



**MINUTES**  
**TWIN FALLS CITY PLANNING & ZONING COMMISSION**  
**June 14, 2016 6:00 PM**  
**City Council Chambers**  
**305 3<sup>rd</sup> Avenue East Twin Falls, ID 83301**

**PLANNING & ZONING COMMISSION MEMBERS**

**CITY LIMITS:**

Danielle Dawson   Tom Frank   Kevin Grey   Gerardo “Tato” Muñoz   Ed Musser   Christopher Reid   Jolinda Tatum  
    **Chairman**                      **Vice-Chairman**

**AREA OF IMPACT:**

Ryan Higley   Steve Woods

**ATTENDANCE**

**CITY LIMIT MEMBERS**

**PRESENT**

Dawson  
 Frank  
 Grey  
 Muñoz  
 Musser  
 Reid  
 Tatum

**ABSENT**

**AREA OF IMPACT MEMBERS**

**PRESENT**

Higley  
 Woods

**ABSENT**

**CITY STAFF:** Carraway-Johnson, Spendlove, Strickland, Vitek

**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): **May 24, 2016 PH**
2. Approval of Findings of Fact and Conclusions of Law:
  - Wareing-Subaru (SUP 05-24-16)
  - Mr. Steam Carpet (SUP-Denied 05-24-16)

**Motion:**

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

**Unanimously Approved**

**III. ITEMS OF CONSIDERATION:**

1. Request for consideration of the **Preliminary Plat** for Canyon Village Subdivision No. 2, A PUD, consisting of 29 residential/professional lots and 13.60 acres (+/-) located on the south side of Pole Line Road East and west side of Eastland Drive North c/o EHM Engineers, Inc.

**Applicant Presentation:**

Dave Thibault, EHM Engineers, Inc. representing the applicant stated the subject property is located along Pole Line Road East and Eastland Drive North, this property came through as a PUD previously and they are now beginning to develop the property. There will be approximately 29 lots total once completed, to help blind the residential as well as provide for bigger lots. They are working with staff on this development and have been working with the neighbors throughout this process.

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**Staff Presentation:**

Planner I Spendlove reviewed the request on the overhead and stated this property is Zoned C-1 PUD. This Zoning designation took place in 2014 and 2015. This zoning change went through multiple public hearings with the Planning and Zoning Commission and the City Council. The PUD Master Development Plan is contained within the Attachments.

The request is for approval of the Canyon Village Subdivision #2 –A PUD. The site is zoned C-1 PUD, includes 13.6 acres and consists of 21 Residential Lots, 4 Commercial Lots, 4 Professional Office Lots and 1 Tract. A Parks-n-Lieu Request was submitted to the Parks Director when the plat was submitted. As of today the Parks and Recreation Commission has not discussed the request. Prior to submittal of a final plat the parks issue needs to be resolved. The Preliminary Plat we have received satisfies the rest of requirements outlined in City Code 10-12: General Subdivision Provisions and the Canyon Village PUD #270.

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 Canyon Village Subdivision No. 2, a PUD, as presented, staff recommends 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 resolution of the Parks-n-Lieu Request.

**PZ Questions/Comments:**

- Commissioner Munoz asked about the wetlands area being designated as a park for the residential development.
- Planner I Spendlove explained that the Parks & Recreation Commission will review this development and make that determination.
- Commissioner Woods asked for clarification on symbols shown on the plat.
- Mr. Thibault explained the symbols shown on the plat.
- Commissioner Woods asked about the private street designation shown on the plat.
- Mr. Thibault the street designated as private is not on the Master Transportation Plan. It is intended to serve as primary access for the professional lots. Because there are four lots they are anticipating high volumes of traffic then what would be allowed on a city street and by designating this as private it will be privately maintained and can accommodate a higher level of access. The only public streets

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identified in this development are Mountain View Drive and Cheney Drive West. This decision between public and private was based upon users and the attempt to conform to the PUD Agreement.

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

**Closing Statements:**

Mr. Thibault stated he has reviewed the conditions recommended by staff and has no issues with meeting those conditions.

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

**Motion:**

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

[Approved, As Presented, With The Following Conditions](#)

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to resolution of the Parks-n-Lieu Request.

**IV. PUBLIC HEARINGS:**

1. Request for a [Special Use Permit](#) to allow for an Outdoor Theater; to include concerts and other similar outdoor events on property located at 245 & 287 5<sup>th</sup> Avenue South [c/o Rock Canyon Amphitheater –Mark Gallegos](#) (app. 2794)

**Applicant Presentation:**

Curt Gallegos, the applicant, stated this request is for a Special Use Permit so that there is more flexibility for scheduling acts as they are touring.

**Staff Presentation:**

Planner I Spendlove reviewed the request on the overhead and stated this property is part of the original Twin Falls Townsite dating to 1905. We have no specific Zoning history for this location. However, it is safe to assume it has been Zoned OT at least since 1996, when that zoning district was first enacted for parts of downtown. This area of OT was incorporated within the Warehouse Historic Overlay District which was adopted in 1999 – this district was developed to protect and improve the old historic downtown area of Twin Falls. The Historic Preservation Commission actively reviews all changes to sites and or structures within this zone.

The property has been undeveloped for a number of years. In 2015, the Gallegos Brothers purchased the property with the plan to hold temporary outdoor concerts a few times a year as permitted by the Special Events process. During their first year of operation, they pursued and obtained a Special Event Permit for the concerts they held on the location. After the conclusion of their first year, they started plans to make this location a permanent Outdoor Theater/Concert site. In order to do this, they made application for a code amendment to add “Outdoor Theater” to the OT Zone. This change occurred in February of 2016.

The site is zoned OT (Old Towne) WHO (Warehouse Historic Overlay) with a P3 parking overlay. The request is to operate an Outdoor Theater/Concert; to include concerts and other similar outdoor events. The site plan indicates all items associated with the outdoor theater/events being temporary or movable. This is due in-part to the requirement for any permanent improvements shall receive approval from the Historic Preservation Commission and make required site improvements such as; curb, gutter, sidewalk, retention, trash enclosures, landscaping, parking, etc. The applicant states their desire is for concerts to potentially take place Monday – Sunday 8 AM – 10 PM. The applicants do not anticipate a concert taking place every day, however, they could under this permit. The applicants portray this permanent special use permit as a necessity for scheduling during the summer as they will be able to pursue various artists and groups for any day of the week instead of only on weekends.

The applicant anticipates most of their events will see between 40 – 800 vehicles, depending on the popularity of the event. Their parking plan shows a dependence on public parking, which has been abundant in this area for the past several years. Particularly a public parking lot owned by the Urban Renewal Agency immediately to the south. They will encourage and advertise the locations of all nearby public parking lots. The applicant states they have made contact with neighboring property owners to discuss the nature of the business. They claim nearby businesses have not conveyed issues with this plan as most events will take place after hours and thus patrons will not compete with office workers for parking spaces.

The applicant has indicated security for the events will be provided by themselves or a privately hired security firm. Their application also contains a condition for notifying the Twin Falls Police Department 3 weeks prior to each event. Additionally, they will notify TFPD if their ticket sales exceed 2000 to ensure adequate safety precautions are met.

**Per City Code 10-4-13:** Outdoor Theaters require a special use permit prior to being legally established. The applicant proposes operating an outdoor theater/concerts with no permanent structures as of yet. The site is currently landscaped with grass a few trees and a temporary chain link fence.

**Per City code 10-10-12:** Parking Overlay Districts

This property is located within the P-3 Parking overlay. Special Consideration may be given on a case by case basis to the parking requirements, in order to retain the character of the district. Examples could be: a variance, leased parking, or remote parking. The applicant is asking the Commission to grant this use with no designated onsite parking for their customers.

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

Required improvements include streets, parking, paving, landscaping, curb-gutter-sidewalk, water and sewer, drainage and storm water, etc... These improvements are required for any change of use of a property but typically assurance of completion is tied to a building permit review and approval. Due to no building permit being sought at this time, these improvements will be difficult to ensure they are

met. If the commission wishes to address any of these improvements, they should evaluate this request for the possible impacts it will cause and potentially address them.

The negative impacts associated with this particular business will involve an increase in traffic and noise. Due to the surrounding area being underdeveloped and commercial in nature, staff does not anticipate unreasonable negative impacts to be created by the operation of this business.

The most prominent impact on the area will be additional vehicular and foot traffic to the area. There is no sidewalk in this area and in some cases, this can be overbearing to an area to the extent it becomes a significant impact. The applicants are asking for consideration to allow all of their required onsite parking to be off-site. Some consideration needs to be given to the varying peak times of customers to the area. As indicated by the applicant, most events will be taking place after hours. The applicant has indicated they will make every effort to encourage patrons to use established public parking lots and to park legally on streets that allow it.

The other prominent impact on the area will be noise due to the events. Outdoor Concerts of all types create noise which can be heard clear across town and can also be undesirable for people within the area. The applicant has proposed a reasonable time frame for operations being no earlier than 8 AM and no later than 10 PM. Although retail hours are permitted from 7am to 10pm, typically the business operates within a building limiting greatly the impacts from noise. It should be noted, during the four (4) concerts put on by the applicants last summer the city did not receive any noise complaints.

As the site shall remain undeveloped a concern trash, temporary stages, benches, port-a-poties, the temporary chain link fence will remain onsite until the next concert date. It may be appropriate to place a condition all temporary facilities and all trash be removed within 24 hours of the close of the concert.

The commission should evaluate the impacts of this proposed special use and evaluate if conditions should be placed on the permit to mitigate those potential impacts.

Planner I Spendlove stated upon conclusion should the Commission approve the request, as presented staff recommends 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 notifying the Twin Falls Police Department a minimum of three (3) weeks prior to each event.
3. Subject to additional notification to the Twin Falls Police Department when ticket sales exceed the two-thousand (2,000) mark, and each additional thousand (1,000) thereafter.
4. Subject to any permanent structure or improvement receiving approval from the Historic Preservation Commission, if applicable, and subsequent building permit.
5. Subject to the hours of operation being limited to 8:00 AM – 10:00 PM.
6. Subject to the Special Use Permit being issued to the Rock Canyon Amphitheater only any change in ownership would require a new Special Use Permit.

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**PZ Questions/Comments:**

- Commissioner Grey asked if the three-week notification requirement negates the applicant's ability to book someone that wants to perform on short notice.
- Mr. Gallegos, explained this limitation is not an issue.
- Planner I Spendlove explained that is correct, and the applicant has told staff they would not be able to book on such short notice.
- Commissioner Grey asked if there is a maximum capacity for the lot. Two Thousand people sounds like a lot and a thousand after that seems a bit extreme.
- Planner I Spendlove explained capacity is usually determined for a building but not for a lot. He stated the condition for notification is to assist in managing the event.
- Mr. Gallegos explained the he has spoken to the people that own the vacant lot adjacent to this lot along Idaho Street in case an event is expected to draw a bigger crowd, they would apply for a Special Event to include this lot as part of the location and have the beer garden located on the vacant lot allowing for a bigger crowd at the amphitheater site.
- Commissioner Grey asked where the nearest residential property is located.
- Planner I Spendlove showed the residential properties located around the site, the closest is approximately three blocks away.
- Commissioner Grey asked about night crews after the concerts cleaning up.
- Mr. Gallegos explained they have been on site until 2am cleaning up from an event. They don't play any music and the impacts are minimal when cleaning up the site. The generators used for lighting are not as loud at the trains passing through the area.
- Commissioner Woods asked if the fence is removable.
- Mr. Gallegos stated the fence was originally removable but they went through the Historic Preservation Commission to install a permanent fence on site and plant english ivy along the fence to create a nice appearance and better buffer.
- Commissioner Munoz asked about the location of the video wall.
- Mr. Gallegos showed on the overhead where the stage will be located and where the video wall will be facing.
- Commissioner Frank asked about the property that is just adjacent to the site.
- Planner I Spendlove explained it is public right of way and explained parking in the area.
- Commissioner Frank asked about preventing parking in this area and the railroad right of way.
- Mr. Gallegos stated they have the beer trucks park along the public right of way and they work with traffic control on blocking off the railroad right of way.
- Commissioner Musser asked about any complaints that came up last year during the events.
- Mr. Gallegos stated there were no complaints reported during the events they had last year.
- Planner I Spendlove stated that the applicant requested that another condition be added to the staff recommendations stating the Special Use Permit is only issued to them.

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

Dave Woodhead stated he has no issues with this request and thinks this will benefit the City and the surrounding businesses.

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

**Deliberations Followed:**

- Commissioner Munoz stated he feels like the applicant has put a lot of thought into this request and has done a good job planning for events at this location.

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- Commissioner Frank agreed and stated their past performance speaks volumes.

**Motion:**

Commissioner Dawson made a motion that the trash and temporary facilities be removed from the site within 24 hours of the event being complete. Commissioner Munoz seconded the motion.

**Discussion:**

- Commissioner Grey stated that if an event is held on a Saturday next day pick up may be difficult possibly changing the verbiage to by the end of the next business day would be more appropriate.
- Commissioner Frank agreed and called for a vote on the motion.

**Unanimously Approved**

**Motion:**

Commissioner Grey made a motion to approve the request, as presented, with staff recommendations and amendments. Commissioner Dawson 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 notifying the Twin Falls Police Department a minimum of three (3) weeks prior to each event.
3. Subject to additional notification to the Twin Falls Police Department when ticket sales exceed the two-thousand (2,000) mark, and each additional thousand (1,000) thereafter.
4. Subject to any permanent structure or improvement receiving approval from the Historic Preservation Commission, if applicable and subsequent building permit.
5. Subject to the hours of operation being limited to 8:00 AM – 10:00 PM.
6. Subject to the Special Use Permit being issued to the Rock Canyon Amphitheater only any change in ownership would require a new Special Use Permit.
7. Subject to trash and temporary facilities being removed by the end of the next business day.

**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 there will be a relatively short meeting on June 28, 2016. As for the work session on July 6, 2016 she proposed that be cancelled to allow for a joint meeting to be held July 13, 2016 from Noon-2pm with the Planning & Zoning Commission and the Comprehensive Plan Advisory Committee to discuss the updated draft Comprehensive Plan documents. A City-Fair has been proposed for July 13, 2016 at the future City Hall site from 3:30pm – 5:30pm. Several departments will be presenting updates about current projects. The draft will be presented to this Commission and the Comprehensive Plan Advisory Committee prior to the City-Fair that afternoon. Staff should have the draft documents by the end of this week and will be sent out soon enough for review and input from everyone.
- Commissioner Grey asked if there will be any public announcements once the final draft is ready for the public.
- Zoning & Development Manager Carraway-Johnson stated the City-Fair will be advertised and should be a big event.
- Commissioner Frank confirmed that the July 6, 2016 work session will be canceled.

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- Commissioner Grey asked if there is a way that staff can follow up with the Idaho Department of Transportation about left turns across Blue Lakes Boulevard into the access north of the Zions Bank. He doesn't want this to become an issue after someone gets hurt, he would like to prevent that from happening.
- Zoning & Development Manager Carraway-Johnson explained that some follow-up can be made however because it is a state road our influence is minimal with regards to making a change.
- Commissioner Woods recommended the flexible cones that block people from turning left.
- Zoning & Development Manager Carraway-Johnson stated she would follow-up on this concern.

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

1. Public Hearing- **June 28, 2016**
2. Work Session- **July 6, 2016-Cancelled**
3. Public Meeting- **July 13, 2016 Noon-2:00pm** with Planning & Zoning & the Comprehensive Plan Advisory Committee

**VIII. ADJOURN MEETING:**

Chairman Frank adjourned the meeting at 7:05 PM

Lisa A Strickland  
Administrative Assistant  
Planning & Zoning Department