

**Planning & Zoning Commission Minutes
March 8, 2016**

The request is for approval of Seastrom Commercial Subdivision. The site is zoned M-2, includes 5.72 acres and consists of 5 lots. The Preliminary Plat we have received satisfies the requirements outlined in City Code 10-12: General Subdivision Provisions.

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.

Planner I Spendlove stated upon conclusion should the Commission approve the preliminary plat of the Seastrom Commercial Subdivision, 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.

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

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Woods made a motion to approve the request, as presented, with staff recommendations. Commissioner Higley seconded the motion. All member 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.

[Items III-2 and IV-1 are combined as both requests are for the same property. There will be a separate motion for each item.](#)

2. Request for the [reactivation of Special Use Permit #1326](#) for the purpose of allowing a 24-hour convenience store/gas station with a drive-through window and an area designated for overnight parking of semi-truck and recreational vehicles on property located at 3204 Kimberly Road [c/o Buttars Family Limited Partnership](#) (app. 2658)

IV. PUBLIC HEARINGS:

1. Request for a [Special Use Permit](#) to add a 2nd drive-through window for a 24-hour restaurant and in conjunction with a convenience store/gas station with a drive through window on property located at 3204 Kimberly Road [c/o Buttars Family Limited Partnership](#) (app. 2770)

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Applicant Presentation:

Gerald Martens, EHM Engineers, Inc., stated this property is located at the southeast corner of Hankins Road and Kimberly Road. The property used to be where Agri-Service was located and now the property is underway for development. The plan originally only included plans for the convenience store drive through and has now been altered to include a second drive-through window for a restaurant to operate from this site also. The drive-through for the convenience store is for retail items in the store, the second drive-through will be to serve the restaurant. The plan is to construct the convenience store and the restaurant concurrently and to have the project complete possibly in the late fall. He explained on the overhead the layout of the project and traffic flow throughout the property.

Staff Presentation: Item III-2

Planner I Spendlove reviewed the request on the overhead and stated item III-2 is a request for the Planning & Zoning Commission to determine if there has been a significant change in the area to require the applicant to come back through the Special Use Permit process for the originally approved Special Use Permit #1326.

Staff Presentation: Item IV-2

Planner I Spendlove reviewed the request on the overhead and stated the location has been zoned C-1 as far back as approximately 1970's. On July 22, 2014, Special Use Permit #1326 was issued for a 24 Hour convenience store/gas station with a drive-through window with limited truck and RV Parking. In 2015-2016, Agri-Service moved locations and most of the existing buildings were demolished and a portion of the site scraped clean, except for one storage building.

This location is in the C-1; Commercial Highway District in the Area of Impact. This request is to construct a restaurant with a 2nd drive-through window on the eastern side of the convenience store. The applicant has supplied a narrative detailing the general operations of the proposed business. The applicant is also requesting to operate the restaurant with drive through window 24 hours a day, 7 days a week. The facility will employ approximately 5-10 people per shift, with an anticipated 200 vehicles per day.

The applicant describes the anticipated noise levels as being similar to the current use of farm implement dealership. He anticipates no impact to neighboring property owners with regard to odors, fumes, glare or vibrations.

Per City Code 10-4-8: C-1, Commercial Highway District: Retail businesses operating outside the hours of seven o'clock (7:00) A.M. to ten (10:00) P. M. require a Special Use Permit prior to being legally established. In addition, any drive-thru facility requires a Special Use Permit.

Per City Code 10-7-12: Special Landscaping Requirements for Gateway Arterials: Kimberly Road is a gateway arterial which would require a minimum of 35' of additional landscaping along the Kimberly Road frontage. This requirement will be evaluated for compliance with current applicable code requirements and enforced at the time of building permit submittal.

Per City Code 10-10: Off-Street Parking: The current parking code states general retail uses, general merchandise, are required to provide one (1) parking space per two hundred fifty (250) square feet

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of total floor area. In addition, the parking requirement for a restaurant with a drive-through window is to provide one (1) parking space for each one-hundred (100) square feet of gross floor area for restaurants located within a multi-tenant building. Outdoor seating/dining areas will be included in gross floor area calculations. This requirement will be evaluated for compliance with current applicable code requirements and enforced at the time of building permit submittal.

Per City Code 10-11-1 thru 10: Required Improvements: New buildings are required to provide landscaping, screening, development of parking and maneuvering areas, street improvements; such as sidewalks, curb & gutter, storm water retention, trash enclosures and other infrastructure improvements. These improvements will be evaluated for compliance with current applicable code requirements and enforced at the time of building permit submittal for a certificate of occupancy. These improvements are being evaluated and enforced on the current building for the Convenience Store.

The impacts of a 24-hour eating establishment with a drive-thru window include an increase in customer traffic to the immediate streets in the area, light intrusion on surrounding properties, deliveries by larger trucks, and an increase in noise disturbance to neighboring properties. However, a previous Special Use Permit was approved for the 24-hour gas station and convenience store with a drive-through window. Although the site has not yet developed the area has not changed significantly from the time of that previous approval and it is not anticipated this business will increase traffic to the area beyond reasonable levels to the detriment of surrounding properties. Kimberly Road is a major arterial into Twin Falls and Hankins Road is currently used heavily by semi-trucks on the farm to market route. There is currently a signal at the corner of Hankins and Kimberly Road.

The possibility of light intrusion on neighboring properties is something that can be a negative impact on neighboring properties and or travelers on the roadways. City Code currently requires all lighting to be downward facing in order to help mitigate the light intrusion. The City always encourages new businesses to be open to neighboring properties complaints about light intrusion. If a problem arises the City has a process to get the situation rectified if needed.

The building plans have been submitted. They currently show a "future car wash" area along the eastern border. A special use permit will be required to operate a car wash facility at this site in the C-1 zone.

Planner I Spendlove stated upon conclusion should the Commission grant this request as presented staff recommends approval is 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 all applicable conditions placed on Special Use Permit 1326 being met.

PZ Questions/Comments:

- Commissioner Woods asked about curb, gutter and sidewalk along Kimberly Road.

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- Assistant City Engineer Vitek explained that the City would prefer the curb, gutter and sidewalk along Kimberly Road however, Kimberly Road is a State Highway so the state will have final say on this matter.
- Commissioner Munoz asked about the 2nd drive-through hours of operation. He stated the description for the request was not clear that that the 2nd window is for the restaurant that is going to operate 24-hours.
- Mr. Martens explained each business will be operating 24-hours. This request is for a second business that will be operating at the convenience store. The convenience store will have a Special Use Permit for its drive-through window and operate 24-hours. The restaurant will operate 24 hours and have a drive through window as well.
- Commissioner Higley stated that on the original plan showed an existing building staying on site.
- Mr. Martens explained there is a building that will remain on-site that will be used for storage it is relatively new, it will not be used for any part of the retail operation. He showed on the overhead the layout of the property and parking.

Public Hearing: [III-2 Opened](#)

- David Gadd, Attorney with Worste, Fitzgerald & Stover, representing Burk's Tractor an adjacent property owner. He explained there is an easement along the south portion of the property being discussed tonight and he would like to assure his client that the easement will be preserved.
- Mr. Martens explained this easement will be maintained and nothing will be built on that easement. This easement will be paved and maintained.
- Assistant City Engineer Vitek explained that the escape lane shown on the overhead may change a little after final review, but staff will work with the applicant to make sure it meets code. As for the easement it is a private easement and they will need to pave it because of the C-1 zoning and the applicant representative has stated it will be paved.

Public Hearing: [III-2 Closed](#)

Deliberations Followed: [III-2 Without Concerns](#)

Motion:

Commissioner Tatum made a motion to approve the re-activation of Special Use Permit #1326, as presented, with conditions. Commissioner Grey seconded the motion. All members present voted in favor of the motion.

[SUP #1326 Approved for Re-Activation](#)

Public Hearing: [IV-1 Opened & Closed Without Comments](#)

Deliberations Followed: [IV-1](#)

- Commissioner Munoz wanted to clarify that the drive-through is for use with a 24-hour restaurant.
- Commissioner Frank stated that the presentation and the staff report clearly identifies this as a restaurant with a drive through.
- Commissioner Munoz stated he doesn't want there to be confusion in the future.

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Motion:

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

Approved, As Presented, With the Following Conditions

1. Subject to 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 all applicable conditions placed on Special Use Permit 1326 being met.
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2. 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)

Applicant Presentation:

Parks & Recreation Director Davis explained that this is an existing building located on Elizabeth Boulevard that has been used as a score shack. This park was established around 1920 and the building was constructed within the same timeframe. The building is not ADA accessible and was put in prior to the current setback requirements. They would like to make the building more ADA Accessible and allow for additional storage of equipment.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated the history of Harmon Park begins in 1924 when the City was gifted \$2000 from the Harmon Foundation. That cash donation allowed the City to purchase and construct a park at Locust and Elizabeth. Since that time many additions to the park have taken place including swimming pools (no longer existing), numerous baseball fields, picnic shelters and a number of other amenities.

It is unknown when the scorer's booth in question was placed on the property. However, the condition of the booth has declined to the point of needing a major renovation.

The request is to allow the expansion of a legal non-conforming building. The building is located on the north side of Harmon Park adjacent to Elizabeth Blvd. The park is zoned Open Space. Elizabeth Blvd has a minimum 62' from C/L building setback requirement. The entire building is within the front centerline building setback. The applicant has supplied a brief narrative detailing some of the affects the expansion

will have on the surrounding area. The applicant states the expansion will remove the second story, making the entire building single level and ADA Accessible. The proposed expansion will not further encroach into the front yard setback. The applicant does not anticipate any negative impacts on neighboring land owners in the form of noise, glare, vibrations or fumes.

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The general area and the immediate surroundings are currently zoned R-4, with a very small piece of C-1 PUD on the East side of Madrona St. The materials being proposed will be similar to the existing building, although a different color, and is harmonious with the existing buildings and the general use of the surrounding area as a public park.

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

Planner I Spendlove read into the record a citizen comment letter that has been filed with the application.

PZ Questions/Comments:

- Commissioner Grey asked why there is such a large setback along Elizabeth Boulevard.
- Assistant City Engineer Vitek stated that Elizabeth Boulevard is designated as a collector so this is a standard setback. The purpose of the setbacks is to have buildings constructed further back of the road so that if widening needs to be done in the future it can be done without having to go to individual property owners to purchase frontage.
- Commissioner Munoz asked about is Elizabeth Boulevard west of this park a one-way road.
- Assistant City Engineer Vitek explained that currently it is only one-way and is only 25 ft. wide. He is not sure how this occurred.
- Commissioner Higley asked why the metal materials were chosen for this structure versus concrete is that a set standard.
- Recreational Supervisor McClintock stated reason they use the concrete for the bathrooms and is because they are heavily used by the public. This building will primarily be used by staff and for equipment storage.

Public Hearing: Opened & Closed Without Comments

- Parks & Recreation Director Davis stated that the metal materials is more cost effective and fiscally responsible for material choices. This will be an improvement and should not be a drastic change that would impact the surrounding area.
- Commissioner Woods stated that he hopes the change will increase the use of the property it is a wonderful park.
- Commissioner Munoz stated that this will not increase the use of the park because it is not an expansion for the park it is just an alteration to the building that will make it more easily accessible for the score keepers and storage of equipment.

Motion:

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

Approved, As Presented, 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.

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V. GENERAL PUBLIC INPUT: None

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

Zoning & Development Manager Carraway-Johnson reminded the Commission that the next meeting will consist of three Special Use Permits and preliminary plat and possibly one more preliminary plat.

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

1. Public Hearing- **March 22, 2016**
2. Public Meeting – **April 6, 2016**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:00 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department