explained on the overhead the location of the setbacks for the home and stated that setbacks for detached accessory buildings is 3 ft. from the property line.

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

Deliberations:

Commissioner Woods stated his only concern is the 3 ft. setback it does not provide much room for emergency personnel to maneuver between buildings. Coming from California he has seen Fireman struggle with their equipment and try to maneuver between buildings this close to the property line and it can present a challenge.

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, 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 construction of the detached accessory building to be consistent with the submitted drawings/elevations, as presented.
 3. Subject to no business use or residential occupancy use within this structure.
3. Request for the Commission's recommendation for a **[PUD Amendment](#)** to the Quail Ridge Estates Planned Unit Development Agreement #249 located on the west side of 3400 East Road & South of the Snake River Canyon within the City's Area of Impact. [c/o Jeff Rolig on behalf of Cornerstone Industries, LLC \(app. 2761\)](#)

Jeff Rolig, representing the applicant, stated he is here to request a recommendation of approval on a PUD Amendment for Quail Ridge Estate PUD #249. He explained the development of the subdivision, the parks-in-lieu agreements, and the land trade agreements that have taken place in order for the amendment to be brought forth to finish the process. He explained that the main purpose of the land trade was to allow the public to have a pathway that would allow them access down into the canyon. In order to provide this type of access it was brought to the City's attention that a land swap could possibly be a means of achieving that goal. The City and the property owner have been intently working on this issue for quite some time and they have finally gotten to the point where the process can be completed

for amending the PUD to meet the conditions of the land swap. He explained that there is one other items that has been added to the amendment and it deals with allowing accessory dwelling units on the lots within the Quail Ridge Estate with some conditions outlined in the definition provided in the amendment that states --- An Accessory Dwelling Unit (“ADU”) shall be allowed in conjunction with the primary residence on any Lot that is at least one acre or more in size. An ADU shall be no more than 1500 sq. ft. in size and may include one bedroom, a bathroom, kitchen, living area and storage/closet space and one designated parking space. An ADU may be used for purposes of housing a caretaker, temporary guests, or the Lot owner’s extended family members; and shall not be used for commercial or income producing purposes. ----. He also explained that they would like to alter limit the size of the ADU to 1000 sq. ft. This allowance is an attempt to offer something that has not been allowed before but they feel would be a good change. He asked that the Commission consider recommending approval of this request and stated he was willing to answer any questions.

Staff Review:

Planner I Spendlove reviewed the request on the overhead and stated from 2006 thru 2008 multiple public hearings were held for the Preliminary and Final Plats, and a Planned Unit Development Agreement. This is a request for an Amendment to the previously approved Quail Ridge Estates Planned Unit Development Agreement (PUD #249), on property described above. The majority of changes to the PUD are being conducted to satisfy conditions on the original PUD, and criteria agreed to in the Land Swap Agreement, approved in 2010. These changes are located in Covenant 5-B-a of the PUD, and shown in attachment #4.

The nature of PUD’s allow the applicant to request variations from underlying code sections for properties listed within the boundaries of the development. For this reason, the applicant is asking for an additional amendment not tied to resolving previous criteria or conditions. The applicant is requesting to add language in the “Uses” located in Covenant 2-B, and shown in Attachment #4.

The **first part of the amendment** involves changes to Covenant 5-B-a as were required as part of the land trade. The impacts of those changes have been discussed at length during previous proceedings conducted by the City. It is part of an agreement the City has previously obligated itself to abide by. For this purpose it will not be analyzed for possible impacts.

The **second part of the proposed amendment** is to allow “Accessory Dwelling Units” (ADU’s) which may have the potential to change the nature of the residential development in the area. Because this is a PUD the applicant can ask for differences from the underlying zoning code. This property is zoned SUI and the SUI zone does not allow for two dwellings on a single lot, and they are asking to add Accessory Dwelling Units to the PUD to allow for a second residential structure on a single lot.

As the amendment is written, Accessory Dwelling Units (ADU’s) of a certain size would be allowed within this subdivision. This has the potential to increase the density of the area by two-fold. The subdivision currently has 41 lots. Under the current zoning entitlements, this equates to 41 single family homes, or 41 dwelling units. Under the proposed change, this development has the potential to increase the density to 82 single family dwelling units. It could be assumed not every lot would exercise the right to have an ADU.

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The issue of Accessory Dwelling Units (ADU's) is a topic that has come up many times over the recent years. The current zoning code allows for 1 residential dwelling per lot or parcel. This is a trend that we have witnessed in other jurisdictions, as well as some properties within Twin Falls that either were in place prior to the current zoning code, which states **each** residential dwelling shall be on a separate lot or parcel, or just buildings are modified without city approval, i.e.; detached garages converted into a dwelling unit. The City has just begun a discussion of or exploring the possibilities or impacts an ADU may have on our infrastructure systems or development –density patterns.

If this request to allow ADU's within the Quail Ridge Estates Subdivision is granted this particular case could be used as a test site to monitor how this could impact our Zoning Codes and how this change could affect existing or future developed areas.

Planner I Spendlove stated upon conclusion should the Commission recommend approval of this proposed Amendment to the Quail Ridge Estates PUD Agreement #264, as presented, staff recommends approval be subject to 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 and the Quail Ridge PUD #249 as amended.

PZ Questions/Comments:

- Commissioner Grey asked about access to the trail heads and if there are any obstructions.
- Planner I Spendlove explained there are no gates that will block the public from accessing the trails.
- Commissioner Higley asked if the commission could make a motion related to the land swap and another motion related to the accessory dwelling unit.
- Planner I Spendlove explained that would be acceptable if the Commission chooses to do so.
- Commissioner Higley asked if the homeowners are required to make a vote on a PUD Agreement Amendment prior to the hearing.
- City Attorney Wonderlich stated the amendment doesn't require a vote from the homeowners however there would have been notification sent to the property owners regarding this hearing so they could attend the meeting.
- Commissioner Higley stated he doesn't feel comfortable with the definition. If the person wanted to build an ADU that is 1001 sq. ft. would that be allowed through an SUP or not allowed at all.
- Planner I Spendlove explained if the verbiage stated 1000 sq. ft. the person would be limited to 1000 sq. ft.
- Commissioner Higley asked if the neighborhood association wanted to change the PUD again would that involve this process again.
- Planner I Spendlove explained that the neighborhood would have to make a request to amend the PUD and follow this same process with public hearings.
- Commissioner Woods asked if there are complaints an issues with allowing the ADU in this neighborhood can the City amend the PUD Agreement.
- Planner I Spendlove explained that this can be changed by the neighbors through this process, the City cannot rescind this use.
- City Attorney Wonderlich explained if this didn't work out and the neighbors didn't like the ADU's in the neighborhood they would have to come through and ask for an amendment the City would not initiate such a change. He also explained that this looks harmless on the surface however in other

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area like a more conventional subdivision it does create problems because people like to turn these into rental units. As for a test case this is where it should work better than most places, but it still uncertain.

- Commissioner Higley explained that some of these lots are only 1 acre.
- Commissioner Woods clarified that this change would only be applicable to this subdivision.

Public Hearing: [Opened](#)

- Danielle Hazen, 4076 Quail Ridge Drive, she explained that when they purchased their lot to build their home it was not disclosed that a public parking lot would be located along the outside of their neighborhood. She would like to know about the size and maintenance of the parking area. She stated they are aware there is public access to the trail to get down into the canyon, but her concern is the increased public traffic. Her second concern is regarding the ADU she was not aware of that change either. She explained this is a very high end subdivision and she doesn't think that allowing accessory dwelling units would be an added value to the subdivision. There would be people renting out the units, outside parking and currently the CCR's for the neighborhood require vehicles to be parked in an enclosed space. This would become an eyesore to the subdivision, and she understands that the CCR's and HOA are not protected by the City and she thinks this change would just add more issues.
- Zoning & Development Manager Carraway-Johnson encouraged Mrs. Hazen to come in and visit with staff regarding the trail and land swap agreement and the accessory dwelling unit proposed amendment.

Public Hearing: [Closed](#)

Closing Statement:

- Mr. Rolig addressed the public parking area and stated that it will consist of 5 spaces. The area where the parking spaces are going to be located is next to a common area of the subdivision. It is in the Highway District Right-of-way. The idea was that a recreation area down in the canyon be accessible by the public, and people needed parking space.
- Commissioner Grey asked about the CCR's requirement that vehicles be parked on a garage, and the ADU definition just states that a parking space will be provided.
- Mr. Rolig stated that this amendment may not correspond with the CCR's and so they would trump anything that the amendment allows.
- Chairman Frank explained that the amendment would trump the CCR's.
- City Attorney Wonderlich explained if the amendment allows the use and the CCR's do not the neighborhood would be able to pursue this civilly.
- Chairman Frank stated that the City would not be able to enforce the CCR's the neighborhood would be responsible for enforcement.

Deliberations Followed:

- Commissioner Higley explained ADU's are a concept that he is in support of but he is not sure that all of the issues have been considered with this amendment.
- Commissioner Grey stated he doesn't feel comfortable with allowing ADU's into the neighborhood when the CCR's don't seem to correspond with the change.
- Commissioner Higley stated that he is not sure that this amendment to allow ADU's was clearly explained in the meeting notice.
- Commissioner Grey asked if the ADU's are allowed now as a use.

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- Planner I Spendlove explained an accessory dwelling unit is not allowed currently.
- Commissioner Higley stated he thinks that this request for ADU's is premature and to make this change through a PUD Agreement it creates a mess and there will be amendment after amendment.
- Commissioner Frank stated that this is not perfect and it only applies to this subdivision. He does have fears about this however it is up to the CCR's to enforce the guidelines. It is an entity unto itself.
- Commissioner Grey asked if the neighbors review a request for an Accessory Dwelling Unit and they say to the property owner the parking has to be within a garage and we ok the verbiage as it is written are we inviting angry phone calls to the City.
- Planner I Spendlove stated if a building permit application came through for an Accessory Dwelling Unit in this subdivision with this verbiage in the PUD Agreement that is what he would use to approve the permit. He would tell the property owner that they may have CCR's to consider.
- Commissioner Woods stated the City is look at this as a possible code change in the future and he would feel more comfortable reviewing this as a code change versus just approving something at random.
- Planner I Spendlove explained that the Commission can choose to recommend approval of the request, as presented, recommend denial of the request, as presented or make modifications to the request. This will be a recommendation to the City Council and the City Council will make a recommendation to the Board of County Commissioner who make the final decision.

Motion:

Commissioner Higley made a motion to recommend approval of the request, as presented, subject to the additional proposed amendment regarding the accessory building unit language be removed from the request. Commissioner Woods seconded the motion. All members present voted in favor of the motion.

Recommend For Approval To The City Council 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 and the Quail Ridge PUD #249 as amended.
 2. Subject to the additional proposed amendment allowing the accessory building unit language be removed from the request.
4. Request for a **Special Use Permit** to operate a 24 hour gas station in conjunction with a retail business on property located at 303 Main Avenue East. c/o Susan Petruzzelli (app. 2762)

Applicant Presentation:

Suzan Petruzzelli, the applicant state she is here to request a Special Use Permit to operate a gas station/convenience store at 303 Main Avenue East. They have an electrical contracting business here in Twin Falls and now they would like to purchase the property at 303 Main Avenue East to open a gas station. The reason for the request is because it has been over a year that the gas station has operated so a Special Use Permit is required. They plan to open the existing facility and update the fuel pumps. The plan is to create a retro-feel where the customer could have an attendant pump their gas if they like. The new pumps will be able to operate 24 hours with electronic payments. They plan to update the lighting under the canopy so that people feel safe using the pumps at night. The plan is to offer non-ethanol fuel also. In the future they would like to expand the convenience store where the three bay doors are located possibly selling generators. This business would provide approximately 8 new jobs and they would operate Monday-Friday 7am to 7pm with shorter hours on Saturday and Closed on Sundays.

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Impacts to the surrounding properties that might be a concern is dispensing fuel, which with new pumps that concern should be minimal. Another concern could be traffic increase, however with the revitalization plans for the area, which may not be an issue and should be a good thing. As for foot traffic there should be more and they plan to work with the Urban Renewal Agency as the improvements to the downtown area occur to make sure that things get done correctly. They are excited to be involved in the revitalization of the downtown and think this will be a great way to pump some life back into this end of Main Avenue.

PZ Questions/Comments:

- Commissioner Higley clarified that the 24 hour operation refers to the pumps being available for use 24 hours.
- Ms. Petruzzelli confirmed that the pumps will be 24 hours but not the service/convenience store.

Staff Review:

Planner I Spendlove reviewed the request on the overhead and stated this property is part of the original Twin Falls Townsite. We have no specific Zoning history for this location. However, it is safe to assume it has been Zoned C-B since the 1980's, when that zoning district was first enacted for the majority of Down Town.

This property operated as a gasoline service station for years. This property had been in operation prior to the Zoning Code requiring a Special Use Permit for this use, classifying the business as a "legal non-conforming" use. The operation of gasoline sales discontinued over a year ago. When this occurred, the "legal non-conforming" status of the gasoline sales operation was nullified. In order to restart this land use, a new special use permit is required. The Applicant has supplied a detailed description of the proposed business operations.

Per City Code 10-11-1 thru 8: Required Site Improvements

Required improvements include streets, water and sewer, drainage and storm water. These improvements are required during building permit review and approval. In this case, no building permit is required for this business to be established in this building. However, these requirements may also be evaluated with special use permits and installation or changes be conditioned upon approval by the commission.

The engineering department is making a recommendation to remove the approach on Main Ave closest to the intersection. They also recommend relocating the approach on Idaho further from the intersection.

In conjunction with the previous information, Staff deems it appropriate to discuss additional items regarding this property. The Urban Renewal Agency has designated 5 Blocks of Main Avenue for public infrastructure upgrades. The Main Ave Redesign Project will encompass rebuilding the street, curb, gutter, and sidewalk along Main Ave and partially along Idaho.

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It would be wasteful to require the owner to install new vehicle approaches and associated curb, gutter, and sidewalk, to have the URA remove and reinstall the new improvements months later; or have it developed and not be consistent with the URA Main Ave Redesign plan. It is Staff's recommendation to allow the required street improvements to occur simultaneously with the URA project. For this reason, staff recommends placing two conditions on the permit requiring the improvements to be installed concurrently with the URA Main Ave Project Design and place a maximum time limit of 2 years for the improvements to be installed.

The negative impacts associated with this particular business typically involve an increase in traffic and noise. Due to the surrounding area being primarily commercial in nature, staff does not anticipate any unreasonable negative impacts to be created by the operation of this business. A potentially positive impact on the area will be an increase in pedestrian traffic due to the availability of consumer goods in the convenience store.

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.
2. Subject to the Westerly approach on Main Street being removed, per City Engineering standards, prior to commencing business operations.
3. Subject to an agreement between the URA and the applicant for the design and construction schedule of the curb, gutter, and sidewalk adjacent to this property being signed by both parties and provided to staff by June 1, 2016.
4. Subject to all parking and maneuvering areas being hard-surfaced, per City Engineering standards, no later than January 12, 2017; OR per the timeline outlined in the agreement with the URA, whichever is first.
5. Subject to the permanent curb, gutter, and sidewalk improvements for the entire site being installed, inspected and approved as per City Engineering Standards, by January 12, 2017; OR per the timeline outlined in the agreement with the URA, whichever comes first.

PZ Questions/Comments:

Commissioner Frank asked about storm water retention.

Assistant City Engineer Vitek stated he believes that it is all hard surfaced however there is an area that is gravel if they want to use it, they will have to hard surface that area which will need to take into account a change in the storm water run-off. If they don't plan to use the area that is gravel they will have to physically barricade the area so that it doesn't get used.

Ms. Petruzzelli confirmed there is a gravel area on the property.

Commissioner Woods asked if there was room for a tanker to get in to fill the tanks with fuel.

Ms. Petruzzelli confirmed her architect showed her that the tanker does have room to maneuver.

Commissioner Grey asked about possible landscape requirements.

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Planner I Spendlove stated that the landscaping is tied to onsite parking requirements. This property is located in a P-1 parking overlay that does not require onsite parking therefore landscaping would not be a required improvement.

Ms. Petruzzelli explained that she will make this property attractive and landscaping is part of her plans.

Public Hearing: [Opened](#)

Eric Watte, 782 Hollyann Ct, and owner of the motel across the street from this property, stated he is in support of this request.

Public Hearing: [Closed](#)

Closing Statement:

Ms. Petruzzelli stated that she appreciates the help staff provided throughout this process. This has been a learning experience and they are excited to become a part of the downtown revitalization.

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Grey made a motion to approve the request, as presented. Commissioner Tatum 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 the Westerly approach on Main Street being removed, per City Engineering standards, prior to commencing business operations.
3. Subject to an agreement between the URA and the applicant for the design and construction schedule of the curb, gutter, and sidewalk adjacent to this property being signed by both parties and provided to staff by June 1, 2016.
4. Subject to all parking and maneuvering areas being hard-surfaced, per City Engineering standards, no later than January 12, 2017; OR per the timeline outlined in the agreement with the URA, whichever is first.
5. Subject to the permanent curb, gutter, and sidewalk improvements for the entire site being installed, inspected and approved as per City Engineering Standards, by January 12, 2017; OR per the timeline outlined in the agreement with the URA, whichever comes first.

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

VI. ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION: [None](#)

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

1. Public Hearing- [January 26, 2016](#)
2. Public Meeting – Work Session – [February 3, 2016](#)

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VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 8:02 pm.

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department