



NOTICE OF AGENDA
TWIN FALLS CITY PLANNING & ZONING COMMISSION
September 13, 2016 6:00PM
City Council Chambers
305 3rd 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

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): **August 23, 2016 PH**
2. Approval of Findings of Fact and Conclusions of Law:
 - Vista View (SUP 08-23-16)

III. ITEMS OF CONSIDERATION: none

IV. PUBLIC HEARINGS:

1. Request for the Commission's recommendation on the **Zoning Designation** for a property requesting Annexation currently zoned C-1. The property, 0.65 Acres (+/-), is located at the northeast corner of Pole Line Road and Harrison Street. c/o Robert Struthers (app. 2807)
2. Request for a **Special Use Permit** for an expansion of more than 25% of an existing auto body and repair business on property located at 419 4th Avenue West c/o Kenny Rogers (app. 2808)

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. Public Hearing-**September 27, 2016**
2. Work Session- **October 5, 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 rebuttal 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. **Once the Public Hearing is closed, additional testimony from the staff, applicant and/or public is not allowed.** The Commission shall deliberate on the request. Deliberations and decisions shall be based upon the information and testimony provided during the Public Hearing. 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
August 9, 2016 6:00 PM
City Council Chambers
305 3rd 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
 Tatum

ABSENT

Reid

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): July 26, 2016
2. Approval of Findings of Fact and Conclusions of Law: **None**

Motion:

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

Unanimously Approved

III. ITEMS OF CONSIDERATION:

1. Consideration of **changes to the Valencia Park ZDA** and the Master Development Plan. c/o Rex Harding/Riedesel Engineering on behalf of Dennis Hournay. (app 2777)

Applicant Presentation:

Rex Harding, Riedesel Engineering, Inc., representing the applicant, stated the Valencia Park ZDA has been before the Commission several times. The last time the Commission recommended approval and it move forward to the City Council. City Council approved the rezone on July 25, 2016. After their approval the developer asked if the buildings were built a little larger could single car garages be added to the townhomes. After some review the plan does work but a few changes to the layout were made to accommodate these changes. The request tonight is to ask if the changes are substantial enough to warrant another set of public hearings. On the northeast end of the development a unit was moved to this location so that there was not a building on the northwest side with its back to the residential property. The park has been relocated to the northwest corner and will be a private park. The net effect of increasing the size of the buildings reduces the amount of common area because the parking areas had

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to be enlarged to accommodate the drive-ways. The builders were moved closer to the sidewalk making the backyards larger for the residents. There is an allowance with a ZDA to make minor changes to the master plan. Staff felt the determination on whether or not these changes would require additional public hearings should be made by the Commission.

Staff Presentation:

Planner I Spendlove stated the Valencia Park ZDA rezone request was approved on July 25, 2016. Shortly after the approval the applicant approached staff with the proposed changes. Changes to any of the following item: permitted uses, increase in density, increase in building height, increase in building coverage of the site, off street parking ratio, reducing building setbacks, reduction of any open space plans or the alteration of the overall design theme, primary architectural elements or building materials constitutes a departure from the conceptual development plan and/or development standards, thus changing the basic relationship of the proposed development to the adjacent property. After the applicant approached staff if it was determined the request needed to be reviewed by the Commission to make determination.

The commission is tasked with reviewing the facts and circumstance of this case, along with the surrounding area and determine if there have been substantial changes to the site plan which would require a new public hearing process prior to development. If the Commission finds the amendments to be in substantial conformance with the approved ZDA plan staff recommends the Commission, make a motion to accept the revisions to the plan as presented. If the Commission, finds that the changes are a significant departure from the approved ZDA, staff recommends the Commission make a motion to have the amendment brought back through the public hearing process.

PZ Questions/Comments:

- Commissioner Munoz clarified with staff that the reason this item is on the agenda is to determine whether or not the changes are significant enough to require another public hearing.
- Planner I Spendlove confirmed that is why the item is on the agenda.

Public Comment: [Opened and Closed Without Comment](#)

Deliberations Followed:

Commissioner Grey asked if this item was published as public hearing item.

Planner I Spendlove explained this is a consideration item other than the posting of the agenda it did not get published like a public hearing item. This meeting is to discuss whether or not another public hearing is necessary because of the amendments.

Commissioner Munoz stated he thinks the changes are significant that the item should go through another public hearing process.

Commissioner Woods agreed the changes from no covered parking to garages, the buildings are bigger and one has been moved.

Commissioner Grey stated he thinks that the amendments have been in response to the citizen's input and to have another public hearing for the public to say they like the changes delays the project for no reason.

Commissioner Frank stated he agrees that the changes have been a reaction to the public input.

Commissioner Higley stated he agrees and the changes don't seem substantial enough to warrant another hearing.

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Commissioner Munoz stated positive or negative he thinks the changes are substantial enough to warrant a hearing and not everything the public had concerns about were addressed for example the location of the dumpsters.

Commissioner Grey stated the dumpster locations were moved, adding the garages has to be a positive improvement, he doesn't see a reason to hold this up any longer.

Commissioner Woods explained that there is not a start date for construction and that a public hearing would not delay the project.

Commissioner Higley asked what the timeline would be if this had to go through another public hearing process.

Planner I Spendlove stated in order to meet the state statute this process would require a public hearing for Planning & Zoning and then move forward to City Council approximately 2-3 months.

Commissioner Musser stated the changes are not significant enough to create a negative impact on the neighbors.

Commissioner Higley agreed if this amendment created more buildings or changed the orientation of the buildings that would negatively impact the neighbors he would agree that another public hearing process would be warranted.

City Attorney Wonderlich stated the standard that should be applied in this instance is whether the proposal is in substantial conformance with the approved ZDA. If the changes are found to be in substantial conformance with no additional public hearing required, if you vote No then you want the applicant to come through for another public hearing.

Commissioner Tatum clarified if you vote Yes then you want the applicant to move forward without any additional hearings.

Commissioner Frank confirmed that is correct.

Motion:

Commissioner Grey made a motion to find that the amendments, as presented are in substantial conformance with the approved ZDA and no additional public hearing is required. Commissioner Tatum seconded the motion. Commissioner Musser, Tatum, Grey, Higley and Frank voted in favor of the motion, Commissioners Dawson, Munoz and Woods voted against the motion.

[Motion Passed 5-3](#)

IV. PUBLIC HEARINGS:

1. Request for a [Special Use Permit](#) to operate an automobile retail business on property located at 121 & 147 Aspenwood Drive. [c/o Sid Lezamiz](#) (app. 2801)

Applicant Presentation:

Sid Lezamiz, Lezamiz Realty, representing the applicant stated he is here to request a special use permit for property located at 121 & 147 Aspenwood Drive which currently is an office building and a vacant lot. Reconditioned/Used automobiles from the business across the street will be parked on this lot to try and address the traffic and congestion in this area.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated the property was platted as the Phillips Commercial Subdivision #2 in 1997. The current building was placed on Lot 1C in 1999 and operated as an office. The northern Lot, 1B, has remained undeveloped/unpaved.

The Applicant has supplied a narrative detailing the operation of the proposed auto sales. The site is zoned C-1. To operate auto sales, service or repair requires a special use permit. Goode Motor Auto Sales, currently operates an office in the building on the south Lot. The request is to expand the operation of this business to include a vehicle sales lot to the north.

Per City Code 10-4-8:

The C-1 Commercial Highway Zoning District requires a Special Use Permit to operate an automobile and truck sales and/or rental businesses.

During the Special Use permit process, the Commission should look at all impacts the proposed land use will incur on the surrounding area.

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 current office location has been previously constructed, and no further building permits are expected.

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 landscaping, trash containers, streets, water and sewer, drainage and storm water. These improvements would be evaluated and all applicable code requirements would be enforced at the time of building permit submittal.

This request does not require a building permit 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.

Particular note should be given to the site plan submitted by the applicant. It appears the applicant wishes to expand the parking area on the southern lot. This may be possible as long as the gateway arterial landscaping code section is complied with. Since we do not anticipate a Building Permit for this project, staff felt it necessary to address this issue individually in this report and include a condition so as to make sure the applicant is aware the Commission does not have the authority to grant Variances from the Code through the Special Use Permit Process.

Retail Vehicle Sales can have impacts on neighboring properties. A developed residential subdivision is within a short distance to the north. Typical impacts from this type of business may include increase in traffic, noise, and fumes from the increase in vehicles being delivered, and moved around on site. Lighting can have significant impacts to adjacent neighbors if the sales yard has lights that bleed into the neighborhood. All outside lighting shall be downward facing and in compliance with code should be a condition if approved.

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Planner I Spendlove stated upon conclusion should the Commission grant this request as presented; staff recommends approval be subject to the following conditions:

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to no audio or announcement system being utilized on this property.
3. Subject to all outside lighting to be downward facing and meet the minimum code standards.
4. Subject to the gateway arterial landscaping requirement along Kimberly Road remaining in effect.

PZ Questions/Comments:

- Commissioner Grey asked about landscaping along Aspenwood Drive.
- Planner I Spendlove stated there is no landscaping requirements because there is not going to be a building permit.
- Commissioner Grey stated he understands that the site improvements are triggered by a building permit, however in this case there will not be building permit, and asked if the Commission could make landscaping a condition.
- Planner I Spendlove stated that if the Commission finds the need for landscaping they can add that as a condition of approval.
- Commissioner Higley clarified that the request is to expand the vehicle display to the vacant lot north of the office space they are using for the car dealership business, without a building permit is paving required?
- Planner I Spendlove stated that if the applicant wants to use this lot for their business to park vehicles on, they zone requires the lot to be paved. However, paving does not require the purchase of a permit, so the other site improvements like landscaping are not triggered.
- Commissioner Munoz asked about screening between the Cemetery and this business.
- Planner I Spendlove explained may be required with any special use permit.

Public Hearing: [Opened](#)

Darren Dryden, 2513 Alderwood Avenue, stated he is for this request and thinks this will be an improvement and will help with the congestion that has been created by the car dealership. He wanted to verify that the vacant lots further north along Aspenwood Drive were going to remain residential.

Public Hearing: [Closed](#)

Closing Statement:

Mr. Lezamiz stated that those lots will remain residential, he also explained that because there is so much congestion from the business across the street this lot was purchased as a way to address the problem.

Deliberations Followed:

- Commissioner Munoz stated with the commercial zoning designation of this property he could think of other things that could have a bigger impact to the area than a parking lot. He would personally

like a fence between this property and the cemetery, to provide some privacy for the families visiting the cemetery.

- Commissioner Tatum stated she agrees with requiring a screening fence between this property and the cemetery.
- Commissioner Grey agreed with the screening requirement. Having the lot paved will be an improvement especially with the curb/gutter and sidewalk already installed.
- Planner I Spendlove stated the applicant will have to provide stormwater retention.
- Commissioner Woods asked the applicant if he had any objections to installing a fence between the cemetery and this property.
- Mr. Lezamiz stated he has no objection with installing a fence.

Motion:

Commissioner Woods made a motion to approve the request, as presented, with an additional condition that a screening fence be installed between this property and the cemetery. 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 no audio or announcement system being utilized on this property.
 3. Subject to all outside lighting to be downward facing and meet the minimum code standards.
 4. Subject to the gateway arterial landscaping requirement along Kimberly Road remaining in effect.
 5. Subject to a screening fence being installed between this property and the cemetery.
-
2. Request for a **Special Use Permit** to operate an indoor recreation facility specifically a cheer training facility on property located at 2342 Eldridge Avenue c/o Diana Anderson aka D&D Development. (app. 2802)

Applicant Presentation:

Diana Anderson, representing the applicant stated that she is requesting a special use permit for property located at 2342 Eldridge Avenue to be used by Xtreme Cheer. There is currently a 31800 sq. ft. building located on this property, 10,000 sq. ft. is leased to Cross Fit Gym, and 4800 is leased to Fierce Athletics, the applicant is looking at leasing a tenant space to teach cheerleading.

Juan Auguello, Xtreme Cheer, stated that this will be an afterschool program for cheer leading on a national level. He would like to give kids an opportunity to compete in sports against other teams in the nation. There will be approximately 15 students and he would be the coach, that is how they operate this same business in Boise, ID.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated the location is Lot 9 of the Eastland Industrial Park Subdivision. This subdivision went through the public hearing process during 2002 and was recorded in September of that year. The building housing the proposed indoor recreation facility was constructed in 2006 as a shell warehouse building. Separate uses later came in for building permits for

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individual sections of the building. In March 2015 a similar Indoor Recreation facility was granted a Special Use Permit to operate in a nearby location. That SUP was granted with no additional conditions. The Applicant has supplied a narrative detailing the operation of this particular business. The applicant provides cheer training to groups of classes. The current clientele would be 20 individuals. The hours of operation would be 6PM – 9PM, and the owner would be the only employee at this time. The applicant does not believe they will have a negative impact on neighboring properties or uses.

Per City Code 10-4-10:

The M-2 Heavy Manufacturing Zoning District requires indoor recreation businesses to acquire a Special Use Permit prior to being legally established.

During the Special Use permit process, the Commission should look at all impacts the proposed land use will incur on the surrounding area.

Per City Code 10-10:

The parking requirement for Health Clubs or Exercise Gyms is one (1) parking space per two hundred fifty (250) square feet of exercise area. The leased space is approximately 2400 square feet which amounts to 10 required parking spaces. This business is located on a lot that provides a cross use agreement amongst the renters. Staff has received no complaints in regards to parking in this area and we believe the overall parking requirement for the entire property is being met.

This business offers a cheer training program that is similar to the nearby Cross-Fit Gym. These uses require large open spaces to accommodate the type of exercise they advertise. Staff does not feel there will be significant impacts on neighboring properties that require mitigating measures due to the limited hours, type of operation, and existing surrounding land uses.

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.

PZ Questions/Comments:

- Commissioner Woods asked for clarification on how the property is accessed.
- Planner I Spendlove explained the property has an access easement from Eldridge Avenue.
- Commissioner Munoz asked if this special use permit would trigger building reviews/permits.
- Planner I Spendlove stated that the space will need to have the building occupancy designation changed, this will be done through a building permit process.
- Commissioner Munoz clarified that this special use permit would be limited to a cheer training business.
- Zoning & Development Manger Carraway-Johnson stated yes.

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

Deliberations Followed: [Without Concerns](#)

Motion:

Commissioner Tatum made a motion to approve the request, as presented. 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.

3. Request for the Commission's recommendation on an **Amendment to Latitude 42 PUD Agreement #272** to modify collector and arterial development requirements on Cheney Drive West between Field Stream Way and Creek Side Way. c/o Gerald Martens (app. 2803)

Applicant Presentation:

Gerald Martens, EHM Engineers, Inc. representing Latitude 42 development. The purpose of the request is to bring a PUD Agreement into conformance with agreements that have been developed between adjacent property owners and the City to facilitate the development of Cheney Drive West eastwards between Grandview Drive West and Creekside Way. Creekside Way currently does not exist however in the future it will be a north south connection to Pole Line Road West. Since 2011 there have been multiple meetings between a mobile home park that precluded the alignment of Cheney Drive West construction, the owner of the mobile home park, the Reform Church, Canyon Retirement, Fieldstone Subdivision and Latitude 42 have collectively been negotiating a way to develop Cheney Drive West. This negotiation included relocating a pump station to allow for roadway development. The roadway is currently under construction, portions of the road have been platted, portions have been developed and all of it is under agreement to be constructed and completed by the end of this year. Along the way property has been platted to the south and at the northwest corner of Cheney Drive West and Fieldstream Way. They have worked diligently with the Reform Church to relocate some irrigation. They believe that the end result is a roadway design that fits all of the restrictions and limitations but is somewhat less than what is required in the Master Transportation Plan. Cheney Drive West's terminus will be just east of Rock Creek Canyon. Creekside will be built to the width required in the Master Transportation Plan and will connect to Pole Line Road West. The uses that are planned for the area have for the most part been identified, some are under construction and most have turned out to be senior type housing, assisted living or other ancillary services due to the proximity of the hospital, and with these types of used the proposed roadway width is appropriate.

PZ Questions/Comments:

- Commissioner Woods asked what the paved width will be.
- Mr. Martens explained there will be a lane each way with a center turn lane in the middle of the 39 ft. width. The lane configuration is dictated by the Street Department or City Engineer this can change as development occurs and access to properties area designed. Ultimately there will be three through lanes.
- Commissioner Grey asked about access to the uses along this section of the road.
- Mr. Martens explained there could be some accesses on to Cheney Drive West from the surrounding developments. The building that is constructed now "Serenity Housing" access from Cheney Drive West.

Staff Presentation:

Planner I Spendlove reviewed the request and stated the history for this property is extensive starting in 2006 to just recently in July 2016. Originally it was annexed into the City as R-2 zoned property, later it was rezoned to C-1 PUD. The amendment request is specifically related to the second condition listed in the Latitude 42 PUD Agreement states "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". Staff has added a condition with this amendment will exclude the intersection of Cheney Drive West and Creekside Way.

Per City Code 10-12-3-13: Right of Way Requirements:

Collectors are identified as having sixty-four foot (64') right-of-way width. This width typically includes curb, gutter and sidewalk. The total pavement width ends up being forty-eight feet (48'). The applicant is proposing to allow this section of Cheney Drive to be fifty foot (50') wide, with a total pavement width of thirty-nine feet (39'). The end result is one lane traveling each way with a center turn lane and each lane being approximately 12 ft. wide.

Per City Code 10-11-5: Streets:

(A) Adequate Access: No building shall be constructed or erected on a lot in a zoning district unless adequate access to a fifty foot (50') wide minimum standard all weather public traffic way is provided.

The request by the applicant does meet this minimum access requirement.

City Staff is tasked with planning for the orderly and adequate growth of public infrastructure to accommodate the development of properties. It would be negligent for City Staff to ignore the possibility that the proposed fifty-foot ROW may be inadequate in the far future Staff does not have the luxury of ignoring future growth or possibilities which could happen twenty years from now.

However, the projects declared as of today will not constitute a need for a larger right of way, and it is not anticipated that projects in the near future will constitute a need for a larger right-of way. As such, Staff supports the right of way dedication of 50' (25' per side) for the currently proposed and approved projects along Cheney Drive. This support only extends to the beginning of the intersection at Creekside way, it does not include that intersection.

As a condition of support, and with the future in mind, staff requests a condition be added which would allow City Code 10-10-5 to remain in force for this PUD.

(A) In all districts building plans shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the city engineer or designated representative.

1. Where projected volumes of traffic entering or leaving the developments are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right of way and paving in the form of a deceleration lane or turn lane may be required to be furnished by the landowner in

order to reduce such interference. Projections of traffic shall be based on analysis performed by the city engineer or designated official.

A public hearing regarding this request will be heard at a regularly scheduled City Council public meeting in the near future.

Planner I Spendlove stated upon conclusion should the Commission find the proposed request appropriate of a positive recommendation, staff proposes the following conditions:

1. Subject to the fifty (50) foot ROW width only being applied for that section of Cheney Drive from Field Stream way to Creekside way, not including any part of the intersection of Cheney and Creekside.
2. Subject to City Code 10-10-5 still being enforced on that smaller section of Cheney Drive as described above.

PZ Questions/Comments:

- Commissioner Higley asked if there are any physical limitation that would prevent the road from being built according to city standards.
- Planner I Spendlove stated the limitation currently is that the south side of the road has been platted but the north side of the road has not been platted.
- Commissioner Frank asked if this was platted as a collector.
- Zoning & Development Manager Carraway-Johnson explained there is long history along this corridor west of Grandview Drive West. There has been a lot of discussion with trying to bypass the mobile home park and trying to create a connection for the residential subdivision. Part of the final decision was that Cheney Drive West would be reduced in size to allow it to be built north of the residential subdivision through to Field Stream Way making the development consistent with what was agreed upon between the Fieldstone Suidivision, The Reform Church and the Mobile Home Park; this would just allow and extension of the agreement westward to allow for a consistent roadway.
- Commissioner Frank clarified that the consistency of the roadway would extend to Creekside Way. Looking 20 years down the line he is trying to prevent setting a precedence for the future development that could occur further west.
- Assistant City Engineer Vitek clarified that this request only applies to the section that extends to Creekside Way. He stated he believes the traffic maneuvers differently through this area and will go north on Creekside Way to Pole Line Road West or go south to North College Road West.
- Commissioner Higley asked again if there are any physical limitations that would prevent the road from being built according to city standards.
- Planner I Spendlove stated staff is not aware of any physical limitations.
- Commissioner Woods asked with this street being narrower by 9 ft. is on street parking allowed.
- Assistant City Engineer Vitek stated it will be signed no parking.
- Commissioner Musser asked if there is a provision in the future to widen the narrower portion of the road.
- Assistant City Engineer Vitek stated not the entirety of the road and it would require the City to acquire property from the Reform Church and go through the Mobile Home Park to widen that portion of Cheney Drive West. If these two properties were to develop or the plat that could be addressed, however until that occurs the roadway will remain narrower in this location.
- Commissioner Frank asked about a deceleration lane in the future and how would it be developed.
- Planner I Spendlove stated the condition siting 10-10-5 would allow this to be addressed in the future.

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- Assistant City Engineer Vitek explained in the future if a big box type retail store went in at this location they would have to provide a means for uniform traffic movement and put in a deceleration lane.
- Commissioner Frank stated his concern for the future is that concessions will be made and the lane will not be installed because things are already built. It seems this should be addressed now instead of later.
- Commissioner Munoz asked what would trigger would be for City Code 10-10-5 to be enforced.
- Assistant City Engineer Vitek stated the use itself, when building plans are submitted staff would review for issues related to City Code 10-10-5.
- Planner I Spendlove stated the motivating factor is traffic volume and safety.
- Commissioner Munoz asked if a change of use would trigger this code.
- Planner I Spendlove explained a change of use would require a building permit/review and the impacts from the change would be reviewed to determine whether or not the deceleration lane would be required.

Public Hearing: Opened

John Kapeleris, 1231 Sunburst St, is on the Board of Directors for Xavier Charter School and they are concerned with public safety and would like for this street to be required width. Traffic patterns are going to change once Creekside Way is complete and would ask that the Commission vote in favor of a wider street.

Public Hearing: Closed

Closing Statement:

Mr. Martens responded to the question as to whether or not there are any physical limitations that would preclude the road from being built to the require width. He explained that the curb and gutter has been installed under an approved set of construction plans. The road is going to be built to that width all the way from Grandview Drive West past Serenity Assisted Living and on the south side of the road Canyon Retirement is under construction. There is a lot of investments and construction in progress, water lines, fire hydrants and other utilities in place. Turn lanes would be driven by a user and if a big box retail store went into this location they would want the turn lane for their business, it would be built as part of the permitting process in the right location to accommodate the traffic at the time it gets built. As for approaches into the developments they have already agreed and will work towards shared approaches. This is a piece of a large agreement and the developers on the west end have helped fund the improvements on the east end for the property owners who were not obligated to invest in developing the road, while the City has built a section also to assist in making this project possible. It is a big agreement with a lot of cost sharing worked out, they are too far in the process to stop construction on a set of plans that have been approved.

Deliberations Followed:

- Commissioner Higley clarified that water and sewer have already been constructed in the area.
- Mr. Martens explained that water and sewer lines are in, fire hydrants have been set, curb and gutter have been installed on both sides of the street, they stopped short of Creekside Way because it will be built to the full width. The south side is substantially done all the way through, the irrigation piping is being installed and all of this was based upon a street width that is driven near as much by the cost of asphalt as much as the availability of land. If this entire street were to be widened it would not happen this year.
- Commissioner Higley asked how all of this occurred and why is this being requested after the fact.

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- Commissioner Munoz stated this area has a long history with regards to the church and the mobile home park. Having a road that is not consistent in width all the way through can create bigger issues.
- Commissioner Higley stated that is a different section of road then what is being discussed now. He thinks that screwing up in one spot and letting it continue to another section of road for consistency doesn't make sense.
- Commissioner Musser stated his concern is approving something that has already been done.
- Commissioner Frank asked why wasn't this addressed before infrastructure was constructed.
- Assistant City Engineer Vitek explained that everything east of Field Stream Way came about through and agreement between the City, the developers, the mobile home park and the church. The property on the west side of Field Stream Way and south of Cheney Drive West does have approved construction plans as part of the WS&V plat. A certain size roadway is needed to develop and provide for traffic to this property, the developer was required to construct 24 ft. and has over widened it to 39 ft. The north side of Cheney Drive West is a different part of the discussion, that property came through for platting with a reduced road section, which is why this discussion is occurring now. The entire south side of the road has been developed.
- Commissioner Grey stated that the applicant has indicated that the northeast corner has also been developed.
- Zoning & Development Manager Carraway-Johnson stated that corner is a recorded plat and development has begun.
- Commissioner Higley doesn't understand how this was approved to meet code and be 50 ft. wide but was built to 39 ft. If code says 50 ft. and things are platted per code how did it get built at 39 ft.
- Commissioner Frank stated that it was understood that things were platted according to code and now we are being told it is not being built to code.
- Commissioner Higley clarified the south side of Cheney Drive West is ready to be paved, however the north side of the road has not been developed.
- Mr. Martens stated no that is not correct both sides of the road have been developed with curb, gutter, and utilities.
- Commissioner Grey clarified the curb and gutter has been installed the entire length of the road all the way out to Creekside, he asked what portion of the north side of the road has been platted.
- Planner I Spendlove explained the northeast corner has been platted.
- Commissioner Woods asked if the work was done off of an approve permit from the City.
- Mr. Martens stated yes, approved plans, they do not have an approved plat, the right of way has not been dedicated, but it is again part of the agreement. They property owners to the south built their portion of the road out to 19 ft. and he built his portion of 19 ft. in cooperation with them otherwise the property owners to the south would have to build a 24 ft. portion which would have resulted in a 24 ft street. He thought he was doing a good thing by making it 39 ft. wide and having the road built with curb and gutter all at one time.
- Commissioner Grey clarified that an assumption was made by the applicant that this would be ok and that the requirement wouldn't be made beyond that point.
- Mr. Martens stated they submitted a set of plans and built according to an approved set of plans and the City has been out doing inspections.
- Commissioner Woods stated the logic in this is that the area east of Field Stream Way is built at 39 ft what is to be gained by redoing all of infrastructure to west of Field Stream Way just to get a little wider road for ¼ mile.
- Commissioner Grey stated his concern is that the east side of Field Stream Way set this in motion, but he doesn't want to see the assumption made again that the only thing that is important is the road is finished.

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- Commissioner Munoz stated he understands both sides but it is already in place making it hard to change at this point. Is there any way to create a condition that City Code 10-10-5 will trigger a traffic evaluation once a building is already in place?
- Commissioner Frank asked if all of the roads in the Master Transportation Plan has to be built to certain city standards if the Commission approves this, because they have always been told they can't override City Code.
- City Attorney Wonderlich stated this is not an amendment to City Code this is an amendment to a PUD Agreement.
- Planner I Spendlove clarified that within City Code with PUD Zoning it allows the applicant to request variations from the code, including roads.
- Commissioner Grey stated he does understand the expense but was done knowing that it should have been done differently. This was not done correctly and he wants to make sure that this does not occur again.
- City Attorney Wonderlich stated that if you look at the map you can see where they were able to negotiate a 39 ft. road width east of Field Stream Way. The idea is that the property to the south is already developed so we will never get arterial width through on the west side of Field Stream Way. As for the deceleration lane, staff has already explained that traffic counts will be looked at if a big box building is built in this area or if there is a change of use with a different traffic pattern a deceleration lane will be required.

Motion:

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

Recommended for Approval to City Council, As Presented, With Staff Recommendations

1. Subject to the fifty (50) foot ROW width only being applied for that section of Cheney Drive from Field Stream way to Creekside way, not including any part of the intersection of Cheney and Creekside.
2. Subject to City Code 10-10-5 still being enforced on that smaller section of Cheney Drive as described above.

Scheduled for City Council Public Hearing September 12, 2016

PAUSED FOR 5 MINUTE BREAK

4. Request for the Commission's recommendation for an **Annexation with a Zoning District Change and Zoning Map Amendment** from SUI to R2, R6 and C-1 CRO ZDA (Zoning Development Agreement) to allow a planned multi-use development on 28.84 +/- acres located on the north side of the 1800 & 1900 blocks of Pole Line Road East. c/o EHM Engineers, Inc. on behalf of Notch Butte Farms, LLC (app. 2804)

Applicant Presentation:

David Thibault, EHM Engineers, Inc., representing the applicant Notch Butte Farms, LLC, stated this is a request for a rezone and annexation request with the ZDA process. The plan is to have a mixed use development with retail, restaurant, office, hotel and residential areas. He reviewed the master development plan on the overhead explain each designation on the plan. A portion of this property is in the Canyon Rim Overlay and has been shown on the plan. The property boundary line is roughly 125 ft. from the canyon rim to the northern most property line, 65 ft. on the east side and approximately 100 ft.

on the west side. This is relevant because they are asking for some consideration with the portion of the property that they anticipate to be a hotel or hotel type use (Area 4). They ask for some language within the ZDA to allow for a change in the height to be consistent with City Code 10-4-19.4 c 4. which allows for additional building height beyond one hundred feet from the canyon rim overlay within one thousand feet of state administered highways serving as gateway arterials and those properties that have a hotel/convention center designed to accommodate a minimum of five hundred convention attendees. This property is beyond the 1000 ft state administered highway. The canyon rim setback precludes anything from being built within 50 ft. of the rim, the property that lies between 50 ft. and 100 ft. of the rim has a height restriction of 25 ft. at the 50 ft. mark and rises evenly to 35 ft. at the 100 ft. mark. and is restricted to 35 ft. for the area behind the 100 ft. but still within the Canyon Rim Overlay. The distance adjustment would be for a specific use would be located within the Canyon Rim Overlay. Other buildings along the Canyon Rim range from 28 ft. to approximately 33 ft. with similar setback requirements. In order to proceed with development, the property needs to be annexed into the city limits. As part of the annexation a zoning designation is required and because of the Canyon Rim Overlay a ZDA process is required.

PZ Questions/Comments:

- Commissioner Woods asked if the amendment for additional height could be more specific, the request is fairly general.
- Mr. Thibault, explained buildings located within the CRO designated portion of property within the ZDA which are hotel/convention centers uses as defined in the city code shall be permitted height beyond 35' by request of special use permit and application to Planning & Zoning Commissions. In the event that an identified user would like to have a taller building he wants to provide language within the document that would allow that specific user to come back through and request additional building height through a Special Use Permit process.
- Commissioner Woods asked about the road issues going between this property and the Bridgeview Development to the west.
- Mr. Thibault explained they have to provide extension to their property along the west boundary, they have begun to have discussion with the property to the west and they anticipate that someday in the future there will be some connectivity, however the roadway alignment may not be exact depending on future development.
- Commissioner Woods asked about the sewer system options.
- Mr. Thibault stated they are trying to develop a plan for sewer and pressurized irrigation. Based on preliminary surveys a lift station is likely going to be required in order to discharge into the municipal system.
- Commissioner Grey asked how the approach east of Bridgeview would be designed.
- Mr. Thibault stated he would like to have the issue resolved prior to platting, currently he is showing a landscape buffer in this area and anticipates an easement will be extended along this area so that utilities can be connected.
- Commissioner Frank asked about access along Pole Line Road East.
- Mr. Thibault stated the property in front of the YMCA they do not own, but he is hopeful with the current directorship they can make some headway with the drop lanes listed in the conditions.
- Assistant City Engineer Vitek explained that Pole Line Road East is a two lane road along this section and exiting the YMCA is very difficult. The concern is traffic trying to stop immediately to enter the development.
- Commissioner Munoz asked about a deceleration lane along the frontage that they own on the east side of the Master Plan.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated Ordinance 2012 was passed in 1981, it created the zoning districts we currently use, and zoned various properties within City Limits. The new zoning designations were assigned at that time, or when areas were annexed. In 2004 there was an amendment to the Area of Impact Agreement at which time the Rural Residential and the R-1 43,000 zoning districts became AG and SU1.

A preliminary presentation was conducted for the Planning and Zoning Commission on July 26, 2016. No one spoke during the public testimony portion of the meeting. During that meeting the Commission asked for additional information regarding a height analysis with other locations nearby. It was Staff's understanding this information was requested of the Applicant. As of the staff report publishing date, (Thursday August 4, 2016) this information has not been provided.

This is a request to make a recommendation on an appropriate Zoning Designation for property being requested to be Annexed. The requested Zoning is for a ZDA; Zoning Development Agreement consisting of various Residential and Commercial land uses identified on the submitted Rio Vista Conceptual Master Development Plan.

The applicant has supplied the required Written Commitments or Memorandum of Understanding for the Areas to be distinctly zoned. These Memorandum of Understanding detail the variants from the base zoning code they are requesting. It should be noted; the Canyon Rim Overlay applies to a large portion of this property as depicted on the Zoning Vicinity Map (Attachment #2 of this report).

Per City Code 10-6: Zoning Development Agreements:

The applicant is tasked with providing a Conceptual Development Plan, and associated written commitments to adequately describe the project. These items have been provided by the applicant.

The following items shall be included or addressed with the **Conceptual Development Plan (the Plan)** or associated text materials:

1. Land Use
 - a. *The proposed land uses have been identified into 4 Areas on the Plan and the specific land uses are described in detail within the written Text.*
2. Topography and Boundary
 - a. *The Boundary of the ZDA has been identified, the topography was not identified on the Conceptual Plan.*
3. Size, Type and location of buildings and sites
 - a. *The Plan does show some typical buildings and sites as a concept development pattern. All buildings are further regulated by the Zoning Development standards found in each base Zoning District assigned on the Plan. These specific locations and sizes can fluctuate as outlined in City Code 10-6-1.6.*
4. Proposed Ingress and Egress
 - a. *The Plan identifies public and private access into and out of the proposed property.*

5. Physical features
 - a. *The Plan has identified the major existing physical features.*
6. Existing streets
 - a. *The Plan shows Pole Line as the adjacent existing roadway to the south.*
7. Stormwater management
 - a. *The applicant is not requesting changes to the standards procedure found in current City Code.*
8. Alleys and easements
 - a. *No alleys are requested; the applicant is not requesting changes to the standard procedure for easement placement found in current City Code.*
9. Future public facilities
 - a. *The applicant is not requesting changes to the standard procedure for public facilities found in current City Code.*
10. Multi-use transportation access and pathways
 - a. *The plan shows access to the existing Canyon Rim Trail network. The appropriate areas for connection will be determined during the Platting Process.*
11. Density
 - a. *The applicant is not requesting changes to the permitted density listed in the identified base Zoning Districts shown on the Plan.*
12. Parking
 - a. *The applicant is not requesting changes to the standard Parking Requirements found in current City Code.*
13. Landscaping
 - a. *The applicant is not requesting changes to the standard Landscaping Requirements found in current City Code.*
14. Screening
 - a. *The applicant is not requesting changes to the standard Screening Requirements found in current City Code.*
15. Project Scheduling
 - a. *The applicant lists a maximum five (5) year time limit between Final Plat Phases unless an extension of time is granted by the City Council.*
16. Preliminary Lot Arrangements
 - a. *The Plan shows preliminary arrangements for lots and uses. All the property will undergo Preliminary and Final Platting that may adjust these arrangements per City Code 10-6-1.6*
17. Parks and Open Space
 - a. *The Plan shows some potential parks and open space within the boundary. The applicant is not requesting changes to the standard procedure for dedicating Parks and Open Space.*
18. Other Standards
 - a. Hours of Operation: *The applicant has requested no limit for Areas 1 and 4. Areas 2 and 3 will be limited to 7:00 AM – 10:00 PM, extended hours may be granted through a Special Use Permit process.*

- b. Extra Height - Canyon Rim Overlay – Area #4: *The applicant is requesting a change to the CRO base code by introducing a mechanism to allow extra height within Area #4 through a Special Use Permit to the Planning and Zoning Commission. This extra height variant would be limited to “Hotel/Convention Centers” as defined within current City Code.*
- c. Architectural Standards: *The applicant has requested building faces include windows, awnings, parapet – material – color variations to break up large uniform spaces. The applicant has supplied some visual examples of materials and architectural features to be required within the development.*

PZ Questions/Comments:

- Commissioner Grey asked if the extra height provision overrides the CRO base code.
- Planner I Spendlove stated it is different from what is in the base code
- Commissioner Munoz asked if the Hotel could be moved closer to the residential area.
- Planner I Spendlove stated they can move things as long as it doesn't substantially change the Master Development Plan. They would develop per the zoning code and per the ZDA Master Development Plan.
- Commissioner Tatum asked if a recommendation of approval went forward to the City Council development of a Hotel could occur in this area without any other process.
- Planner I Spendlove explained that the Canyon Rim Overlay requires that a hotel be approved through a Special Use Permit process no matter the size.

Staff Presentation Continued:

Planner I Spendlove continued the presentation and stated the full impact of this project will not be immediately felt by the community. This size of project takes multiple years to fully construct and implement. As such, the impacts generally seep into the community over a period of time rather than abruptly show up on a pre-set date. Furthermore, since the time frame is over multiple years it can be difficult to discern if the impacts are occurring due to this one project or to an overall growth of the community. In any case, staff has attempted to address the most common and impactful items this project may produce.

The Conceptual Plan shows a Mixed Use Development complete with Commercial Zones and two types of Residential Zones. The Zoning along Pole Line and the Rim are proposed as C-1, with limitations. The actual users are not known at this time, but the potential Land Uses and development standards are no different from our current C-1 Zoning Code. *The CRO land uses are different than the C-1 and are not adhered to within the developers' proposal.*

The two residential areas are proposed to be R-2 and R-6 respectively. No deviations from current City Code are being sought for these residential areas. The end product could be a number of mixed housing types, (single family, duplex, apartments, etc.) as are permitted in the R-2, R-6, and CRO (if applicable) Zoning Districts or the end product could be a standard residential subdivision. These areas will be developed per the standards set forth in current City Code.

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With the mixed use development pattern being a new concept to Twin Falls, it is difficult to identify potential impacts associated with the Land Use. In theory, mixed use developments provide an area where residents can live, work and play in the same vicinity without requiring them to travel long distances for necessities. Although, we do not have actual business names or building plans, these areas will be developed as permitted in current City Code. The impacts of this type of Land Use would generally be a positive one.

The Commission should review the proposed Zoning Designations and propose mitigating conditions to possible impacts if it deems necessary.

The Canyon Rim will be most impacted in a visual way by having new buildings on land previously used for pasture and fallow farm ground. The Conceptual Plan and the associated documents depict commercial type uses closest to the Rim. This is not unlike most other locations near the Rim that have developed Commercially. The request to deviate from the Canyon Rim Overlay Code for height should be considered carefully. The provision for additional height would only be permitted for a "Hotel/Convention Center" as defined in current City Code. This restriction would make every other commercial project follow the CRO as it is written in City Code.

Due to the location of this project along Pole Line and the proximity of Blue Lakes Blvd, this project will have an impact on the local road network. Due to the natural barrier of the Canyon Rim, access to the overall street network is limited to Pole Line Road. The proposal does not show access to Bridgeview Boulevard, or any other local roadway. This will funnel all traffic to Pole Line Road to the south.

With Pole Line being an overloaded arterial in its current underdeveloped state, the increased traffic and access to this particular stretch will create a large impact. As previously stated, this project is anticipated to be constructed over multiple years. So the full impact will not manifest immediately. However, it would be negligent for Staff to ignore the issues of the Future while discussing currently proposed projects. A widening of the roadway and potential drop lanes to service this project may be needed in order to mitigate the increase of traffic on an already congested roadway.

The Commission should review the proposed Zoning Designations and propose mitigating conditions to possible impacts if it deems necessary.

The Commission is tasked with making a recommendation on the Zoning Designation for this area being proposed for annexation.

Planner I Spendlove state upon conclusion if the Commission finds the Notch Butte-Rio Vista ZDA, as presented, is appropriate for the proposed Zoning Designation, Staff proposes the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to Pole Line Road widening and possible drop lanes being designed and constructed per City Engineer approval.
3. Subject to length of Public Roadway designated on Conceptual Development Plan to be determined by City Engineer.

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August 9, 2016**

Public Hearing: [Opened](#)

David Sparks, 1999 Pole Line Road East, stated he owns the residential to the east of this proposed development. He has been in discussions with the applicants and as long as it is constructed and there is access to the canyon trail he has no issues. He explained there may be a need to have a sewer line that extends through his property and he has no issues with that either.

Public Hearing: [Closed](#)

Closing Statements:

David Thibault, explained they have hired a wetlands professional. He also clarified that the request for additional height is to allow an avenue to request it through a Special Use Permit for additional height. He is hopeful they will get a favorable recommendation.

Deliberations Followed:

- Commissioner Woods asked for clarification on the Notch Butte Farms, LLC and Rio Vista.
- Mr. Thibault explained Notch Butte Farms, LLC is the group of property owners, the ZDA will be called the Rio Vista.
- Commissioner Munoz asked about public access to the trail.
- Planner I Spendlove explained yes, there will be public access to the trail and coordinated with the Parks Director through the platting process.
- Commissioner Frank stated he is for the ZDA however traffic is still a concern. He predicts that the main entrance to this property is going to come from the Perrine Bridge down Bridgeview Boulevard and through the access between Bridgeview Care Center and Canyon Park East. He thinks that is where a GPS system will lead someone to enter.

Motion:

Commissioner Dawson made a motion to recommend approval of the request, as presented, to the City Council. Commissioner Musser seconded the motion. All members present voted in favor of the motion.

[Recommended for Approval to City Council, As Presented, With Staff Recommendations](#)

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to Pole Line Road widening and possible drop lanes being designed and constructed per City Engineer approval.
3. Subject to length of Public Roadway designated on Conceptual Development Plan to be determined by City Engineer.

[Scheduled for City Council Public Hearing September 12, 2016](#)

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

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

- Zoning & Development Manager Carraway-Johnson thanked everyone who attended the last Planning & Zoning Work Session. There will be updates made from that discussion and there will be a final draft review at the next Planning & Zoning Work Session on September 7, 2016 at 12:00 pm.

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

1. Public Hearing- **August 23, 2016**
2. Work Session-**Wed, September 7, 2016**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 8:40 PM

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department

DRAFT



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

In Re:)
)
Special Use Permit, Application,) FINDINGS OF FACT,
)
) CONCLUSIONS OF LAW,
D & D Development)
c/o Diana Anderson) AND DECISION
 Applicant(s))

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on **August 9, 2016** for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of **operating an indoor recreation facility specifically a cheer training facility on property located at 2342 Eldridge Avenue**, 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 **operating an indoor recreation facility specifically a cheer training facility on property located at 2342 Eldridge Avenue**
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: **July 21, 2016**
3. The property in question is zoned **M-2 Heavy Manufacturing** pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as **Industrial** 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; **Residential**; and to the west, **Commercial/Business**.

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 **operating an indoor recreation facility specifically a cheer training facility on property located at 2342 Eldridge Avenue** is consistent with the purpose of the **M-2 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 **M-2 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 **operating an indoor recreation facility specifically a cheer training facility on property located at 2342 Eldridge Avenue** 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 **operating an indoor recreation facility specifically a cheer training facility on property located at 2342 Eldridge Avenue** 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.

CHAIRMAN- TWIN FALLS CITY PLANNING & ZONING COMMISSION

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.**

APPLICATION #2802
SUP# 1402

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. **1402**

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on **August 9, 2016** to **D&D Development c/o Diana Anderson** whose address is **P.O. Box 2283 Twin Falls, ID 83301** for the purpose of **operating an indoor recreation facility specifically a cheer training facility** on property located at **2342 Eldridge Avenue** and legally described as **Twin Falls Eastland Industrial Park Subd Lot 9 Blk 1 RPT15900010090**

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 No2802

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.**

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



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

In Re:)
)
Special Use Permit, Application,) FINDINGS OF FACT,
)
) CONCLUSIONS OF LAW,
Sid Lezamiz, Jr.)
 Applicant(s)) AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on **August 9, 2016** for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of **operating an automobile retail business on property located at 121 & 147 Aspenwood Drive**, 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 **operating an automobile retail business on property located at 121 & 147 Aspenwood Drive**
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: **July 21, 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, **Kimberly Road/Cemetery**; to the east; **Aspenwood Drive/Commercial**; and to the west, **Cemetery**.

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 **operating an automobile retail business on property located at 121 & 147 Aspenwood Drive** 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 **operating an automobile retail business on property located at 121 & 147 Aspenwood Drive** 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 **operating an automobile retail business on property located at 121 & 147 Aspenwood Drive** 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 no audio or announcement system being utilized on this property.
3. Subject to all outside lighting to be downward facing and meet the minimum code standards.
4. Subject to the gateway arterial landscaping requirement along Kimberly Road remaining in effect.
5. Subject to a screening fence being installed between this property and the cemetery.

APPLICATION #2801
SUP# 1401

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.1401

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on **August 9, 2016** to **Sid Lezamiz** whose address is **705 Fillmore Street Twin Falls, ID 83301** for the purpose of to operate an automobile retail business on property located at 121 & 147 Aspenwood Drive and legally described as **Twin Falls Phillips Commercial Subd #2 Lot 1B Blk 1 & Lot 1C Blk 1 RPT4259001001B & RPT4259001001C**

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.2801

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to no audio or announcement system being utilized on this property.
3. Subject to all outside lighting to be downward facing and meet the minimum code standards.
4. Subject to the gateway arterial landscaping requirement along Kimberly Road remaining in effect.
5. Subject to a screening fence being installed between this property and the cemetery.

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

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During the July 12th meeting, the commission discussed this issue and motioned to have an update on August 9th. Due to the number and nature of the items scheduled for the August 9th meeting, staff elected to postpone the update to August 23 in order to give the requisite time on the agenda for this item to be discussed.

Since July 12th, Mr Gordoski has provided a Stormwater Plan to City Staff. The Engineering department has reviewed and approved that plan, thus accomplishing one of the requirements of the SUP. The only outstanding items as of August 19th are, the 8ft fence and the fluid/chemical management plan.

The commission is tasked with reviewing the facts and circumstances of this case and vote for one of the following: initiate the process for revocation, table the item and bring it back at another public meeting, or not initiate the revocation process.

Applicant Presentation:

Mr. Gordoski explained he has submitted everything and is awaiting an approved permit. The process has taken longer due to the fence requiring engineered plans.

PZ Questions/Comments:

Commissioner Grey asked if staff will follow this permit once issued.

Planner I Spendlove stated that there will be inspections required for the storm water retention as well as the installation of the fence. Once the final inspections are completed a letter of completion will be issued to the applicant.

Commissioner Musser asked if the issues with the appropriate use of the property have been resolved. Planner I Spendlove explained that through this process it has been clarified with the applicant what portion of the property will be fenced and used for the impound yard. The applicant is aware of the allowed use and has addresses staffs concerns.

Deliberations Followed:

Commissioner Woods stated that the issues seem to have been addressed and that the required information has been submitted to finish up this process.

City Attorney Wonderlich explained to the Commission that a motion is not necessary for this item, if no motion is made the request is void and will not appear again unless staff has a problem.

[Request for Initiation of Revocation Has Been Withdrawn](#)

IV. PUBLIC HEARINGS:

1. Request for a **Special Use Permit** to replace a legal non-conforming use with a different non-conforming use on property located at 1040 Shoshone Street East c/o Jim Woodland on behalf of Vista View, LLC (app. 2806)

Applicant Presentation:

Jim Woodland, Keller Williams, representing the applicant, stated Brenden Taylor is the owner of Burnt Lemon Grill and has multiple franchises throughout Idaho. Twin Falls is the headquarters for the Burnt Lemon Grill located on Addison Avenue East. Due to the success over the past six years they need to relocated to a larger facility. Brenden Taylor has solicited the help of Vista View, LLC to assist him in this endeavor. His other restaurants that are located throughout Idaho are very upscale and his goal is to provide the same experience here in his hometown. He displayed on the overhead photos of his other restaurants located throughout Idaho. Brenden has looked at several locations the subject property has been on the market for over a year and a half. There have only been two offers and both have been

restaurants. His presentation addresses City Code 10-3-4 regarding the portion stating “the applicant must show that the existing building cannot reasonable be converted to a conforming use”. He explained that the building has an open floor plan that tends to lead to some difficulty when remodeling the space for an office. Combine the projects remodeling along with the purchase price would not attract an investor. Twin Falls has a surplus of office space with a 20% vacancy rate which reflects the reason for the lack of offers on this property.

Burnt Lemon Grills hours of operation would be 10:30 AM to 9:00 PM, Monday – Saturday. The business is closed on Sundays and during the hours of operation it is staffed by two shifts consisting of 4 employees from 8:00 am to 10:00 pm. The applicant estimates 75-100 vehicles per day, with the peak time being 11:30 – 2:30 PM and 6:00 – 8:00 PM serving 7-10 customers. The applicant has claimed the previous user; Washington Federal Savings and Loan, served 120 – 140 cars per day which would result in a higher vehicle count compared to their proposed use of a restaurant. This has not been verified by staff. The applicant declares the restaurant will not have a typical “drive –thru” window. Rather, it will be a pick-up window only, for call ahead or online orders. As such, no order board will be installed, and no intercom system used. The applicant claims only effect on the neighboring properties will be “the sweet aroma of barbecue”. To eliminate trash odors, they have their canisters emptied twice a week. The applicant feels this use will have less of an impact to the adjacent properties compared to the previous use.

Brenden Taylor, owner of Burnt Lemon, stated that he grew up on Twin Falls and has four daughters. He has six locations with the Twin Falls location opening in 2010. The economy was bad at the time so they chose a location that was economically feasible at the time since then they have outgrown the current location. They have a lot of loyal customers and as the economy has picked up properties are beginning to rise in cost and he has found this location which would keep his cost down for the customers.

Staff Presentation:

In 1976, a Conditional Use Permit was granted by Ordinance 1800 to permit a Savings and Loan Bank including a drive-thru, to be constructed and operated on the property. No further zoning history is known at this time. City utility billing records indicate there has only been a financial institution operating from this property. The property was vacated within the last 5 years.

The property is located at 1040 Shoshone St E and is zoned R4 PRO; residential with a professional office overlay. The R4 PRO zoning allows medium density residential uses and professional services by special use permit. The applicant has submitted a request to operate a restaurant with a drive-up window. The narrative details the proposed operation of the restaurant.

Per City Code 10-3-4: ... “A legal nonconforming use involving a building may be resumed or replaced by another nonconforming use by special use permit if said legal nonconforming use has not been discontinued for more than five (5) years. In addition to the General Standards, 10-13-2.2(D), applicable to special uses, the applicant must show that the existing building cannot reasonable be converted to a conforming use. (Ord. 2555, 7-21-1997)”

The previous use as a Bank was considered legal non-conforming due to being established prior to current code which now requires Planning & Zoning Commission approval by Special Use Permit. The Zoning of R-4 on the property permits Residential Single Family and Duplex’s outright, and other Cultural or Public Assembly type uses with a special use permit. The PRO allows various office/professional uses through a

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special use permit. It is the applicant's responsibility to show that the existing building cannot be reasonably converted to one of these possible conforming uses.

During this process, the Commission should look at the added standard listed above for reasonable conversion of the building. Additionally, the Commission should look at all impacts the proposed land use may incur on the surrounding area.

Per City Code 10-10: Restaurants have a parking requirement of one (1) parking space per one hundred (100) square feet of the associated structure, and outside seating. The building is listed at approximately 2600 square feet, which equals a minimum of twenty-seven (27) parking spaces. In addition, Drive-thru's are required to have a minimum of 5 stacking spaces from the first order board/window/stopping point. City Code does not make a distinction between drive-thru's and pick-up windows.

The Commission should look at all impacts the proposed land use will incur on the surrounding area and propose mitigating conditions if applicable.

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 if applicable.

If this request is granted the property shall be required to obtain a Certificate of Occupancy for a change of use and to meet current minimum required improvements. The commission may wish to evaluate this project for any improvements it feels are necessary to mitigate any impacts that could occur.

The change from a Bank to a Restaurant with a drive-thru (pickup window) will have impacts on neighboring properties. Typically, these impacts include noise from comings and goings of customers, suppliers and employees. Light infiltration from the parking lot and security lighting. Lastly, the odors of cooking food can permeate to nearby properties.

The traffic increase will be modest considering it is near the intersection of Shoshone St and Blue Lakes Boulevard. This intersection sees some of the highest traffic counts in the City. The real impact will be noticed beyond which the hours the bank operated, particularly early in the morning and later in the evening. The property will be active earlier, and later in the day which could be impactful to some neighboring properties.

Assistant City Engineer Vitek explained a pick-up window is a great idea, but it has not happened very often here in Twin Falls. They may be very successful and it may work exactly as planned however without evidence that it will work the Engineering Department is requesting a condition be placed on the Special Use Permit that will allow staff to address complaints and require possible mitigation measures.

The light infiltration impact is not being considered greatly impactful. The bank had security lighting for the building and the parking area. A condition could be placed on the permit requiring light sources to be shielded from nearby residential properties.

The odor from cooking food is unavoidable for restaurants. Since a change of use of the building will occur, all cooking facilities will be installed to current building code standards. These include dissipating kitchen odors through ventilation.

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The impact of a pick-up window is different than the impact of a drive-thru. It would be appropriate to limit the use of the drive-up window to pick-up only.

The Commission is tasked with determining whether the applicant has shown that the existing building cannot reasonable be converted to a conforming use.

Planner I Spendlove stated upon conclusion should the Commission determine a professional office cannot reasonably be operated from this existing building the Commission shall evaluate the impacts of the proposed land use on the surrounding area and put forward mitigating conditions they feel are applicable if any. If approved, 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 no outdoor audio or announcement system being utilized on this property.
3. Subject to no order board or menu being displayed for the drive-up window.
4. Subject to light source for security and parking areas being shielded from view of neighboring residential properties.
5. Subject to mitigating measures being installed by the applicant, per the City Engineer to maintain traffic safety and to reduce the impacts of the drive-thru window.

PZ Questions of Comments:

- Commissioner Woods asked about other pick-up windows recently being built and if they have been required to have an exit lane.
- Planner I Spendlove stated they would have to comply with the code and the most recent pick-up window he knows of was designed with the exit lane.
- Commissioner Woods asked if there have been complaints about odors from the nearby neighbors at the current location on Addison Avenue East.
- Commission Grey asked the applicant if his other restaurants have drive-thru or pick-up windows only.
- Mr. Taylor explained that his Jerome facility has a drive-thru window they are trying to move away from this type of service because they don't operate like a fast food and have the orders prepared in a couple of minutes. It takes approximately 8 to 10 minutes per order and currently they have customers that order ahead use the drive-thru aisle to pick up the order and get stacked up in line behind people that have just ordered from the menu board. They can better accommodate their customers with counter service, phone and text orders.
- Commissioner Frank clarified that the parking is non-conforming also.
- Planner I Spendlove stated they would be replacing a non-conforming use with a non-conforming use the drive-thru is not conforming, the land use is non-conforming and the parking would be non-conforming. If this were approved, it would have to operate as presented replacing one use for the other.
- Commissioner Frank asked if the neighborhood streets were to start filling up with cars from customers and employees is there any recourse for the neighbors.
- City Attorney Wonderlich stated if this is a concern for the Commission a condition would have to be added to the Special Use Permit requiring customers and employees to park on-site.
- Commissioner Frank stated that is a concern for him because of previous experiences with such things a coffee shops.
- Commissioner Grey asked if this type of condition would be permissible or feasible.

- City Attorney Wonderlich explained this use would ordinarily require 27 parking spaces to operate. They don't have 27 spaces and they are adjacent to a residential neighborhood so in granting this potential impacts to the neighborhood should be considered. As a result of this business the cars get parked along the residential streets then that is a change of conditions for the neighbors. If the condition requires all parking to remain on-site this give the Commission a mechanism to address the problem if it this becomes an issue for the neighbors. A violation of a condition listed on the permit would allow for revocation to be considered.
- Commissioner Munoz ask what is the Comprehensive Plan designation for this area.
- Planner I Spendlove stated the designation is Townsite which is essentially a mixed use type of plan.
- Commissioner Munoz asked if the Special Use Permit can be restricted to this applicant for this use.
- Commissioner Woods asked how many sit down customers does the applicant expect on an average day.
- Mr. Taylor stated the occupancy for the space would be approximately 72 but realistically it will be closer to about 30 at a time.
- Commissioner Woods asked about the number of parking spaces at his current location.
- Mr. Taylor stated there are 8 spaces at the current location.
- Commissioner Grey asked when this building was constructed if it met the parking requirements for the use.
- Planner I Spendlove explained yes the parking met the code requirements for the use.

Public Hearing: Opened

Fran Florence, Kimberly, ID stated Westerra Real Estate has this property listed and has been listed for two years. When this property was listed the thought was that it would most likely be a property that would need to be repurposed. He thinks this is a great repurpose of an existing building in a neighborhood that could use some new energy. This would create a connection between downtown and five points. This entrepreneur had created his own brand and he would encourage the Commissions support.

Public Hearing: Closed

Closing Statements:

Mr. Woodland stated the applicant doesn't think parking is going to be an issue. This is a local homegrown business trying to continue to expand and grow.

Deliberations Followed:

- Commissioner Dawson agreed that she doesn't think the parking is going to be an issue. She would also recommend that when the motion is made that a condition be added that the drive through is for a pick-up only. Stacking should not be an issue if it is pick-up only, the issue is when people have to stop to give an order and wait for the food to be prepared.
- Commissioner Munoz is very conflicted with this request because of the use regulations listed in the R-4 and Professional Office Overlay. Some of the impacts and changes that he is concerned with have not been expressed by the neighbors, which is who he would expect feedback from. He wants to make sure that the conditions help it to fit in the area with minimal impacts. This is more of a commercial use it needs more parking, requires delivery to the site for products if this were to be approved he would like a condition restricting the permit to this applicant for this use.
- Commissioner Frank stated he is for this, he has been to the current location and it is very difficult to get in and out of so this will be an improvement for the customers. The City works on a complaint

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based system so there needs to be potentially a condition addressing the parking, so the neighbors have recourse for complaints.

- Commissioner Grey stated there is letter of support from approximately 300 signatures of support, which is probably why people are not here.
- Commissioner Frank stated he wants to protect the neighbors and has concerns with approving something that seems ok up front and then becomes an issue like a past coffee shop that came in previously.
- Commissioner Woods stated the other concern is having this building stay vacant longer and become an eyesore that is at one of the main intersections of town.
- Commissioner Grey stated there is no way to know if this will work without trying.

Motion:

Commissioner Grey made a motion to approve the request, as presented, with staff recommendations. Commissioner Tatum seconded the motion.

Discussion of the Motion:

Commissioner Munoz stated he would like to amend the motion to add that customer and employee parking remain on premise and to add that the permit is restricted to this use by this applicant. Commissioner Tatum seconded the motion.

Discussion of Proposed Amendments:

- Commissioner Woods would like the condition for parking to state mitigation measures be implemented if it becomes a problem.
- Commissioner Munoz explained the motion is recommended to help the neighbors have recourse if the parking becomes a problem for the neighbors. Parking on the street is allowed, without this condition on the permit there is no means for the addressing the issue.
- Commissioner Woods stated he doesn't understand why staff can't look at the parking and enforce mitigating measures like they would with the stacking in the drive-through.
- Assistant City Engineering explained without a parking condition on the permit staff will not address public parking along the streets.
- City Attorney Wonderlich explained these are two different issues, the stacking can create a traffic safety issue. Commissioner Munoz is concerned about staff and customers taking up spaces along the street that the neighbors area usually available to them. The street is public and allows for anyone to park along the street however people are very possessive of the parking in front of the houses. Staff will hear about this if the staff and customers begin to use these spaces even though it is totally legal.
- Commissioner Dawson explained that parking along the street is legal so there is not really a valid complaint unless they are blocking a drive-way which is a legal issue.
- Commissioner Munoz explained if the site had the number of required spaces for this use on-site he would not be as concerned but in this case we would be allowing a use that is non-conforming for the zoning and non-conforming for the parking.
- Commissioner Woods has a concern with compliance and proof that the parking issue is because of the staff or customers affiliated with the business.
- Commissioner Munoz stated the person complaining would have to provide the evidence.
- Commissioner Grey stated if the neighbors were concerned they would have been here to bring up their concerns. He thinks the neighbors should be responsible enough to speak to the business if it becomes an issue.

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Motion Amendment Vote #1: Restricting Permit to Applicant

- All members present voted in favor of adding this amendment to the conditions.

[Motion for Amendment Passed 7-0](#)

Motion Amendment Vote #2: Parking On-site Only

- Commissioners Munoz and Commissioner Frank voted in favor of the motion. Commissioners Tatum, Grey, Woods, Dawson and Musser voted against the motion.

[Motion for Amendment Failed 5-7](#)

Original Motion Vote:

All members present voted in favor of the motion.

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

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to no outdoor audio or announcement system being utilized on this property.
3. Subject to no order board or menu being displayed for the drive-thru.
4. Subject to light source for security and parking areas being shielded from view of neighboring residential properties.
5. Subject to mitigating measures being installed by the applicant, per the City Engineer to maintain traffic safety and reduce impacts of the drive-through window.
6. Subject to the permit being limited to Burnt Lemon only, change in ownership requires a new Special Use Permit.

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

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

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

1. Work Session- [September 7, 2016- Joint Comprehensive Plan TAC and P&Z Commission](#)
2. Public Hearing- [September 13, 2016](#)

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:05 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,
Vista View-Burnt Lemon)
c/o Jim Woodland) AND DECISION
 Applicant(s))

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on **August 23, 2016** for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of **replacing a legal non-conforming use with a different non-conforming use on property located at 1040 Shoshone Street East**, 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 **replacing a legal non-conforming use with a different non-conforming use on property located at 1040 Shoshone Street East**
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: **August 4, 2016**
3. The property in question is zoned **R-4 PRO P-3** pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as **Townsite** 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, **11th Avenue North/Gas Station**; to the south, **Professional Office/Residence**; to the east; **Professional Office/Blue Lakes Boulevard North**; and to the west, **Shoshone Street/Residential/Professional**.

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 **replacing a legal non-conforming use with a different non-conforming use on property located at 1040 Shoshone Street East** is consistent with the purpose of the **R-4 PRO P-3 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 **R-4 PRO P-3** 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 **replacing a legal non-conforming use with a different non-conforming use on property located at 1040 Shoshone Street East** 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 **replacing a legal non-conforming use with a different non-conforming use on property located at 1040 Shoshone Street East** 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.

CHAIRMAN- TWIN FALLS CITY PLANNING & ZONING COMMISSION

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 no outdoor audio or announcement system being utilized on this property.
3. Subject to no order board or menu being displayed for the drive-thru.
4. Subject to light source for security and parking areas being shielded from view of neighboring residential properties.
5. Subject to mitigating measures being installed by the applicant, per the City Engineer to maintain traffic safety and reduce impacts of the drive-through window.
6. Subject to the permit being limited to Burnt Lemon only, change in ownership requires a new Special Use Permit.

APPLICATION #2806
SUP# xxxx



**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.1403

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on **August 23, 2016** to **Vista View-Burnt Lemon** whose address is **3990 Gregg Circle Pocatello, ID 83201** for the purpose of replacing a legal non-conforming use with a different non-conforming use on property located at **1040 Shoshone Street East** and legally described as **Twin Falls Townsite Lots 1, 2 & 3 Blk 2 RPT0001002001CA**

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.2806

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to no outdoor audio or announcement system being utilized on this property.
3. Subject to no order board or menu being displayed for the drive-thru.
4. Subject to light source for security and parking areas being shielded from view of neighboring residential properties.
5. Subject to mitigating measures being installed by the applicant, per the City Engineer to maintain traffic safety and reduce impacts of the drive-through window.
6. Subject to the permit being limited to Burnt Lemon only, change in ownership requires a new Special Use Permit.

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, September 13, 2016**

To: Planning & Zoning Commission

From: Jonathan Spendlove, Planner I

AGENDA ITEM IV-1

Request: For the Commission's recommendation on the **Zoning Designation** for a property requesting Annexation currently zoned C-1. The property, 0.65 Acres (+/-), is located at the northeast corner of Pole Line Road and Harrison Street. c/o Robert Struthers (app. 2807)

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: 0.65 Acres (+/-)
Rob Struthers 762 Robert St. Picabo RT. Bellevue, ID 83313 208-788-4613 email@robstruthers.com	Current Zoning: C-1 in Area of Impact (AOI)	Requested Zoning: Annexation with the C-1 Zoning Designation
	Comprehensive Plan: Commercial/Retail	Lot Count: 1 parcel
	Existing Land Use: Undeveloped	Proposed Land Use: Commercial Development
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: R1-VAR Aol; Residential	East: C-1 PUD, Commercial
	South: Pole Line Rd; C-1 PUD, Undeveloped Commercial lot	West: Harrison St; C-1 PUD, Commercial
	Applicable Regulations: 10-1-4, 10-1-5, 10-15	

Approval Process:

§10-15-2: Annexation

The Commission shall conduct at least one public hearing in which interested persons shall have an opportunity to be heard. The hearing shall not consider comments on annexation and shall be limited to the proposed plan and zoning changes. (Ord. 2012, 7-6-1981)

Budget Impact:

Approval of this request will have negligible immediate impact on the City budget.

Regulatory Impact:

A recommendation on the zoning of this site will allow the application to be scheduled for the City Council. Approval of this request will allow the applicant to annex the subject property into the City Limits.

History:

Since this property is in the Area of Impact, the current zoning designation would have been reaffirmed on the property with the action taken on the most recent Area of Impact Agreement between the City of Twin Falls and Twin Falls County which occurred in 2004.

Analysis:

This request is to annex 0.65 +/- acres with the current zoning designation of C-1. Currently, the property is undeveloped. The applicant is requesting the current zoning designations to remain C-1 as part of the annexation. Please see attached maps for current and future zoning designations.

Twin Falls City Code sections 10-15-1 and 10-15-2 require a hearing and recommendations from the Commission on planning and zoning designations for areas proposed to be annexed.

Section 10-15-2(A) states: "The Commission hearing shall not consider comments on annexation and **shall be limited to the proposed development plan and zoning changes.**" The City Council shall then hold an additional public hearing to determine whether the designated area should be annexed and if so what the zoning designation shall be. If approved, an ordinance is prepared and at a later public meeting is adopted by the City Council. Once the ordinance is published it is sent to the State and the official zoning map is officially amended.

Staff recommends a zoning designation of C-1 to be appropriate for the entire 0.65 +/- acre site. This would be consistent with the zoning districts currently found within City Limits, as well as being closely aligned with the current zoning of the area. It would allow for future commercial growth along Pole Line Road.

Conclusion:

Should the Commission find the C-1 Zoning Designation appropriate, they should forward a positive recommendation to the City Council for the entire 0.65 +/- acre site.

Attachments:

1. Letter of Request
2. Zoning Vicinity Map
3. Aerial Photo and Boundary Map
4. Future Land Use Map
5. Site Photos



762 Robert Street • Bellevue, Idaho 83313 • 208-788-4613 • Fax 208-788-2375

7.23.16

CITY OF TWIN FALLS
ATTN. RENÉE CARRAWAY JOHNSON
ZONING & DEVELOPMENT MGR.
P.O. Box 1907
TWIN FALLS, ID. 83303

DEAR RENÉE,

ENCLOSED PLEASE FIND THE ANNEXATION APPLICATION FOR A
COMMERCIAL LOT AT THE N.E. CORNER OF POLELINE ROAD AND
HARRISON ST. THIS PROPERTY WAS RE-ZONED TO C-1 IN 2004
BUT NEVER ANNEXED. THE PROPERTY'S PROPOSED ANNEXATION
COMPLIES WITH THE COMP PLAN AND IS COMPATIBLE WITH
THE SURROUNDING AREA. THE INTENDED USE IS COMMERCIAL.
THANK YOU.

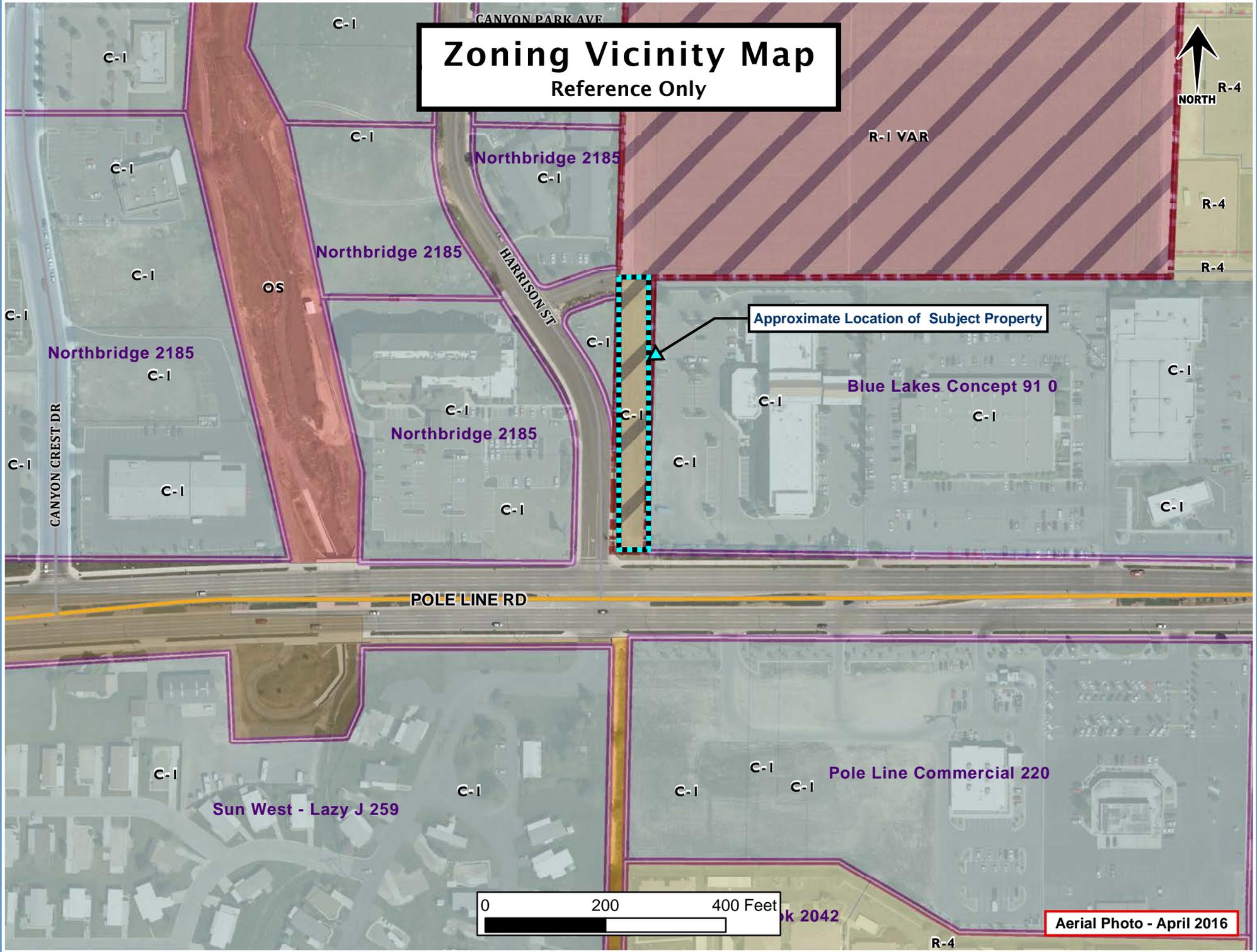
YOURS TRULY,

ROB STRUTHERS

CC KATIE BRECKENRIDGE

Zoning Vicinity Map

Reference Only



Approximate Location of Subject Property



Aerial Photo - April 2016

Aerial Photo Map

Reference Only



1846

647 POLE L

CANYON FALLS DR

Approximate Location of Subject Property

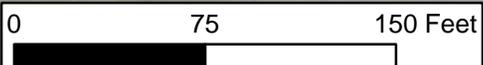
1741 HARRI

539 POLE L

601 POLE L

1725 HARRI

HARRISON ST



Aerial Photo - April 2016

Future Land Use Map

Reference Only



Approximate Location of Subject Property

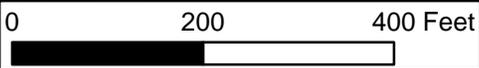
CANYON FALLS DR

Commercial/Retail Designation

CANYON CREST DR

POLE LINE RD

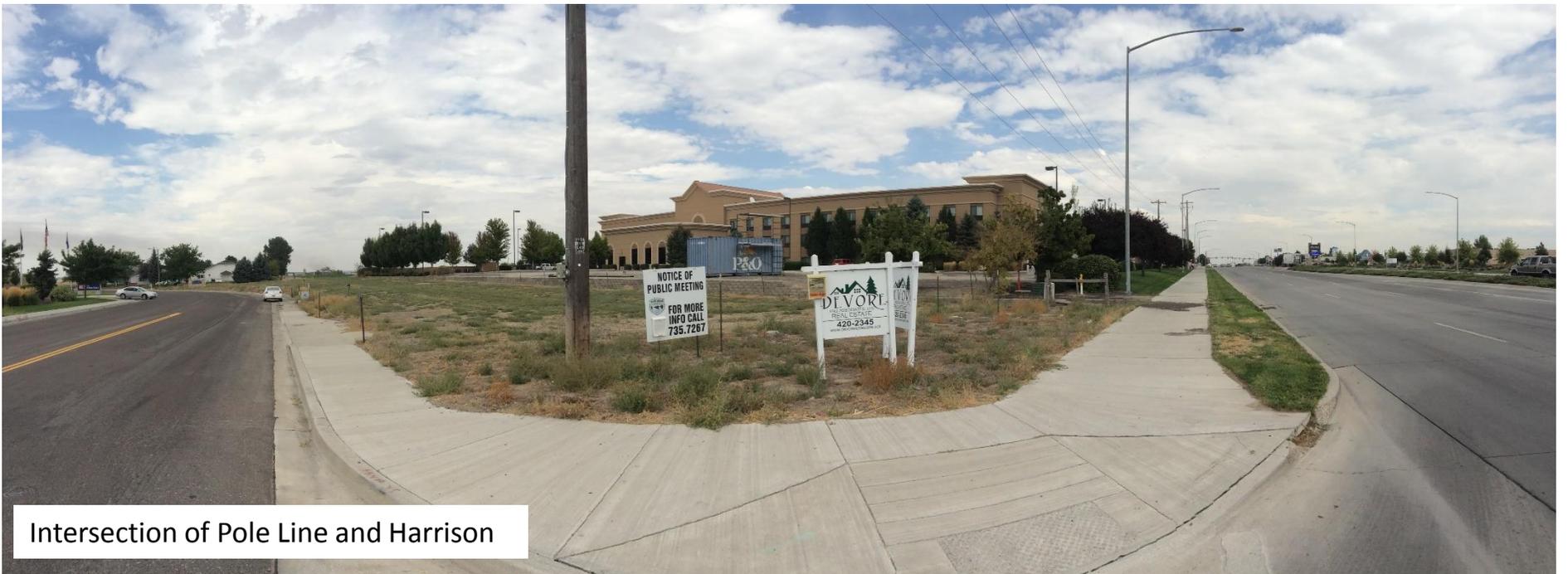
Commercial/Retail Designation



Aerial Photo - April 2016



Frontage along Pole Line Rd W



Intersection of Pole Line and Harrison



Panorama of site looking towards the East.



NE Corner of Property looking South towards Pole Line.



Public Hearing: **Tuesday September 13, 2016**

To: Planning & Zoning Commission

From: Jonathan Spendlove, Planner I

AGENDA ITEM IV-2

Request: Request for a **Special Use Permit** for an expansion of more than 25% of an existing auto body and repair business on property located at 419 4th Avenue West c/o Kenny Rogers (app. 2808)

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: +/- 5100 sf Building; 1.15 Acre lot
SRAB Holding Company 419 4 th Ave West Twin Falls, ID 83301 snakera@cableone.net 208-734-5790	Current Zoning: C-B P-2; Central Business with a P-2 Parking Overlay	Requested Zoning: Special Use Permit to expand by more than 25%.
	Comprehensive Plan: Townsite	Lot Count: 8 Lots
	Existing Land Use: Auto Body & Repair business, parking and storage area	Proposed Land Use: Expanded Auto Body, Service & Repair business
Representative:	Zoning Designations & Surrounding Land Use(s)	
EHM Engineers 621 North College Rd Twin Falls, ID 83301 208-734-4888 dthibault@ehminc.com skaster@ehminc.com	North: CB P-2; 4 th Ave West; Residence	East: C-B P-2, Residential
	South: CB P-2; 5 th Ave W; Residential	West: C-B P-2, Residential
	Applicable Regulations: 10-1, 10-4-7.2(B)-11b, 10-10, 10-11-1 thru 8,10-13-2-2	

Approval Process:

The Special Use Permit process requires a public hearing to be held in which interested persons have the opportunity to be heard with regards to the application.

Within thirty (30) days after the public hearing, the Commission shall approve, conditionally approve, or disapprove the application as presented during the hearing. If conditions are placed on the permit, the Administrator shall issue a special use permit listing the specific conditions specified by the Commission for approval.

If an applicant or interested party appeals the decision of the Commission, the City Council shall set a hearing date to consider all information, testimony and minutes of the previous hearing to reach a decision on the appeal.

Budget Impact:

Approval of this request will have negligible impact on the City budget in the form of increase property tax.

Regulatory Impact:

Approval of this request will allow the applicant to continue with the building permit process to expand the auto body repair shop by more than 25%.

A special use 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.

History:

An SUP was granted in March, 1982 for an auto body repair shop. Another SUP was granted in May, 2002 for an expansion on the Auto Body Repair shop. A third SUP was granted in August 2013 to expand the business further. All of these SUP's had conditions placed on them by the commission.

Analysis:

The applicant has supplied a narrative outlining the details of the proposed use of the property and building. Snake River Auto Body has submitted for a building permit with the City. The new added location will allow for more work space and accommodate a better work flow. The hours of operation will be 7:00 AM – 6:00 PM, Monday – Friday; and 8:00 AM to 1:00 PM Saturday, closed Sunday.

The applicant believes that the expansion will have minimal impacts to neighboring land uses. Their narrative states that they do not anticipate any change in odor, glare, noise, or otherwise objectionable impacts to neighboring properties. The applicant believes they will operate in much the same manner as they presently do.

Per City Code 10-4-7.2: Automobile and truck service and/or repair businesses are required to have a special use permit in order to operate. This particular location has had multiple special use permits for an auto repair business, with the first one occurring in 1982. At that time the makeup of uses in the area were described as a mix of commercial and residential uses. Since that time, more commercial uses have moved into the area reducing the amount of surrounding residential properties.

There are residences nearby, particularly across 4th and 5th Ave West. The proposed added location may increase traffic due to a greater availability of work space. However, it will also give the business more space to store vehicles which are in need of repair. If the storage area is screened this will potentially reduce the visual impacts to the surrounding area. The business currently operates as a body shop, which inherently causes some noise, glare, odor, and vibration. These impacts will most likely not increase dramatically with the addition.

All improvements made on the subject property are required to comply with standards set forth in Twin Falls City Code.

Per City Code 10-10: The number of parking spaces required is 3 spaces per each work bay. This location is also within the P-2 Parking Overlay, this allows a 30% reduction in number of required parking spaces. A full evaluation of parking requirements will take place at the time of building permit submittal.

Per City Code 10-11-1 thru 8: Required improvements to the property are required to be in conformance with city code at the time of building permit. All required improvements including landscaping, screening, parking areas, drainage and storm water retention will be reviewed with any building permit submitted to the city and will be required to meet the minimum requirements.

Landscaping: The additional area on 5th Ave West has landscaping installed per the Code at the time the building was constructed. It will be evaluated for compliance with current code during the building permit process.

Parking / Maneuvering Area: All parking and maneuvering areas are required to be paved in the C-B Zone. Portions of the new area are paved; other portions have dirt or gravel. These areas will need to be paved or portioned off to become unusable for parking and maneuvering according to City Code. As the expansion is south of the current business it also crosses the unpaved alley. The alley will need to be paved if it is used as part of the business. A determination by the City Engineer shall be requested.

Possible Impacts: This particular business has been in operation at the current location at least since 1982. The City has not received any recent zoning complaints regarding this business or location. It is believed that the impacts this business may have are existing, and the expansion which is being proposed will not greatly increase those impacts beyond what is reasonably acceptable at this location.

However, any auto body repair shop has the potential to become an unsightly visual impact to neighbors and the community. In order to mitigate this visual impact to neighbors and the community as a whole, it would be acceptable to require all un-operable vehicles and parts to be stored inside, or within a sight obscuring fence.

Conclusion:

Should the Commission grant this request as presented; city 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 all un-operable, un-licensed, or junk vehicles, and all parts associated with the business being stored inside a building or behind an area with a sight obscuring fence, to be approved by staff.
3. Subject to the parking and maneuvering area(s) and alleyway being paved according to minimum standards set forth by the City Code / City Engineer.
4. Subject to all required screening fences being installed and approved by staff prior to March 14, 2016.
5. Subject to all previously granted Special Use Permits being in full compliance.

Attachments:

1. Letter of Request
2. Zoning Vicinity Map
3. Aerial Map
4. Applicant Submitted Site Plan
5. Site Photos (4)
6. SUP #1300

Snake River Auto Body – Argus Electric Property

Special Use Permit Attachment

The proposed facility is a 5,100 square foot professional business building on a 0.58 acre lot located in Lots 11, 12, 13, and 14 of Block 141, Section 16, Township 10 South, Range 17 East of Boise Meridian Twin Falls County, Idaho. The front entrance to the property and primary traffic access is off 5th Avenue West. The back alley way will also allow access to the property but mostly for private access of Snake River Auto Body employees. It is not anticipated that there will be a change to traffic flow on public road ways.

The facility will operate between 7 am to 6 pm Monday through Friday, 8 am to 1 pm on Saturday, and it is closed on Sundays. Most of the activities will occur within the building. Vehicle parking and staging is anticipated within the fenced lot.

Staffing at Snake River Auto Body currently consists of 15 people: 3 estimators, 6 body technicians, 4 painters, and 1 full time secretary as well as 1 part time secretary.

The lot will be landscaped per City of Twin Falls requirements, according to City Code.

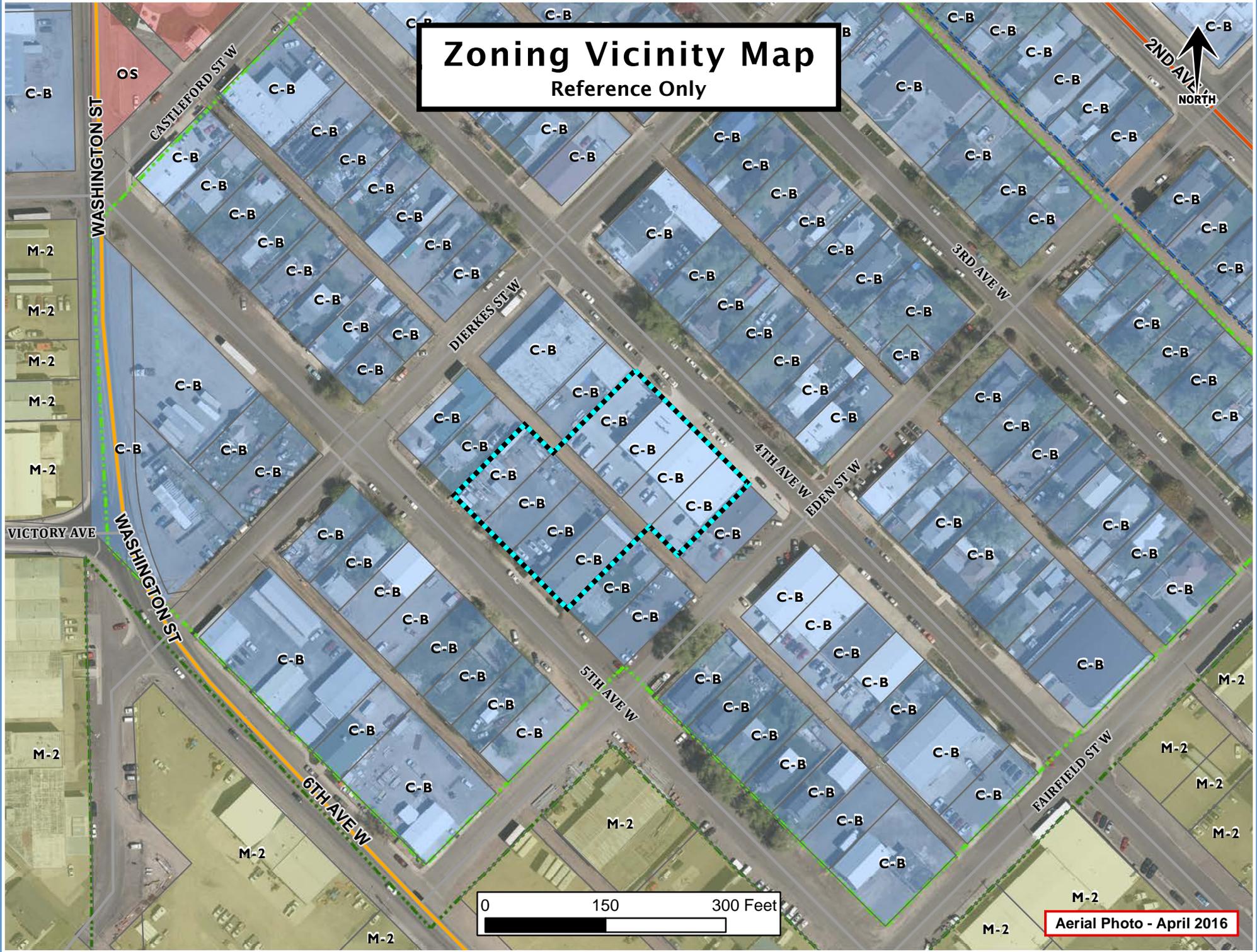
There will be minimal impact to the noise, glare, and odor of the surrounding area with the majority of the work being inside. Fumes and vibration on adjoining properties are expected to be minimal.

Snake River Auto Body and Paint, Inc. currently operate across the alley way of the subject property. There will be minimal effects of the surrounding area with an increase of operations across the alley way.

Zoning Vicinity Map

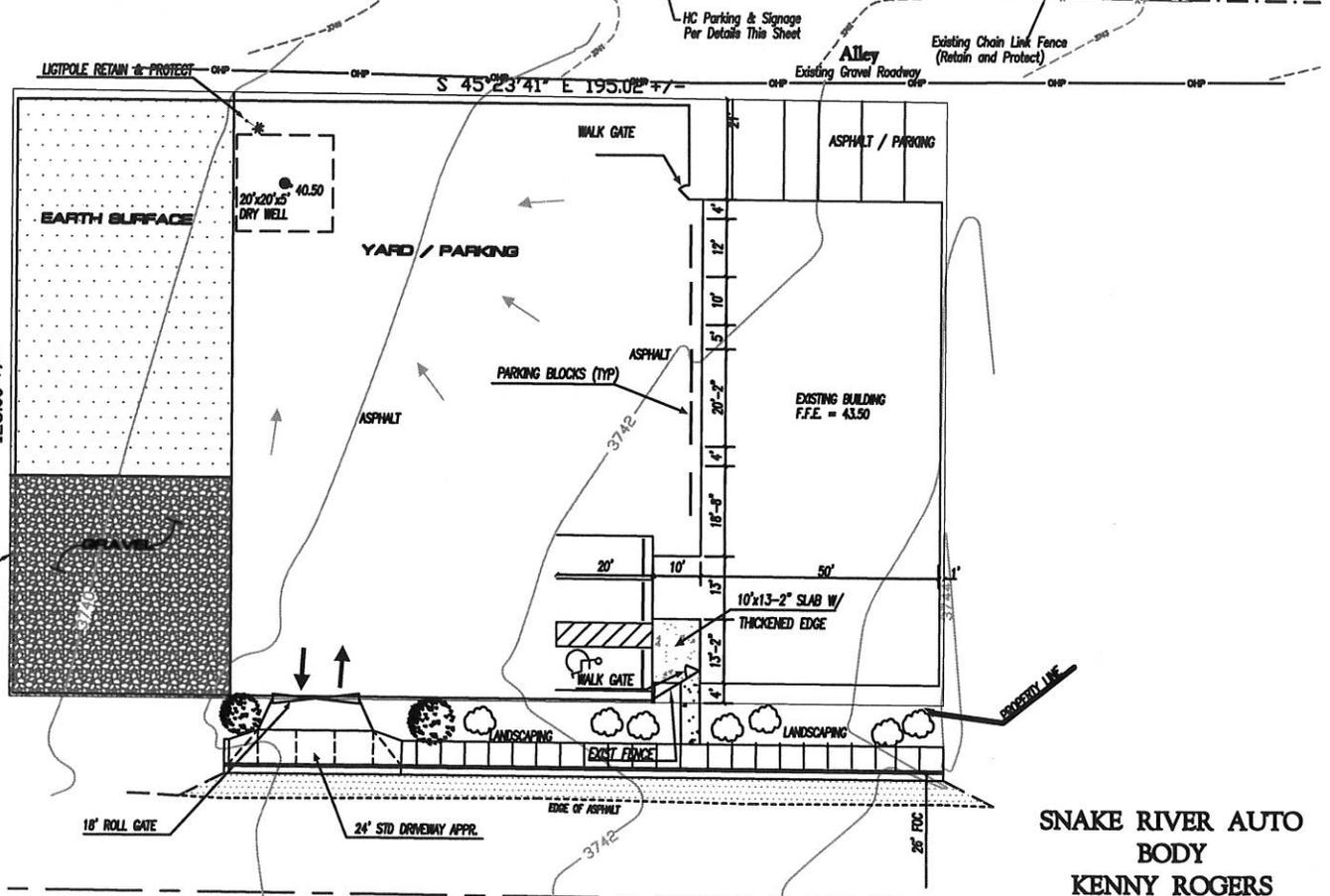
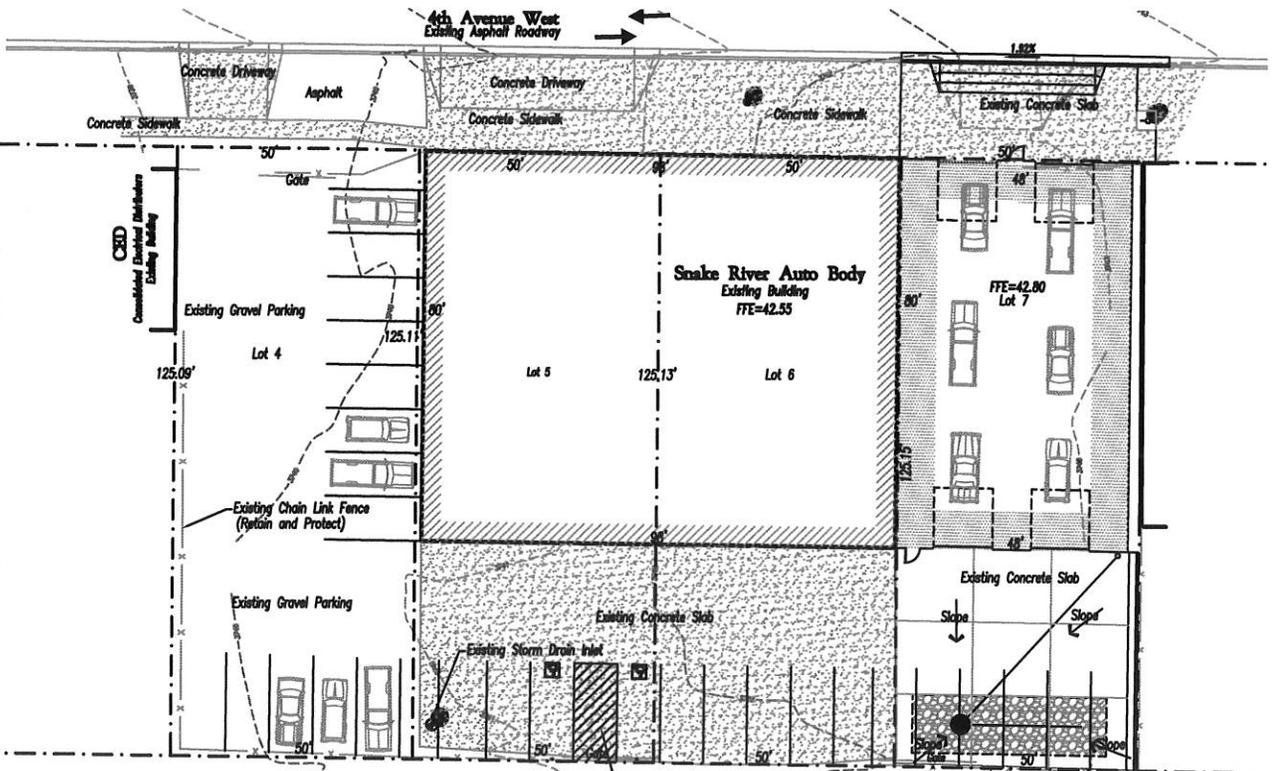
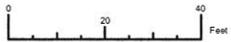
Reference Only

NORTH



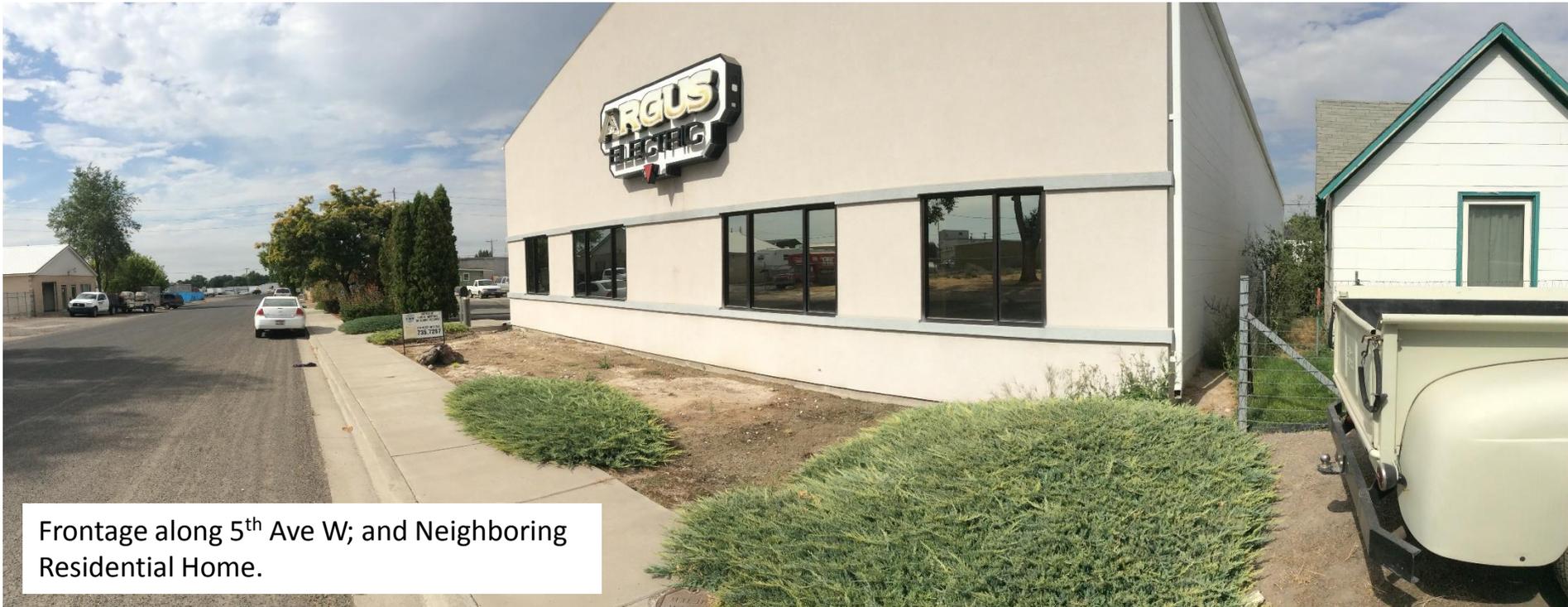
Aerial Photo - April 2016

Located In
 Lots 4, 5, 6 & 7 Block 141
 Lots 11, 12, 13, & 14 Block 141
 Twin Falls Original Townsite
 in
 Section 16,
 T. 10 S., R. 17 E., B.M.
 Twin Falls County, Idaho



**SNAKE RIVER AUTO
 BODY
 KENNY ROGERS
 P.O. BOX 121
 TWIN FALLS, ID.**

NOTE:
 DRAWING SIZE
 8 1/2" x 11"



Frontage along 5th Ave W; and Neighboring Residential Home.



Entire Frontage along 5th Ave West



Alley Side of additional land, neighboring Residential house on Left



New property on the left, existing shops on the right across alley.



CITY OF TWIN FALLS
PLANNING AND ZONING DEPARTMENT
 324 Hansen Street East
 P.O. Box 1907
 Twin Falls, Idaho 83303-1907

SPECIAL USE PERMIT

Corrected Legal Description

Permit No.1300

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on August 27, 2013 to Snake River Auto Body c/o Ken Rogers whose address is P.O. Box 121 Hazelton, ID 83335 for the purpose of adding a more than 25% expansion to an existing automobile repair business on property located at 419 4th Avenue West and legally described as Twin Falls Townsite Lot 6 Block 141 (16-10-17) RPT00011410060A

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.2590

1. Subject to the site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with applicable City Code requirements and standards.
2. Subject to an alternative landscape plan being provided to City Staff for approval, and installed by applicant no later than October 8, 2013.
3. Subject to all un-operable, un-licensed, or junk vehicles, and all parts being stored inside or behinds a sight obscuring fence that has been approved by City Staff.
4. Subject to the parking and maneuvering area being paved in conjunction with the construction of the addition, or an approval of a staged three (3) year deferral that would require portions of the area to be paved each year; with the entire area to be paved no later than August 27, 2016.



[Handwritten Signature]
 CHAIRMAN - TWIN FALLS CITY PLANNING & ZONING COMMISSION
 8/25/16
 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

AMENDED