



NOTICE OF AGENDA
TWIN FALLS CITY PLANNING & ZONING COMMISSION
FEBRUARY 23, 2016
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

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s):
January 26, 2016 PH and February 3, 2016 WS
2. Approval of Findings of Fact and Conclusions of Law:
 - Kuntz (SUP 01-26-16)

III. ITEMS OF CONSIDERATION:

1. Request for approval of the **Preliminary Plat** of Latitude 42 Subdivision, A PUD, consisting of 15 lots and 28.96 acres (+/) located on the south side of Pole Line Road West and west of the Reformed Church c/o EHM Engineers, Inc.

IV. PUBLIC HEARINGS:

1. Requests for a **Zoning Title Amendment** to delete City Code 10-7-13 Vehicle Stacking Requirements for drive-through facilities. c/o City of Twin Falls (app. 2767)

V. GENERAL PUBLIC INPUT:

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

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

1. Work Session- **March 2, 2016**
2. Public Hearing- **March 8, 2016**

VIII. ADJOURN MEETING:

Si desea esta información en español, llame Leila Sanchez al (208) 735-7287

Any person(s) needing special accommodations to participate in the above noticed meeting should contact Lisa A. Strickland at (208) 735-7267 at least two (2) working days before the meeting.

CITY OF TWIN FALLS
PLANNING & ZONING COMMISSION
Public Hearing Procedures for Zoning Requests

1. Prior to opening the public meeting, the Chairman shall review the public hearing procedures, confirm a quorum is present and introduce staff present.
2. Individuals wishing to testify or speak before the Commission shall wait to be recognized by the Chairman, approach the microphone/podium, state their name and address, then commence with their comments. Following their statements, they shall write their name and address on the Sign-In record sheet(s) located on a separate table near the entrance of the chambers. The administrative assistant shall make an audio recording of each public meeting.
3. **The Applicant, or the spokesperson for the Applicant, shall make a presentation** on the application/request. No changes to the request may be made by the applicant after the publication of the Notice of Public Hearing – WHICH IS A MINIMUM OF 15 DAYS PRIOR TO PUBLIC HEARING. **The applicant's presentation should include the following:**
 - **A complete explanation and description of the request.**
 - **Why the request is being made.**
 - **Location of the Property.**
 - **Impacts on the surrounding properties and efforts to mitigate those impacts.**The Applicant is limited to 15 minutes, unless a written request for additional time is received and granted by the Chairman prior to commencement of the public meeting.
4. Upon completion of the applicant's presentation City Staff will present a staff report which shall summarize the application/request, history of the property, if any, staff analysis of the request and any recommendations.
 - **The Commission may ask questions of staff or the applicant pertaining to the request at this time.**
5. The public will then be given the opportunity to provide public testimony/input/comments regarding the request.
 - **The Chairman may limit public testimony to no more than two (2) minutes per person.**
 - **Five (5) or more individuals, having received personal public notice of the application under consideration, may select a spokesperson by written petition. The spokesperson shall be limited to 15 minutes.**
 - **No written comments, including e-mail, received after 12:00 o'clock noon on the date of the hearing will be accepted for consideration by the hearing body. Written comments, including e-mail, received by 12:00 o'clock noon or before the date of the hearing shall be either read into the record or displayed on the overhead projector either during or upon the completion of public comment.**
 - **Following the Public Testimony, the applicant is permitted a maximum five (5) minutes rebuttal to respond to Public Testimony.**
6. Following the Public Testimony and Applicant's response, the Public Input portion of the public hearing shall be closed-**No further public testimony is permitted.** Commission Members, as recognized by the Chairman, shall be allowed to request clarification of any public testimony received of the Applicant, Staff or any person who has testified. The Chairman may again establish time limits.
7. The Chairman shall then close the Public Hearing. The Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. **Once the Public Hearing is closed, additional testimony from the staff, applicant or public is not allowed.** Legal or procedural questions may be directed to the City Attorney.

Any person not conforming to the above rules may be prohibited from speaking. Persons refusing to comply with such prohibitions may be asked to leave the hearing and thereafter removed from the room by order of the Chairman.



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
January 26, 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

ATTENDANCE

CITY LIMIT MEMBERS

PRESENT

Frank
 Grey
 Muñoz
 Reid

ABSENT

Tatum

AREA OF IMPACT MEMBERS

PRESENT

Woods

ABSENT

Higley

CITY STAFF: Carraway-Johnson, Spendlove, Strickland

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): **01-06-16 WS, 01-12-16 PH**
2. Approval of Findings of Fact and Conclusions of Law:
 - James Ray Construction/JVR (SUP 01-12-16) • The Tint Lady (SUP 01-12-16)
 - Petruzzelli (SUP 01-12-16) • Eastpark Professional Subd No. 2 (Pre-plat 01-12-16)

III. ITEMS OF CONSIDERATION: None

IV. PUBLIC HEARINGS:

1. Request for a **Special Use Permit** to establish and operate a used automobile sales lot located at 607 Blue Lakes Boulevard North c/o Kenneth Kuntz (app. 2764)

Applicant Presentation:

Ken Kuntz, the applicant, stated he would like to operate a used automobile sales at 607 Blue Lakes Boulevard North. He explained this will be a small operation with two employees with approximately 8-12 cars for sale at any time. He would really like to start his business at this location.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated in 2003, Special Use Permit 819 was issued for a Coffee Shop to operate a Drive-thru window. There were conditions placed on that permit. However, the use changed in 2007-2008 when a larger modular building was placed on the lot to accommodate a Pay Day Loan business. No further zoning or building history is known at this time.

Per City Code 10-4-8: The C-1 Commercial Highway Zoning District requires automobile and truck sales and/or rentals businesses to acquire a Special Use Permit prior to being legally established.

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Per City Code 10-10: The retail use of an automobile sales site has a parking requirement of one (1) parking space per five hundred (500) square feet of the associated structure. The building is listed at approximately 575 square feet, which equals two (2) parking spaces. The applicants' site plan shows that number being exceeded. However, the commission may wish to evaluate the land use described by the applicant for any parking issues that could cause impacts to the area and address those appropriately.

Per City Code 10-11-1 thru 8: Required improvements include streets, water and sewer, drainage and storm water. These required improvements would be evaluated and all applicable code requirements will be enforced at the time of building permit submittal. However, we do not anticipate a building permit being submitted for this project. As a result, the commission may wish to evaluate this project for any improvements it feels are necessary to mitigate any impacts that could occur.

Retail Vehicle Sales lots can have impacts on neighboring properties. Due to the limited space on this property, the inventory for this business will not be excessive. As a result, the impacts that typically cause issues will most likely be minimal.

Staff does not foresee excessive negative impacts associated with the proposed operation of a vehicle sales lot on this particular property.

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 screening fence on the West side of the property being maintained in good repair.
3. Subject to no audio or announcement system being utilized on this property.

PZ Questions/Comments:

- Commissioner Frank asked if there will be a cross use agreement between the adjacent properties.
- Mr. Kuntz explained yes there will be a cross use agreement.
- Commissioner Munoz asked if the current building on the property is permanent.
- Planner I Spendlove explained that building is permanent and does have a certificate of occupancy.

Deliberations Followed: [Without Concerns](#)

Motion:

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

Approved, As Presented, With the Following Conditions

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
 2. Subject to the screening fence on the West side of the property being maintained in good repair.
 3. Subject to no audio or announcement system being utilized on this property.
2. Request for the Commission's recommendation on a **Zoning Title Amendment** to add "Theater - Outdoor" in the Old Town Zoning District 10-4-13.2(B)6 as allowed by Special Use Permit and to modify Title 10-2-1 the definition of Theater, Outdoor Drive-in. c/o Mark Gallegos (app. 2765)

Applicant Presentation:

Mark Gallegos, Eagle Mountain, UT, explained that the reason for this request is because they have scheduled events in Twin Falls in the Old Town area but have had to make a request for each individual event which adds time to their process making it difficult to book events. By adding the outdoor theater to the Old Town Zoning District as allowed by Special Use Permit, they would be able to apply for a Special Use Permit so that they could operate at a specific location in the Old Town area as an outdoor-theater, making booking events easier.

Staff Presentation:

Planner I Spendlove explained the process the applicant is referring to for scheduling their events is called a Special Event process. The dates have to be preselected dates months in advance for the Special Event Calendar they were approved for a few events last summer and it was brought up by City Council that perhaps this could be something made more permanent. In response to this the applicant has met with staff and has made a request for a Zoning Title Amendment. The amendment would allow by Special Use Permit in the Old Town Zoning District "Outdoor – Theater". This would allow more flexibility for the venue as well as some oversight by the City to make sure the site is going to work.

The proposed amendment modifies two sections. The amendment would modify the definition found in **City Code 10-2-1: Theater – Outdoor Drive-In**, and add a new "Use" in **City Code 10-4-13: OT, Old Town District: Use Regulations: Special Uses**: "Theater - Outdoor."

This amendment would modify the definition as follows:

"THEATER, OUTDOOR ~~DRIVE-IN~~: An open **developed** lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures, ~~or~~ theatrical **or musical** productions/**concerts**, on a paid admission basis, to patrons seated in automobiles or on outdoor seats."

The amendment would also allow outdoor theaters to apply for a Special Use Permit to operate in the OT Zone. This would still allow for local governmental oversight and public input to take place in the design and operations of the theater.

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Currently, the "Theater - Outdoor" use is a Special Use in the CB, C-1, CM, M-1 and M-2 Zoning districts. The addition of this use to the OT Zoning District as a Special Use will help mitigate potential negative impacts due to the Public Hearing process required. Potential interested parties will be notified via City Code requirements, and public comment will be allowed on the operation and development of the outdoor theater. This will also provide potentially affected citizens a process to have the "Special Use" reviewed for nuisances, or other currently unforeseen negative impacts.

Staff concurs with the amendments as proposed by the applicant.

Planner I Spendlove state upon conclusion the Commission may recommend to the City Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested (will require another public hearing before the Commission), or it may recommend that the amendment be denied.

PZ Questions/Comments:

- Commissioner Grey asked if this was approved, if the applicant would then be allowed to request a Special Use Permit for an outdoor theater in the Old Town District.
- Planner I Spendlove confirmed that if this is approved it would allow the applicant to apply for a Special Use Permit for an outdoor theater in the Old Town District.
- Commissioner Grey asked if there was a reason this use was not included in the Old Town District originally.
- Planner I Spendlove explained he is not sure why, it could have just been an oversight.
- Commissioner Woods asked for a map of the Old Town District to be displayed on the overhead.
- Commissioner Munoz asked if there is anything in the code that would address an impact to surrounding residential properties.
- Zoning & Development Manager Carraway-Johnson explained that there are two different kinds of events, those that are special events like the ones that happen at the park or other locations. The applicant is trying to make this a specific use, for a specific location to be allowed under a Special Use Permit. This use is allowed in a few other zones but with a Special Use Permit it allows for some consideration of the residential properties and other impacts to surrounding areas and requires site improvements.
- Commissioner Woods asked where this use would be located.
- Planner I Spendlove explained this request is just for a Zoning Title Amendment, the request it is not specific to location in the Old Town District, with approval of this amendment a specific site would be identified through the Special Use Permit process.
- Commissioner Frank stated that his only concern is the verbiage used, there is a difference to some between theater and venue. He likes that fact that with this specific applicant the events they have hosted have not generated any complaints and the Special Use Permit process would work well for this type of use.
- Commissioner Grey asked if there would be requirements related to screening for the property.

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- Planner I Spendlove explained that this request is for a Zoning Title Amendment, however if this is approved and someone came through to request a Special Use Permit for this type of use all of the property improvement requirements along with screening would be reviewed. Each site would be reviewed with each Special Use Permit request.
- Commissioner Munoz asked what happens in the case of pre-established locations, for example the old drive-ins. These are already established as outdoor theaters this would not be a change of use so would it be possible for someone to just set up one of these locations as an outdoor theater.
- Planner I Spendlove explained this change could affect the existing use for the drive-ins however without more specific dates and information about these sites it is difficult to speculate.
- Zoning & Development Manager Carraway-Johnson explained a code change is recognized as a process that can trigger review for compliance. If there were some changes made to the site it could trigger full review.
- Commissioner Reid asked if the reason for the change is to speed up the event process.
- Zoning & Development Manager Carraway-Johnson explained that the reason of the request is that this applicant would like the ability to have a permanent outdoor concert location in the Old Town District with an approved Special Use Permit.
- Commissioner Reid clarified this would allow the applicant to book easier and faster.
- Planner I Spendlove explained yes that is correct and it would not require them to go through an approval process every year unless that was a condition of the Special Use Permit.

Closing Statements:

Mr. Gallegos, stated this season looks very promising and this would allow them the opportunity to schedule acts easier.

Deliberations:

- Commissioner Grey stated he was in the downtown area when one of this applicants events took place and didn't see it as chaotic or congested and was pleased at how the event was managed. He doesn't see any issues with approving this request.
- Commissioner Munoz explained he has concerns with this change because it impacts existing sites that are classified as outdoor theaters. If there are not any changes made to the site someone could just come in and start having concerts at these locations without triggering a review or approval.
- Zoning & Development Manager Carraway-Johnson explained these facilities are recognized as an outdoor drive-in movie theater. The example Commissioner Munoz is referring to would be a change of use and would require a review.
- Commissioner Woods stated that Twin Falls is a growing community and is not a night time community however there is a need for this type of activity for the younger population. He has no problems with this request.

Motion:

Commissioner Grey recommended approval of this request, as presented, to the City Council.

Commissioner Reid seconded the motion. Commissioners Reid, Frank, Woods & Grey voted in favor of this motion and Commissioner Munoz voted against this motion. Motion Passed 4-1.

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Recommend Approval, As Presented to City Council
City Council Public Hearing Scheduled Monday, February 22, 2016

3. Request for a **Non-conforming Building Expansion Permit** to add 280 sf +/- to a legal non-conforming building located on the south side of the 1600-1700 Blocks of Elizabeth Boulevard East aka Harmon Park c/o City of Twin Falls Parks & Recreation Department (app. 2766) **WITHDRAWN**

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 in 2014 the City Parking Code was amended and during that process City Code 10-7-13 Vehicle Stacking Requirements for Drive-Through Facilities became a contradiction to our new parking code. She stated that staff would like to proceed with a Zoning Title Amendment to remove City Code 10-7-13 from the code.
- Commissioner Frank stated the parking code that was approved in 2014 is the direction to follow, this was just an oversight. The Commission supports staffs request to move forward with a Zoning Title Amendment.
- Commissioner Woods asked for an update on the Quail Ridge Estates PUD Amendment and communication with the citizen that came forward at the meeting.
- Zoning & Development Manager Carraway-Johnson stated the citizen did not come in to speak with staff and added the request has been withdrawn which could explain why the citizen did not come in to speak with staff – if she was aware of the status of the request.
- Commissioner Grey asked about the possibility of having the Commissioners send staff or meet with staff about possible topics to discuss at the work sessions.
- Zoning & Development Manager Carraway explained that the Commission is welcome to come in and visit with staff any time they have questions or ideas they would like to discuss. She also stated that staff has received 4-5 inquiries from citizens expressing their interest in serving on the Commission. She is looking to schedule the interviews either the second or third week of February. She also reminded the Commission of the Events scheduled on Thursday, Feb 28, 2016 regarding the Comprehensive Plan Update and stated that on Friday, January 29, 2016 at 10:00 am the Logan-Simpson Consultants will be giving an update to the Comprehensive Plan Advisory Committee on the citizen comments and other information they have gathered to date. Last but not least staff has been doing interviews for a new Planner position and hopefully that position will be filled soon.

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

1. Work Session-**February 3, 2016**
2. Public Hearing-**February 9, 2016**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:00 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department



MINUTES
PUBLIC MEETING/WORK SESSION
Twin Falls City Planning & Zoning Commission
February 3, 2016 12:00PM
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

ATTENDANCE

CITY LIMIT MEMBERS

Present Absent

Frank

Grey

Munoz

Reid

Tatum

AREA OF IMPACT MEMBERS

Present Absent

Woods

Higley

CITY STAFF: Carraway-Johnson, Humble, Spendlove, Strickland

I. CALL MEETING TO ORDER:

Chairman Frank called the meeting to order at 12:00 P.M. He, confirmed there was a quorum present and introduced City Staff.

II. DISCUSSION ITEMS FROM THE COMMUNITY DEVELOPMENT STAFF AND/OR THE PLANNING & ZONING COMMISSION:

1. Review proposed code amendment items.

Planner I Spendlove reviewed on the overhead a couple of proposed code changes to discuss.

- Accessory Buildings
 - Planner I Spendlove explained that in City Code 10-7-5 detached accessory building setbacks in residential districts and subdistricts may be the appropriate place within the code to insert the tables for accessory buildings. The other option would be to insert the tables within each zoning district which would be done as the matrix for that section is completed.
 - The commission unanimously voted to put the table for residential detached accessory building setbacks in the 10-7-5 section to allow the code changes to move forward quicker.
 - Planner I Spendlove explained there are very few AG zoned properties however there may be the potential that someone would want to construct a residential accessory building so the other question he had was if the Commission wants the AG & SUI zones to follow the same residential detached accessory building setback table.
 - The commission unanimously agreed that would be appropriate.

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Planner I Spendlove reviewed on the overhead a chart that showed comparisons of other jurisdictions that have dealt with accessory dwelling units. The areas represented in the discussion were Ada County, Caldwell, Coeur d'Alene, Sandpoint, Valley County and Portland, OR, each of which address the use in their code.

- Accessory Dwelling Units

Topics to consider when discussing this code change have been narrowed down to a few categories that were found to be common amongst the other jurisdictions.

- Size- a percentage of the primary dwelling, a percentage of the lot, or just have a maximum size.

Commissioner Grey stated he would think that a percentage with a cap would be worth considering.

Commissioner Munoz stated he likes a percentage of the primary dwelling unit so that the accessory dwelling doesn't become larger than the primary home.

Commissioner Frank stated he would lean towards a more conservative number it's always easier to increase but it's really difficult to decrease once that door has been opened.

Commissioner Reid also requested that the verbiage clarify that only one accessory dwelling unit be allowed.

- Number of Bedrooms-

Commissioner Munoz stated a size limitation would limit the number of bedrooms.

Commissioner Reid agreed the number of bedrooms doesn't really matter.

- Rent/Own-

Commissioner Munoz stated it is hard to enforce once the person who originally built the structure sells the property.

Planner I Spendlove explained that in several of the examples from other jurisdictions the owner had to occupy one of the spaces, with proof of exemption.

Commissioner Frank liked the idea of owner occupancy because it creates accountability.

- Parking

Planner I Spendlove explained that there are two off street parking spaces required with single family dwellings and one ½ spaces in multi-family dwellings. This can be a hardship for some when they have to install the second space.

Commissioner Woods asked if it could be determined by the square footage of the building.

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Commissioner Munoz also stated that the number of spaces could be determined by the number of bedrooms. However if you have enough money to build a larger unit then you should have the money to put in the parking spaces.

Commissioner Reid stated the size should help determine the number of spaces, for example a 300 sq. ft. building may look odd with two spaces.

- Location of Structure

Planner I Spendlove setback is related to the primary dwelling and cannot be in front of the main building, some examples had a setback similar to an accessory building. Commissioner Munoz stated the setback could follow the accessory building setbacks.

Commissioner Reid requested that verbiage clarifying that accessory dwellings not be allowed in front of the main building be included.

- Number of Occupants

Commissioner Frank stated enforcement will always be the issue with limiting the number of occupants.

Planner I Spendlove agreed it is not easily enforced however by allowing accessory dwelling units it should be noted that another living space is being allowed.

- Where these should be allowed

Planner I Spendlove stated that the R-4 and R-2 zone already allow for higher density. Single Family, Duplex and Four-plex with Special Use Permits are allowed with a certain lot size.

Commissioner Frank stated this will be something that typically comes after a home has already been built. He thinks this should be available across the board.

Commissioner Munoz stated he sees this happening more in the R-1 VAR and SUI because those are larger lots and there may be more feasibility. He agrees the use should be allowed across the board.

Planner I Spendlove explained that with this information he will begin trying to develop a plan for addressing this issue.

Zoning & Development Manager Carraway-Johnson explained that staff will also work on making contact with these other jurisdictions to see if there are things they would do differently and things they like about the code that allows accessory dwelling units, possibly learn from their experiences.

2. Identify upcoming P&Z agenda items.

Zoning & Development Manager Carraway-Johnson explained that the February 9, 2016 meeting has been cancelled. There are numerous projects that are being reviewed and prepared for scheduling so future agendas may be busy.

3. General Commission training

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Zoning & Development Manager Carraway-Johnson explained since the December joint meeting for the Comprehensive Plan update staff has been busy working with the consultants and working on the summaries. On January 19th staff did a presentation to the Chamber of Commerce, had a public outreach on the city website, the brochure has been published to get public involvement. On January 27th a live shoot was done at KMVT asking the public to get involved. On January 28th staff visited with the seniors at the Senior Center and visited the Library. Later on January 28th staff and the consultants attended the Death by Chocolate event and had great responses. On Friday, January 29th the Comprehensive Plan Advisory Board met to discuss the project, the progress and the next step in the process. It has been estimated that over 1000 personal contacts have been made to get the information the consultants have collected. The summary of all the input will be used to develop the vision statement for the Comprehensive Plan Update.

Commissioner Frank stated he is excited with the information that has been gathered but his concern is creating a document that will assist the city in meeting the community's goals. Commissioner Grey asked for clarification as to why streets are not complete throughout the city and how it is possible to have a street that is developed partially and the stops and picks up at another location on the other side of town.

Zoning & Development Manager Carraway-Johnson explained there is a Master Transportation plan that has plotted out major arterials and collectors. The issue with streets not being completed all the way through is because streets get built when development occurs. The street names were changed in the downtown area approximately 15 years ago. The streets were given names instead of numbers and the avenues remained numbers. Planner I Spendlove explained that the staff is willing to assist in answering any of these questions and recommended that anyone with questions call and set up an appointment to discuss things like the transportation plan.

Commissioner Frank stated that when Cheney Drive was vacated years ago it was done without consideration that Twin Falls would ever grow that far, even though it was on the Master Transportation Plan. He stated he has learned from this type of decision how important this plan is to consider when making decisions about projects.

Zoning & Development Manager Carraway-Johnson explained that these plans are guidelines to help make decision.

Commissioner Grey asked why development of streets can't occur because of the growth in an area clearly indicating that it is needed.

Deputy City Manager Humble explained that the City can't legally require things to happen until a development goes in or a subdivision occurs. He also explained that funding has been approved for the Master Transportation Plan to be updated and asked that if any of the Commissioners are interested in being involved with the steering committee to let staff know.

Commissioner Munoz stated that there are grants that can be applied for to provide safe travel for children to and from school.

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February 3, 2016**

Commissioner Grey asked that apiaries be reviewed again as a use. He has been reading about the issues with bee populations and is thinking this may be a use someone would be interested in pursuing.

Planner I Spendlove explained that when the matrix discussion begins again this can be added back to the list of things to discuss.

Zoning & Development Manager Carraway-Johnson explained that the consultants for the Comprehensive Plan Update provided a schedule initially for the project and things are on track.

III. GENERAL PUBLIC INPUT: None

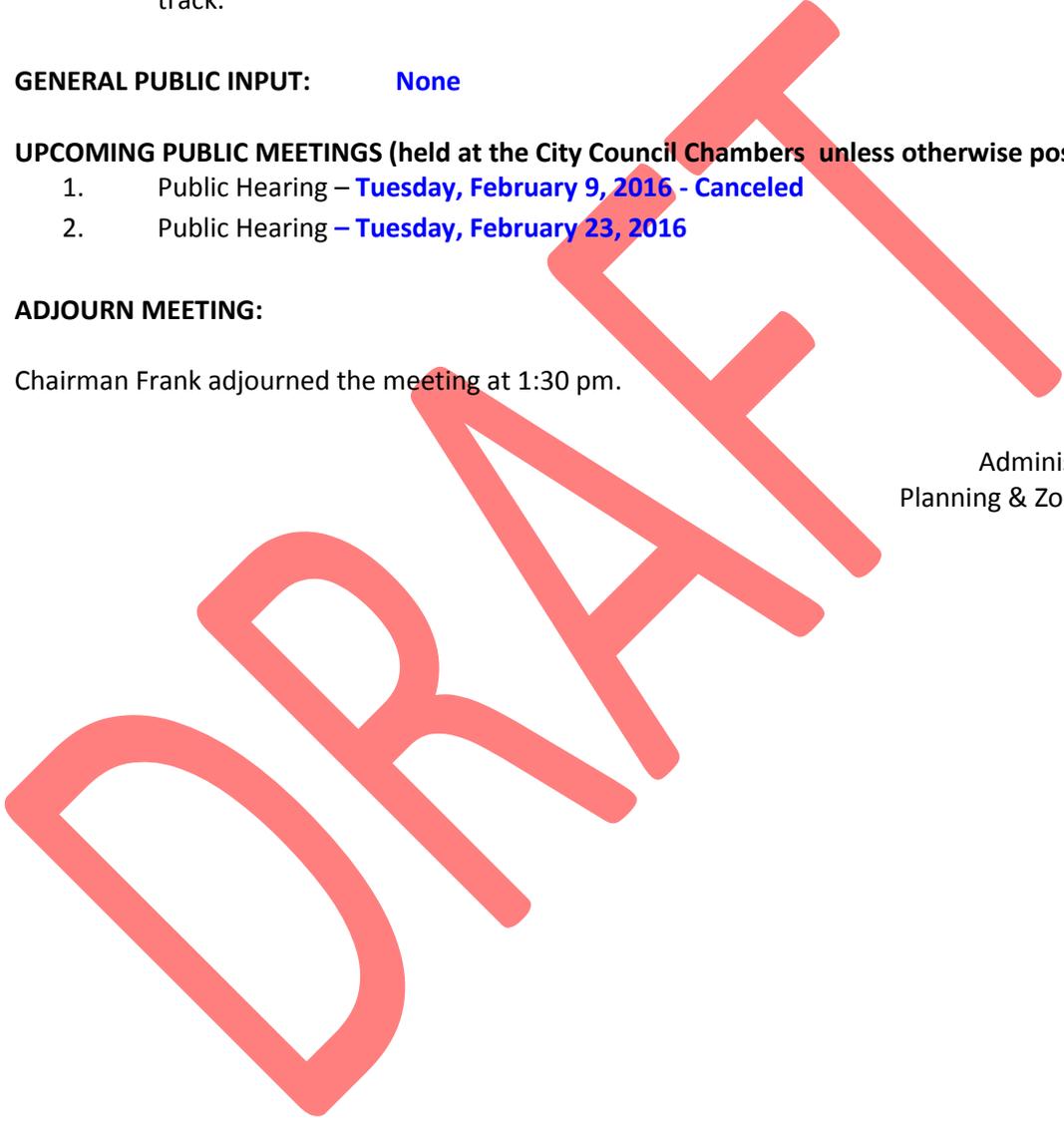
IV. UPCOMING PUBLIC MEETINGS (held at the City Council Chambers unless otherwise posted):

1. Public Hearing – **Tuesday, February 9, 2016 - Canceled**
2. Public Hearing – **Tuesday, February 23, 2016**

V. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 1:30 pm.

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department





BEFORE THE PLANNING & ZONING COMMISSION OF THE CITY OF TWIN FALLS

In Re:)
)
Special Use Permit, Application,) FINDINGS OF FACT,
)
) CONCLUSIONS OF LAW,
Kenneth Kuntz)
 Applicant(s)) AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on **January 26, 2016** for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of **establishing and operating a used automobile sales lot located at 607 Blue Lakes Boulevard North**, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has applied for a Special Use Permit for the purpose of **establishing and operating a used automobile sales lot located at 607 Blue Lakes Boulevard North**
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: **January 7, 2016**
3. The property in question is zoned **C-1** pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as **Commercial/Retail** in the duly adopted Comprehensive Plan of the City of Twin Falls.
4. The existing neighboring land uses in the immediate area of this property are: to the north, **Commercial/Business**; to the south, **Commercial/Business**; to the east; **Blue Lakes Boulevard North/Commercial/Business**; and to the west, **Residential**.

Based on the foregoing Findings of Fact, the Planning and Zoning Commission hereby makes the following:

CONCLUSIONS OF LAW

1. The application for a Special Use Permit for the purpose of **establishing and operating a used automobile sales lot located at 607 Blue Lakes Boulevard North** is consistent with the purpose of the **C-1 Zone**, and is not detrimental to any of the outright permitted uses or existing special uses in the area.
2. The proposed use does constitute a special use as established by zoning requirements for the zone involved as required by Twin Falls City Code 10-13-2.2(D)1.
3. The proposed use will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations as required by Twin Falls City Code 10-13-2.2(D)2
4. The proposed use will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area as required by Twin Falls City Code 10-13-2.2(D)3.
5. The proposed use will not be hazardous or disturbing to existing or future neighboring uses as required by Twin Falls City Code 10-13-2.2(D)4.
6. The proposed use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community as required by Twin Falls City Code 10-13-2.2(D)6.
7. The proposed use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors as required by Twin Falls City Code 10-13-2.2(D)7.

8. The proposed use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares as required by Twin Falls City Code 10-13-2.2(D)8.

9. The proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance as required by Twin Falls City Code 10-13-2.2(D)9.

10. The proposed use is a proper use in the **C-1** Zone, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

11. The application for a Special Use Permit for the purpose of **establishing and operating a used automobile sales lot located at 607 Blue Lakes Boulevard North** should be granted, subject to all applicable requirements of the Zoning Ordinance, Adopted Standard Drawings and City code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Conclusions of Law, the Twin Falls City Planning and Zoning Commission hereby enters the following

DECISION

1. The application for a Special Use Permit for the purpose of **establishing and operating a used automobile sales lot located at 607 Blue Lakes Boulevard North** is hereby granted, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

2. The applicant shall comply with all applicable requirements of the Adopted Standard Drawings, the Zoning Ordinance, and the City Code of the City of Twin Falls, subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

3. The Special Use Permit shall be issued, as presented.

DATE

"EXHIBIT NO. A"

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 screening fence on the west side of the property being maintained in good repair
3. Subject to no audio or announcement system being utilized on this property

APPLICATION #2764
SUP# 1385

DRAFT



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

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

SPECIAL USE PERMIT

Permit No. 1385

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on **January 26, 2016** to **Kenneth Kuntz** whose address is **1037 Arrow Wood Court Twin Falls, ID 83301** for the purpose of **establishing and operating a used automobile sales lot located at 607 Blue Lakes Boulevard North** and legally described as **RPT0361000022AA Twin Falls Bremers Fairway Sub Lot 22 Exc E 7.5' (9-10-17 NE)**

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

This permit corresponds to Zoning Application No. 2764

- 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 screening fence on the west side of the property being maintained in good repair**
- 3. Subject to no audio or announcement system being utilized on this property**

CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

This permit is for zoning purposes only. Other permits such as sign, building, electrical or plumbing permits, etc. may be required. All facilities must comply with all Building and Fire Code Regulations.

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

cc: Building Inspection



Public Hearing: **TUESDAY, February 23, 2016**
 To: Planning and Zoning Commission
 From: Jonathan Spendlove, Planner I

AGENDA ITEM III-1

Request: Request for approval of the **Preliminary Plat** of Latitude 42 Subdivision, A PUD, consisting of 15 lots and 28.96 acres (+/-) located on the south side of Pole Line Road West and west of the Reformed Church c/o EHM Engineers, Inc.

Time Estimate:

The applicant's presentation may take up to ten (10) minutes. Staff presentation will be approximately five (5) minutes.

Background:

| | | |
|---|---|--|
| Applicant: | Status: Owner | Size: 28.96 +/-Acres |
| Gerald Martens EHM Engineers, Inc. 621 N College Rd, #100 Twin Falls, ID 83301 208-734-4888 gmartens@ehminc.com | Current Zoning: R-2 PRO PUD | Requested Zoning: Approval of the preliminary plat for Latitude 42 Subdivision, a PUD |
| | Comprehensive Plan: Commercial/Retail | Lot Count: 15 Lots |
| | Existing Land Use: agricultural | Proposed Land Use: 15 Lots to be developed as a planned commercial development |
| Representative: | Zoning Designations & Surrounding Land Use(s) | |
| | North: Pole line Road W; R2, Undeveloped – Agricultural Farmland | East: C-1 PUD, Religious Facility |
| | South: R-6 PUD, Future Assisted Living Facility | West: R1-VAR; Undeveloped Agricultural Farmland1 |
| | Applicable Regulations: 10-1-4, 10-1-5, 10-12-1 through 4 | |

Approval Process:

As per Twin Falls City Code 10-12-2.3 Action on Preliminary Plat:

The Commission may approve, conditionally approve, deny or table for additional information when acting on the preliminary plat. If tabled, approval or denial shall occur at the regular meeting following the meeting at which the plat is first considered by the Commission. The action and the reasons for such action shall be stated in writing by the Administrator and forwarded to the applicant. The administrator shall also forward a statement of the action taken and the reasons for such action together with a copy of the approved preliminary plat to the Council for its information and record.

Budget Impact:

As the request is for a Preliminary Plat, approval of this request will have negligible impact on the City budget.

Regulatory Impact:

Upon approval of a preliminary plat 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.

History:

This property was annexed into City limits in October 2005 with an R-2 (Residential) zoning designation. Subsequent public hearings were held in 2009 to rezone the property to C-1 (Commercial Highway). In January 2011, this property went through the public hearing process to rezone the property from C-1 to C-1 PUD. The Council approved the rezone with the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls, and to be rebuilt, or built, to current City standards upon development of the property.
3. Subject to complete the design approval of Cheney Drive West being constructed to ½ width and per City Standards.
4. Subject to an approved and recorded PUD Agreement, to include a Master Development Plan, prior to approval and recordation of a Final Plat.

In May 2011, the City Council approved Ordinance 3004 to rezone the property to C-1 PUD. Due to the economic environment, the developer has not pursued this project since the approval of the ordinance. Although a moderate amount of time has passed since the ordinance was approved, this property has the opportunity to fulfill the conditions and proceed with the platting of the property.

Analysis:

The request is for approval of the Latitude 42 Subdivision, a PUD. The site is zoned C-1 PUD includes 29 +/- acres and consists of 15 commercial lots. In order to complete the entire Platting Process, the conditions listed above will need to be satisfied. Condition #2 will be enforced during this platting process. The Preliminary plat we have received seems to satisfy this condition.

Condition #3 has been partially satisfied with an approved developer's agreement and approved construction plans. The construction of Cheney Drive West has not been completed or accepted. However it is anticipated this condition will be satisfied shortly.

Condition #4 has not be satisfied as of yet. Contained within the attachments is a draft form of the PUD Agreement. This draft is provided for informational purposes and is not being reviewed by staff at this time. The applicant has been notified of this condition and is working towards satisfying it.

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.

This request is in conformance with the Comprehensive Plan and the requirements found in Twin Falls City Code.

Conclusion:

Staff recommends the Commission approve the preliminary plat of the Latitude 42 Subdivision-A PUD, as presented, and subject to the following conditions:

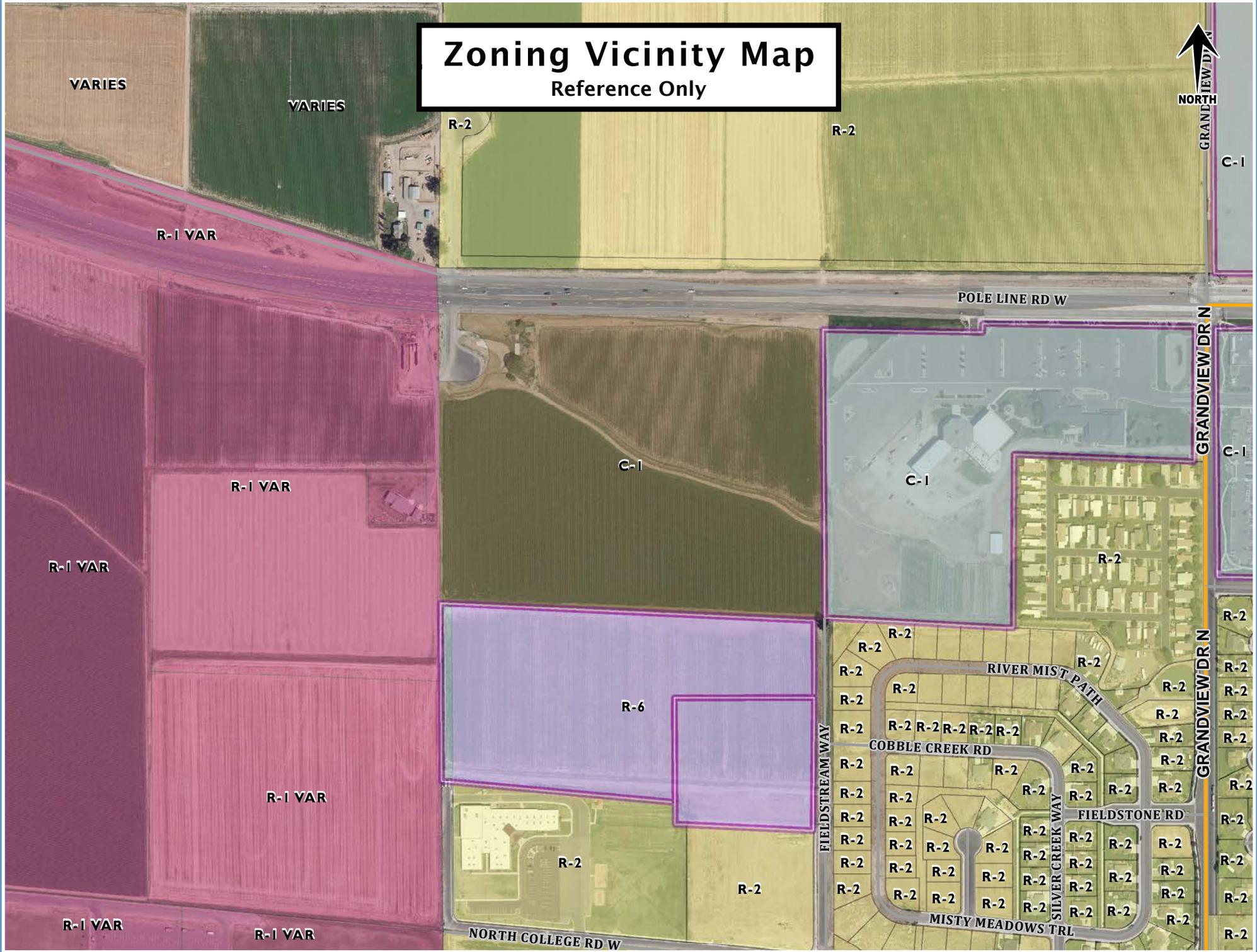
1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to ITD Approval of Pole Line improvements.
3. Subject to ITD vacation of bulb-out adjacent to Pole Line Road.
4. Subject to Pro-Rata share of Pressurized Irrigation Station construction for Perrine Point.
5. Subject to providing an access road for utilities, size and location per City Engineer approval.
6. Subject to an approved and recorded PUD Agreement, including a Master Development Plan, prior to approval and recordation of a Final Plat.

Attachments:

1. Latitude 42, Preliminary Plat
2. Zoning Vicinity Map
3. Latitude 42 - DRAFT PUD Agreement

Zoning Vicinity Map

Reference Only



VARIES

VARIES

R-2

R-2

C-1

R-1 VAR

POLE LINE RD W

GRANDVIEW DR N

C-1

C-1

R-2

R-1 VAR

R-1 VAR

R-6

R-2

R-2

R-2

R-2

R-2

RIVER MIST PATH

R-2

R-1 VAR

R-1 VAR

NORTH COLLEGE RD W

FIELDSTREAM WAY

COBBLE CREEK RD

SILVER CREEK WAY

MISTY MEADOWS TRL

GRANDVIEW DR N

C-1 PLANNED UNIT DEVELOPMENT AGREEMENT

LATITUDE 42 PUD

THIS AGREEMENT, made and entered into this ___ day of _____, 20__ by and between the CITY OF TWIN FALLS, a municipal corporation, State of Idaho (hereinafter called "City"), and _____ (hereinafter called "Developer"), whose address is _____

RECITALS

WHEREAS, Developer is the owner of the certain tract of land in the City of Twin Falls, State of Idaho, more particularly described in Exhibit "A", attached hereto, (the "Property") which Property is at the southeast intersection of Pole Line Road West and Creekside Way.

WHEREAS, Developer intends to develop all or portions of the property from time to time; and

WHEREAS, Developer has made a request of the City to develop a planned commercial center (the "Project") on the Property and has submitted to the City a Master Development Plan (Exhibit "B") thereof which has been submitted for approval for development as a "C-1 PUD" by the Planning and Zoning Commission ~~and City Council~~ of the City; and

WHEREAS, on January 10, 2011 the Twin Falls City Council approved the request to rezone the Property from C-1 to C-1 PUD, as presented and subject to the following:

1. Subject to amendments as required by Building, Engineering, Fire and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to arterial and collector streets adjacent and with the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development of the property.
3. Subject to complete the design approval of Cheney Drive West being constructed to ½-width and per City Standards.
4. Subject to an approved and recorded PUD Agreement, to include a Master Development Plan, prior to approval and recordation of a final plat.

WHEREAS, the proposed development of said Project within the City of Twin Falls, Idaho, ~~pending annexation and~~ is subject to certain terms, conditions and understandings, which terms, conditions and understandings are the subject of this Agreement.

COVENANTS

Now, THEREFORE, in consideration of the mutual promises and covenants contained herein, Developer and City agree as follows:

I. NATURE OF THE AGREEMENT. This Agreement shall become part of the "C-1 PUD" zone with respect to the Project upon its full execution and recording. Developer and its assigns or successors in interest, as well as City and its assigns or successors (if any), shall be bound by the terms and conditions contained herein.

II. NATURE OF THE DEVELOPMENT. It is agreed by the parties hereto that certain language and requirements pertaining to the "Project" zone shall be interpreted as follows:

A. Uses.

1. Except as provided herein, the uses for the area more than 150 feet ~~from the of South southern~~ boundary shall be limited to those allowed in the C-1 zone (Code Section 10-4-8.2) as amended and attached hereto as "Exhibit C".

~~Industrial uses, conforming to the requirements of Twin Falls Ordinance 2786 (Exhibit D) will be allowed.~~

2. Uses within 150 feet of the southern boundary shall be limited to uses as identified in Code Section 10-4-8.2 as amended and attached hereto as "Exhibit D".

3. Parking structures providing parking for uses within the Latitude 42 PUD.

- B. Building Size. There is no limitation to building size provided buildings conform to the IBC.
- C. Hours of Operation. Hours of operation for all buildings and uses shall be restricted to 7:00 am to 10:00 pm unless extended hours of operation are permitted with an approved special use permit.
- D. Phasing of Development.
1. Developer shall be permitted to develop the property in phases, so long as those phases are in compliance with the Master Development Plan and this PUD Agreement. Approval for each phase may be obtained by submission to the City Engineer of technically correct designs and improvement plans for necessary construction. The designation and location of specific uses on the Master Plan are conceptual and changes therefrom shall not provide basis for disapproval of any phase. There shall be no minimum or maximum limit between ~~the occurrence of~~ phases.

III. STREET, SEWER, WATER AND DRAINAGE IMPROVEMENTS.

Developer shall be responsible for the design and construction of street, sewer, water and drainage systems on the Property and adjacent right-of-ways (hereinafter "Improvements") as described herein in accordance with City Standards.

- A. Improvement Plans. Developer shall, as to each phase of its development, file or cause to be filed with the City a complete set of plans for that development phase, showing all improvements contemplated within that phase of development (hereinafter "Improvement Plans"). The Improvement Plans and all improvements shall thereon meet the approval of the City, which approval shall be given if such plans conform with established City requirements, the Master Plan and this PUD Agreement.

- B. Improvement Design and Construction. Developer, at its expense, shall cause all Improvements shown on the Improvement Plan to be designed, constructed and installed consistent with the approved Improvement Plans except as otherwise provided herein. Notwithstanding the foregoing, nothing in this Agreement shall prohibit City, State or Federal participation in the cost or financing of Improvements on the Property if mutually agreed by the parties hereto.
- C. Phased Construction. Developer may install the Improvements at one time, or in phases, as the Developer shall determine in its sole discretion. Developer shall provide the City with written notification of the timing and scope of the phase, or phases, of said Improvements it intends to complete at that time. Developer agrees to make modifications to construct any temporary facilities necessitated by such phased construction work as shall be reasonably required and approved by the City.
- D. Non-Compliance. In the event any of the Improvements are not consistent with the Improvement Plans, the City shall give written notice to Developer of said non-compliance. Developer shall cure said non-compliance within thirty days of its receipt of notice, or in the case of non-compliance that will require in excess of thirty days to cure, Developer shall commence to cure within thirty days of receipt of notice and diligently pursue the same to completion. In the event Developer fails to cure said non-compliance in the manner set forth hereinabove, the City shall have the right to withhold the issuance of any future building permits and certificates of occupancy within only that phase of such "PUD" until such time as requirements specified in this Section 3 have been complied with; PROVIDED, HOWEVER, Developer shall have the right to appear before the City Council at any regular meeting after any building permits and certificates of occupancy shall have been withheld for reasons set forth in this paragraph and shall have the right to be heard as to why such building permits and certificates should be issued. The City Council shall then, in good faith and in an objective

manner, decide whether said building permits and certificates of occupancy should be issued, and its decision shall be final, except that the right of the parties are preserved at law and equity.

- E. Fees. Developer shall pay, or cause to be paid, to the City all applicable fees, if any, with regard to the installation of Improvements pursuant to the Improvement Plans. However, City water and sewer connection and service charges shall be paid for by individual developers and users at the rates set by applicable City ordinances and resolutions.
- F. Maintenance of Improvements. City hereby agrees to accept maintenance responsibility for the public improvements upon their completion to City Standards in accordance with current City policy.

IV. PLATS.

- A. Developer agrees to file with City preliminary plat, or plats in phases, prepared by a registered professional engineer, of the real property, which is the subject of this agreement. Preliminary and final plats for phases to be developed shall be submitted specifically identifying and dedicating all necessary public easements and those rights-of-ways the City agrees to accept herein and in the Standard Developer's Agreement. It is agreed that said plats and any amendments thereto must first be approved by the City.

V. PARCEL DEVELOPMENT CRITERIA. The Property or any portion thereof shall be developed in accordance with the criteria set forth in this Section 5.

- A. Approval and Construction. All Improvements shall be constructed in accordance with engineered drawings and specifications, describing in reasonable detail the work to be performed, with drawings and specifications to first be approved by City, which approval shall not be unreasonably withheld.

B. Landscaping and Planting. Landscaping buffer along bordering and interior streets shall be required to be installed on each parcel of the Property and in the public right-of-way adjacent thereto at the time site and building improvements are completed thereon. Such landscaped buffer shall be installed from the back of the curb or future curb and may be in the public right-of-way and shall be extended to the dimensions set forth below.

1. A 35-foot wide landscape buffer including sidewalk, pathway or other hard-surfaced landscape improvements, measured from the curb or future curb, will be constructed along Pole Line Road.

2. A 20-foot wide landscape buffer including sidewalk, pathway or other hard-surfaced landscape improvements, measured from the back of curb or future curb, will be constructed along Cheney Drive West and Creekside Way.

3. The Developer will maintain all landscaping and common parking areas (if any) in a uniform manner. The Property landscaping will utilize a pressure irrigation system constructed in compliance with applicable standards.

C. Landscaping Plan. For each landscaping buffer area, as per 5B above, at the time of development, each parcel shall be landscaped to include the following:

1. Fifty percent (50%) of the lineal footage of landscaping shall have berms with a ridge elevation of at least eighteen inches (18") in height with at least fifty percent (50%) of the berming having a minimum ridge elevation of thirty inches (30") in height. The landscape buffer shall be planted with a minimum of one tree per five-hundred (500) square feet of landscaped area and a minimum of one shrub per one-hundred (100) square feet of landscaped area. At least fifty percent (50%) of all trees shall be evergreen. At least fifty percent (50%) of all trees and shrubs shall be from groups last approved by the Tree Commission through its Tree Selection Guide. Trees and shrubs may be grouped, but there

shall be no space greater than seventy-five feet (75') between tree and shrub groupings. All trees shall have a height of at least four feet (4') when planted.

2. The use of planters and landscaped islands within parking lots will be used to reduce visual impact of large paved areas and these shall be planted with shade trees and shrubbery. The area adjacent to residential areas shall be landscaped with coniferous and deciduous trees with shrubs, and berms to create a dense buffer in a relatively short period of time.

3. In all cases, landscaping will meet or exceed the minimum requirements of the City of Twin Falls Zoning and Subdivision Regulations.

4. Nothing herein shall preclude the City from evaluating the landscape on a project basis when such evaluation can be shown to provide a more uniform and aesthetically desirable landscaping.

D. Building Standards. Buildings and improvements shall comply with the following standards.

1. Architectural Standards.

a) All buildings shall be constructed of architectural masonry, stone, stucco or architectural steel. Building faces shall include windows, setbacks, awnings, parapet variations, material variations, color variations and other architectural treatments to break up large uniform surfaces. Where building parapets cannot effectively screen roof top equipment the equipment shall be screened with equipment obscuring screens of material of a color and texture to minimize observation. Basic building colors shall be neutral earth tones.

b) Height Limitations. No occupied floor shall be greater than 35' in height except as provided by Section 10-7-3 of City Code.

c) Building Siting. Buildings will be located in a manner that optimizes the appearance of the building to adjacent streets and other public areas. Where possible, buildings shall be utilized to screen or break up large parking areas. Buildings shall also be located in a manner that preserves, to the extent possible, the aesthetics and appearance of existing buildings. All building lighting shall be located in soffit areas or shielded to preclude the light source from being seen from adjacent properties or any residential areas, unless such lighting is deemed by the developer as necessary for the safe operation of hospital and its functions, or for the safety of staff, patients, or visitors.

d) Building Landscaping. Building plans shall include detailed landscape plans. The landscaping shall be designed to complement the building, and provide further screening for large uniform building surfaces.

2. ~~Outside Storage~~ Loading Docks/~~Trash Containers~~. Loading docks, trash containers, medical gas storage and emergency facilities shall be screened from roadways, residential areas and adjacent properties in conformance with City Code. Screening may consist of landscaping, masonry walls, buildings or fencing.

3. Utilities. All on-site utility service lines located within a parcel shall be placed underground. Any transformer or terminal equipment provided within or immediately adjacent to the parcel shall be visibly screened from the view from streets, with screening material such as landscaping or other approved material.

4. Sign Plan. All signage shall conform to City of Twin Falls Sign Regulations Ordinance subject to the following:

a) Building signage shall be limited to wall mounted signs or monument type signs with a maximum height of twenty feet (20') measured above the adjacent curb.

b) Illumination. Signs shall be internally illuminated, or lighted with exterior fixtures provided with shielding to preclude the light source from being visible from adjacent properties.

5. Pedestrian / Bicycle Facilities. Development plans for each project phase and each building shall include facilities that will accommodate pedestrian and bicycle access to the project interior streets, adjacent neighborhood and collector streets and the adjacent arterial streets. Where reasonably feasible the pathways shall be separated from the interior streets by landscaping or other features to encourage use of pedestrian/bicycle facilities.

VI. STANDARD DEVELOPER'S AGREEMENT. It is understood and agreed by the parties hereto that Developer shall execute the City's Standard Developer's Agreement.

VII. GENERAL PROVISIONS.

- A. Cooperation. The parties hereto agree to cooperate each with the other. Developer shall submit to the City all plans, specifications and working drawings required by the City.
- B. Entire Agreement. This Agreement constitutes the entire agreement between the parties concerning the Property and improvements described herein, and no amendment or modification to this Agreement shall be valid or effective unless reduced to writing and signed by the parties.
- C. Applicable Law. This Agreement shall be construed in accordance with the laws of the State of Idaho.
- D. Notices. If notices from one party to the other are desired or required hereunder such notices shall be delivered or mailed to the party to receive such at its address last known to the sender of such notice. Notices shall be deemed received on the date of hand delivery or upon seventy- two (72) hours following

deposit in the United States mail, if properly addressed, stamped and sent with "return receipt requested".

- E. Successors and Assigns. This Agreement shall be binding upon the successors, assigns and legal representatives of the parties hereto. Transfer of all or a portion of the Property shall create a notation releasing the transferor from obligations under this Agreement with respect to said transferred property.
- F. Severability. In the event any portion of this Agreement is declared by a Court of competent jurisdiction to be invalid, illegal, or unenforceable, such portion shall be deemed severed from this Agreement, and the remaining portions thereof shall not be affected.
- G. Signatories. Each of the persons executing this Agreement hereby warrants that he or she is duly authorized and empowered to so act on behalf of the entity for which he or she is signing, and that this Agreement is binding on, and enforceable against, such entity.
- H. Effective Date. This Agreement shall become valid and binding upon its approval by the City, through its City Council, and upon its execution by the Mayor and the Developer.
- I. Attorney Fees. In the event that either party should be required to retain an attorney to institute litigation because of the default or breach of the other, or to pursue any remedy provided by law, the party, which prevails, shall be entitled to a reasonable attorney's fee.
- J. Construction. Should any provision of this Agreement require judicial interpretation, the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party, by reason of the rule of construction that a contract is to be construed more strictly against

the person who himself, or through his agents, prepared the same, it being acknowledged that both parties have participated in the preparation hereof.

- K. Attachment. All attachments to this Agreement and recitals are incorporated herein and made a part thereof as if set forth in full.
- L. Captions. The captions, sections and paragraph numbers appearing in this Agreement are inserted only as a matter of convenience and shall in no way affect interpretation of this Agreement.

IN WITNESS WHEREOF, the City has affixed its seal and caused these presents to be executed by its Mayor on the date above written.

CITY OF TWIN FALLS

ATTEST: _____ BY: _____
Mayor

ATTEST: _____ BY: _____
DEVELOPER

Managing Member

ACKNOWLEDGEMENTS

EXHIBIT A – LEGAL DESCRIPTION

DRAFT

EXHIBIT B – MASTER DEVELOPMENT PLAN

DRAFT

EXHIBIT “C”

Limited to the area MORE than 150 feet from the southern boundary of
Cheney Dr West to Pole Line Rd West

10-4-8: C1, COMMERCIAL HIGHWAY DISTRICT:

10-4-8.1: PURPOSE:

This district is intended to provide for commercial activities of various sizes from large malls to small shops, fast food restaurants and tourist accommodations. This district is designed for application on major streets or portions thereof. (Ord. 2526, 5-20-1996)

10-4-8.2: USE REGULATIONS:

~~Uses specified for area 150' from south boundary to Pole Line Road:~~

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Communications And Utilities:

- a. Radio and television stations without transmission and receiving towers.
- b. ~~Telegraph centers and telegraph stations.~~
- e. ~~Telephone exchange stations.~~
- d. ~~Underground and aboveground transmission lines.~~
- e. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.

- f. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.

2. ~~Cultural Facilities:~~

- a. ~~Botanical gardens and arboretums.~~
- b. ~~Historic sites and monuments.~~
- e. ~~Libraries, museums and art galleries.~~
- d. ~~Planetariums and aquariums.~~

3. **Governmental Facilities:**

- a. Fire stations and police stations.
- b. Governmental office buildings.
- c. Judicial facilities.

4. **Medical Facilities:**

- a. Acupuncture facilities approved by the South Central district health department or other state regulatory agency.
- b. Ambulance service.
- c. Doctors' offices. Offices for health care professionals
- d. Drug and alcohol treatment centers.
- e. Hospitals and clinics.
- f. Rehabilitation services.
- g. Assisted living facilities
- h. Extended care facilities
- i. Nursing homes

5. **Parks:**

- a. Open space.
- b. ~~Park concessions.~~
- c. Private parks and playgrounds without crowd attracting facilities.

~~d. Public parks and playgrounds without crowd attracting facilities.~~

~~e. Public parks and playgrounds with crowd attracting facilities.~~

6. Public Assembly:

a. Auditoriums.

b. Funeral chapels.

c. Religious facilities.

d. Schools - private, single purpose.

e. Schools - private, vocational and/or academic.

~~f. Schools - public.~~

g. Theaters - indoor.

~~h. Wedding chapels and/or reception halls.~~

7. Residential:

a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.

~~b. Bed and breakfast facilities.~~

c. Dwellings - multiple household (5 units or more).

~~d. Home occupations.~~

~~e. Household units existing at the time this title was adopted.~~

f. Household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use.

g. Household units in upper floor of commercial or professional buildings.

h. Nursing homes and rest homes.

i. Residence halls, residence hotels, rooming houses.

8. Retail Trade:

a. Alcoholic beverages when consumed on premises where sold and if located three hundred feet (300') or more from residential property.

- b. Apparel and accessories.
- c. Automobile parts store.
- ~~d. Bakery.~~
- e. Bookstore.
- ~~f. Commercial greenhouses.~~
- g. Craft shop, in conjunction with retail business.
- h. Eating places and the sale of alcohol when consumed on the premises where sold if located three hundred feet (300') or more from residential property.
- i. Farm and garden supplies.
- j. Florist shop.
- k. Food, drugs, etc.
- l. General merchandise.
- m. Hardware Store.
- n. Hobby and toy store.
- o. Home furnishings and equipment.
- p. Ice cream store.
- q. Import store.
- ~~r. Laundering and dry cleaning.~~
- ~~s. Laundromats.~~
- t. Lumber, plumbing and/or electrical supply stores.
- u. Music store.
- ~~v. Pawnshop.~~
- ~~w. Pet shop.~~
- x. Sporting goods store.
- ~~y. Taxidermy studio.~~

- z. Temporary automobile, truck and recreational vehicle sales permitted with staff approval, provided that there shall be state approval, no parking or display of vehicles in landscaped areas, and no sight obstructions.

9. Services:

- a. Advertising.
- b. Apparel repair and alteration.
- c. Beauty and barber shops.
- d. Building care contracting offices.
- e. Business associations.
- f. Civic, social and fraternal organizations.
- g. Construction trade offices.
- h. Consumer credit collection offices.
- i. Copy center - self-service.
- j. Daycare services.
- k. Dog grooming and/or kennels.
- l. Duplicating and stenographic offices.
- m. Employment agency.
- n. Finance and investment offices.
- ~~o. Horticultural services.~~
- ~~p. In home daycare services.~~
- q. Insurance and related business.
- r. Labor unions and organizations.
- s. Photography studios.
- t. Professional organizations.
- u. Professional services.

- v. Real estate and related business.
- ~~w.~~ Tourist information center.
- x. Welfare and charitable facilities.

~~10. Sports Facilities:~~

- ~~a. Athletic areas.~~
- ~~b. Miniature golf courses.~~
- ~~c. Outdoor, public and commercial ice and roller skating facilities.~~
- ~~d. Outdoor, public and commercial swimming pools.~~
- ~~e. Outdoor, public and commercial tennis courts.~~

11. Transportation:

- a. Bus facilities, including pick up shelters.
- b. Open parking lot or garage for automobiles. Parking structures providing parking for uses within the Latitude 42 PUD.
- c. Taxicab office.
- ~~d.~~ Ticket and arrangement facilities.

Notwithstanding the foregoing list of permitted uses, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit. (Ord. 2786, 6-1-2004; amd. Ord. 2798, 8-2-2004; Ord. 2850, 2-21-2006; Ord. 2958, 12-22-2008)

(B) **Special Uses:** A special use permit may be granted for a permanent use that is not in conflict with the comprehensive plan and that is not permitted outright because it may conflict with other uses in the district unless special provisions are taken. Special use permits may be granted for the following uses:

1. Communications And Utilities:
 - a. Radio and television stations with wireless communications facilities.
2. Cultural Facilities:
 - a. Cemeteries.
 - b. Zoos.
- ~~2. Governmental Facilities:~~
 - a. Jails, detention centers, work release centers.
 - b. Water treatment plants.
- ~~4. Manufacturing:~~
 - a. Handcrafted furniture.
5. Medical Facilities:
 - a. Animal hospital – large animals.
 - b. Animal hospital – small animals.
 - c. Prosthetics - sales, service and/or construction.
6. Miscellaneous:
 - a. Any facility with drive-through service.
- ~~7. Parks:~~
 - a. Amusement parks.
- ~~8. Public Assembly:~~
 - a. Exhibition halls.
 - b. Fairgrounds.
 - c. Sports arena.
 - d. Theaters – outdoor.
9. Residential:
 - a. ~~Detached accessory buildings (more than 1,000 square feet) i.e., garages and other accessory buildings. — could be accessory to a motel/hotel? — leave in....Rve~~

b. Motels and transient hotels.

~~c. RV and camping parks.~~

~~d. Shelter homes.~~

10. Retail Trade:

a. Alcoholic beverages when consumed on the premises where sold if located less than three hundred feet (300') from residential property/uses.

b. Automobile and recreational vehicle rental/storage yard.

c. Automobile and truck sales and/or rentals.

d. Car wash facilities.

e. Equipment rental.

~~f. Fuel sales (bulk).~~

g. Gasoline service stations.

~~h.~~ Large implement and heavy equipment sales and/or rentals.

i. Manufactured/mobile home sales and/or rentals.

j. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M

k. Sporting vehicles and motorcycles - sales and/or rentals.

l. Storage unit rentals.

~~m.~~ Tire shops.

11. Services:

a. Appliance repair.

~~b. Auctions and/or public sales.~~

c. Automobile and truck service and/or repair.

d. Furniture repair/upholstery.

e. Publishing and printing business.

~~f.~~ Sporting vehicles and motorcycles - service and repair.

~~g. Tattoo parlors or demographic studios approved by the South Central district health department or other state regulatory agency.~~

h. Testing laboratories.

~~12. Sports Facilities:~~

~~a. Go-cart tracks.~~

~~b. Golf courses and country clubs.~~

~~c. Golf driving ranges.~~

~~d. Indoor recreation facility.~~

~~13. Transportation:~~

~~a. Freight transfer points.~~

~~b. Open parking lot or garage for trucks and buses.~~

~~c. Packing and crating.~~

~~d. Trucking facilities.~~

14. Wholesale:

a. Wholesale distribution and warehousing, but excluding H-1 facilities.

(Ord. 2620, 8-2-1999; amd. Ord. 2741, 11-4-2002; Ord. 2773, 12-15-2003; Ord. 2798, 8-2-2004; Ord. 2850, 2-21-2006)

(C) Prohibited Uses: Uses not specified above are prohibited unless administrative determination in accordance with subsection [10-17-1\(F\)](#) of this title is made that the use is similar enough to a use listed above that distinction between them is of little consequence. (Ord. 2526, 5-20-1996)

EXHIBIT “D”

These uses are Limited to the area WITHIN 150 feet from the southern boundary of Cheney Dr West

10-4-8: C1, COMMERCIAL HIGHWAY DISTRICT:

~~10-4-8.1: PURPOSE:~~

~~EXHIBIT D~~

Within 150 feet of the South boundary uses are limited as follows:

10-4-8.2: USE REGULATIONS:

Hours of operation for all buildings located within 150 feet of the Southern boundary shall be restricted to 7:00 am to 10:00 pm unless extended hours of operation are permitted with an approved special use permit.

(A) Permitted Uses: Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

- ~~1.—Communications And Utilities:~~
 - ~~a.—Radio and television stations without transmission and receiving towers.~~
 - ~~b.—Telegraph centers and telegraph stations.~~
 - ~~e.—Telephone exchange stations.~~

- ~~d. Underground and aboveground transmission lines.~~
- e. Utility owned buildings and structures less than twenty five (25) square feet in area and less than three feet (3') aboveground.
- f. Utility owned buildings and structures more than twenty five (25) square feet in area or more than three feet (3') aboveground.

~~2. Cultural Facilities:~~

- ~~a. Botanical gardens and arboretums.~~
- ~~b. Historic sites and monuments.~~
- ~~c. Libraries, museums and art galleries.~~
- ~~d. Planetariums and aquariums.~~

3. Governmental Facilities:

- a. Fire stations and police stations.
- b. Governmental office buildings.
- c. Judicial facilities.
- d.

~~4. Manufacturing:~~

- ~~a. Business park PUD only~~

5. Medical Facilities:

- a. Acupuncture facilities approved by the South Central district health department or other state regulatory agency.
- b. Ambulance service.
- c. Offices for health care facilities.
- ~~d. Hospitals and clinics.~~
- e. Rehabilitation services.
- f. Assisted living facilities.
- g. Extended care facilities.

h. Nursing homes.

6. Parks:

a. Open space.

~~b. Park concessions.~~

~~c. Private parks and playgrounds without crowd attracting facilities.~~

~~d. Public parks and playgrounds without crowd attracting facilities.~~

e. Public parks and playgrounds with crowd attracting facilities.

7. Public Assembly:

~~a. Auditoriums.~~

b. Funeral chapels.

c. Religious facilities.

d. Schools - private, single purpose.

e. Schools - private, vocational and/or academic.

~~f. Schools - public.~~

~~g. Theaters - indoor.~~

h. Wedding chapels and/or reception halls.

8. Residential:

a. Accessory buildings (less than 1,000 square feet), personal swimming pools and other accessory uses.

b. Bed and breakfast facilities.

c. Dwellings - multiple household (5 units or more).

~~d. Home occupations.~~

~~e. Household units existing at the time this title was adopted.~~

f. Household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use.

g. Household units in upper floor of commercial or professional buildings.

- h. Nursing homes and rest homes.
- i. Residence halls, residence hotels, rooming houses.

9. Retail Trade:

- a. Alcoholic beverages when consumed on premises where sold and if located three hundred feet (300') or more from residential property.
- b. Apparel and accessories.
- ~~e. Automobile parts store.~~
- d. Bakery.
- e. Bookstore.
- ~~f. Commercial greenhouses.~~
- ~~g. Craft shop, in conjunction with retail business.~~
- h. Eating places.
- ~~i. Farm and garden supplies.~~
- j. Florist shop.
- ~~k. Food, drugs, etc.~~
- ~~l. General merchandise.~~
- ~~m. Hardware store.~~
- n. Hobby and toy store.**
- o. Home furnishings and equipment.
- p. Ice cream store.
- ~~q. Import store.~~
- r. Laundering and dry cleaning.
- s. Laundromats.
- ~~t. Lumber, plumbing and/or electrical supply stores.~~
- u. Music store.
- ~~v. Pawnshop.~~

- w. ~~Pet shop.~~
- x. ~~Sporting goods store.~~
- y. ~~Taxidermy studio.~~
- z. ~~Temporary automobile, truck and recreational vehicle sales permitted with staff approval, provided that there shall be state approval, no parking or display of vehicles in landscaped areas, and no sight obstructions.~~

10. Services:

- a. Advertising.
- b. Apparel repair and alteration.
- e. Beauty and barber shops.
- d. Building care contracting offices.
- e. Business associations.
- f. Civic, social and fraternal organizations.
- g. Construction trade offices.
- h. Consumer credit collection offices.
- i. Copy center - self-service.
- j. Daycare services.
- k. Dog grooming
- l. Duplicating and stenographic offices.
- m. Employment agency.
- n. Finance and investment offices.
- o. ~~Horticultural services.~~
- p. ~~In home daycare services.~~
- q. Insurance and related business.
- r. Labor unions and organizations.
- s. Photography studios.

- t. Professional organizations.
- ~~u.~~ Professional services.
- v. Real estate and related business.
- ~~w.~~ Tourist information center.
- x. Welfare and charitable facilities.

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- ~~a.~~ Athletic areas.
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- ~~e.~~ Outdoor, public and commercial tennis courts.

12. Transportation:

- ~~a.~~ Bus facilities, including pick up shelters.
- ~~b.~~ Open parking lot or garage for automobiles.
- c. Taxicab office.
- ~~d.~~ Ticket and arrangement facilities.

Notwithstanding the foregoing list of permitted uses, any such proposed use which broadcasts amplified music or sound by speakers to the exterior of a building shall also require a special use permit. (Ord. 2786, 6-1-2004; amd. Ord. 2798, 8-2-2004; Ord. 2850, 2-21-2006; Ord. 2958, 12-22-2008)

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~~3. Governmental Facilities:~~

- ~~a. Jails, detention centers, work release centers.~~
- ~~b. Water treatment plants.~~

~~4. Manufacturing:~~

- ~~a. Handcrafted furniture.~~

5. Medical Facilities:

- ~~a. Animal hospital - large animals.~~
- ~~b. Animal hospital - small animals.~~
- c. Prosthetics - sales, service and/or construction.

6. Miscellaneous:

- a. Any facility with drive-through service.

~~7. Parks:~~

- ~~a. Amusement parks.~~

~~8. Public Assembly:~~

- ~~a. Exhibition halls.~~
- ~~b. Fairgrounds.~~
- ~~c. Sports arena.~~
- ~~d. Theaters - outdoor.~~

~~9. Residential:~~

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- ~~b. Automobile and recreational vehicle rental/storage yard.~~
- ~~c. Automobile and truck sales and/or rentals.~~
- ~~d. Car wash facilities.~~
- ~~e. Equipment rental.~~
- ~~f. Fuel sales (bulk).~~
- ~~g. Gasoline service stations.~~
- ~~h. Large implement and heavy equipment sales and/or rentals.~~
- ~~i. Manufactured/mobile home sales and/or rentals.~~
- j. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) A.M. to ten o'clock (10:00) P.M.
- ~~k. Sporting vehicles and motorcycles - sales and/or rentals.~~
- l. Storage unit rentals.
- ~~m. Tire shops.~~

11. Services:

- a. Appliance repair.
- ~~b. Auctions and/or public sales.~~
- ~~c. Automobile and truck service and/or repair.~~
- d. Furniture repair/upholstery.
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h. Testing laboratories.

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~~a. Freight transfer points.~~

~~b. Open parking lot or garage for trucks and buses.~~

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~~a. Wholesale distribution and warehousing, but excluding H-1 facilities.
(Ord. 2620, 8-2-1999; amd. Ord. 2741, 11-4-2002; Ord. 2773, 12-15-2003; Ord. 2798, 8-2-2004; Ord. 2850, 2-21-2006)~~



Public Hearing: **TUESDAY February 23, 2016**

To: Planning & Zoning Commission

From: Jonathan Spendlove, Planner I

AGENDA ITEM IV-1

Request: Request for the Commission's recommendation on a **Zoning Title Amendment** to delete City Code 10-7-13 Vehicle Stacking Requirements for drive-through facilities. c/o City of Twin Falls (app. 2767)

Time Estimate:

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

Background:

| | |
|--|---|
| Applicant: | |
| City of Twin Falls Planning and Zoning Department 324 Hansen St E PO Box 1907 Twin Falls, Idaho 83303-1907 208-735-7267 | Requested Zoning: Amendment to Twin Falls City Code –Title 10-Chapter 7 - Section 13 |
| Representative: | |
| | Applicable Regulations: 10-7-13, 10-14-1 through 7, |

Approval Process:

All procedures will follow the process as described in TF City Code 10-14: Zoning Amendments.

Zoning Title Amendments, which consist of text or map revisions, require a public hearing before the Planning Commission. Following the public hearing, the Commission may forward the amendment with its recommendation to the City Council. Any material change by the Commission from what was presented during the public hearing will require an additional hearing prior to the Commission forwarding its recommendation to the Council.

After the Council receives a recommendation from the Commission, a public hearing shall be scheduled where the Council may grant, grant with changes, or deny the Zoning Title Amendment. In any event the Council shall specify the regulations and standards used in evaluating the Zoning Amendment, and the reasons for approval or denial.

In the event the Council shall approve an amendment, such amendment shall thereafter be made a part of the Title upon the passage and publication of an ordinance.

Regulatory Impact:

A recommendation from the Planning and Zoning Commission on the proposed Zoning Title Amendment will allow the request to proceed to the City Council.

History:

The City Council approved Ordinance 2012 on July 6, 1981 which replaced Twin Falls City Code - Title 10: Zoning & Subdivision Regulations in its entirety. Title 10 has had many amendments over the years. One such amendment took place in July 2014. This particular amendment rewrote the Parking Code Section (Title 10 Chapter 10). Within that amendment, new stacking requirements were also included.

Analysis:

This request is delete City Code 10-7-13;

10-7-13: VEHICLE STACKING REQUIREMENTS FOR DRIVE-THROUGH FACILITIES:

The following are minimum requirements for vehicle stacking for drive-through facilities:

(A) Fast food restaurants and drive-in banks: Nine (9) spaces, or such other number as approved by the planning and zoning commission, but not less than six (6) spaces.

(B) All others: Six (6) spaces. (Ord. 2550, 6-2-1997)

It came to our attention as part of development review this section, upon codifying the new sign code in 2014 the code section 10-7-13, is a contradiction to City Code 10-10-10;

10-10-10: LOADING SPACE AND STACKING REQUIREMENTS:

(A) All nonresidential uses having ten thousand (10,000) square feet or more of gross floor area shall provide and maintain an area for the loading and unloading of merchandise and goods, in accordance with this code and the following requirements:

- 1. Retail, commercial and industrial uses with building sizes of ten thousand (10,000) to fifty thousand (50,000) square feet of floor area will provide one loading space minimum. Uses with building sizes fifty thousand (50,000) to one hundred thousand (100,000) square feet of floor area will provide two (2) loading spaces minimum. Buildings over one hundred thousand (100,000) square feet of floor area will provide two (2) loading spaces minimum, plus one additional space for each one hundred thousand (100,000) square feet of floor area.*
- 2. All hotels, office buildings, restaurants and similar establishments shall have at least one space per one hundred fifty thousand (150,000) square feet of gross floor area up to three hundred thousand (300,000) square feet of gross floor area or fraction thereof.*
- 3. A loading space shall consist of an unobstructed minimum area of twelve feet wide, forty feet long and fourteen feet tall (12' x 40' x 14').*

4. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks. Each site shall provide a designated maneuvering area for trucks.

(B) Stacking spaces provide the ability for vehicles to queue on site prior to receiving a service. A stacking space shall be a minimum of nine feet wide and twenty feet long (9' x 20') and shall not be located within or interfere with any other circulation driveway, parking space, or maneuvering aisle. Unless otherwise specified, stacking spaces shall be provided behind the vehicle bay door, middle of the service window, or middle of the service island, whichever is applicable. In all zoning districts, at the time any building or structure is erected or altered, stacking spaces shall be provided in the number and manner set forth in the following list of property uses:

| | |
|---|---|
| Automated teller machine (ATM) | 3 stacking spaces |
| Automobile oil change and similar establishments | 3 stacking spaces per bay |
| Car wash (full service) | 5 stacking spaces per bay |
| Car wash (self-service - automated) | 3 stacking spaces per bay |
| Car wash (self-service - open bay) | 2 stacking spaces per bay |
| Dry cleaning, pharmacy, or other retail establishments with a drive-through | 3 stacking spaces from first service window |
| Financial institution | 3 stacking spaces per window or service lane |
| Restaurant with drive-through | 5 stacking spaces from first window, order board, or other stopping point |

A single stacking space shall be provided after the final window, order board, or stopping points, to allow vehicles to pull clear of the transaction area prior to entering an intersecting on site driveway or maneuvering aisle. Buildings and other structures shall be set back a minimum of ten feet (10') from the back of the curb of the intersecting driveway or maneuvering aisle to provide adequate visibility and to allow vehicles to safely exit drive-through lanes and escape lanes prior to merging into intersecting driveways or maneuvering aisles.

An escape lane shall be provided for any use containing a drive-through facility. An escape lane shall be nine feet (9') wide and shall provide access around the drive-through facility. An escape lane may be part of a circulation aisle. (Ord. 3076, 8-11-2014)

City Code 10-14-2: Initiation of Zoning Amendments states a zoning amendment may be initiated in one of three ways: 1- by adoption of a motion by the commission; 2-by adoption of a motion by the council; or 3- by an applicant who may be affected by the amendment. On January 26, 2016 the Commission directed staff to proceed with the code amendment.

Conclusion:

The Commission may recommend to the City Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested (will require another public hearing before the Commission), or it may recommend that the amendment be denied.

Attachments:

1. Proposed Amendment

Section to be Deleted

10-7-13: VEHICLE STACKING REQUIREMENTS FOR DRIVE-THROUGH FACILITIES:

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~~(B) All others: Six (6) spaces. (Ord. 2550, 6-2-1997)~~

PREVIOUSLY AMENDED AND CODIFIED

10-10-10: LOADING SPACE AND STACKING REQUIREMENTS:  

(B) Stacking spaces provide the ability for vehicles to queue on site prior to receiving a service. A stacking space shall be a minimum of nine feet wide and twenty feet long (9' x 20') and shall not be located within or interfere with any other circulation driveway, parking space, or maneuvering aisle. Unless otherwise specified, stacking spaces shall be provided behind the vehicle bay door, middle of the service window, or middle of the service island, whichever is applicable. In all zoning districts, at the time any building or structure is erected or altered, stacking spaces shall be provided in the number and manner set forth in the following list of property uses:

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An escape lane shall be provided for any use containing a drive-through facility. An escape lane shall be nine feet (9') wide and shall provide access around the drive-through facility. An escape lane may be part of a circulation aisle. (Ord. 3076, 8-11-2014)