



NOTICE OF AGENDA
TWIN FALLS CITY PLANNING & ZONING COMMISSION
JANUARY 10, 2017 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 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): 12-13-16 PH
2. Approval of Findings of Fact and Conclusions of Law:
 - LeMyone (Pre-plat 12-13-16) • Pillar Falls Plaza (Pre-plat 12-13-16)
 - Westpark Commercial Subd No. 10 (Pre-plat 12-13-16) • Goode Motor (SUP 12-13-16)
 - LineX-Bland (SUP 12-13-16)

III. ITEMS OF CONSIDERATION:

1. Request of the Commission's consideration to reinstate/extend the completion dates placed on SUP #1384, granted to Susan Petruzzelli on January 12, 2016 to operate a 24-hour gas station in conjunction with a retail business on property located at 303 Main Ave E.

IV. PUBLIC HEARINGS:

1. Request for a **Zoning Title Amendment** to Twin Falls City Code Title 10; Chapter 4; to delete the special use permit requirement to allow permitted retail/trade uses operating outside the hours of seven o'clock AM to ten o'clock PM within the 10-4-7.2(B), 10-4-8.2(B) and 10-4-13.2(B) Zoning Districts; and to delete the special use permit requirement to allow an indoor recreation facility within 10-4-7.2(B), 10-4-8.2(B), 10-4-9.2(B), 10-4-10.2(B) and 10-4-13.2(B) Zoning Districts. City of Twin Falls c/o Planning & Zoning Department (app. 2831)

V. GENERAL PUBLIC INPUT:

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

Reminder: There are two city openings on the P&Z Commission. Deadline for submittals are January 17, 2017.

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

1. Public Hearing- **January 24, 2017**
2. Work Session- **February 1, 2017**

VIII. ADJOURN MEETING:

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

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

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

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

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

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Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated this property has been zoned C-1 PUD under the Woodbury PUD agreement since May 1990. The Breckenridge Farms #3 Subdivision took place in 1995. According to county parcel records the office building currently on the property was built in 1997. Sometime prior to 2007, the northern portion of Lot 1 was "split" and sold to a separate owner.

The applicant is requesting a re-plat of parcel RPT0354001001A, a portion of Lot 1, Block 1, of Breckenridge Farms Subdivision Phase 3. The property currently has developed access off of Fillmore St. A cross use agreement between the current office building and the future building has been executed.

The proposed subdivision complies with the applicable City Codes found in Title 10 Chapter 12: Subdivision Regulations, and the Woodbury PUD, as to lot size, access, and other applicable codes and regulations.

Staff recommends the Commission approve the preliminary plat of the LeMoyne Subdivision, as presented and subject to the following conditions:

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to arterial and collector streets adjacent and within the property being dedicated to the City of Twin Falls and to be rebuilt or built to current City standards upon development or change of use of the property.

Public Hearing: Opened and Close Without Public Comments

Deliberations Followed: Without Concerns

Motion:

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

Approved, As Presented, With the Following Conditions

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
 2. Subject to 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 or change of use of the property.
2. Request for consideration of the Preliminary Plat Pillar Falls Plaza a PUD, consisting of 24 lots, 1 tract and 21.61 acres (+/-) located on the north side of Pole Line Road East between Bridgeview Boulevard and Eastland Drive North c/o EHM Engineers, Inc.

Applicant Presentation:

Tim Vawser, EHM Engineers, Inc., representing the applicant, stated this is property that has a PUD approved with a master concept of the development. This would be mixed use development of Commercial, Residential and Professional with two accesses off of Pole Line Road East. They do not have any changes to make to the PUD but there may be some minimal changes to building layout and a reduction in the density of the residential area. They do realize there are conditions placed on this preliminary plat for approval and they agree with the conditions.

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Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and summarized the history explaining that this property was annexed, rezoned and had an approved final plat along with an approved PUD agreement. The plat was recorded on June 29, 2009, with bonding on improvements. Improvements were not completed due to multiple change-over in the ownership of the property.

On March 12, 2012, City Council heard and approved a motion to vacate the Pillar Falls Subdivision, Phase 1 Plat, with the condition a 58' easement along Pole Line Road East be dedicated and the easement for the Canyon Rim trail remain for the dedication and use of a trail in accordance with the Master Development Plan presented.

The Original PUD stated the residential portion of the development shall be limited to attached or detached Single Family Townhomes, condominiums, and residential accessory use, but shall not exceed density as specified in the Residential Multi-Household District (R-6). The plan shows townhomes in 6 and 7-plex clusters, with a 30-unit condominium structure. The land area provided for the proposed 81 units (51 townhomes and 30 condominiums) does not exceed the density specified in the R-6 District and therefore follows the requirement found in the PUD Agreement.

The proposed development has an issue with sewer facilities. The majority of the area between Eastland and Bridgeview, North of Pole Line Road, is lower in elevation than the existing City sewer system. The Concept Plan for sewer service delivery is being discussed between the Applicant, City Staff, and the City Council due to the monetary and regulatory constraints. Some of the solutions may include individual sewer pumps, a localized lift station, and others.

If a lift station is allowed per City Council, we believe it is in the best interest of all parties to only have one lift station for the whole area. We also feel it is the responsibility of the respective property owners to create the sewer system plan for a single lift station. A condition requiring a sewer service plan for the entire area, between Eastland and Bridgeview, on the north side of Pole Line Rd E be furnished by the applicant, prior to submitting a Final Plat would be appropriate.

The Parks In-Lieu Contribution has been approved by the Parks and Recreation Commission, however, it has not been granted by the City Council at this time. A condition requiring that approval prior to submittal of a Final Plat would be appropriate.

The developer has not resolved issues with the Pressurized Irrigation requirement as of this date. A condition requiring an acceptable/approvable plan for supplying Pressurized Irrigation is appropriate.

Planner I Spendlove stated upon conclusion should the Commission approve the preliminary plat of the Pillar Falls Plaza, a PUD, as presented, staff recommends the following conditions:

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to the Parks In-Lieu Contribution being resolved prior to submittal of a Final Plat.
3. Subject to a plan for supplying Pressurized Irrigation to the project being approved by the City Engineer, prior to submittal of a Final Plat.
4. Subject to a Sewer System Plan showing adequate provision for all properties designated within the service area to be approved by the City Engineer prior to submittal of the Final Plat.
5. Subject to said Service Area being designated by City Engineer.
6. Subject to the verified engineered fill or compaction test results, being reviewed and approve by City Staff, prior to submittal of a building permit.

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PZ Questions/Comments:

- Commissioner Munoz asked about the alignment of the intersections across Pole Line Road East.
- Assistant City Engineer Vitek explained the intersections were designed to align across Pole Line Road East.
- Commissioner Munoz asked about the possibility of a traffic signal and a traffic impact study.
- Assistant City Engineer Vitek explained it is difficult to say at this time when or if a traffic signal would be warranted, however if the development is successful and traffic impacts create the need for a traffic signal this will be addressed.
- Commissioner Grey asked about pedestrian signals for people crossing.
- Assistant City Engineer Vitek explained lighting will be installed to warn traffic of pedestrians in the area.
- Commissioner Grey asked about the lift station process.
- Assistant City Engineer Vitek explained lift stations are a maintenance issue for the City and if there is a need for a lift station there needs to be one for the entire area. The condition basically does not allow the final plat to be approved until a sewer plan is approved. DEQ requires that the lift stations be maintained by a jurisdiction so the discussion needs to occur with the City Council on whether or not the City wants to maintain a lift station.
- Commissioner Woods asked about provisions for power loss if a lift station is used.
- Assistant City Engineer Vitek explained that they are powered by electricity with a natural gas back-up connection.

Public Hearing: Opened

Mr. Sparks explained his concern is that this development compliments the trail. He has been approached concerning the sewer line and has no big concern but would like to be able to hook-up to the system. He will be working with City staff to find out what the needs are for him to gain access to the sewer services once available.

Public Hearing: Closed

Closing Statement:

Mr. Vawser explained they would work with Mr. Spark's however he is not sure the property can be connected without being annexed. They will make sure that the fill dirt is compacted correctly.

Deliberations Followed:

- ❖ Commissioner Grey asked about the Parks-in-lieu that has not yet been approved.
- ❖ Planner I Spendlove explained it will be on the City Council Agenda December 19, 2016. There are provisions with the PUD that will need to be coordinated with the Parks and Recreation Director Davis to design connections to the trails.
- ❖ Assistant City Engineer Vitek stated the City no longer has Out of City Service Agreements because there is not a way to bill for the service. Mr. Spark's property will not be able to be hooked up unless the property is annexed. The developer will however be required to provide an access point for surrounding properties to connect once they are annexed.

Motion:

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

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Approved, As Presented, With the Following Conditions

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
 2. Subject to the Parks In-Lieu Contribution being resolved prior to submittal of a Final Plat.
 3. Subject to a plan for supplying Pressurized Irrigation to the project being approved by the City Engineer, prior to submittal of a Final Plat.
 4. Subject to a Sewer System Plan showing adequate provision for all properties designated within the service area to be approved by the City Engineer prior to submittal of the Final Plat.
 5. Subject to said Service Area being designated by City Engineer.
 6. Subject to the verified engineered fill or compaction test results, being reviewed and approved by City Staff, prior to submittal of a building permit.
3. Request for consideration of the Preliminary Plat Westpark Commercial Subdivision No. 10, consisting of 1 lot and 2.14 acres (+/-) located on the north side of Pole Line Road and east side of Washington Street North. c/o EHM Engineers, Inc.

Applicant Presentation:

Gerald Martens, EHM Engineers, Inc. representing the applicant, stated he is here to request approval of a one lot preliminary plat. This plat is specifically for a 55' hotel under common ownership of an existing hotel that is immediately to the west. There will be shared parking with a plaza in between both buildings, with no additional public access. There is a private road along the southern boundary of the existing hotel and access will be available to this property.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead summarizing the history and stated that property is a portion of a large parcel that has been platted as businesses have come through for development. This is just another preliminary plat designed for a single user.

This Preliminary Plat is for the Westpark Commercial Subdivision #10, a ZDA includes 1 commercial lot on 2.18 (+/-) acres. Also on the P&Z Public Hearing Agenda this evening the developer is requesting this site to be rezoned to Westpark Commercial #10, a ZDA from C-1 PUD Northbridge PUD and Northbridge #2 PUD to Westpark Commercial #10, a ZDA.

The request is to plat one (1) lot for the development of a hotel up to 55' tall. The site is located east of the Fairfield Inn at 1788 Washington Street North. The property is currently undeveloped. It is located in Lot 4; Block 2 of the Westpark Commercial Subdivision #3. The lot is covered under the Northbridge PUD. This lot is proposed to be platted and rezoned under a ZDA that shall be consistent with the most restrictive of the Northbridge PUDs. The property to the north is zoned C-1 PUD and developed as Bach Storage. To the east is undeveloped property that is zoned C-1 PUD. The property to the south is zoned C-1 PUD and is developed as Walgreens, Culver's and Popeye's. To the west is Washington Street North and property zoned R-4 and R-2 and is mostly developed as the Villa Del Rio and the Los Lagos residential subdivisions.

The intended use for the Westpark Commercial Subdivision #10 – a ZDA is to allow the commercial development of a hotel up to 55' tall and accessory uses as outright permitted. There is not a minimum lot square footage requirement in the C-1 zone for commercial uses; the lot is required to be of "sufficient size to provide for the building, the required setbacks, off street parking and landscaping". A full review of required improvements will be made by the Building, Planning, Fire and Engineering Departments for full compliance with minimum development standards prior to issuance of any building permits.

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Planner I Spendlove stated upon conclusion staff recommends the Commission approve the preliminary plat of the Westpark Commercial Subdivision #10- a ZDA, as presented, and subject to the following conditions:

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to 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 or change of use of the property.
3. Subject to compliance with a "recorded" ZDA Master Development Agreement, concurrent with approval of the final plat or prior to recordation of the final plat.
4. Subject to the deed being revised in Westpark Commercial Subdivision #3, Lot 4 to exclude this subdivision, if approved.

PZ Questions/Comments:

- Commissioner Grey asked about pedestrian walkways and the impacts to the streets in this area.
- Planner I Spendlove explained there is not a code requirement or standard for a platted pedestrian walkway along private drives, however there may be a condition added to the ZDA.
- Assistant City Engineer Vitek explained he doesn't have any recourse for pedestrian walkways along private drives through the platting process, however staff does encourage that a pedestrian walkway or path be incorporated to assist people walking throughout the development or accessing the trail.

Public Hearing: [Opened and Close Without Public Comments](#)

Deliberations Followed:

Commissioner Munoz explained he does understand the concerns for a walkway for pedestrians to access the businesses located in this area but also understands there is nothing in code that would make it a requirement along private drives through the platting of the property.

Motion:

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

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

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to 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 or change of use of the property.
3. Subject to compliance with a "recorded" ZDA Master Development Agreement, concurrent with approval of the final plat or prior to recordation of the final plat.
4. Subject to the deed being revised in Westpark Commercial Subdivision #3, Lot 4 to exclude this subdivision, if approved.

IV. PUBLIC HEARINGS:

1. Request for the Commission's recommendation on the Zoning District Change and Zoning Map Amendment for 2.14 (+/-) acres from C-1 PUD to C-1 ZDA to develop a Hotel and accessory uses with a maximum building height of 55' on property located east of 1788 Washington Street North. [c/o Gerald Martens on behalf of Westpark Partners, LLC app. 2826](#)

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Applicant Presentation:

Gerald Martens, representing Westpark Partners, LLC, stated this request is to rezone the property to allow for a 55' tall hotel. He explained that he will work with the developer of those properties to provide a designated pedestrian plan and safe means for people to walk in this area. They will work with staff to identify some crossing areas that can be striped and signed.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated this is a request for a Zoning District Change and Zoning Map Amendment from C-1 PUD to C-1 ZDA for 2.14 (+/-) acres to allow a commercial development of a hotel and accessory uses that may be a maximum of 55' tall on property located east of the Fairfield Inn, 1788 Washington Street North.

Per City Code 10-6: Zoning Development Agreements:

The applicant shall provide a proposed zoning development agreement containing development requirement criteria for the project. This criteria may include, building heights, land uses, parking requirements, pathways, and other items.

The applicant shall also provide a Conceptual Master Development Plan that illustrates the criteria outlined in the proposed zoning development agreement.

The applicant has provided a draft of the Zoning Development Agreement and the Master Development Plan. These plans indicate the underlying Zoning District to be C-1: Commercial Highway. The document indicates a few variations from that Base C-1 Zoning District such as a hotel as a permitted use and a maximum height of 55'.

Per City Code 10-4-8: C-1: Commercial Highway District:

Motels and transient hotels require a special use permit. The applicant proposes these Land Uses to be permitted. The Max building height is listed as 50', with a provision to allow greater height through a public hearing process. The Northbridge PUD limits building heights to 35'. The applicant proposes the maximum height be raised to 55', with no additional public hearing process, other than the process we are going through with this current application.

No other variations from current City Code are being sought with this application.

The typical impacts of a Hotel include increased vehicular trips to the area, light and noise from the daily operations of the business. The light and noise of the operations are most likely to be felt on the northern portion of the property. The homes on the west side of Washington will be shielded by the hotel currently constructed on the site. The residential area to the north will be in close proximity to this development and there will be some ambient noise and light intrusion.

The increase in vehicular trips to the area is expected. A vast majority of the trips will take place on Washington Street North and Pole Line Road. With both these roadways being designated and constructed to Arterial Standards, it is not expected this project will create a great burden on the road system in the area.

The commission should review all the possible impacts, and provide appropriate mitigating conditions.

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Planner I Spendlove stated upon conclusion should the Commission recommend approval of the request, as presented, staff recommends the following conditions.

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to a Master Pedestrian Pathway Plan for the entire undeveloped area between Washington Street North and Canyon Crest Drive being reviewed by City Staff per the Westpark Commercial Subdivision No. 10 preliminary plat discussion.

PZ Questions/Comments:

Commissioner Reid asked about the height of the Fairfield Inn to the west of this proposed site. Planner I Spendlove explained he doesn't know the exact height however this building will be taller.

Public Hearing: Opened and Close Without Public Comments

Deliberations Followed:

Commissioner Munoz stated he would be more concerned with the height if it were closer to the rim. The extra height is a good way to maximize land use without spreading out development.

Motion:

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

Recommended for Approval to City Council, As Presented, With the Following Conditions

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to comply with applicable City Codes and standards.
2. Subject to a Master Pedestrian Pathway Plan for the entire undeveloped area between Washington Street North and Canyon Crest Drive being approved by City Staff.

Scheduled for City Council Public Hearing January 9, 2017

2. Request for Vacation of a portion of utility easement and sewer easement at the northeast corner of Lot 1 Block 1 St. Luke's Subdivision-a PUD on property located at 801 Pole Line Road West c/o Jason Densmer, the Land Group, Inc. on behalf of St. Luke's MVRMC, LTD. (app. 2827)

Applicant Presentation:

Jason Densmer, The Land Group, Inc., representing the applicant, stated this request if for the vacation of two separate easements. St. Luke's MVRMC would like to construct a new Medical Office Building along the northeast corner of the property. In order to do so there are a couple of easements that need to be vacated. The hospital has had plans to build a Medical Office Building in this area for approximately 10 years. During the time of the original planning process utilities were constructed to provide for this building in the future. However, since that time the need for the Medical Office Building has grown and the building designed for this need does not fit the original pad site design. One of the vacations is in reference to a utility easement identified on the plat, the only utility that was installed in this easement was a water line. The second vacation is in reference to a sewer line. Prior to the construction of the hospital the City operated a sewer trunk in this corridor and when the pad was developed that sewer line was relocated but the easement was never vacated

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from the plat. In summary the vacations of these easements will allow for development of the site to move forward.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated this area is under the St. Luke's PUD Agreement # 264 which went through the public hearing process in 2005-2007. The Preliminary Plat was approved at the September 12, 2006 Planning & Zoning Commission meeting, and the Final Plat was approved and recorded in January 2008. Since that time, St Luke's Magic Valley has constructed multiple buildings on the property including the main Medical Facility, Helicopter Pad, and most recently a surgery center.

The applicant is requesting the vacation of two (2) utility easements as described and shown in the attachments. The vacation is essential for the construction of a proposed Medical Office Building. One of the easements contains an existing water main maintained by the City of Twin Falls. The other easement does not contain any infrastructure as the sewer line was re-routed during construction and a separate easement was dedicated through separate instrument number.

As part of the proposed project, the existing water main will need to be relocated to an acceptable location. As of this date, the City has not received an acceptable plan for the relocation of said water line. It would be vital to place a condition upon City Engineer approval of Construction Plans for the relocation of the existing water main.

The Sewer Easement is "on paper" only, and the vacation of said easement will not have an adverse effect on the City Sewer System.

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 receiving an approvable Construction Plan for the relocation of the existing Water Main, per City Engineer, prior to publishing the Ordinance for Vacation.

PZ Questions/Comments:

- Commissioner Munoz stated he understands the sewer line was relocated and wanted to know if there is an easement where the new sewer line is located.
- Planner I Spendlove explained that there is an easement.
- Commissioner Frank asked about the need for more parking.
- Planner I Spendlove explained staff will be doing an evaluation of the parking and he has heard some talk about putting in additional parking.

Public Hearing: [Opened and Close Without Public Comments](#)

Closing Statement:

Mr. Densmer explained he has been working with the City on the construction plans for moving the water line and stated they are very close to having that ready for approval. As for the parking, originally the staff training was to have employees park farthest away from the entrance to provide for customer parking. Once the medical office building is constructed staff will be given different directives on where to park.

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Motion:

Commissioner Dawson made a motion to recommend approval of the request, to City Council, 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 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 receiving an approvable Construction Plan for the relocation of the existing Water Main, per City Engineer, prior to publishing the Ordinance for Vacation.

Scheduled for City Council Public Hearing January 9, 2017

3. Request for a Special Use Permit to establish an auto dealership and accessory uses also including vehicle display pad sites on Kimberly Road number to be determined by Commission on property located at 160 Eastland Drive c/o CRC Property Holdings, LLC on behalf of Goode Motor (app. 2828)

Applicant Presentation:

Errin Bliss representing the applicant stated Goode Motor is planning to relocate their VW/Mazda dealership on Blue Lakes Boulevard North and their Central Reconditioning Center located on Kimberly Road to the 160 Eastland Drive location. This property consists of approximately 6 acres, and will consist of a new two story dealership/show room. There are plans for a new service/repair shop, drive through car-wash for the dealership, body shop, and staff offices. A portion of the development will include the existing theater located at the southeast corner of the build and will be used for an auditorium. The proposed dealership will be in a commercial district surrounded by cemetery to the south and east. The business will operate from 7am to 7pm, with increased traffic to the area but not any more than what was there when the theater was in operation. The request also includes a plan to have approximately 14-15 display pads adjacent to Kimberly Road.

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 County parcel records for this property start in 1994, and the theater was first listed at this location in the Polk City Directory in 1971. The theater closed in May 2014 and has been vacant since.

The applicant is applying for an SUP to operate a Retail Automobile Dealership with accessory uses. These accessory uses include Automobile Service and Repair Center, an Auditorium in one of the old theater spaces, and multiple display pads along Kimberly Road. The Applicant has supplied a detailed narrative laying out the regular operation of the dealership and service center.

Also included is a detailed description of the intent for keeping the theater space to be utilized as a spot for community organizations, schools, churches and other various entities to utilize as a meeting and gathering space. It is clearly stated that their intent is not to compete with the other theaters in town in any way. The property being zoned C-1 and surrounded by C-1 and Open Space, make a dealership, repair center, and auditorium a compatible use for this location.

Per City Code 10-4-8:

An SUP is required in the C-1 zone to operate an Automobile and Truck dealership, and Vehicle Service and/or Repair.

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The Site Plan provided by the applicant depicts the location of the Dealership vehicles and Service/Repair area. The display areas are not required to follow the parking lot landscaping requirement. The Service area is shown to be within buildings and is not foreseen to be an overly burdensome impact on neighboring properties.

Per City Code 10-7-12:

Thirty feet (30') of landscaping is required along Kimberly Road. This landscaped area will require a certain number of trees and bushes per the landscaping requirement in City Code.

Per City Code 10-11-1 thru 8:

Required improvements include access, drainage and storm water. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal.

As part of the landscaping section of required improvements, vehicle display pads may be permitted within the required landscaping through the Special Use Permit process.

The applicant has shown the number and location of display pads along Kimberly Road they desire to have. The commission should evaluate the number and location, then determine if it is following the intent of the Gateway Arterial Landscaping code section.

Currently the Goode operation off of Blue Lakes Houses two brand dealerships. A Central Reconditioning Center (CRC) to repair and recondition used vehicles is located on Aspenwood Drive. The move to Eastland Drive will take the Mazda dealership and the CRC to the new location.

The typical impacts of dealerships center around increased traffic and noise from daily operations. The daily operations include delivery of vehicles, minor service and repair, starting and running of vehicles, and other various activities.

Since the location is within a commercial district, and near similar uses in the area, the daily operations of a new dealership will likely not increase impacts in vicinity to unacceptable levels. The applicant has stated how they will mitigate noise, glare, and fumes from neighboring property owners.

The increased traffic will be due to the inactivity of the property in the recent years. It is not expected the increase in traffic will go beyond the historic traffic levels as a Theater. Additionally, the primary roads used to service this location are Eastland Drive and Kimberly Road. Both of these roadways are designated arterials and have been designed to accommodate larger traffic loads.

The relocation/consolidation of these businesses will have a positive impact on the area as an underutilized location within the city will be revitalized with minimal developmental impacts.

Planner I Spendlove stated upon conclusion should the Commission approve this request, as presented, staff recommends the following conditions.

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to construction of the building being consistent with the submitted drawings/elevations, as presented.
3. Subject to the vehicle display pads along Kimberly road being limited to a number determined by the Planning Commission.

**Planning & Zoning Commission Minutes
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PZ Questions/Comments:

- Commissioner Grey asked if the landscaping has to be increased because of the display pads.
- Planner I Spendlove explained that they still have to install the required amount of trees and bushes that meet the code requirements.
- Commissioner Munoz asked if there is any fencing requirement between the cemetery and this proposed business.
- Planner I Spendlove stated no, this would not be required.
- Commissioner Munoz clarified that outside speaker/paging systems would not be allowed without a special use permit.
- Planner I Spendlove stated that is correct to have amplified sound outside they have to have a Special Use Permit.
- Commissioner Woods asked about the proposal for future pad side being sold for a restaurant.
- Planner I Spendlove explained that is not part of this request but it is something they are considering possibly in the future.

Public Hearing: Opened

- Matt Cook, owner of Goode Motor, explained that he is not familiar with landscaping requirements and the pad sites are important to the operation of the business. He is willing to do what it takes to meet the requirements.
- Commissioner Grey asked if the applicant was envisioning trees with cars parked under them.
- Mr. Cook explained that they don't want to prohibit people from seeing the inventory, it would not be optimal to plant trees that block the cars, possibly grouping the trees together is possible.

Public Hearing: Closed

Closing Statement:

- Mr. Bliss explained that per the zoning ordinance they are require to provide 8050 sq. ft. of landscaping. They are providing 31500 sq. ft. of landscaping so the display pads are minimal.
- Commissioner Grey clarified the number of trees is something that needs to be considered it could become an issue with the display pads.
- Mr. Bliss explained they have not gotten far enough into the design to know what it will look like.

Deliberations Followed:

- Commissioner Frank asked if staff has some reference to other dealerships along the arterial gateways here in the City.
- Planner I Spendlove stated that in relation to some of the others there are quite a few pads shown on this plan. The concern is that the landscaping requirement has to be met. The code states 1 tree for 500 sq. ft. and 1 bush for every 100 sq. ft. The trees must be a minimum of 4ft tall when planted. There are ways to allow the trees behind the cars, between the cars and they don't have to be in front of the cars. The code reference by Mr. Bliss is for the C-1 zone, however this property is along a gateway arterial. The gateway arterial requires landscaping above and beyond the C-1 zone and there will also be landscaping in the parking. Staff just wanted the Commission to review the plan and give feedback on the number of pad sites.
- Commissioner Munoz asked for clarification on the number of pad sites they are requesting.
- Mr. Bliss stated 16 is the correct number shown and being requested.
- Commissioner Frank asked if the Commission has any issues with the pad sites.

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- Commissioner Munoz stated he is not concerned with the number of pad sites as long as the landscaping requirement is met. He thinks this property can look really nice and is a great place for this business.
- Zoning & Development Manager Carraway-Johnson explained they have not started the design for the project but if there are issues this could be brought to the Commission later.
- Commissioner Woods asked if they are limited to how far back the landscaping can go.
- Planner I Spendlove explained gateway arterial landscaping shall be minimum 30' from back of sidewalk and they can't have a display pad within 15' of the sidewalk. There shall be a minimum of 15 between the front of the vehicle and the sidewalk. There is a minimum landscaping requirement, how they meet that code is up to them.
- Commissioner Frank stated he is comfortable with letting the staff work with the applicant as long as code is followed.
- Commissioner Higley stated he agrees.
- Planner I Spendlove explained that the pad sites can be approved as shown if there is not an issue with 16 pad sites.
- Commissioner Grey asked what the plans were for the public auditorium.
- Mr. Cook explained that this southeast end of the building is the first theater built on-site, so historically they would like to maintain that portion of the building. They will not be using it as a public theater however it could be used by local churches, schools, possibly a business like Chobani for a meeting location, other community events. This is a very preliminary plan so the details have not been determined.

Motion:

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

Approved, As Presented, With the Following Conditions

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
 2. Subject to construction of the building being consistent with the submitted drawings/elevations, as presented.
 3. Subject to the vehicle display pads along Kimberly Road not to exceed 16 pad sites.
3. Request for a Special Use Permit an auto body and service business to include an indoor paint booth on property located at 193 Eastland Drive c/o Bruce Bland (app. 2829)

Applicant Presentation:

Bruce Bland, the applicant, stated he is here to request a Special Use Permit to add a paint spray booth for Line-X liners and Powder Coating. There should not be any impacts to the surrounding area. They built the building 10 years ago and are trying to make the property more appealing for to selling the property in the future.

Staff Presentation:

Planner I Spendlove reviewed the request on the overhead and stated the applicant has provided a detailed narrative of the operation of the business. They indicate the desire to operate an Automobile Service and/or Repair business (collision repair facility) with an indoor paint booth. Their narrative describes the expected number of vehicles, hours of operation, employees, and type of work being performed.

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Per City Code 10-4-8:

Automobile and Truck service and/or repair establishments are required to obtain a Special Use Permit prior to being legally established due to potential impacts on neighboring properties.

City code does not differentiate between various Service and/or Repair businesses. This proposed business has "self-classified" as Collision Repair. This would typically entail having vehicles in various forms of disrepair or wrecked status being on the premises awaiting hoods, fenders, doors, etc. It also entails reconditioning, prepping, and painting body panels. It is uncertain if major engine repair or transmissions will also be part of the operation.

Per City Code 10-11-1 thru 8:

Required improvements include access, drainage and storm water. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal.

It is not anticipated any new buildings will be constructed and the majority of renovations will take place indoors with over the counter permits. Therefore, some improvements will not be triggered. However, the majority of site improvements required within Title 10 Chapter 11 have previously been constructed and approved.

Increase in traffic, noise, odor, or glare is not anticipated to increase to unacceptable levels for neighboring land uses. This is primarily due to location along Eastland Dr. and being surrounded by the C-1 and M-1 Zoning districts and Land Uses. Additionally, it has been depicted the work on vehicles will take place indoors, during reasonable business hours.

One common impact of this type of business is the of the visual sort. These businesses occasionally have a tendency to proliferate vehicle parts outside the building. A condition requiring screening of wrecked vehicles and miscellaneous parts would be appropriate.

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

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to all wrecked vehicles, miscellaneous parts, and/or equipment being located within the building, or behind a screening fence. Said screening fence material to be approved by staff prior to installation.

PZ Questions/Comments:

- Commissioner Grey asked about attaching the Special Use Permit to the owner.
- Planner I Spendlove explained that they are looking to provide a way for the future business owner to operate. Staff feels the conditions will help to address future business operation and mitigate any future impacts.
- Commissioner Munoz asked about paving of the maneuvering area.
- Planner I Spendlove explained the parking and maneuvering area is already paved.

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

Deliberations Followed: [Without Concerns](#)

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Motion:

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

Approved, As Presented, With the Following Conditions

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to all wrecked vehicles, miscellaneous parts, and/or equipment being located within the building, or behind a screening fence. Said screening fence material to be approved by staff prior to installation.
5. Request for a Zoning District Change & Zoning Map Amendment from R-1 to C-1 for 1(+/-) acres to allow expansion of an existing self-storage facility on property located at 2716 Addison Avenue East c/o Addison Secure Storage (app. 2830)

Applicant Presentation:

Forrest LeBaron, the applicant, stated he is here to make a request to rezone a portion of his property that is currently zoned R-2 and change it to C-1. This was originally zoned two different ways and they wanted to make sure business would be viable prior to moving forward with a rezone. A portion of the property will not be rezoned that is next to the canal, it will be left for access.

Staff Presentation:

Planner I Spendlove Ordinance 2012 was passed in 1981, it created the zoning districts we currently use, and zoned various properties within City Limits. Zoning designations were assigned at that time, or when areas were annexed. This lot is identified as Twin Falls Acres Inside, which makes this one of the older lots located within city limits. This corridor originally was zoned with a 600' in depth C-1 zoning – still existing today.

The first appearance of this address in the Polk Twin Falls City Directory was in 1988 as what appears to be a residence, and the remaining property to the south was likely used as agricultural land. The applicant purchased this property in 2014 and soon thereafter began the process of submitting construction plans for the north half of the parcel establishing Addison Secure Storage.

In reviewing a request for a Zoning District Change and Zoning Map Amendment the Commission has two (2) main tasks: 1- to determine whether the request is in conformance with the Comprehensive Plan and 2- to evaluate the request to determine the extent and nature of the amendment requested.

The applicant is applying for a Zoning District Change and Zoning Map Amendment for a portion of the southern parcel in order to complete the build out of Addison Secure Storage. Addison Secure Storage has been operating at this location for almost 2 years and according to the applicant's narrative, there will be no change in the overall operation, just an increase in the number of storage units towards the South. Currently the mini storage units occupy the northern half of the property which is located in the C-1 zone. The applicants overall plan shows 4 more phases at this location. The submitted documents indicate an approximate 35'+ "buffer" on the southern property line. This 35' is not part of this rezone application and is proposed to remain zoned R-2. The applicant states they plan to continue leasing the ground for agriculture use and canal access.

This Rezone request would allow for future development to occur under the codes and standards as set forth in the C-1 Zoning District.

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The Commission is asked to make a recommendation on this request which shall automatically be scheduled for a public hearing before the City Council. The Commission's recommendation may be to deny the request, approve the request as presented or they may table the request and ask that additional information be provided for their review.

To make a positive recommendation to the City Council the Commission must determine that 1- the request is in conformance with the Comprehensive Plan and 2- the extent and nature of changing the zoning of this property to R-2 would be compatible with and not detract from the surrounding area.

If the Commission finds that 1 & 2 have been met then Staff recommends the Commission recommend approval of this request, as presented.

PZ Questions/Comments:

- Commissioner Woods asked what the distance is from the storage unit to the property line and if this would be the time to discuss stacking of the units and other issues possibly related to the use.
- Planner I Spendlove explained this request is only for the zoning change. The use that they have planned will require a Special Use Permit and that would be when the issues related to use would be discussed.
- Commissioner Grey asked if notice was mailed out to property owners.
- Planner I Spendlove explained that there were letters mailed out and staff has only had one call related to the request. It was explained that the rezone is supported by the Comprehensive Plan but that if they have issues with the use they will be notified when a Special Use Permit is requested, that would be the time to speak about the impacts from the use.

Public Hearing: Opened and Close Without Public Comments

Closing Statement:

Mr. LeBaron explained that he plans to keep this property in his family for as long as possible and to expand this business. He is aware of the neighbor that has concerns about the aesthetics and use of the property. He does not stack the units, and they are all matching in color and blind to the point that people don't see them from Addison Avenue East. They also plan to install a screening fence along the back edge of the property where the C-1 stops and the R-2 starts. They have approximately 8 customers per day and it has minimal impacts to the area.

Deliberations Followed: Without Concerns

Motion:

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

**Recommended for Approval to City Council, As Presented
To Be Scheduled for City Council; a date to be determined**

V. GENERAL PUBLIC INPUT: None

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

Chairman Frank congratulated Commissioner Reid on his move to City Council. Zoning & Development Manager Carraway-Johnson congratulated Commissioner Reid on his move to the City Council and thanked him for his service on the Planning & Zoning. The vacancies will be advertised for at least two possibly three openings. The preliminary plats are a final approved by the Commission of the three that were on the agenda tonight, only one Westpark Commercial Subd No. 10-a ZDA has a final plat that will be ready to move forward for City Council soon. LeMoyné and Pillar Falls Plaza-a PUD do not have final plats submitted yet. The Pillar Falls Plaza-a PUD had many engineering issues to resolve prior to a final plat being accepted. The zoning district change for the Westpark Commercial Subd No. 10, the vacation for St. Luke's and the zoning district change for Addison Secure Storage are all to be scheduled for City Council in January.

The last item for discussion is the schedule for 2017. There are two options for scheduling to allow for the meetings to be scheduled around the holiday season. Alternative 1 has meetings in November and one in December. Alternative 2 has one meeting in November and two meetings in December. Staff wanted to see if they Commission had a preference on the schedule.

The Commission determined Alternative 1 with two meetings in November and one in December was their preference. The schedule will be posted.

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

1. Work Session-**January 4, 2016**
2. Public Hearing- **January 10, 2016**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 08:10 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,
LineX of Magic Valley)
c/o Bruce Bland) AND DECISION
 Applicant(s))

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on **December 13, 2016** for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of **operating an auto body and service business to include an indoor paint boot on property located at 193 Eastland 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 auto body and service business to include an indoor paint boot on property located at 193 Eastland Drive**
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: **November 24, 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, **Retail /Warehouse Supply**; to the south, **Office Building**; to the east; **Eastland Drive/Auto Parts Store/Bowling Alley**; and to the west, **Retail/Warehouse Supply**.

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 auto body and service business to include an indoor paint booth on property located at 193 Eastland 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 auto body and service business to include an indoor paint boot on property located at 193 Eastland 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 auto body and service business to include an indoor paint boot on property located at 193 Eastland 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 all wrecked vehicles, miscellaneous parts, and/or equipment being located within the building, or behind a screening fence. Said screening fence material to be approved by staff prior to installation.

APPLICATION #2829
SUP# 1418

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. **1418**

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on **December 13, 2019** to **LineX of Magic Valley c/o Bruce Bland** whose address is **193 Eastland Drive Twin Falls, ID 83301** for the purpose of **operating an auto body and service business to include an indoor paint booth** on property located at **193 Eastland Drive** and legally described as **TWIN FALLS ACRES INSIDE NE 119.33' X 325.03' OF S 549.26', EXC E 40 SE SE (PT OF PARCEL 2) (15-10-17) RPT00107159112A**

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.2829

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 wrecked vehicles, miscellaneous parts, and/or equipment being located within the building, or behind a screening fence. Said screening fence material to be approved by staff prior to installation.

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,
Goode Motor)
c/o CRC Property Holdings, LLC) AND DECISION
 Applicant(s))

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho on **December 13, 2016** for public hearing pursuant to public notice as required by law for a Special Use Permit for the purpose of **establishing an auto dealership and accessory uses also including vehicle display pad sites on Kimberly Road, number to be determined by Commission** on property located at **160 Eastland 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 **establishing an auto dealership and accessory uses also including vehicle display pad sites on Kimberly Road, number to be determined by Commission** on property located at **160 Eastland Drive**
2. All legal requirements for notice of public hearing have been met with advertisement taking place on the following date: **November 24, 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** 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, **Bowling Alley/Vacant Drive-in Theater**; to the south, **Kimberly Road/Cemetery**; to the east; **Cemetery**; and to the west, **First Federal Bank/Office Space**.

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

CONCLUSIONS OF LAW

1. The application for a Special Use Permit for the purpose of **establishing an auto dealership and accessory uses also including vehicle display pad sites on Kimberly Road, number to be determined by Commission** on property located at **160 Eastland 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 **establishing an auto dealership and accessory uses also including vehicle display pad sites on Kimberly Road, number to be determined by Commission** on property located at **160 Eastland 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 **establishing an auto dealership and accessory uses also including vehicle display pad sites on Kimberly Road, number to be determined by Commission** on property located at **160 Eastland 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.

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 construction of the building being consistent with the submitted drawings/elevations, as presented.
3. Subject to the vehicle display pads along Kimberly Road not to exceed 16 pad sites.

APPLICATION #2828
SUP# 1417



**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.1417

Granted by the Twin Falls City Planning and Zoning Commission, as presented, on **December 13, 2016** to **Goode Motor c/o CRC Property Holding, LLC** whose address is **P.O. Box 1108 Burley, ID 83318** for the purpose of **establishing an auto dealership and accessory uses also including vehicle display pad sites on Kimberly Road on property located at 160 Eastland Drive and legally described as TWIN FALLS ACRES INSIDE PARCEL 2 OF TAX #1252, SW SW EXC NW .791A (14-10-17) RPT00107146030A**

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.2828

1. **Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.**
2. **Subject to construction of the building being consistent with the submitted drawings/elevations, as presented.**
3. **Subject to the vehicle display pads along Kimberly Road not to exceed 16 pad sites.**

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:)
)
Preliminary Plat Application,) FINDINGS OF FACT,
)
LeMoyne Subdivision) CONCLUSIONS OF LAW,
c/o EHM Engineers, Inc.)
 Applicant(s)) AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho at the **December 13, 2016** hearing for consideration of the preliminary plat of **LeMoyne Subdivision** consisting of **2 lots and .44 acres (+/-)** located on the north side of **North College Road** and east side of **Fillmore Street**, 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 requested approval of the preliminary plat of **LeMoyne Subdivision** consisting of **2 lots and .44 acres (+/-)** located on the north side of **North College Road** and east side of **Fillmore Street**
2. The property in question is zoned **C-1 PUD** pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as **Office Professional** 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, **US Post Office**; to the south, **Professional Office**; to the east, **Professional Office**; to the west, **Professional Office/Fillmore Street**
5. The City Engineering Office has reviewed the preliminary plat and has approved the proposed street accesses and public utility extensions, subject to availability of such services at the time of

development. The developer will pay all costs of public improvements, including but not limited to streets, curb, gutter and sidewalks, sewer, water and pressurized irrigation systems. The proposed development includes dedication of additional right-of-way in compliance with the Master Street Plan.

6. Any detrimental effects on the neighborhood would be ameliorated by observance of the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Findings of Fact and the regulations and standards set forth below, the Planning and Zoning Commission hereby makes the following

CONCLUSIONS OF LAW

1. The preliminary plat of the **LeMoyne Subdivision consisting of 2 lots and .44 acres (+/-) located on the north side of North College Road and east side of Fillmore Street** is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water, sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.

2. The preliminary plat is in conformance with the Comprehensive Plan as required by Twin Falls City Code §10-12-2.3(H) (2) (a).

3. Public services are currently available to accommodate the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (b). Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity.

4. The development of streets, sewer, water, irrigation, dedication of park land and other public improvements at the cost of the developer will not adversely affect any capital improvement plan and will integrate with existing public facilities, as required by Twin Falls City Code §10-12-2.3(H)(2)(c).

5. There is sufficient public financial capability of supporting services for the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (d).

6. There are no other health, safety or environmental problems associated with the proposed development that were brought to the Commission's attention, per Twin Falls City Code §10-12-2.3(H)(2)(e).

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

DECISION

The request for approval of the preliminary plat of **LeMoyne Subdivision consisting of 2 lots and .44 acres (+/-) located on the north side of North College Road and east side of Fillmore Street** is hereby granted, subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein. 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.

CHAIRMAN-TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

"EXHIBIT NO. A"

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to 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 or change of use of the property.



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

In Re:)	
)	
<u>Preliminary Plat Application,</u>)	FINDINGS OF FACT,
)	
<u>Pillar Falls Plaza-a PUD</u>)	CONCLUSIONS OF LAW,
<u>c/o EHM Engineers, Inc.</u>)	
Applicant(s))	AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho at the **December 13, 2016** hearing for consideration of the preliminary plat of **Pillar Falls Plaza a PUD**, consisting of **24 lots, 1 tract and 21.61 acres (+/-)** located on the north side of **Pole Line Road East** between **Bridgeview Boulevard and Eastland Drive North**, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has requested approval of the preliminary plat of **Pillar Falls Plaza a PUD**, consisting of **24 lots, 1 tract and 21.61 acres (+/-)** located on the north side of **Pole Line Road East** between **Bridgeview Boulevard and Eastland Drive North**.
2. The property in question is zoned **C-1 CRO PUD** pursuant to the Zoning Ordinance of the City of Twin Falls. The property is designated as **Urban Village** 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, **Snake River Canyon**; to the south, **Pole Line Road East**; to the east, **Snake River Canyon**; to the west, **Residential**
5. The City Engineering Office has reviewed the preliminary plat and has approved the proposed street accesses and public utility extensions, subject to availability of such services at the time of

development. The developer will pay all costs of public improvements, including but not limited to streets, curb, gutter and sidewalks, sewer, water and pressurized irrigation systems. The proposed development includes dedication of additional right-of-way in compliance with the Master Street Plan.

6. Any detrimental effects on the neighborhood would be ameliorated by observance of the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Findings of Fact and the regulations and standards set forth below, the Planning and Zoning Commission hereby makes the following

CONCLUSIONS OF LAW

1. The preliminary plat of the **Pillar Falls Plaza a PUD, consisting of 24 lots, 1 tract and 21.61 acres (+/-) located on the north side of Pole Line Road East between Bridgeview Boulevard and Eastland Drive North** is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water, sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.

2. The preliminary plat is in conformance with the Comprehensive Plan as required by Twin Falls City Code §10-12-2.3(H) (2) (a).

3. Public services are currently available to accommodate the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (b). Public services may not be available at the time of development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity.

4. The development of streets, sewer, water, irrigation, dedication of park land and other public improvements at the cost of the developer will not adversely affect any capital improvement plan and will integrate with existing public facilities, as required by Twin Falls City Code §10-12-2.3(H)(2)(c).

5. There is sufficient public financial capability of supporting services for the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (d).

6. There are no other health, safety or environmental problems associated with the proposed development that were brought to the Commission's attention, per Twin Falls City Code §10-12-2.3(H)(2)(e).

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

DECISION

The request for approval of the preliminary plat of **Pillar Falls Plaza a PUD, consisting of 24 lots, 1 tract and 21.61 acres (+/-) located on the north side of Pole Line Road East between Bridgeview Boulevard and Eastland Drive North** is hereby granted, subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein. 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.

CHAIRMAN-TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

"EXHIBIT NO. A"

1. Subject to final technical review and amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to the Parks In-Lieu Contribution being resolved prior to submittal of a Final Plat.

3. Subject to a plan for supplying Pressurized Irrigation to the project being approved by the City Engineer, prior to submittal of a Final Plat.
4. Subject to a Sewer System Plan showing adequate provision for all properties designated within the service area to be approved by the City Engineer prior to submittal of the Final Plat.
5. Subject to said Service Area being designated by City Engineer.
6. Subject to the verified engineered fill or compaction test results, being reviewed and approve by City Staff, prior to submittal of a building permit.

DRAFT



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

In Re:)	
)	
<u>Preliminary Plat Application,</u>)	FINDINGS OF FACT,
)	
<u>Westpark Commercial Subd No. 10</u>)	CONCLUSIONS OF LAW,
<u>c/o Gerald Martens</u>)	
Applicant(s))	AND DECISION

This matter having come before the Planning and Zoning Commission of the City of Twin Falls, Idaho at the **December 13, 2016** hearing for consideration of the preliminary plat of **Westpark Commercial Subdivision No. 10, consisting of 1 lot and 2.14 acres (+/-) located on the north side of Pole Line Road and east side of Washington Street North**, and the Planning and Zoning Commission having heard testimony from interested parties being fully advised in the matter, now makes the following

FINDINGS OF FACT

1. Applicant has requested approval of the preliminary plat of **Westpark Commercial Subdivision No. 10, consisting of 1 lot and 2.14 acres (+/-) located on the north side of Pole Line Road and east side of Washington Street North**

2. The property in question is zoned **C-1 PUD** 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, **Bach Storage**; to the south, **Walgreens**; to the east, **Undeveloped**; to the west, **Fairfield Inn/Washington Street North/Residential Los Lagos**

5. The City Engineering Office has reviewed the preliminary plat and has approved the proposed street accesses and public utility extensions, subject to availability of such services at the time of development. The developer will pay all costs of public improvements, including but not limited to streets, curb, gutter and sidewalks, sewer, water and pressurized irrigation systems. The proposed development includes dedication of additional right-of-way in compliance with the Master Street Plan.

6. Any detrimental effects on the neighborhood would be ameliorated by observance of the conditions, which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein.

Based on the foregoing Findings of Fact and the regulations and standards set forth below, the Planning and Zoning Commission hereby makes the following

CONCLUSIONS OF LAW

1. The preliminary plat of the **Westpark Commercial Subdivision No. 10, consisting of 1 lot and 2.14 acres (+/-) located on the north side of Pole Line Road and east side of Washington Street North** is in conformance with the objectives of the zoning ordinance and the policy for developments in Twin Falls City Code §10-1-4. Specifically, the land can be used safely for building purposes without danger to health or peril from fire, flood or other menace, proper provision has been made for drainage, water, sewerage and capital improvements including schools, parks, recreation facilities, transportation facilities and improvements, all existing and proposed public improvements conform to the Comprehensive Plan.

2. The preliminary plat is in conformance with the Comprehensive Plan as required by Twin Falls City Code §10-12-2.3(H) (2) (a).

3. Public services are currently available to accommodate the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (b). Public services may not be available at the time of

development, depending upon the speed of development of this and other subdivisions and the ability of the City to obtain additional water and/or sewer capacity.

4. The development of streets, sewer, water, irrigation, dedication of park land and other public improvements at the cost of the developer will not adversely affect any capital improvement plan and will integrate with existing public facilities, as required by Twin Falls City Code §10-12-2.3(H)(2)(c).

5. There is sufficient public financial capability of supporting services for the proposed development, as required by Twin Falls City Code §10-12-2.3(H) (2) (d).

6. There are no other health, safety or environmental problems associated with the proposed development that were brought to the Commission's attention, per Twin Falls City Code §10-12-2.3(H)(2)(e).

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

DECISION

The request for approval of the preliminary plat of **Westpark Commercial Subdivision No. 10, consisting of 1 lot and 2.14 acres (+/-) located on the north side of Pole Line Road and east side of Washington Street North** is hereby granted, subject to final technical review by the City Engineer's Office and subject to the conditions which are attached as "Exhibit No. A", and incorporated by reference as though fully set forth herein. 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.

CHAIRMAN-TWIN FALLS CITY PLANNING & ZONING COMMISSION

DATE

"EXHIBIT NO. A"

1. Subject to final technical review and amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to 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 or change of use of the property.
3. Subject to compliance with a "recorded" ZDA Master Development Agreement, concurrent with approval of the final plat and prior to recordation of the final plat.
4. Subject to the deed being revised in Westpark Commercial Subdivision #3, Lot 4 to exclude this subdivision, if approved.

DRAFT



Date: TUESDAY JANUARY 10, 2016

To: Planning and Zoning Commission

From: Jonathan Spendlove, Senior Planner

AGENDA ITEM III-1

Request: Request of the Commission's consideration to reinstate/extend the completion dates placed on SUP #1384, granted to Susan Petruzzelli on January 12, 2016 to operate a 24-hour gas station in conjunction with a retail business on property located at 303 Main Ave E.

Background:

Special Use Permit #1384 was granted on January 12, 2016 subject to several conditions. Conditions placed on a special use permit require completion prior to operation unless otherwise stated. Three of the conditions placed on the special use permit for this permit included coordination and construction of improvements concurrent with the Main Street Revitalization Project.

In January 2016 the Main Street Revitalization project was in full swing and had an anticipated completion of January 2017. Since then, additional items have been added to the Main Street Revitalization Project and deadlines have been pushed back approximately one year with an anticipated completion date of January 2018.

As the deadlines for the Main Street Revitalization Project improvements have been pushed back, this resulted in Mrs. Petruzzelli's project also being pushed back. There are electrical, plumbing and sign permits submitted for review. The applicant, Susan Petruzzelli has been in contact with staff regarding the conditions and has been continually working to accomplishing them over the past year.

Staff believes the conditions placed on the special use permit are still appropriate. However, the dates placed on the conditions will be exceeded prior to accomplishing the conditions thus rendering the special use permit potentially void.

Twin Falls City Code Title 10; Zoning & Subdivision Regulations, Section 13; Zoning Permits, Section 2.2; Special Use states:

Per City Code 10-13-2.2(I): "...Special uses which have not been established within one year of the date of issuance of the special use permit, may be reviewed by the commission to determine if the facts and circumstances have changed; the commission may call for a new special use permit application."

The commission is tasked with reviewing the facts and circumstances of this case, along with the surrounding area, and determine if there have been substantial changes to the area, which could merit calling for a new Special Use Permit.

Conclusion:

Staff recommends that the Commission review and act on the attached request to reactivate/extend the dates contained in Special Use Permit #1384, as proposed, to be concurrent with the Main Street Revitalization Project construction schedule.

Attachments:

1. Original Staff Report Packet from 01-12-16 (



Public Hearing: **TUESDAY, January 12, 2016**

To: Planning & Zoning Commission

From: Jonathan Spendlove, Planner I

AGENDA ITEM IV-4

Request: Request for a **Special Use Permit** to operate a 24 hour gas station in conjunction with a retail business on property located at 303 Main Avenue East. c/o Susan Petruzzelli (app. 2762)

Time Estimate:

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

Background:

Applicant:	Status: Purchase/Sale Agreement	Size: 0.29 Acre Lot, 1600 Sq Ft building
Susan Petruzzelli 3090 Highlawn Drive Twin falls ID 83301 208-732-0032 petz@cablone.net	Current Zoning: CB P1 Overlay, Central Business with a parking overlay	Requested Zoning: Special Use Permit for 24 hr. Gasoline Service Station
	Comprehensive Plan: Townsite	Lot Count: 1 Lot
	Existing Land Use: Developed, Vacant Business	Proposed Land Use: General Retail & Gasoline Service Station
Representative:	Zoning Designations & Surrounding Land Use(s)	
	North: C-B P1, alley, Commercial Business	East: C-B P1; Commercial Business
	South: C-B P1; Main Ave East, Commercial Business	West: C-B P1; Idaho St E, Commercial Business
	Applicable Regulations: 10-1-4, 10-1-5, 10-4-7, 10-10-12, 10-11-1 thru 8, 10-13	

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. Conditions shall be implemented within 6 months or the permit if void.

If an applicant or interested party appeals the decision of the Commission with fifteen (15) days from the date of action (when the Findings of Fact are signed), 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 negligible impact on the City budget.

Regulatory Impact:

Approval of this request will allow the applicant to operate a Gasoline Service Station on property listed above.

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:

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

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

Analysis:

The Applicant has supplied a detailed description of the proposed business operations. The applicant states the convenience store will be open during normal business hours. The fuel pumps will be open 24 hours for pay at the pump service. The applicant also predicts 6-8 new jobs will be created with the start of this business.

The applicant also states no vehicle service or repair will take place on the property. The service bays and service area will be used for retail and storage of extra retail items.

Per City Code 10-4-7: Gasoline Service Stations require a special use permit prior to being legally established.

The history of this property should be taken into account. The reason for requiring a Special Use Permit after years of operating as a Gasoline Service station, is due to the inactivity of the service station. The property has been vacant for more than one year, this makes the legal non-conforming use status void and to establish a gasoline station business requires a new special use permit be granted.

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

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

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

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

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

Possible Impacts:

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

Conclusion:

Should the Commission grant this request as presented; staff recommends approval be subject to the following conditions:

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

Attachments:

1. Letter of request
2. Zoning Vicinity Map
3. Aerial Photo Map
4. Applicant Submitted Site Plan
5. Site Photos

Gas Station – 303 E Main St E, Twin Falls

We are requesting special use permit to operate gas station at 303 E Main St, Twin Falls.

We want to participate in the revitalization of downtown Twin Falls by opening the existing gas station at 303 E Main St. Our plan is to re-open the existing facility, with updated fuel dispensers. We are planning on creating a retro feel when you pull up to get gas for your car – an attendant will greet you and dispense the fuel for you, and wash your windows! We will have a small convenience store inside offering beverages and snacks. In the future we would like to use the three garage bays as either more convenience store or a display area for our GENERAC generators that we sell.

Our gas station will create 6-8 new jobs. At this time, we plan to be open Monday – Friday 7am-7pm, Saturday 8am – 6pm, closed on Sundays. Our fuel dispensers will offer 24/7 accessibility for customer's convenience.

Effects on adjoining properties:

The opened gas station may cause an increase to traffic at the corner of Idaho St and Main St.

Main St is the property's main point to enter and exit if you are purchasing gas. The Idaho St side of the property allows another entry and exit point to the property, which will help reduce any potential traffic congestion on Main St.

We will add lighting to the site, which will increase safety for the area.

With modern fuel dispensers, the fumes from dispensing gasoline should be minimized.

There may be increased foot traffic onto the property, which has established sidewalks to handle it.

We plan to work with the Main Ave Redesign Project to enhance the sidewalks and green space available to people visiting the downtown area.

This gas station will be an asset to people working and visiting the downtown area, providing another service to the growing downtown businesses.

Susan & Paul Petruzzelli

Petruzzelli Electric, LLC

3090 Highlawn Dr

Twin Falls, ID

(208)732-0032

petz@cableone.net

Zoning Vicinity Map

Reference Only



Aerial Photo Map

Reference Only

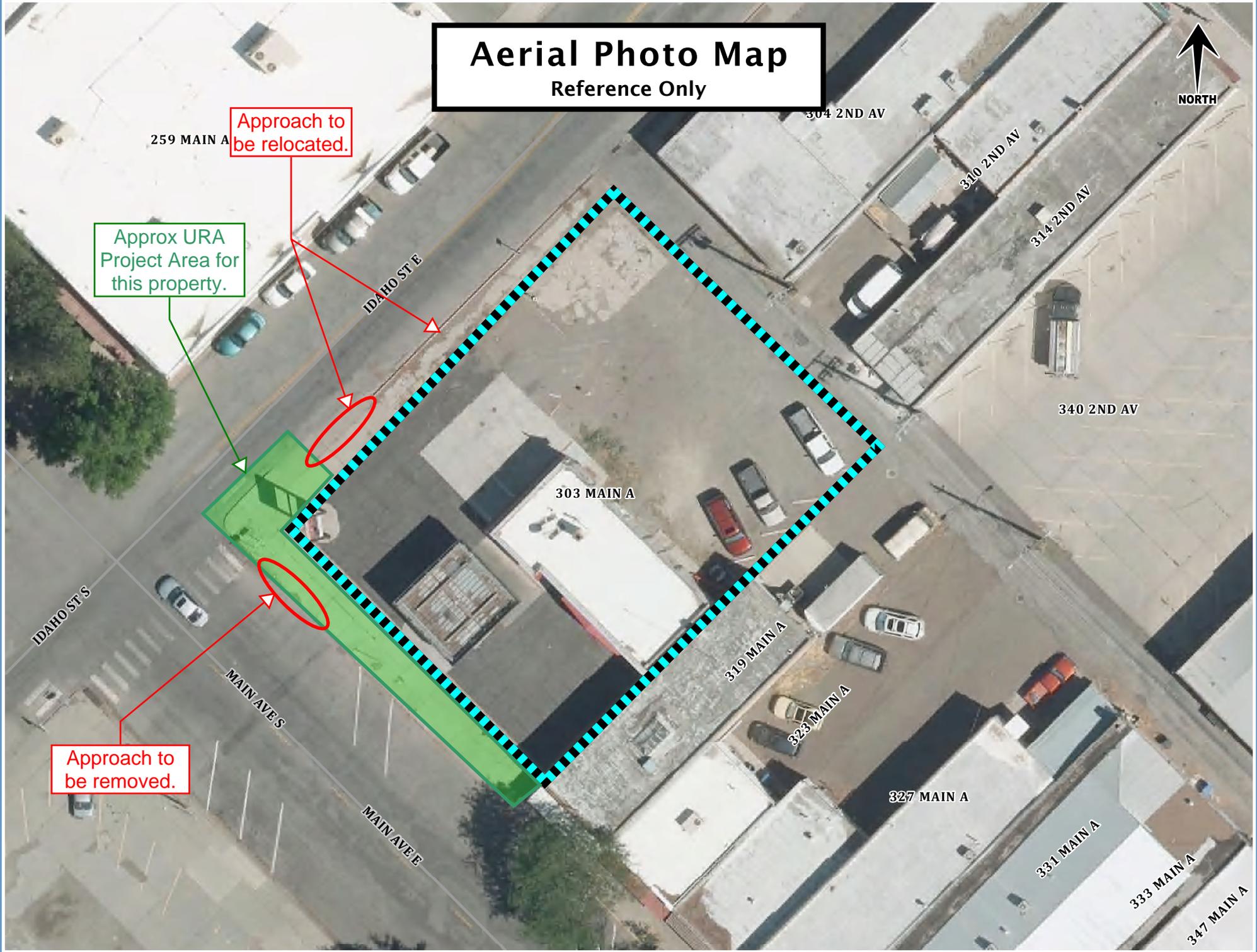


259 MAIN A

Approach to be relocated.

Approx URA Project Area for this property.

Approach to be removed.



IDAHO ST E

IDAHO ST S

MAIN AVE S

MAIN AVE E

303 MAIN A

319 MAIN A

323 MAIN A

327 MAIN A

331 MAIN A

333 MAIN A

347 MAIN A

304 2ND AV

310 2ND AV

314 2ND AV

340 2ND AV



Public Hearing: **TUESDAY JANUARY 10, 2017**

To: Planning and Zoning Commission

Presenter: Jonathan Spendlove, Senior Planner

Editor: Renee Carraway-Johnson, Zoning Administrator

Authors: Steve O'Connor & Jonathan Spendlove

ITEM IV-1

Request: Request for a **Zoning Title Amendment** to Twin Falls City Code Title 10; Chapter 4; to delete the special use permit requirement to allow permitted retail/trade uses operating outside the hours of seven o'clock AM to ten o'clock PM within the 10-4-7.2(B), 10-4-8.2(B) and 10-4-13.2(B) Zoning Districts; and to delete the special use permit requirement to allow an indoor recreation facility within 10-4-7.2(B), 10-4-8.2(B), 10-4-9.2(B), 10-4-10.2(B) and 10-4-13.2(B) Zoning Districts. City of Twin Falls c/o Planning & Zoning Department (app. 2831)

Time Estimate:

The Staff presentation will be approximately five (5) minutes.

Background:

Applicant:	
City of Twin Falls Planning and Zoning Department 324 Hansen St E PO Box 1907 Twin Falls, Idaho 83303-1907 208-735-7267	Requested Zoning: Request for a Zoning Title Amendment to Twin Falls City Code Title 10; Chapter 4; to delete the special use permit requirement to allow permitted retail/trade uses operating outside the hours of seven o'clock AM to ten o'clock PM within the 10-4-7.2(B), 10-4-8.2(B) and 10-4-13.2(B) Zoning Districts; and to delete the special use permit requirement to allow an indoor recreation facility within 10-4-7.2(B), 10-4-8.2(B), 10-4-9.2(B), 10-4-10.2(B) and 10-4-13.2(B) Zoning Districts.
Representative:	
Jonathan Spendlove Senior Planner City of Twin Falls	Applicable Regulations: 10-4-7, 10-4-8, 10-4-9, 10-4-10, 10-4-13, 10-14-1 through 7

Approval Process:

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

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

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

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

Regulatory Impact:

A recommendation from the Planning and Zoning Commission on the proposed Zoning Title Amendment will allow the request to proceed to the City Council. Upon approval by the City Council an ordinance is later approved and codified.

History:

Since the adoption of Ord 2012, the Land Uses identified in the various Zoning Districts have been largely unchanged. As growth continues, business models will change to meet the demands of consumers. Hours of operation are shifting and new, unforeseen, categories or types of recreation have developed in the time since 1981 to meet those demands.

Historically speaking, the Commission has reviewed and approved approximately 2 dozen Indoor Recreation Facilities in the past 10 years. Approximately half of these were in the C-1 Zoning District. The remainder fell into the CB, OT, and Manufacturing Districts. Also very few if any requests to operate a retail/trade establishment outside 7am to 10pm, have been denied.

Analysis:

This request is to amend multiple City Code sections;

- 1) To delete the special use permit requirement to allow permitted retail/trade uses operating outside the hours of seven o'clock AM to ten o'clock PM within the CB, C-1, and OT zoning districts. This request stems from the overall change towards a 24-hour community that our City has experienced in the last 10-15 years. As the employment landscape changes towards shift work for our major employers (St. Luke's, Chobani, Clif Bar, Independent Meat, Amalgamated Sugar, Jayco, Glanbia, and others) ancillary services and retail operations catering to shift workers have altered their operations in order to be successful. Since this code amendment only applies to the retail side of operations, it is not expected to have an extreme impact on the overall community. The special use requirement will be removed from the appropriate zoning district and the land use will be identified as a permitted use in the appropriate zoning district.
- 2) To delete the special use permit requirement to allow an indoor recreation facility within CB, C-1, M-1, M-2, and OT Zoning Districts. On occasion, Indoor Recreation Facilities have been synonymous with "Clubs" that serve alcohol. This proposed change will not eliminate the requirement for a Special Use Permit to sell Alcohol within 300' of a residence. As a result, Staff feels the movement of Indoor Recreation Facilities from Special Uses to Permitted Uses will have minimal impact to the overall compatibility of Indoor Recreation type uses with surrounding properties. The special use requirement will be removed from the appropriate zoning district and the land use will be identified as a permitted use in the appropriate zoning district.

To be clear, these amendment request will not alter or change the "Disturbance of the Peace" clause. The establishment can still have legitimate complaints levied against them if such a business creates a disturbance that warrants a complaint in the same manner as it is currently.

Conclusion:

The Commission may recommend the zoning title amendment as requested, recommend a modification of the amendment as presented (this will require another public hearing before the Commission), or recommend the amendment be denied.

Attachments:

- 1) Draft Zoning Title Amendment included below:

Moving indoor Recreation from Special Use to Permitted Use in most Non-Residential Districts

Commercial Central Business (CB) 10-4-7.2 – (A) – 11

...

[a. Indoor Recreation](#)

10-4-7.2 – (B) – 12

...

~~d. Indoor Recreation~~

Commercial Highway (C1) 10-4-8.2 – (A) – 11

...

[f. Indoor Recreation](#)

10-4-8.2 – (B) – 12

...

~~d. Indoor Recreation~~

Light Manufacturing (M1) 10-4-9.2 – (A) – 11

...

[f. Indoor Recreation](#)

10-4-9.2 – (B) – 14

...

~~d. Indoor Recreation~~

Heavy Manufacturing (M2) 10-4-10.2 – (A) – 13

...

[e. Indoor Recreation](#)

10-4-10.2 – (B) – 12

...

~~d. Indoor Recreation~~

Old Town (OT) 10-4-13.2 – (A) – 11

...

a. Indoor Recreation

10-4-13.2 – (B) – 10

...

~~b. Indoor Recreation~~

Deleting Hours of operation for Retail Establishments.

Commercial Central Business(CB) 10-4-7.2-(B)-10

...

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

k j. sporting vehicles and motorcycles – sales and/or rentals.

l k. Storage unit rentals

~~m. l. Tire Shops~~

...

Commercial Highway (C1) 10-4-8.2-(B)-10

...

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

k j. sporting vehicles and motorcycles – sales and/or rentals.

l k. Storage unit rentals

~~m. l. Tire Shops~~

...

Old Town (OT) 10-4-13.2-(B)-8

...

~~d. Permitted retail/trade uses operating outside the hours of seven o'clock (7:00) AM to ten o'clock (10:00) PM~~

e. e. sporting vehicles and motorcycles – sales and/or rentals.

f. f. Storage unit rentals

...

City of Twin Falls, Idaho
Planning & Zoning Commission
2017 Meeting and Work Session Schedule



The following is a schedule for **2017** Planning & Zoning Commission meetings. The Planning & Zoning Commission meetings are typically held on the 2nd and 4th Tuesdays of each month, unless otherwise posted. The meetings start at 6:00 P.M. All meetings are held in the **City Council Chambers, 305 Third Avenue East**. The meetings are televised on Cable TV Channel 17. Meetings can also be viewed on-line at www.tfid.org.

Meetings

January 10, 2017
January 24, 2017
February 14, 2017
February 28, 2017
March 14, 2017
March 28, 2017
April 11, 2017
April 25, 2017
May 09, 2017
May 23, 2017
June 13, 2017
June 27, 2017

Meetings

July 11, 2017
July 25, 2017
August 8, 2017
August 22, 2017
September 12, 2017
September 26, 2017
October 10, 2017
October 24, 2017
November 14, 2017
November 28, 2017
December 12, 2017

The Planning & Zoning Commission **2017** Work Sessions are typically held on the 1st Wednesday of every month, unless otherwise posted. The work sessions start at 12:00 P.M. All work sessions are held in the **City Council Chambers, 305 Third Avenue East**. The Work Sessions are televised on Cable TV Channel 17. Work Sessions can also be viewed on-line at www.tfid.org.

Work Sessions

January 4, 2017
February 1, 2017
March 1, 2017
April 5, 2017
May 3, 2017
June 7, 2017

Work Sessions

July 5, 2017
August 2, 2017
September 6, 2017
October 4, 2017
November 1, 2017
December 6, 2017