MINUTES
Twin Falls City Planning & Zoning Commission
January 11, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS

Wayne Bohrn **Chairman** Kevin Cope **Vice-Chairman** Jason Derricott V. Lane Jacobson Bonnie Lezamiz Gerardo Munoz Jim Schouten

AREA OF IMPACT

Lee DeVore R. Erick Mikesell

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMITS

PRESENT:	ABSENT:
Cope	Bohrn
Derricott	Lezamiz
Jacobson	Munoz
Schouten	

AREA OF IMPACT

PRESENT	ABSENT
DeVore	
Mikesell	

CITY COUNCIL LIAISON: Sojka
CITY STAFF: Carraway, Strickland, Vitek, Wonderlich

I. **ITEMS OF CONSIDERATION:** **NONE**

II. **PUBLIC HEARING ITEMS**:

1. Request for the Commission's recommendation on a request for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 for property located at 131 Caswell Avenue West c/o Todd Ostrom on behalf of H3O, LLC (app. 2409)
2. Request for a Special Use Permit to operate an eating establishment that serves alcoholic beverages consumed on the premises where sold for property located at 565 Washington Street North c/o Todd Ostrom on behalf of Zulu Bagels (app. 2418)
3. Request for a Special Use Permit to operate a restaurant outside the permitted hours of operation and to serve alcoholic beverages consumed on the premises where sold for property located at 195 River Vista Place c/o J. Francis Florence on behalf of Plaza Buildings, LLC (app. 2419)
4. Requests for a Special Use Permit to operate an automobile service and repair business to include a car wash facility for property located at 808 Cheney Drive c/o Mark Kissner on behalf of AAMCO of Twin Falls (app. 2421)
5. Request for the Commission's recommendation on a request for a Comprehensive Plan Amendment which would amend Twin Falls Comprehensive Plan - Twin Falls Vision 2030; Chapter 11; Development Impact Fee and Capital Improvement Plans regarding the Street Impact Fee Capital Improvement Plan c/o City of Twin Falls (app. 2413)
6. Request for the Commission's recommendation on a request for a Zoning Title Amendment which would amend Twin Falls City Code by deleting Section 10-7-8; Separate Ownership Of Units In Duplexes c/o City of Twin Falls (app. 2420) **THIS ITEM HAS BEEN WITHDRAWN**

I. CALL MEETING TO ORDER:

Vice Chairman Cope called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **December 28, 2011**
2. Approval of Findings of Facts and Conclusions of Law:
   a. Breckenridge (Variance 12-28-10)
   b. Twin Falls Reform Church (Variance 12-28-10)
   c. Freedom Auto Finder (SUP 12-28-10)

III. ITEMS OF CONSIDERATION: **NONE**

IV. PUBLIC HEARING ITEMS:

1. Request for the Commission's recommendation on a request for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 for property located at 131 Caswell Avenue West c/o Todd Ostrom on behalf of H3O, LLC (app. 2409)

APPLICANT PRESENTATION:
Kim Ostrom, the applicant, stated they are requesting a zoning change from residential to commercial. The property is located at 131 Caswell Avenue and the rezone request is to incorporate the residential into property of their commercially zoned property for a retail shop.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for a Zoning District Change and Zoning Map Amendment for a single lot from R-4; residential medium density district to C-1; commercial highway zone, for a property located west of Washington Street North and south of Caswell Avenue West. The lot is 9272 (+/-) square feet in size and has an existing residence. The applicants have indicated in their narrative that they wish to rezone this property for future commercial development.

As you can see by the zoning map the entire corridor of Washington Street North from Addison Avenue to the northwest corner of Washington Street North/Caswell Avenue West both sides of Washington Street North are zoned C-1. As there are many residences along this commercially zoned corridor the properties adjacent to the subject property are primarily commercial.

The subject property is currently being used as a residence. The properties directly north of Caswell Avenue West are zoned C-1 an automobile dealership operates there. The properties directly to the south and east of the subject property are also zoned C-1. Directly to the east is a vacant retail business, site; 2nd Time Around and a residence that had some modifications and has been used as an office but did not go through a change of use process and directly to the south is a commercial storage business the vault storage units. Directly west of the proposed site the properties are zoned R-4 there are residences and then the Cameo Estates Mobile Home Park.

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 Comprehensive Plan's Future Land Use Map 2-4 designates this area as Residential Business. This land use designation was established in February 2009 by adoption of the current Comprehensive Plan. At the time this request was submitted there was not a Residential Business Zoning District established in City Code. The City Code was just recently amended to add the Residential Business

Zoning District designation by the adoption of Ordinance #2998 on January 3, 2011. The code amendment only added the Residential Business Zoning Designation to the code it did not change the zoning of any property.

The Residential Business Zone allows for limited retail commercial and professional uses and restricts residential uses and also restricts development standards as compared to the uses and development standards within the C-1 zone.

There are two considerations for the Commission as this request was submitted previos to the Residential Business Zone being adopted:

1. The C-1 zone may be a reasonable request and to rezone this single lot to Residential Business even though it may be consistent with the Comprehensive Plan may prohibit uniform & consistent development of the area. The developer owns several properties adjacent to this property and plans to develop all of them as one commercial development.

2. The Commission also reviews the extent and nature of the amendment proposed.

The proposal of expanding commercial uses beyond properties fronting Washington Street North has not been a typical practice unless it was in conjunction with the development of adjacent properties with frontages onto Washington Street North such as the Mi Pueblo Store and Bakery at Washington Street North and Dubois Avenue and also the Java Jungle and Zulu Bagels development at 565 Washington Street North. Development would require screening on the west property boundary to separate any commercial use from existing residential uses but it could bring additional impacts such as traffic, lighting, and noise to the nearby residential area.

As the subject property is adjacent to other c-1 zoned property on the north, east and south, commercial zoning of this property would not be encroaching commercial zoning further than already exists and is developed on surrounding properties.

This property is only one lot at .21 acres in size and so it may be more appropriate to allow the rezone to a reasonable request such as the C-1 zone then for it to become a small area of another zone such as the residential business zone or a Professional Office Overlay.

Zoning & Development Manager Carraway stated upon conclusion if the Commission determines 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 C-1 would be harmonious and would not detract from the surrounding area then staff recommends the Commission recommend approval of this request, as presented to the City Council.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Schouten made a motion to recommend approval of the request, as presented. Commissioner Derricott seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL, AS PRESENTED, TO THE CITY COUNCIL

CITY COUNCIL PUBLIC HEARING SCHEDULED FEBRUARY 7, 2010

2. Request for a Special Use Permit to operate an eating establishment that serves alcoholic beverages consumed on the premises where sold for property located at 565 Washington Street North c/o Todd Ostrom on behalf of Zulu Bagels (app. 2418)

APPLICANT PRESENTATION:
Kim Ostrom, the applicant, stated she is here to request a special use permit to allow them to serve alcohol on the premises. They do this at their other location on Addison Avenue and it has been successful they are hoping to do the same thing at the 565 Washington Street North location.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated in December 2006 the City Council approved a request for a Zoning District Change and Zoning Map Amendment from R-4 to C-1 for properties located at 565, 585 & 591 Washington Street North. The property was developed and is operating today as Java Jungle & Zulu Bagels.

On February 6, 2007 the Commission granted a special use permit for the purpose of operating a drive thru window operating from 6:00 am to 7:00 pm for this property.

Zoning & Development Manager stated the property is located in the C-1; commercial highway zoning district. As you have just heard the applicant is proposing to serve beer and wine to be consumed on site. A special use permit is required to serve alcohol for consumption on site where sold for properties within 300' of residential property which applies to this location.The narrative does state the business will stay open until 10:00 pm instead of closing at 6:00 pm. The allowed hours of operation for retail uses in the C-1 zone are 7am to 10pm. If this request t is granted as presented the business will operate with little to no change in the impacts to the surrounding properties such as traffic.

The Special Use Permit granted on February 6, 2007 was issued subject to four (4) conditions. A building permit was issued in May 2007 for construction of the shell building. The Java Jungle & Zulu Bagels business has been operating at this site since their construction completed in November 2007. There have not been any complaints from adjacent residential neighbors.

However there are some pending issues with the building department regarding compliance. The shell building and tenant spaces on the property have not received final inspections nor have they received final Certificates of Occupancy this matter is being handled by the Building Official.

Also the free standing sign along Washington Street North was moved due to the project widening the roadway the sign has been relocated without a sign permit. These matters will have to be fully resolved before a special use permit would be released and alcohol licenses be obtained.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to full compliance with all applicable City Code requirements and standards.
3. Subject to hours of operation being 6:00 am to 10:00 pm Monday through Sunday.
4. Subject to freestanding sign being permitted according to sign permit and building code regulations.
5. Subject to compliance with State, County and City alcohol licenses and regulations.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Mikesell made a motion to approve the request, as presented. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED , AS PRESENTED, WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to full compliance with Special Use Permit #1020.
3. Subject to hours of operation being 6:00 am to 10:00 pm Monday through Sunday.
4. Subject to freestanding sign being permitted according to sign permit and building code regulations.
5. Subject to compliance with State, County and City alcohol licenses and regulations.

3. Request for a Special Use Permit to operate a restaurant outside the permitted hours of operation and to serve alcoholic beverages consumed on the premises where sold for property located at 195 River Vista Place c/o J. Francis Florence on behalf of Plaza Buildings, LLC (app. 2419)

APPLICANT PRESENTATION:
Fran Florence, the applicant, stated that the areaou out on the Canyon Rim was initially developed in 1993 and after development a Canyon Rim Overlay was then incorporated into the code. Later changes were made to the property with a PUD development. The property was required to have certain types of mixed uses that were culturally driven (for ex.: restaurant, arts, auditorium). The City Council granted temporary approval to serve alcohol with the condition that the Special Use Permit be obtained.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this property was rezoned from RR to C-1 PUD in 1993. Between 1997 and 2004 several Special Use Permits were granted to operate professional offices in this area. On December 4, 2000, the City Council approved vacation of a drainage easement and it was platted elsewhere on the property to allow for additional building construction.

On February 27, 2006, the City Council approved a Zoning Title Amendment that could allow for additional height at 50 feet adjacent to the Snake River Canyon Rim from Blue Lakes Boulevard North on the east to Washington Street North on the west, subject to a positive recommendation by the Citizen Design Review Committee and ultimate approval of a PUD.

The Citizen Design Review Committee reviewed a request by Fran Florence for additional building height in the Canyon Rim Overlay zone for the River Vista Buildings at multiple meetings. The Committee met May 25, 2006; June 33, 2006; August 16, 2006; and September 25, 2006. At the September meeting the Committee unanimously voted to pass on a favorable recommendation to the Planning Commission to allow additional height for the requested project as presented. The minutes from that meeting are included with this report.

On April 23, 2007 the City Council approved the Rivercrest PUD a modification of the Northbridge II PUD, which includes an allowance of mixed commercial and cultural uses along with taller structures in the CRO zone upon approval.

Zoning & Development Manager Carraway stated the property is zoned C-1 CRO PUD, and is located within the River Crest C-1 CRO PUD. The applicant is requesting a special use permit to allow alcoholic beverages to be consumed on premises where sold and to allow extended hours of operation for the existing building located at 195 River Vista Place, as well as the public plaza space. The "public plaza space" is located outside between the two plaza buildings.
The types of uses that may occur at both multi-story plaza buildings and including cultural types of activities outside within the "public plaza space" have been defined in the River Crest C-1 CRO PUD agreement.

A special use permit is required when alcoholic beverages are consumed on premises where sold. A special use permit is also required for retail/trade uses operating outside the permitted hours of operation of 7:00 am to 10:00 pm. The applicant would like to have hours of operation from 11:00 am to 1:00 am. The property consists of a 3-story building and real property located adjacent to the Snake River Canyon. The building houses the Magic Valley Arts Council, including an auditorium; and the "*Elevation 486 Restaurant and Bar"*.

It is anticipated that the "*Elevation 486 Restaurant and Bar"* will cater many events sponsored by the Arts Council and other groups that may rent the facility from the Arts Council. The second floor includes a large open space which is part of the auditorium; a classroom area; a conference room that may be used for luncheons; and professional offices and the third floor will be occupied by professional offices. If this request is approved this evening there should be little impacts to the surrounding area. The request is in compliance with the Comprehensive Plan which designates this area as appropriate for commercial/retail uses.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to permit being limited to alcohol consumption being in conjunction with a restaurant at this location.
3. Subject to compliance with state, county, and city requirements for alcohol licensing for sale & consumption on site.
4. Subject to hours of operation for the two plaza buildings and the plaza space between the two plaza buildings being 11:00 am to 1:00 am.

PUBLIC HEARING:

- Commissioner Mikesell asked if serving alcohol will be allowed outside of the restaurant when catering events that are outside.
- Mr. Florence stated that if they go outside of the restaurant a catering license will be required.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Schouten made a motion to approve the request, as presented. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED, WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to permit being limited to alcohol consumption being in conjunction with a restaurant at this location.
3. Subject to compliance with state, county, and city requirements for alcohol licensing for sale & consumption on site.
4. Subject to hours of operation for the two plaza buildings and the plaza space between the two plaza buildings being 11:00 am to 1:00 am.

4. Requests for a Special Use Permit to operate an automobile service and repair business to include a car wash facility for property located at 808 Cheney Drive c/o Mark Kissner on behalf of AAMCO of Twin Falls (app. 2421)

APPLICANT PRESENTATION:
Mark Kissner, representing the applicant, stated they would like to relocate the AAMCO business to 808 Cheney Drive. The new building has a lube bay and a building to the rear that will encompass most of the other services they provide.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the Woodbury-Pracvest PUD agreement was approved and signed in May of 1990. The Breckenridge Farms Phase 1 PUD subdivision was recorded in 1990. The Planning and Zoning Commission approved Special Use Permit #0459 on July 30, 1996, for a drive-thru car wash facility at this site. The car wash facility was constructed and a Certificate of Occupancy was issued in 1999. A detail shop and canopy was added in 2000 . The auto pride facility was part of Gary's Westland Motors, the car dealership adjacent to the east, which is now Rob Green Automotive. The Planning and Zoning Commission approved Special Use Permit #0503 for construction of the message center sign located at the corner of Blue Lakes Blvd North and Cheney Dr on August 12, 1997. The auto pride business was later sold and is now under separate ownership.

On March 24, 2009 the Planning and Zoning Commission approved Special Use Permit #1134 to operate a used car dealership in conjunction with the existing car wash/detail/auto stereo sales/installation business at this site. Special Use Permit #1134 has since been voided as the used car dealership moved to another location over 1 year ago and the property remained vacant.

On November 23, 2010 a Special Use Permit was approved for a fitness center on the 2nd floor of the existing building. a building permit application has been received and is currently under review. Zoning & Development Manager Carraway stated this property is located at 808 Cheney Drive and is zoned C-1 PUD. The request is to operate an automobile service and repair business and to include the existing car wash facility at this location. A Special Use Permit is required to operate a car wash facility and an automobile service and repair business in the C-1 zoning district.

AAMCO, LLC has operated at its current location of 128 Blue Lakes Boulevard for 13 years. They currently service 20 to 30 vehicles a week and anticipate doubling that at this new location. The anticipated increase in traffic should have minimal impact on the surrounding area as it is located on a developed

site adjacent to a roadway with high volumes of traffic. Upon initial review the property appears to be in compliance with required improvements and shows adequate parking onsite.

City Code 10-7-14 states there will be no outside storage or display of merchandise beyond the front sidewalk adjacent to the primary business building or outside of screened areas except for the display of vehicles, motor homes, travel trailers, recreational vehicles, pickup shells and large implements where offered for sale or rent and as approved thru the PUD or Special Use Permit process.

There are many automobile service & repair businesses operating in the City. A concern of both staff and the Commission with this type of business has been that there could be an accumulation of vehicles, in a state of repair, and/or the accumulation of miscellaneous parts, accessories and auto related materials (ie oil, filters..) being stored outside for long periods of time; basically turning the site into a junk yard. To address this concern the Commission typically places a condition that all vehicles waiting repair and that have to be kept overnight and any miscellaneous parts/materials/accessories shall be stored in an enclosed building or kept within a sight obscuring screened area. The site plan does not show a designated area for this type of storage. There may be a concern if vehicles or storage of materials accumulates it may expand into required parking for the site. The proposed use of an automobile service, repair and carwash facility, if approved and operated as presented, should be compatible with the surrounding area as there are commercial uses on all sides of the proposed site. The request is in compliance with the Comprehensive Plan which designates this area as appropriate for commercial/retail uses.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to this permit being limited to AAMCO, LLC / Mark Kissner for automobile and/or pick-up service and repair.
3. No vehicles awaiting work or miscellaneous parts, accessories or auto related materials (i.e.; oil, filters, etc..) may be stored outside of an enclosed building or outside of a totally sight obscuring screened area.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Mikesell made a motion to approve the request, as presented. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED, WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to this permit being limited to AAMCO, LLC / Mark Kissner for automobile and/or pick-up service and repair.

3. No vehicles awaiting work or miscellaneous parts, accessories or auto related materials (i.e.; oil, filters, etc..) may be stored outside of an enclosed building or outside of a totally sight obscuring screened area.

5. Request for the Commission's recommendation on a request for a Comprehensive Plan Amendment which would amend Twin Falls Comprehensive Plan - Twin Falls Vision 2030; Chapter 11; Development Impact Fee and Capital Improvement Plans regarding the Street Impact Fee Capital Improvement Plan c/o City of Twin Falls (app. 2413)

APPLICANT PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated on January 5, 2009 the City Council approved a Comprehensive Plan Amendment to update the 1993-1994 City of Twin Falls' Comprehensive Plan and the City of Twin Falls' 1993 Master Transportation Plan.

On October 28, 2010 the Impact Fee Committee met to discuss several items. One of those items was to consider a request to update the streets capital improvement plan and amend the impact fee adopting ordinance. The city collects four (4) different types of impact fees: police, fire, parks, and streets. The committee reviewed the capital improvement plans (CIPS) for each of the four (4) types of fees. The term "capital improvements" in the state's enabling statute for impact fees (§67-8203) is defined as "improvements with a useful life of ten (10) years or more, by new construction or other action, which increase the service capacity of a public facility." A "capital improvements plan" means a plan adopted that identifies capital improvements for which development impact fees may be used as a funding source. The City's CIPS for which development impact fees can be applied and collected have to be part of an adopted document and are included in the City's Comprehensive Plan as Chapter 11. As a result of the Development Impact Fee Advisory Committee meetings in July and again in October the Committee did not recommend any changes to the Police, Fire, and Parks CIPS. The committee spent a significant amount of time reviewing the streets CIP and made two recommendations to amend the streets CIP.

- The first recommended amendment is to add the construction of falls avenue east, from Blue Lakes Boulevard to Locust, back into the streets CIP. This project has an estimated construction cost of $400,000 and is entirely growth related.
- The second recommendation was to include funding for a portion of the construction for Eastland drive. The total cost for Eastland is estimated at $15,750,000 with a railroad crossing estimate of an additional $1,300,000. The Committee felt this total amount was far too costly to include in the fee calculations. Therefore, they recommended to only fund two lane miles and to fund them at 50% growth. That means that the City would have to fund the other 50% with "other city revenues". This recommendation will add $1,500,000 into the impact fee calculations. It will also add $1,500,000 to the city's required participation.

The table included with the staff report shows the changes to the Impact Fees as a result of the two recommended amendments to the streets CIP. The table compares the new fee amounts to the current fee amounts. You can see that the new fee amount for a single family home would be $1,834. This amount is a $228, or 14.2% increase over the current fee amount. The Commission does not make recommendations on the specific amounts of proposed fees but on the appropriateness of a development impact fee for the impact of new construction on City roadways for the proposed two (2) projects.

The Commission is asked to only determine whether this request of adding the construction of portions of Falls Avenue East and Eastland Drive to the list of improvements within the Capital Improvement Plan, as proposed, is in compliance with the Comprehensive Plan.

Zoning & Development Manager Carraway stated staff recommends the Commission pass on a favorable recommendation to the City Council that the proposed changes, as presented, are in compliance with the Comprehensive Plan.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Mikesell made a motion to recommend approval of the request, as presented. Commissioner DeVore seconded the motion. Commissioner Mikesell, DeVore, Jacobson, Cope & Derricott voted in favor of the motion and Commissioner Schouten voted against the motion.

RECOMMENDED FOR APPROVAL, AS PRESENTED, TO THE CITY COUNCIL

CITY COUNCIL PUBLIC HEARING SCHEDULED FEBRUARY 7, 2010

6. Request for the Commission's recommendation on a request for a Zoning Title Amendment which would amend Twin Falls City Code by deleting Section 10-7-8; Separate Ownership Of Units In Duplexes c/o City of Twin Falls (app. 2420)

THIS ITEM HAS BEEN WITHDRAWN

V. PUBLIC CONCERN ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

Zoning & Development Manager Carraway reviewed recent public hearings that were heard by the Planning & Zoning Commission that went forward to the City Council.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for January 25, 2011

VII. ADJOURN MEETING:

Vice-Chairman Cope adjourned the meeting at 6:50 p.m.

Lisa A Strickland

Lisa A Strickland
Administrative Assistant

MINUTES
Twin Falls City Planning & Zoning Commission
January 25, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS

Wayne Bohrn **Chairman** Kevin Cope **Vice-Chairman** Jason Derricott V. Lane Jacobson Bonnie Lezamiz Gerardo Munoz Jim Schouten

AREA OF IMPACT

Lee DeVore R. Erick Mikesell

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

CITY LIMITS		AREA OF IMPACT			
PRESENT:	**ABSENT:**	**PRESENT**	**ABSENT**	**LIAISON**	**STAFF**
Bohrn	Lezamiz	DeVore		Sojka	Carraway
Cope		Mikesell			Strickland
Derricott					Vitek
Jacobson					
Munoz					
Schouten					

CITY COUNCIL LIAISON: Mills Sojka
CITY STAFF: Carraway, Strickland, Vitek

I. ITEMS OF CONSIDERATION:

1. Request for the Commissions consideration of a 1-year extension on the approval of the preliminary plat of the Riverhawk Commercial PUD Subdivision, consisting of 4.2 (+/-) acres and five (5) lots located in the southwest quadrant of the Washington Street North and Chaney Drive intersection, c/o Wiley Dobbs on behalf of Twin Falls School District #411.

2. Request for the reactivation of Special Use Permit #1024, granted on April 10, 2007, to Ray & Lynette McFarland for the purpose of constructing a 5184 sq. ft. detached accessory building on property located at 3764 North 2700 East, c/o Ray & Lynette McFarland.

II. PUBLIC HEARINGS: NONE

I. CALL MEETING TO ORDER:

Chairman Bohrn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

Zoning & Development Manager Carraway requested that the Planning & Zoning Commission amend the Agenda by adding an item for consideration listed as item III-3.

MOTION:
Commissioner Cope made a motion to amend the agenda, as presented. Commissioner Munoz seconded the motion. All members present voted in favor of the motion.

UNANIMOUSLY APPROVED

1. Approval of Minutes from the following meeting(s): **January 11, 2011**
2. Approval of Findings of Facts and Conclusions of Law:
    a. Zulu Bagels (SUP 01-11-11)
    b. Plaza Building (SUP 01-11-11)
    c. AAMCO, LLC (SUP 01-11-11)

MOTION:
Commissioner Schouten made a motion to approve the consent calendar, as presented. Commissioner Cope seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. Request for the Commissions consideration of a 1-year extension on the approval of the preliminary plat of the Riverhawk Commercial PUD Subdivision, consisting of 4.2 (+/-) acres and five (5) lots located in the southwest quadrant of the Washington Street North and Cheney Drive intersection c/o Wiley Dobbs on behalf of Twin Falls School District #411

APPLICANT PRESENTATION:
Kirt Brower, Director of Operations for Twin Falls School District, stated he is here to request an extension for the Riverhawk Commrecial PUD preliminary plat. Due to the current state of the economy the school district does not want to move forward, the original plans are still in process but the schedule has been pushed back some.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the request and exhibits on the overhead and stated on January 8, 2007 the City Council approved the annexation and rezone of an 80 (+/-) acre site from R-2 to R-2 & C-1 PUD with conditions.

On April 24, 2007 the Planning & Zoning Commission approved the preliminary plat for the River Hawk PUD Subdivision and on May 14, 2007 the City Council approved the final plat which was recorded on January 14, 2008.

The Canyon Ridge High School began construction in 2007 and on January 11, 2010 a final certificate of occupancy was issued.

A PUD amendment was proposed and approved on August 10, 2009, by the City Council to modify the signage section of the PUD agreement to allow for sponsor signs. On November 09, 2009 the City Council approved a request for a PUD amendment to establish this area as the Riverhawk Commercial PUD, with the following conditions: 1) Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards. 2) Subject to cross use agreements for storm water, detached sidewalk, outside lighting, landscaping and parking prior to plat recordation and/or development and; 3) Subject to an approved pud agreement. As of today the Riverhawk Commercial PUD agreement has not been approved by the City Council.

On January 12, 2010 the Commission approved the preliminary plat of the Riverhawk Commercial PUD Subdivision, as presented, subject to the following conditions: 1)S ubject to site plan 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 built or rebuilt to current city standards upon development or change of use for the property. 3) Subject to a cross-use agreement for parking, drainage, ingress, egress, pedestrian access, emergency vehicle access and public utility easements being recorded prior to development. 4) Development to comply with an approved and recorded PUD agreement.

The applicants have not made any changes to the original plat since the preliminary plat was approved on January 12, 2010. As per City Code: 10-12-2.3(I) failure to file and obtain the certification of the acceptance of the final plat application by the administrator within one year after action by the Commission shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for by the subdivider and granted by the Commission.

On December 16, 2010 Wiley Dobbs, Superintendent of Public Schools submitted a letter requesting an extension of the approval of the preliminary plat of the Riverhawk Commercial PUD Subdivision due to district budget constraints and the economy. Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that each lot will be connected to City of Twin Falls Water and Sewer Systems. A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed and approved. If the Commission grants this request the preliminary plat will expire on January 12, 2012.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant this request, as presented, staff recommends approval be subject to the following original four (4) conditions:

1. Subject to site plan 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 being built or rebuilt to current city standards upon development or change of use of the property.
3. Subject to a cross use agreement for parking, drainage, ingress/egress, pedestrian access, emergency vehicle access, and public utility easements being recorded prior to development.
4. Development to comply with an approved and recorded PUD agreement.

The applicants have not made any changes to the plat that was approved in January of last year. As of today the Riverhawk Commercial PUD agreement has not been approved by the City Council.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Schouten made a motion to approve the request as presented. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan 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 being built or rebuilt to current city standards upon development or change of use of the property.
3. Subject to a cross use agreement for parking, drainage, ingress/egress, pedestrian access, emergency vehicle access, and public utility easements being recorded prior to development.
4. Development to comply with an approved and recorded PUD agreement.

2. Request for the reactivation of Special Use Permit # 1024, granted on April 10, 2007 by Ray & Lynette McFarland for the purpose of constructing a 5184 sq. ft. detached accessory building on property located at 3764 North 2700 East c/o Ray & Lynette Mc Farland

APPLICANT PRESENTATION:
Robert O'Berg, CNR Construction, representing that applicant stated that a special use permit for the horse barn was approved in April of 2007 and has not been constructed. The applicants would like to request the re-instatement of this special use permit so that they can move forward with their plans.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated On December 11, 2001 Special Use Permit #0763 was granted by the Planning and Zoning Commission to construct a 1,728 sq. ft. detached accessory building subject to one condition

1. The building shall be used for personal storage only. The building was completed in 2002.

On April 10, 2007 Special Use Permit #1024 was granted to allow construction of a 5184 sq. ft. detached accessory building to be used as a horse barn. The following conditions were placed on Special Use Permit #1024:

1. Subject to site plan 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 accessory building being used for private residential use only.
3. All lighting be downward facing and screened to mitigate possible impact to adjoining properties.

City Code Section 10-13-2.2(i) states "…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." If the Commission determines there has been substantial changes they may call for a new special use permit application. If the Commission determines that the surrounding area and/or facts and circumstances have not changed since the Special Use Permit was approved they may reactivate the expired Special Use Permit by motion and a majority vote -subject to the same conditions of approval.

In August of 2008 the McFarland's were issued a building permit for construction of a 3840 sq ft detached accessory building to be used as a horse barn. The building was not constructed and the building permit has expired. They are now ready to proceed with the construction of the approved detached accessory building. They are in the process of having their plans re-reviewed and a new

building permit issued. There has been no significant change to the surrounding area and staff has determined the facts and circumstances have not changed since Special Use Permit #1024 was granted.

Zoning & Development Manager Carraway stated upon conclusion staff recommends the Commission reactivate Special Use Permit #1024, as presented, subject to the original three (3) conditions of approval:

1. Subject to site plan 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 accessory building being used for private residential use only.
3. All lighting be downward facing and screened to mitigate possible impact to adjoining properties.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Jacobson made a motion to approve the request as presented. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan 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 accessory building being used for private residential use only.
3. All lighting be downward facing and screened to mitigate possible impact to adjoining properties

ADDITIONAL AGENDA ITEM AS FOLLOWS

3. Consideration for a yard setback to be established by the Planning & Zoning Commission to construct a public restroom facility at Drury Park, located at the 600 block of 4th Avenue West c/o City of Twin Falls Parks & Recreation Department (app. 2427)

APPLICANT PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for consideration for a yard setback to be establish by the Planning & Zoning Commission to construct a public restroom facility at Drury Park located at the 600 block of 4th Avenue West. Staff has reviewed the elevations and site plans for the proposed location of the new restroom.

As per City Code 10-4-11.3 yard setbacks in the open space zone for non-residential purposes requires the Commission to establish the setback. The site plan submitted shows the proposed location of the restroom facility at approximately five feet (5') from the curb on Castleford Street West.

Drury Park, a .5 (+/-) acre site, was donated to the City of Twin Falls in 1917. In 2009, upon receipt of a $75,000 grant from the Seagraves Foundation the City upgraded and installed new equipment. The Parks & Recreation Department has been approved to construct a public unisex restroom at Drury Park to complete the planned upgrade. The park is zoned Open Space.

This site is surrounded by the CB zone.

City Code 10-4-7.3 states…" (D) Yards: Front yards shall conform to the following standards, or City Code Section 10-7-6 of this title, whichever is greater" (Ord. 2773, 12-15-2003)

1. Commercial Uses: No property line setbacks are required.

To be consistent with the surrounding area the Commission may consider establishing the setback for this project to be consistent with the CB Zone and outside of the sight triangle.

Zoning & Development Manager Carraway stated upon conclusions **s**taff recommends the Commission establish the yard setback to allow the construction of a restroom facility at Drury Park, as presented, to be consistent with the CB Zone; 10-4-7.3(D).

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Mikesell made a motion to approve the request as presented. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED

IV. PUBLIC HEARING ITEMS: NONE

V. PUBLIC CONCERN ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

Zoning & Development Manager Carraway reviewed agenda items planned for the next agenda.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for February 8, 2011

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 6:25 p.m.

NOTICE OF AGENDA
PUBLIC MEETING MINUTES
Twin Falls City Planning & Zoning Commission
FEBRUARY 08, 2010 - 6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn, **Chairman** | Kevin Cope, **Vice-Chairman** | Jason Derricott | V. Lane Jacobson | Bonnie Lezamiz | Gerardo Munoz | Jim Schouten

AREA OF IMPACT: Lee DeVore | R. Erick Mikesell

ATTENDANCE

CITY LIMITS		AREA OF IMPACT	
PRESENT:	**ABSENT:**	**PRESENT:**	**ABSENT:**
Cope	Bohrn	DeVore	
Derricott		Mikesell	
Jacobson			
Lezamiz			
Munoz			
Schouten			

CITY COUNCIL LIAISON: Mills Sojka

CITY STAFF: Carraway, Strickland, Vitek , Wonderlich

AGENDA ITEMS

I. ITEMS OF CONSIDERATION:

1. Request for the reactivation of Special Use Permit #1163, granted on October 27, 2009 to Clinton and Anna Dille' for the purpose of constructing and operating a medical facility on property located at 176 Falls Avenue, c/o Clinton & Anna Dille'. (app 2345)
2. Request for the reactivation of Special Use Permit #1105, granted on July 8, 2008, to Gabriela Tovar for the purpose of operating an in-home daycare service on property located at 1312 7th Avenue East, c/o Gabriela Tovar. (app 2244)
3. Consideration of the preliminary plat for the Zebarth Subdivision First Amended consisting of three (3) single family residential lots on 4.3 (+/-) acres located at 3953 North 3300 East, c/o Tim Vawser/EHM Engineers, Inc.
4. Preliminary PUD Amendment presentation for a Planned Unit Development Agreement Modification for the Perrine Point PUD Mixed Use Residential/Neighborhood Commercial Planned Unit Development Agreement located at the northwest corner of Grandview Drive North and Falls Avenue West to modify the architectural concept and to provide for an active adult residential community within the R-6 zoned area of the PUD. c/o Gerald Martens on behalf of Tres Gringos, LLC. (app 2428)

II. PUBLIC HEARINGS:

1. Request for a Special Use Permit to replace a legal non-conforming use by another non-conforming use on property located at 276 Eastland Drive North, c/o Marcella (Blass) Sligar & Amanda Dastrup. (app. 2422)
2. Request for a Special Use Permit to include automobiles, sporting vehicles and equipment sales in conjunction with an existing equipment rental business at property located at 465 Addison Avenue West, c/o Andy Barry on behalf of Barry Rental, Inc. (app. 2423)
3. Request for a Special Use Permit to operate an in-home day care business for property located at 260 Heyburn Avenue West, c/o Libra Bartlett. (app. 2424)
4. Request for a Non-Conforming Building Expansion Permit to add a 42 sq ft expansion onto the front of their legal non-conforming building for property located at 111 South Park Avenue West, c/o Kenneth L. Schmidt on behalf of La Casita Mexican Restaurant. (app. 2425)
5. Request for a Special Use Permit to install and operate an aerial tour business on a south east portion of the Canyon Springs Golf Course within the Snake River Canyon, c/o Jody Tatum on behalf of Magic Valley Flight Simulation, LLC. (app. 2426)

I. CALL MEETING TO ORDER:

Vice Chairman Cope called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present and announced that there are currently two Commissioner positions open, if anyone is interested they need to contact the City Planning & Zoning Department.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **JANUARY 25, 2011**
2. Approval of Findings of Fact and Conclusions of Law: **NONE**

MOTION:
Commissioner Devore made a motion to approve the consent calendar as presented. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

III. ITEMS OF CONSIDERATION:

1. Request for the reactivation of Special Use Permit #1163, granted on October 27, 2009 to Clinton and Anna Dille' for the purpose of constructing and operating a medical facility on property located at 176 Falls Avenue, c/o Clinton & Anna Dille'. (app 2345)

APPLICANT PRESENTATION:
Clinton Dille', the applicant, stated he is here to request for the reactivation of SUP #1163. The circumstances for the lot have not changed. There plan is to break ground this summer. He asked that they Commission approve the request.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overheard and stated there was a special use permit granted on October 27, 2009, by the Planning & Zoning Commission for the purpose of constructing and operating a medical facility on this property with two conditions. City Code Section 10-13-2.2(I) states "…special uses which have not been established within one year of the date of issuance of the Special Use Permit, it may be reviewed by the Commission to determine if the facts and circumstances have changed." Upon staff review of this request there have been no changes to the area and the applicant is ready to move forward through the process of building this medical facility. Staff would however like to remind the applicant that amendment to the College View Park PUD Agreement has not been finalize. Prior to review of the building/construction plans this must be completed.

Zoning & Development Manager Carraway stated upon conclusion staff recommends should the Commission reactivate Special Use Permit #1163, as presented approval should be subject to the original two (2) conditions of approval:

1. Subject to site plan 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 approval of the amendment to the College View Park PUD Agreement, as proposed, or development to be in compliance with the College View Park PUD Agreement specifically in regards to building and landscaping standards as it is today.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:
Commissioner Mikesell made a motion to approve the request as presented. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

APPROVED SPECIAL USE PERMIT #1163 REINSTATED, AS PRESENTED, SUBJECT TO THE ORIGINAL CONDITIONS

2. Request for the reactivation of Special Use Permit #1105, granted on July 8, 2008, to Gabriela Tovar for the purpose of operating an in-home daycare service on property located at 1312 7th Avenue East, c/o Gabriela Tovar. (app 2244)

The applicant was not present at this time, the Commission moved to the next item on the agenda.

3. Consideration of the preliminary plat for the Zebarth Subdivision First Amended consisting of three (3) single family residential lots on 4.3 (+/-) acres located at 3953 North 3300 East, c/o Tim Vawser/EHM Engineers, Inc.

APPLICANT PRESENTATION:
Tim Vawser, EHM Engineers, Inc., representing the applicant stated the property was previously platted as a two lot conveyance plat. Initially Fred Hoff bought the north lot and went in for a building permit but was unaware that a conveyance plat does not allow you to build on the property. Mike Zebarth has taking on this project trying to move forward with the platting process so that Mr. Hoff will be able to secure a building permit. Since beginning this process there has been interest in the southern portion of the property where there is an existing house. The people that are interested in this portion are wanting to possibly purchase the existing house and build another house on the remaining portion. In order to accomplish this the plat has to be subdivided into a minimum of 3 lots. The lots are all 1 (+/-) acres and the reason for the odd shaped lots is to avoid having out buildings on a lot without a residence. He requests that this be approved so that the applicant may move forward through the process.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for the approval of a preliminary plat. The property consists of 4.3 (+/-) acres and is zoned SUI. In 2008 the Zebarth Conveyance Plat was approved by the Twin Falls Board of County Commissioners. A conveyance plat does not allow for development, the requirements are that once someone decides they want to build on the property the platting process has to be completed.

The Zebarth Subdivision First Amended is a request to subdivide the 4.3 (+/-) acre parcel into 3 lots so that development can move forward. The Twin Falls Highway District has also reviewed the preliminary plat and approved it subject to two conditions. The plat is consistent with other development in the area and is in conformance with the Comprehensive Plan.

Zoning & Development Manger Caraway stated upon conclusion should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan 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 rebuilt or built to current city standards upon development of the property or applicable deferrals being recorded.
3. Subject to a deed restriction on the final plat placing responsibility on the property owners for moving the irrigation structure out of the 3300 East Road right-of-way when the road is widened.
4. Subject to only one new approach to be added on 3300 East Road as allowed by the Twin Falls' Highway District.
5. Subject to approval of a Parks In-Lieu request by the City Council prior to submittal of a final plat.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:
Commissioner Munoz made a motion to approve the request as presented. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED, SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan 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 rebuilt or built to current city standards upon development of the property or applicable deferrals being recorded.
3. Subject to a deed restriction on the final plat placing responsibility on the property owners for moving the irrigation structure out of the 3300 East Road right-of-way when the road is widened.
4. Subject to only one new approach to be added on 3300 East Road as allowed by the Twin Falls' Highway District.
5. Subject to approval of a Parks In-Lieu request by the City Council prior to submittal of a final plat.

4. Preliminary PUD Amendment presentation for a Planned Unit Development Agreement Modification for the Perrine Point PUD Mixed Use Residential/Neighborhood Commercial Planned Unit Development Agreement located at the northwest corner of Grandview Drive North and Falls Avenue West to modify the architectural concept and to provide for an active adult residential community within the R-6 zoned area of the PUD. c/o Gerald Martens on behalf of Tres Gringos, LLC. (app 2428)

APPLICANT PRESENTATION:
Ken Edmunds, the applicant, stated several years ago a developer came through and platted this property. The layout for the development was a row house concept consisting of single family dwellings, in the R-6 zoned portion of the subdivision. The developer has since sold the property to another group of investors, with this in mind he was looking for a location to develop an active adult residential community 55 year of age and over. The zoning would allow for this concept and the new design would reduce the original density planned for this portion of the subdivision. He reviewed on the overhead the design of the proposed structures for the lots. They would be 4 condominium units that have one common wall and could be sold individually as dwellings. There would be a separate lot for each building and would range in size from 1200 sq. ft. to 1800 sq. ft. They will all have an attached two car garage and look like one large building. The intent is to target an active adult community with a condominium association that would maintain the property. With the current real estate market being considered he has been trying to come up with an affordable way to provide housing that could be marketable in today's environment.

STAFF PRESENTATION:
Zoning & Development Manager Carraway stated this is a request for a Planned Unit Development Agreement Modification to the Perrine Point PUD Mixed Use Residential/Neighborhood Commercial Planned Unit Development to modify the approved architectural concept and provide an active adult residential community within the R-6 zoned area of the PUD. A public hearing regarding this request will be heard at the regularly scheduled Planning & Zoning Commission public meeting on Wednesday, February 23, 2011. Further staff analysis will be given at that time.

P&Z QUESTIONS /COMMENTS:

- Commissioner Munoz asked if the garages are two car will the driveways allow for two additional cars and how will the maintenance be handled, will the equipment be stored on site.
- Mr. Edmunds explained that the goal is for the residence to use their private driveway for parking and to avoid parking on the driveway that run between the buildings. The CCR's will have strict guidelines for parking, they passageways between the buildings are designed to be 18' wide which would allow an emergency vehicle to pass a parked vehicle, but they will encourage people to park in their own driveways. There will be some limited visitor parking at the club house and the streets will also be available for parking. The maintenance will be contracted out and none of the equipment will be stored on site.

PUBLIC COMMENT: OPENED AND CLOSED WITHOUT ANY PUBLIC COMMENT

PLANNING & ZONING COMMISSION PUBLIC HEARING
SCHEDULED FOR WEDNESDAY FEBRUARY 23, 2011

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to replace a legal non-conforming use by another non-conforming use on property located at 276 Eastland Drive North, c/o Marcella (Blass) Sligar & Amanda Dastrup. (app. 2422)

APPLICANT PRESENTATION:
Marcella Sligar, the applicant stated this is a request to reapply for a special use permit for a non-conforming use that was approved in 2009 for property located at 276 Eastland Drive North. This permit would allow for the continued use a professional office and alternative therapies. The focus of this center is to maintain an complimentary therapy to promote healing for patients undergoing traditional medical care for illnesses such as cancer. The goal is to continue to offer this community a center with therapeutic treatment in a calm and relaxing environment. This affords the city to provide alternative care that is otherwise not available and most have to travel out of town to receive. The hours of operation would be 6:00am to 8:00pm seven days a week and is driven by patient need and appointments. The care includes occasional weekends and has minimal impact to the surrounding area. Typically the services require 1-3 offices to operate at a time, and in addition to promote the healing environment and the viability of the center she is requesting to provide products for retail that are specific to the care provided at the center. These items include things such as self improvement products, educational materials, supplements and local artisan healing products to promote healing. There have not been any complaints or impacts to the surrounding area. She asked that the Commission approve her request.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for a Special Use Permit to replace a legal non-conforming use with another non-conforming use. In 1998 this building was constructed for use as a commercial daycare; at that time the R-2 zoning allowed for a commercial daycare. Since that time the zoning code has changed and this is no longer a permitted use in the R-2 zone making the commercial daycare a legal non-conforming use. The daycare facility closed in May of 2009. In September of 2009 the Intrinsic Health business came through and asked to use this building for their services. The code does recognize a legal non-conforming use can be replaced by another non-conforming use through the special use permit process; if the Commission determines that the new non-conforming use is not incompatible with the surrounding area.

A special use permit was granted for the alternative therapy professional office. One of the conditions of approval was that the permit would expire within one (1) year; mostly due to the fact that this was a non-conforming use and it was not clear what the impacts would be to the surrounding area. To staff knowledge there have not been any complaints and the applicant would like to reestablish the same

use. Staff has reviewed the request the site has received a Certificate of Occupancy and received the required inspections. The site is in compliance and all of the conditions of the previously approved special use permit have been met.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the request as presented staff recommends approval be subject to the following conditions:

1. The business to be limited to alternative therapies only and associated retail, as presented.
2. The special use permit is restricted to Amanda Dastrup & Marcella (Blass) Sligar, property owners, at this location. A change of ownership or tenants shall require a new special use permit.
3. Subject to a minimum of 3 parking spaces per professional operating at the facility at any one time.
4. Operation of the facility to be limited from 6:00 am to 8:00 pm, seven days a week.
5. Site plan amendments as required by Building, Fire, Engineering, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

P&Z QUESTIONS/COMMENTS:

- Commissioner Munoz asked if the Zen Garden plan was implemented and if the retail would operate within the same hours listed.
- Ms. Sligar stated that a Zen Garden has been put into place and the retail hours would be consistent with the therapy business when open, they would not be open for retail only.

PUBLIC HEARING: OPENED

- Curtis Eaton, 2155 Hillcrest Drive, stated these are good neighbors and have done a good job in conforming to the conditions. They have a light on the building and he would like to request that the lighting be reduced so that it doesn't shine into his yard.

PUBLIC HEARING: CLOSED

CLOSING STATEMENT:

- Ms. Sligar stated she was not aware of any issues however she would be willing to work with the neighbor on the lighting.

DELIBERATIONS FOLLOWED:

- Commissioner Munoz stated he would ask that the lighting be addressed.

MOTION:

Commissioner Munoz made a motion to approve the request as presented and to add the lighting be addressed with the neighbors. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED, SUBJECT TO THE FOLLOWING CONDITIONS

1. The business to be limited to alternative therapies only and associated retail, as presented.
2. The special use permit is restricted to Amanda Dastrup & Marcella (Blass) Sligar, property owners, at this location. A change of ownership or tenants shall require a new special use permit.
3. Subject to a minimum of 3 parking spaces per professional operating at the facility at any one time.
4. Operation of the facility to be limited from 6:00 am to 8:00 pm, seven days a week.
5. Site plan amendments as required by Building, Fire, Engineering, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

6. Subject to working with the neighbor to resolve the lighting issue.

2. Request for a Special Use Permit to include automobiles, sporting vehicles and equipment sales in conjunction with an existing equipment rental business at property located at 465 Addison Avenue West, c/o Andy Barry on behalf of Barry Rental, Inc. (app. 2423)

APPLICANT PRESENTATION:
Andy Barry, the applicant stated that he currently sales equipment as part of his business, he does however need an automotive dealers license to sell trailers from this location. He currently sales the same type of equipment at a location in Burley but spends the majority of his time at the Twin Falls location. He doesn't plan to have many vehicles and there would not be a significant change to the property. He displays equipment out front occasionally and would do so with trailers also but not very often. He asked that the Commission approve his request.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this property is located in the C-1, highway commercial district. A special use permit is required for automobile, sporting vehicle and equipment sales in this zone. The applicant is not indicating any display pads as part of this permit.

The applicant currently operates an equipment rental facility, Monday through Friday from 7:30 am to 5:30 pm and Saturday 8:00 am to 5:00 pm. If this request is approved the hours of operation would not change and they do not anticipate an increase in current staff or customers due to the request. The applicant would like to be permitted zoning approval for automobile, sporting vehicle and equipment sales in order to be able to sale flatbed trailers with the equipment they already sale. Mr. Barry also owns several fleet vehicles which he cycles regularly through sales. They do not anticipate an increase to traffic due to the additional use on the property.

Staff's only concern is that parking spaces are indicated on the east side of the existing building across from the proposed display area. City Code requires a minimum 20' long parking space with a 24' wide maneuvering area. The applicant will be required to maintain the required minimum 44' parking/maneuvering area so the parked vehicles can back safely out of the parking spaces.

Zoning & Development Manger Caraway stated upon conclusion should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to the designated display area, as shown on the site plan, to comply with minimum city standards.
2. Subject to compliance with all Department of Motor Vehicle dealership requirements. A copy of the approved dealership license to be provided prior to operation.
3. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

PUBLIC HEARING: OPENED

- Eric Watti, 782 Holly Avenue, an adjacent property owner, stated he is in support of this request. Barry Rental has been a very good neighbor and operates a good business.

PUBLIC HEARING: CLOSED

CLOSING STATEMENT:
Mr. Barry stated he has a dealership agreement with several companies. As for the display area, they have daily traffic that has to be accommodated and they will not impede traffic onto and off of their property.

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:
Commissioner Schouten made a motion to approve the request as presented. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED, SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to the designated display area, as shown on the site plan, to comply with minimum city standards.
2. Subject to compliance with all DMV dealership requirements. A copy of the approved Dealership license to be provided prior to operation.
3. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.

3. Request for a Special Use Permit to operate an in-home day care business for property located at 260 Heyburn Avenue West, c/o Libra Bartlett. (app. 2424)

APPLICANT PRESENTATION:
Libra Bartlett stated she is here to request a special use permit to operate an in home daycare. She has 25 years of experience in taking care of children and enjoys the occupation. She would operate from 8:00 am to 5:00 pm and she requests that this be approved.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the property is zoned R-4; a medium density residential zoning district. A special use permit is required to operate an in-home daycare service in this zone. The home is approximately 1894 +/- sq. ft. and the lot is 13,798 +/- sq. ft.

The applicant resides at this residence and shall be the main caregiver. The hours of operation would be 6:00 am to 6:00 pm, the narrative does not indicate the proposed days of operation the Commission may wish to have this clarified. She has indicated she would like to provide services for up to twelve (12) children, which would include her own. The applicant would be the primary caregiver, and would like to have possibly 1 to 2 other employees.

The applicant will be required to apply for a day-care license through the Fire Department and will be required to comply with requirements for handicap accessibility and fire inspections. Should the special use permit be approved the applicant will also be required to acquire a Certificate of Occupancy through the Building Inspection Department.

City Code 10-10-3 states the required parking for a daycare is two (2) parking spaces per teacher. There is enough space for four (4) vehicles on the paved driveway. It would be appropriate for the Commission to place a condition on the special use permit that the applicant park no more than (2) personal vehicles as far to the north end of the driveway as possible.

There are no other anticipated adverse effects foreseen to adjoining properties. The property is surrounded by residential uses. Signs are not allowed to advertise in-home day cares in residential areas. A special use permit for an in-home day care at this residence would only be valid for the applicant at this location and may not be transferable from one owner to another.

Zoning & Development Manger Caraway stated upon conclusion should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. A maximum of twelve (12) children, including the caregiver's children, may be cared for under this permit at any one time.
3. In addition to Mrs. Bartlett, there may be a maximum of one (1) additional caregiver onsite at any one time.
4. The hours of operation to be from 6:00 am to 6:00 pm. With specified days of the week as presented.
5. The applicant shall be required to park no more than 2 personal vehicles as far to the north end of the driveway as possible during business hours to allow for customer/parent drop-off and pick-up.
6. Subject to compliance with all state and local requirements to establish a day care facility, including receiving certification from the Idaho State Department of Health and Welfare and a day care center license from the City Of Twin Falls Fire Department prior to operation of the day care.
7. Subject to providing a copy of the certification from the Idaho State Department of Health and Welfare for a day care facility to the city. Prior to operation of the daycare.
8. Subject to being issued a Certificate of Occupancy from the City of Twin Falls Building Inspection Department for the in-home day care prior to operation of the day care.

P&Z QUESTIONS/COMMENTS:

- Commissioner Munoz asked if there is fencing around the property.
- Ms. Bartlett stated there is fencing around the back part of the property.
- Commissioner Cope asked what days of the week she plans to operate.
- Ms. Bartlett stated that she would operate Monday thru Friday.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:
Commissioner Lezamiz made a motion to approve the request as presented. Commissioner Derricott seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED, SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. A maximum of twelve (12) children, including the caregiver's children, may be cared for under this permit at any one time.
3. In addition to Mrs. Bartlett, there may be a maximum of one (1) additional caregiver onsite at any one time.
4. The hours of operation to be from 6:00 am to 6:00 pm, Monday through Friday.
5. The applicant shall be required to park no more than 2 personal vehicles as far to the north end of the driveway as possible during business hours for customer/parent drop-off and pick-up.
6. Subject to compliance with all state and local requirements to establish a day care facility, including receiving certification from the Idaho State Department of Health and Welfare and a day care center license from the City Of Twin Falls Fire Department prior to operation of the day care.
7. Subject to providing a copy of the certification from the Idaho State Department of Health and Welfare for a day care facility to the city.
8. Subject to being issued a Certificate of Occupancy from the City of Twin Falls Building Inspection Department for the in-home day care prior to operation of the day care.

4. Request for a Non-Conforming Building Expansion Permit to add a 42 sq ft expansion onto the front of their legal non-conforming building for property located at 111 South Park Avenue West, c/o Kenneth L. Schmidt on behalf of La Casita Mexican Restaurant. (app. 2425)

APPLICANT PRESENTATION:
Kenneth Schmidt, the applicant stated he is the owner of La Casita Restaurant. There is a two sided structure adjacent to the front door to try and keep the wind from entering the building. This structure has not been successful. He stated they would like to add six feet along the current line that is there and a door to create a vestibule area for the entrance. This would assist in preventing wind from entering the building when the door is open. When the door is open in the winter time the cold air rushes inside the building and impacts the entire restaurant area. They would like to provide a more comfortable environment for their customers and reduce their heating bill. There should not be a negative impact to the surrounding area and he requests that the Commission approve the request.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated in September of 1995 Mr. Schmidt did apply for a non-conforming building expansion for this property. The site plans shows why this building is considered non-conforming there is an 80' from centerline building setback along South Park Avenue, the building line encroaching into the setback at approximately 32 feet. This is a legal non-conforming building because it was constructed prior to this code being put into place.

The code does allow for a legal non-conforming building expansion through a public hearing process. The applicant came through this process in 1995 and added an enclosure onto the front of the building. This request was originally denied by the Planning & Zoning Commission however through an appeal to the City Council it was approved subject to an agreement that explained if there is further expansion there wouldn't be any damages created.

Mr. Schmidt is requesting to expand the enclosure along the existing line by (7') seven feet this would add approximately 42 sq. ft. to the entry way allowing him to add a door and enclose the area. Through staffs review of the request this addition does not encroach any further into the setback and is an appropriate request. There should not be any impact to the surrounding area, there will not be any change in hours or customers, and if developed as presented should not create any problems.

Zoning & Development Manger Caraway stated upon conclusion should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to an amended agreement being signed by the property owners and recorded agreeing that if, in a future widening of South Park Avenue West, a condemnation results in a removal of the enclosure permitted October 16, 1995, and the request herein, that said removal will not result in any claim of taking as to the enclosure itself, or damage to the remaining property not taken. Said agreement will be recorded and be binding upon the owners' successors in interest.

P&Z QUESTIONS/COMMENTS:

- Commissioner Munoz asked if there would be any interior changes or additional seating.
- Mr. Schmidt explained there would not be any changes.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERN

MOTION:

Commissioner Jacobson made a motion to approve the request as presented. Commissioner Lezamiz seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED, SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to an amended agreement being signed by the property owners and recorded agreeing that if, in a future widening of South Park Avenue West, a condemnation results in a removal of the enclosure permitted October 16, 1995, and the request herein, that said removal will not result in any claim of taking as to the enclosure itself, or damage to the remaining property not taken. Said agreement will be recorded and be binding upon the owners' successors in interest.

Vice Chairman Cope took a break for 5 minutes upon restarting the meeting he stated that the applicant was not able to be here for Item III-2.

Commission Munoz stepped down. Zoning & Development Manager Carraway was asked to present the staff analysis.

III. 2 Request for the reactivation of Special Use Permit #1105, granted on July 8, 2008, to Gabriela Tovar for the purpose of operating an in-home daycare service on property located at 1312 7th Avenue East, c/o Gabriela Tovar. (app 2244)

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for the reactivation of Special Use permit #1105, granted on July 8, 2008, to Gabriela Tovar for the purpose of operating an in-home daycare at 1312 7th Avenue East. In July of 2008 the special use permit was granted subject to several conditions and has not been activated as of today.

City Code -10-13-2.2(I) states…a special use which has 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 permit was issued with six (6) conditions. The main reason for the permit not being established was because there was a fire hydrant located in the front of the property; she was required to relocated the fire hydrant. There was also inadequate paved parking in the rear of the property that she was intending to use for a parking area. As of today there has been an expansion on the property with a Certificate of Occupancy issued and she has complied with all of the requirements. Paving has been completed and the fire hydrant has been moved. Under staffs review the applicant has complied with the conditions and is ready to initialize the daycare and move forward through the process of licensing.

Zoning & Development Manger Caraway stated upon conclusion should the Commission reactive Special Use Permit #1105, as presented, reactivation shall be subject to the original six (6) conditions of approval:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. A maximum of twelve (12) children may be cared for under this permit.
3. A maximum of one (1) additional caregiver may be employed on site.
4. The front driveway to be used for customer parking only during day-care operating hours. The resident and /or caregiver(s) must park off-site. Parking shall comply with City Code 10-10-1 thru 4.
5. Comply with all state and local requirements to establish a day care facility, including receiving certification from the Idaho State Department of Health and Welfare, a day care center license from the City of Twin Falls Fire Department and the issuance of a Certificate of Occupancy from the building inspection department for the recent addition and for the in-home day care.

6. Subject to the fire hydrant located in front of 1312 7th Avenue East being moved from in front of the concrete area.

MOTION:
Commissioner Mikesell made a motion to approve the request as presented. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED SPECIAL USE PERMIT #1105 REINSTATED, AS PRESENTED, SUBJECT TO THE ORIGINAL CONDITIONS

Commission Munoz returned to his seat.

5. Request for a Special Use Permit to install and operate an aerial tour business on a south east portion of the Canyon Springs Golf Course within the Snake River Canyon, c/o Jody Tatum on behalf of Magic Valley Flight Simulation, LLC. (app. 2426)

Commission Lezamiz and Jacobson stepped down.

APPLICANT PRESENTATION:
Jody Tatum , the applicant state she is here to review the plans and the request for a zip line. This has been a major learning process for them and they have really undergone some significant changes. They believe they have come up with a zip line tour that will showcase the Canyon and provide education and recreation for everyone enticing visitors to stay in this area longer. The points presented tonight will include information about the location, access, the tour route, the experience associated with the zip line tour, scheduling, the length of the tours, areas of impact, parking facilities, structures, the environment, the economy and a list of things they have to go through in order to be able to operate.

She reviewed on the overhead the location of Canyon Springs Road and Centennial Boat Docks, and showed where the zip line would be located within this area. The plan is to take the road from the Club House at the lower level transporting the tour group along the road that is adjacent to the golf course and the river itself. The road runs along the side of the old apple orchard and up along Fairway No. 7 on the east side; this is where the launch site will be located. People will transverse the first line take a small hike up to the second launch site transverse the second line back to the starting launch base area, transverse the first line again and do a short hike to the third line launch which is the longest of the three. All of these lines will be approximately 100 feet off of the ground, which allows for some really good elevation in this little pocket area. The anticipate the longest flight line being approximately 1000 to 2000 ft which will be determined by the engineers. The tour group will then re-board the transport and return back to the club house to remove all the gear.

The tours will be pre-schedules and the industry standard at this time is to do this via internet or telephone. The tour time and date is then assigned for your arrival, they are booked anywhere from three days to three weeks in advance, the contact information is maintained so that any changes of events can be communicated to the customer. The guest arrives at the Canyon Springs Golf Course to the Club House where they will complete a 20 minute training session, everyone will then board the transport and head to the launch site. Education about the fish farm, apple orchard and other industries available in the Canyon. They will complete the series of three gravity lines, the licensed guides will be with the tour group during all stages of the tour. The group will then board the transport again and be taken back to the club house.

As for scheduling the group size will average between 6 and 12 people depending on the season and the demand. During the high peak season they estimate 12 people per tour and during the slower part of the day and slower season there will be approximately 6 people per tours. There will be approximately 4-8 vehicle per tour. There will be a tour every 2-3 hours depending on registrations. There will be 4-6 tours per day depending on the weather and daylight. They anticipate between 12-60 people per day season, daylight and weather permitting. They plan to operate year round again

dependent upon daylight hours and weather permitting. In the winter months they will schedule during the holidays and weekends depending on demand. The business plan is to take care of the community offering specials, discounted family days, group rates and incentives for kids to do well in school.

They plan to cater to the tours and visitors during the busy months to capitalize on the tourism dollars. They will be active in the community and are looking forward to working with everyone making this adventure a success. The business is going to have an impact and we plan to use the already existing Canyon Springs Golf Course Club House, their underutilized parking area at the bottom will be used for parking their vehicles. There will be visual impacts that the lines will be secured to but they should be no more than 20 feet tall painted and stained to blind into the surroundings. The launch sites will be minimal with minimal impact to the environment. The people will be flying over the tour area approximately 80-100 feet in the air and the only touch points will be at the end of the lines. The tours will operate during daylight hours only and the area will be open to the wildlife currently living in the area.

The impact to the local economy will be measurable, it should increase tourism, add to jobs, revenue and impact the hotel, restaurant and entertainment businesses in the area. This will be the only scheduled guided tour of the snake river canyon available to the visitors as they pass over the Perrine Bridge. By having the tour accessible to the public it will be very exciting and great for the area.

As a zip line tour business there are several steps they have to complete prior to being able to operate. They have to become an outfitter and be licensed through the state. Once approved they have to put in their application for joint agency approval to the State Department of Land, Army Corp of Engineers and the Department of Water Quality. They also have to become certified with the Engineers with both the Professional Ropes Course Association and Structural Engineers. They will need City and County building permits for the structures. They will have to meet with all first responders to train on emergency plans. They have to have certification and training completed for all of the guides with the State of Idaho Outfitters and they have to be CPR trained. These are things that have to be completed to move forward and to ensure they operate a safe business.

Zip lines are eco friendly, enjoyable and educational. They are accessible and can be enjoyed by fairly able bodied people. This activity will serve 60 people per day at maximum capacity and maximum daylight. Hiking boots/closed toed shoes will be required, people must be to walk up the hill to the next launch site. This is a trial venture, they don't know the impact because no one has done it before, this is an easy up and easy down thing, if it turns out to have a negative impact in the area it can easily be taken down. If it is a positive impact it will benefit everyone. A couple of final points, they will not be accessing the golf course itself, they are completely off of the golf course and will only be visible to the line of site at certain fairways. Mr. McCullum is very protective of his golf course and they will be working with him so that this doesn't negatively impact the golfers.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated on December 13, 2010, the City Council approved a Zoning Title Amendment which added a definition to the Twin Falls City Code §Title 10; Chapter 2; Section 1; for a zip line and added that "zip lines operated by outfitters and guides licensed by the Idaho Outfitters and guides licensing board" may be allowed by special use permit in the open space (OS) zone.

The definition of zip line was approved as follows:
Zip Line: an aerial trail system providing recreation and education activity that preserves and protects the natural environment and habitat by enabling people to transverse terrain by means of cable and trolley."

The request is to operate a zip line facility within the Canyon Springs Golf Course. This property is located in the OS, open space district within the area of impact. A special use permit is required for zip

lines in this zone. The zip line operation area is about 10 acres in size and the trail length from the Canyon Springs Clubhouse to the launch site is about 2/3 mile (3500 +/- feet). The zip lines are proposed to extend from a launch area between Canyon Springs Road and the road to Centennial Park over the wetlands where the Perrine Coulee drains to the Snake River with the landing area being on Canyon Springs Golf Course.

The zip lines launching, landing, and aerial trail area is all contained on property owned by McCollum Enterprises who has granted permission to Magic Valley Flight Simulation, LLC. to use this property. The project description indicates that pole anchors for the launch and landing sites will be no more than 20' high at the ends of the lines. The launch and landing areas are anticipated to utilize natural ground or a dirt platform. If an elevated platform is found to be necessary it will be no more than 5' high and no larger than 10' x 12' in size.

A "monster line" is tentatively shown as part of a Phase II. That is not part of this request. Should this request be approved the "monster line" shall not be included in the approval.

The Commission may wish to require a bond be in place prior to operation to ensure if the business ceases to operate all structures shall be removed and the area impacted by this business will be returned to its natural state.

The submitted narrative indicates additional traffic impact on Canyon Springs Road is anticipated to be about 20 vehicles a day in general and 40 vehicles during peak operating times. The nearest private land owners may feel effects of additional traffic and noise from people who are on the zip line. However, the greatest traffic impacts would be from the recreational users who utilize the many facilities on Canyon Springs Road and within the canyon itself.

Staff has received public comment regarding opposition to the request due to public safety concerns on Canyon Springs Road. Staff does have concerns over the possible distraction to drivers that will be created as the zip line launch area is near Canyon Springs Road. The zip line activity may cause drivers to slow down or even stop in the road. They may also attempt to park along the road to access the site or watch. The road width is not adequate to accommodate parking and as the site is just after a major curve in the road vehicles may not be able to see or plan for other vehicles that may be parked along or stopped in the road. Staff would recommend that signage be put up at the applicant's expense along Canyon Springs Road indicating that parking and stopping is not permitted on the road in that area.

Staff is also concerned with people trying to access the launch area from Canyon Springs Road or the road to Centennial Park. Twin Falls County staff has indicated to city staff they do not want the Centennial Park Area to be used for parking for the zip line nor should the area be permitted for spectator viewing from the launch site. Staff recommends that there be a security fence or similar type structure that would keep people from accessing the zip line site while it is not attended or after hours.

The city also has concerns about the additional use at the clubhouse and if there is adequate parking for the additional use at the facility. Staff would recommend a condition that a parking review be required to determine if additional parking area should be provided. The use may also affect the occupancy status of the building and so staff would also recommend a condition that the applicants meet with the building department to determine if any "change of use" processes are required. The structures associated with the zip line anchors and possible platforms will need building permits and may need special inspections performed by licensed engineers.

As per City Code to operate a zip line facility requires the outfitter and guides to be licensed by the Idaho Outfitters and Guides Licensing Board. Documentation shall be provided prior to operation of the facility.

The Comprehensive Plan describes open space and the canyon rim in several areas. Based upon the community survey there is a strong desire to preserve and protect our canyons and open space. There is also verbiage within the Comprehensive Plan that identifies the need for more and varied recreational opportunities. The applicant states in their narrative they feel that the Comprehensive Plan supports zip lines in that they are aerial trails and that as part of the zip line experience they will provide educational components about the history of the Snake River Canyon and the natural habitat, plant and wildlife that populate the canyon area.

The Planning and Zoning Commission has standards in the city code in regards to the evaluation of a special use. city code §10-13-2.2(D) "standards applicable to special uses":states…the Commission shall review the particular facts and circumstances of each proposed special use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Will, in fact, constitute a special use as established by zoning requirements for the zone involved.
2. Will be harmonious with and in accordance with the general objectives or with any specific objective of a comprehensive plan and/or zoning regulations.
3. 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.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. 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.
7. 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.
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Zoning & Development Management Carraway stated upon conclusion should the Commission approve the request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to permit being for three-line course only, as presented. This permit does not include the "monster line" Phase II.
2. Subject to platform development and structures being no more than 5' high and no more than 10' x 12' in size.
3. Subject to a review by the building department to determine if a certificate of occupancy is required for the use of the clubhouse facility for the zip line staging area.
4. Subject to a review of parking requirements for the clubhouse and zip line use to determine if additional parking is required.
5. Subject to the launch site having a security fence or suitable enclosure to provide security to the site.
6. Subject to signage on Canyon Springs Road being placed by applicant indicating that no parking or stopping is allowed on the road way in the vicinity of the launch area.
7. Subject to the zip line(s) operated by outfitters and guides being licensed by the Idaho Outfitters and Guides Licensing Board. Documentation to be provided prior to operation.
8. Upon abandonment or discontinuation of use, the property owner/business owner shall physically remove all structures associated with the zip line(s) facility within ninety (90) days of the date of abandonment or discontinuation of use, and restore the site to its original condition. the property owner/business owner shall provide to the city, prior to issuance of a permit, a

performance bond in the amount of twenty thousand dollars ($20,000.00) or a bond equal to a written estimate from a qualified contractor to guarantee that the facility will be removed when no longer in use. the city shall be named as an oblige in the bond and must approve the bonding company.

9. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

P&Z QUESTIONS/COMMENTS:

- Commissioner Munoz asked about the scheduling of tours and are there plans to have staff available for the unscheduled tourist, asked about other events in the canyon and signage for locating the site.
- Ms. Tatum stated if there is room on the tour for additional walk-ins they will add them. She stated they have a verbal agreement to work around the large events that occur in the area. They can also close down on specific dates.

PUBLIC HEARING: OPENED

- John Lezamiz, 847 Canyon Springs Road, state he is here to discuss the location and safety of this zip line. The road into the canyon has two 180 degree turns and the maximum grade allows for 7 % grade and this road is much more then this in several places and doesn't comply with standards. In addition to the roadway there is considerable amount of traffic on this road and people have been known to travel up to 60 mph through this area until they hit the first hair pin turn. There are other large vehicles that travel this road as well. There is also a large number of pedestrians that use this roadway as well, for conditioning and exercise. It is not unusual to see people walking on this road starting around 5am and until it is dark. The road travels in an east west direction so you look into the sun when it is setting an rising making it even more difficult to see the road. He reviewed on the overhead photos of the road way and pedestrians walking along the roadway and traveling up and down the road. The concern is that you are mixing a large number of vehicles and pedestrians creating conditions that are not favorable. The situation that is already there is going to get worse. A petition has been circulated to establish a walking trail for pedestrians, and if this road is already at and over capacity this is going to make things worse. The numbers have gotten higher since their first presentation because they want to be open year round now. This calculates to 14400 people during off season months. In the summer it could be 28800 people and an average of 21600 people will be using the zip line. The problem is that the road will be traveled up and down the same way doubling the travel and impact to the road. There are 200 members and the golf course services an average 31,000 annually, they have 26 spaces in upper parking and 59 in lower having a max of 85 spaces and at busy times cars are backed up on this road because there is not adequate parking for the golf club now and increasing the uses 38% to 98% without adding parking. Parking is an issue all the time. Restroom facilities and accessibility are also a concern, they are planning to use the restrooms at the golf club in the lower level. This building is not ADA compliant and they don't plan to address these thing either. This is an additional use that needs to be considered. This area is a wetland and before you can do anything in a wet land you must do an environmental study and have the Army Corp of Engineers approval. The second worst impact will be to Centennial Park. If someone wants to see a friend on the zip line or see what this is about the people are going to use the Centennial Park. 13 boat spaces and 39 parking spaces with portable facilities that cost 900.00 every time they are serviced with this in mind we are going to be paying for these additional costs. In closing as the Planning & Zoning Commission you need to be able to make an informed decision. The code says this Commission may request studies concerning environment, social impact and safe capacity, to make an informed decision. If the

information presented to you is unclear you have to deny the request or at the very least is request a study be done and table until the information is submitted and can be reviewed. Before you vote ask yourself would more information be helpful, second ask is this a good use for the canyon. If the answer is I don't know or no then it should be denied. Additional information should be requested before a decisions is made.

- Bill Napp, 3452 E 4000 N Kimberly he stated he moved her from Michigan and worked in the Hotel and Resort Industry. He is in favor of the request and feels the concerns that have been raised can be addressed.
- Phyllis Perrine 3549 N 3100 Twin Falls, stated her family owns property in this area of the canyon and they are not in agreement with the zip line.
- Rick Novacek stated he is the director of Twin Falls Parks and Water Ways states that the board refrains from making a negative or positive recommendation because they don't have enough information. The lack of information relates to an incomplete business plan, issues related to the wetland area, engineered plans, and restroom facilities. Until these issue can be addressed he would ask a decision not to be made.
- Bear Bangs 1904 Pahsimeroi Circle, stated he is for this request and feels it is the City's responsibility to promote local business and things that will generate growth.
- Jean Meyer, 281 Caswell Avenue West, stated at 70 she jumped out of an airplane and would like to be one of the first to do the zip line.
- Chris Satterwhite, 452 Woodland Court, in favor of the zip line and stated signage should be required, this has job potential, can generate tax revenue and shows people that there are multiple activities to do in this area.
- Lori Schut stated she is opposed to the zip line.
- David Mead 2045 Hillcrest Drive, is all for new business but this is not the place for this, the roads don't meet standards, canyon wall slippage is a danger, restrooms are limited, the opening of Augar Falls to the public has increased traffic, this may have positives but this is not the place. He is opposed to this request.
- Terry Reinke, 736 Canyon Park Avenue, is against the request, he uses the canyon road every morning and has witnessed how treacherous the activity can be. The walkers use both sides to walk turning it into a one way highway and the impact is already bad and the accidents are going to increase. As you review this request the canyon is what we hold sacred, and he requests that this bee denied.
- John Beuker 711 Riverview Drive, stated he is opposed and would hate to lose his privilege to walk in this area because of the increased danger generated by the increased traffic.
- Bill Gehrke, 711 Canyon Springs Road, opposed to the zip line in the canyon there is a need for more information. Limit times of operation and maybe there are ways to cohabitate but without specifics it's difficult to know what can be done.
- Gerald Beck,699 Riverview Drive, he stated the infrastructure is not in place for this. He stated he has done economic development for this area for 35 years. Is this company worth the cost of what it will cost the canyon. He is concerned that the point that was raised by the applicant is that there are walk ways that have been developed for people and they don't understand why the people have to walk the grade. The grade is not the issue people have been walking her for a long time.

- Barbara Beck 699 Riverview Drive she is for economic development in Magic Valley not against a zip line but is against a zip line in the canyon. They have hair pin turns, walkers and traffic. We can't build a new canyon if we screw this one up. Please protect the canyon.
- Jeanette Fishel 1005 W Clearcreek Drive Buhl. She is for this request, it will generate tourist. She is from Juno and the tram was objected and now the amount of tourism it has brought is beneficial.
- Boyd Setterwhite, 452 Woodland Court, he has been listening to the pros and cons. He is for the zip line there are issues we have to face but that is true for all projects.
- Lamar Orton, 867 Filer Ave W, he is not against the zip line he is not against economic development for him it is about the location. This zip line is not in a good location, the education is positive, it is the lines and traffic that bothers him. The wildlife is a concern, they don't seem to know what the impact will be to the birds. The number of cars seems to be highly underestimated, and doesn't appear to account for employee traffic, spectators, and other types of vehicles. The impact to Centennial Park and events in the area are going to be impacted. He says he thinks it will be hazardous to surrounding area and venues.
- Dave McCullum stated he is very familiar with the road, the problem on the road is not traffic it is the pedestrians. He doesn't know how people can comment on the bathrooms and if we deem this usage appropriate he doesn't see why its other people's business what we want to do as private property owner.
- Lucina Tapia, 1740 El Dorado Street, stated learn by doing, zipping is about your body, motion, and is a great learning experience. This could be great for people to learn and provide a great way to get fresh air and exercise.
- Kalay Cuellar she is for the request and is very appreciative of the canyon rim and was disappointed when Home Depot came in and the Dell building was built. It would be exciting for the kids and but road issue will need to be addressed. She suggested maybe a time limit placed on the special use permit would allow people to see how it impacts the canyon.
- Gary Evans, 732 Riverview Drive, stated he is for economic development, jobs, and all of these things. The project as presented currently will have an impact on infrastructure that is already a concern. The eco friendly uses that are already in place along this road such as walking will impact the safety of the lives of people that use this road already.
- Andy Borchandt, 305 Locust Street North, stated 40 mph on this road is probably the most he has seen, the road has a shelf life and there are probably plans to repair the road and make trails. He would like to say he is for the zip line. The poles will be painted green and the lines will not be visible it will look like the trees and be a great thing.
- Nikki Randell, 354 Madrona Stree stated this would be one great way for the teens to stay out of drugs and out of trouble. She is for the zip line.
- Ralph Klinsky, 2451 Cedar Creek, stated they have been denied a permit which has prevented them from being able to provide information. These people live on the canyon; they don't own it, all the people in this area own the canyon. Free enterprise and tyranny should not be allowed, he is for the request.
- Any Barry , for the zip line it is on private property and it would not be as unsightly as the sewer plant.

- Barry Knoblich, 1174 Skyline Drive, stated he is in favor of the staff reports recommendations, and the concerns raise were addressed. More details are difficult, Canyon Springs Road has been improved and it could be that the traffic could justify improvements. The staff did a great job with their recommendations. Let it move forward.
- Ashley Bangs, 1904 Sunrise Circle, stated she thinks this would be great, it will provide a way to see the beautiful canyon, it will bring more people to the area and help with jobs. The golf course and the sewer plant takes up more room then the zip line will.
- Lamar Sylten, 203 Canyon Springs Road, lived in the canyon for about 13 years and lives at the fish hatchery. The problem with the road is pedestrian traffic with no way for the people to get out of the way. There is an observation turn out for spectators, the property is recreational property. The area they are proposing to use is about 10 acres with a spring but the anchor points will be outside of the wetland area. The pelicans hit the wires already and knock out the power at night. They should charge fees to get down to this area it would assist in repairing the road and help with the cost of maintain the park and restrooms. He is for the request.
- Scott Record is in favor of the zip line and one of the things that is beneficial is the revenue that it will generate. The synergy of the base jumping and the zip line will change things for Twin Falls, the road should be taken care of and the shuttle would assist with the issues. The public safety concerns are contrived and the good out ways the bad.
- Mr. McCullum stated he does have permission from the Army Corp of Engineers to pipe the wetlands.
- Bonnie Lezamiz stated she appreciates living on the canyon rim and not everyone is a property owner on the canyon rim that is against this request. When considering this request the impact to the already existing uses should be taken into account. More detailed information has been provided for other requests and this request should not be any different.
- Bill Small, Canyon Spring President of The Golf Association, stated he has talked to the golfers and some of the concerns raised tonight were raised by them. Some were for and some were against the zip line. The issues with the road need to be addressed with or without the zip line.
- Katie Breckenridge, grew up on the Canyon Rim and own the land above the road and the rock fall is of major concern. She stated there is an engineering studying in the process regarding the wall because of rocks falling. The safety of the road is a concern and she encourages the Commission to consider this when making a decision.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:
Jody Tatum, stated she is comfortable with staff recommendations. She would like to know what a performance bond is and if a cash deposit is the same thing. With regards to the fencing around the launch sites, she has a security company that will monitor the zip line 24 hours making it secure. As for the Department of Parks and Waterways with regards to their decision to have no opinion, she stated they are still meeting with people that this business may impact, to discuss issues. They have not moved forward because of the costs and they want to make sure they are legally allowed to do this prior to investing more into the project.

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated this is an experiment and they want to see if it is worth the investment. They are using someone else's property to try it out without investing much. It is everyone's rights to have access to the canyon including the pedestrians that walk the road.

- Commissioner Munoz stated he is in agreement with Commissioner Mikesell. There were several comments about things lacking and there was a lot of misinformation. He would like to know more, there are issues with the road and pedestrians and is this harmonious with the surroundings and will it impact public facilities. The public would be impacted, the infrastructure is faulty and this will only make it worse. Do we need to improve the road or wait for income to improve the road. It is not feasible for the city or public to pay for the improvements so that someone else can have a business that is going to create more problems. He visits this area and feels these questions are not answered, he would like to be more informed. At this point he can't vote in favor. He understand the private property issue however this area belongs to the entire community.
- Commissioner DeVore stated he likes zip lines and there are solutions for all of these things but the he needs more information and some suggested solutions from the applicant to address the concerns.
- Commissioner Schouten stated he is in favor of the zip line, the City has done a study of this wall and we haven't seen any results yet. Possibly, parks should have considered this road and made improvements. It would be a start and the location seems to be a good spot his only concern is the wetlands.
- Commissioner Derricott stated as long as it meets the requirement and that the City staff can determine the requirements that need to be met he would vote in favor of the request.
- Commissioner Mikesell stated there are too many people walking the road, and because there are no sidewalks they are allowed to walk on the road. The safety issue is a concern and there don't seem to be any plans implemented by the applicant to address these issues. He stated we don't require fully engineered plans but we do require drawings that illustrate what the structures would look like when completed. There is just not enough information for a decision to be made. As for the wetlands if the Army Corp of Engineers has not been notified they will stop the project until things have been reviewed. As for bathrooms they need to have them at the top. We have to consider safety of the public. There are too many people walking that road because there are no sidewalks and the public's safety is an issue.
- Commissioner Munoz stated there are several things to consider when approving a special use permit a couple that come to play for him are the design and is it appropriate and there is no design for him to review. He wants to know that the structure fits appropriately in the area. The other part to consider is if this will be harmful or not to the environment or surrounding area. He isn't sure, if there is an ability to service the road and if it is safe. There are too many questions and not enough answers.
- Commissioner Derricott stated a rendering of the site would be helpful.
- Commissioner Mikesell stated we require a drawing of some kind when reviewing for other special use permits and they have presented a map with lines drawn on it, this is not enough.
- Commissioner Munoz stated he doesn't have anything to use to establish whether or not it would be harmonious to the surroundings. He wants to see how the ramp looks and what this will look like.
- Commissioner Mikesell stated in their previous request they had some visual aids showing ramps and with this request that is different from the original request we have not seen anything. There are too may maybe's.
- Commissioner Derricott stated he can sympathize with the applicants in that they can't nail down specifics until they know exactly where they are going to be allowed to operate. Because of the amount of engineering he can understand why they don't have engineered drawings.
- Commissioner Mikesell explained there are always costs associated with doing business and part of that is design and engineering. The engineer can tell us exactly where things are going to go and what they are going to look like.
- Commission DeVore asked if an engineering study being done for this area regarding the canyon wall.
- Assistant City Engineer Vitek stated the study is in the process but has not been completed. They are working on their recommendations on how to retain the wall.
- Commissioner DeVore asked if the staff review following approval would involve not only parking but restrooms.
- Zoning & Development Manager Carraway stated if the Building Department actually determines that this is a change of use to this property they would review all of the facilities. Parking is based on

the square footage of the building per use , and currently there are no records on the Club House building, it goes back farther than the building files. There would be a review for Certificate of Occupancy and the facilities would be included in this review.

- Commissioner DeVore asked if signs along the road down into the canyon would have to be approved by City Council.
- Zoning & Development Manager Carraway explained that these conditions would be implemented according to code and City Council's approval is required for the signage then it would be sent forward to City Council.

MOTION:
Commissioner Schouten made a motion to approve the request as presented with staff recommendations. Commissioner DeVore seconded the motion. Commissioner Cope, Schouten & Derricott voted for the request and Commissioners Mikesell, Munoz & DeVore voted against the request. Motion tied.

MOTION DENIED

Zoning & Development Manager Carraway explained there is a 15 day appeal period from the date of this decision. Because this property is located in the County the appeal will be heard by the City Council and sent forward as a recommendation to the Twin Falls Board of County Commissioners for a decision.

SCHEDULED TO BE HEARD AT THE MARCH 14, 2011
CITY COUNCIL PUBLIC MEETING

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

Zoning & Development Manager Carraway stated there are a three items on the next agenda and the meeting is scheduled on a Wednesday due to a holiday. This will be the last meeting for Commissioner Lezamiz and Commissioner Munoz.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **(Wed.) FEBRUARY 23, 2011**

VII. ADJOURN MEETING:

Vice Chairmen Cope adjourned the meeting at 9:32 pm

MINUTES
Twin Falls City Planning & Zoning Commission
February 23, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS
CITY LIMITS:
Wayne Bohrn Chairman, Kevin Cope Vice-Chairman, Jason Derricott, V. Lane Jaboson, Bonnie Lezamiz, Gerardo Munoz, Jim Schouten
AREA OF IMPACT:
Lee DeVore, R. Erick Mikesell
CITY COUNCIL LIAISON
Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS		AREA OF IMPACT MEMBERS	
PRESENT:	ABSENT:	PRESENT:	ABSENT:
Bohrn	Cope	DeVore	
Derricott	Lezamiz	Mikesell	
Jacobson			
Munoz			
Schouten			

CITY COUNCIL MEMBERS PRESENT: Mills Sojka
CITY STAFF PRESENT: Carraway, Strickland, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

1. Request for a Non-Conforming Building Expansion Permit to add a 20,000 (+/-) sq ft expansion onto the front of a legal non-conforming building on property located at 236 Washington Street South. c/o Glanbia Foods. (app. 2429)

2. Request for a Planned Unit Development Agreement Modification for the Perrine Point PUD - Mixed Use Residential/Neighborhood Commercial Planned Unit Development -Agreement located at the northwest corner of Grandview Drive North and Falls Avenue West to modify the architectural concept and to provide for an active adult residential community within the R-6 zoned area of the PUD. c/o Gerald Martens on behalf of Tres Gringos, LLC. (app 2428)

I. CALL MEETING TO ORDER:
Chairman Bohrn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:
1. Approval of Minutes from the following meeting(s): February 8, 2011
2. Approval of Findings of Fact and Conclusions of Law:
   - Zebarth Subdivision (Pre-Plat 02-08-11)
   - Marcella Blass (SUP 02-08-11)
   - Andy Barry (SUP 02-08-11)
   - Libra Bartlett (SUP 02-08-11)
   - La Casita (NCBE 02-08-11)
   - MV Flight Simulation (SUP Denial 02-08-11)

MOTION:
Commissioner Schouten made a motion to approve the consent calendar as presented. Commissioner Mikesell seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARINGS:

1. Request for a Non-Conforming Building Expansion Permit to add a 20,000 (+/-) sq ft expansion onto the front of a legal non-conforming building on property located at 236 Washington Street South. c/o Glanbia Foods. (app. 2429)

APPLICANT PRESENTATION:
Gary Wallo, representing the applicant, stated they are proposing an addition to the existing building. This addition will be to allow for more storage. There will be no additional traffic to the area and no additional employees. Production will not increase This will just allow for storage for the productions to meet customer needs. The front aligns with the existing building and is not any closer to the existing setback the addition will be approximately 20,000 sq. ft. This will match the style of the current building and should not have much of an impact on the surrounding area. He asked that this Commission approve the request.

STAFF PRESENTATION:
Zoning & Development Manger Carraway reviewed the exhibits on the overhead and stated the property is 18.7 acres and is zoned M-2; Heavy Manufacturing District. Glanbia Foods is currently operating at the site and they are requesting approval to expand their existing building. Glanbia's building has a current square footage of 52,000 (+/-) sq ft. the proposed expansion would increase the building approximately 20,072 sq ft. (38%+)

City Code 10-3-4 defines non-conforming buildings or uses as: "a building or use made nonconforming but which was lawfully existing or under construction at the time of adoption." In order to add to an

existing legal non-conforming building it requires a public hearing before the planning & zoning commission.

The building is now considered non-conforming because it is within required front setback. The building setback from Washington Street South is 93' from the centerline of the road. The building foundation is 85' from the centerline which equates to an (8') eight foot encroachment. The property line setback is 35' and the foundation is 35' from the property line.

The proposed expansion would not encroach further into the front setback the expansion shall be constructed of the same material as the existing building.

The preliminary review of the building permit application revealed underground clear water drainage tiles in the area which may possibly be located beneath the existing building and the proposed expansion. The City Engineering Department has determined that the applicant will be required to locate the tiles to make sure they are deep enough not to be damaged during construction or the tiles will have to be relocated prior to construction. Jay Barlogi, Twin Falls Canal Company, provided a drawing indicating approximately where the tiles are located.

There was a water model done during the preliminary review of the building permit application. Troy Vitek, Assistant City Engineer, is requesting the applicant tap into the 24" line located in Washington Street South and extend to the west with a 12" main line. This 12" main line will then extend north and connect to the existing 12" water main located in Diamond Avenue West extended. The tap into the 24" water main in Washington Street South will have to be done before the asphalt overlay is done.

The commission has a number of considerations when reviewing a non-conforming building expansion permit, as stated in City Code §10-3-4(d). Some of those considerations include if the expansion is harmonious and appropriate in appearance with the general vicinity or if the expansion would have any adverse impacts to the neighborhood.

The proposed addition will not affect hours of operation or increase traffic to the site.
The use is in compliance with the Comprehensive Plan which designates this area as appropriate for industrial uses.

Zoning & Development Manager Carraway stated upon conclusion, should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan 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 proposed expansion not extended further into the front setback than the existing building.
3. Subject to the applicant locating the underground clear water drainage tiles to ensure there will be no damage done during construction.
4. Subject to the applicant looping the water line from Washington Street South to Diamond Avenue West extended, as per Troy Vitek, Assistant City Engineer.

PUBLIC HEARING: OPENED

- Pete Johnston 312 Washington Street South, he is an adjacent neighbor and has owned his property since 1907 and he has purchased an additional 40 acres to the west. They have been very good neighbors but he has a few concerns regarding: any additional traffic, any additional

noise and lighting that may impact him. The traffic and noise was addressed in the presentation but he would like to know if they plan to have more lighting. Otherwise he has no objection to the addition.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:
Mr. Wallo stated there will not be any additional traffic noise or lighting because it will be just part of their normal operations. With the newer technology being used this should actually reduce the current noise.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Schouten made a motion to approve the request, as presented, with staff recommendations. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED, SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan 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 proposed expansion not extended further into the front setback than the existing building.
3. Subject to the applicant locating the underground clear water drainage tiles to ensure there will be no damage done during construction.
4. Subject to the applicant looping the water line from Washington Street South to Diamond Avenue West, as per Troy Vitek, Assistant City Engineer.

2. Request for a Planned Unit Development Agreement Modification for the Perrine Point PUD - Mixed Use Residential/Neighborhood Commercial Planned Unit Development Agreement located at the northwest corner of Grandview Drive North and Falls Avenue West to modify the architectural concept and to provide for an active adult residential community within the R-6 zoned area of the PUD. c/o Gerald Martens on behalf of Tres Gringos, LLC. (app 2428)

APPLICANT PRESENTATION:
Ken Edmunds, the applicant, stated this Perrine Point PUD was recorded in 2008 and it called out an area to be zoned R-6 with 112 single family units designated. The concept was a row housing design. The proposal is not a change in density but in architectural concept. He reviewed exhibits on the overhead. Because it is a change in the PUD it is still a zoning change. The area will be designed as a concept similar to four-plex units that have a common driveway that feeds into two double garages with 48 units (basically two duplexes backed up to one another) and a club house. The units will range in size between 1,100 and 2000 sq. ft. These buildings will be condominiumized all the exterior maintenance will be taken care of as part of the home owners association. This development is really targeted at active adults where they do not want to maintain a yard but still want to own their own home.

The building will have siding with brick accents along with one club house that will be available to all of the residents. There will be some free parking at the club house, the units have parking capacity for two

cars in the garage as well as the space in front of the garages. There will be a perimeter fence with a common walking path. The hope is that it will appeal to active older adults that don't want to maintain a large single family home. A couple of issues have been brought to his attention regarding the design of the roads and an extension of the ¼ mile roads. On the original subdivision Crestview Drive was a continuous road from Grandview Drive and continued through the development. They don't want traffic to continue through the development on the west. The question then becomes; is there a ¼ mile road that would be adequate for traffic. There is a ¼ mile road designed to the north of the development that would allow traffic access to this area that the City Engineer is comfortable with using. The other issue is can they amend the final platting or does this requires a new preliminary plat. He believes with Engineering's consent a preliminary plat process will not be necessary. They are keeping essentially the same density they are targeting a different population but the overall concept is a high density development and they requests that the Commission make a recommendation that the amendment of the final plat will be sufficient. They request that the Commission recommend that it just require a final plat approval.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is an 80 (+/-) acre site that came through for annexation and zoning approval in 2006. The zoning for the property was a little unusual because it included a Neighborhood Commercial Zoning along the southwest corner of the property. Through the PUD process there is a Master Development Plan that is also approved. In this plan there was a section of 112 lots platted and approved for single family row housing on 3500 square foot lots. The R-6 zoning does allow for smaller single family home lots.
The proposal tonight is for a development similar to four-plexes built to be condominiumized. Each of the buildings would be condominiumized so that each unit would be on its own lot. The elevations show single story buildings and the original row houses were to be two story. Because the changes are significantly different this request was required to come through as an amendment to the PUD. The issues that have come up related to the platting, is that generally speaking when a piece of property is completely platted and the applicant is changing the concept, densities and street layouts it requires the development to go through the full preliminary and final plat process for review. In this instance this development will not be changing density, but what will change is the lot configuration, reducing the plat from 112 lots to 26 lots with a four-plex on each lot. This should not be enough of an issue to require a new preliminary process. It will need a final plat amendment that will need to be approved by the City Council.
Some of the concerns related to the roads, on the original plat Crestview Drive went all the way through and is considered a major collector street. The Master Street Plan does require that ¼ mile and ½ mile streets be connected and constructed differently than local streets. The applicant has worked with the City Engineering Department on the concept of changing the road so that it creates a more private feeling. Crestview Drive does still have the ability to connect all the way through however at this time it is being proposed to stop within the development.
Zoning & Development Manager Carraway requested that the Assistant City Engineer address the street concerns at this time.
Assistant City Engineer Vitek reviewed the exhibits on the overhead. He explained the North College is the ½ mile road located to the north of this project , Falls Avenue West is to the south and is the mile arterial so essentially there should be a major collector constructed between these two roads. White Birch Avenue is designed to be a collector and Crestview Drive would be a minor collector, unfortunately when another development to the west named "Broadmoor" came through it was offset making Crestview Drive more of a local road therefore there shouldn't be any major issues with it not

continuing through to connect with Fieldstream Road any other concerns could be address at the construction review phase of the project.
Zoning & Development Manager Carraway stated that parking was addressed by the applicant in the PUD this is basically a standard development already platted showing residential lots with parking provided onsite. Each residential unit is required to have two off street parking spaces, however a four-plex building shall provide 9 parking spaces as per City Code and parking and maneuvering areas must be hard surfaced. The condominiums would have to have a home owners association for each building and each building will have to be platted. There is a lot involved with building this type of development, staff doesn't have any concerns should the Commission make a positive recommendation. The project is in compliance with the Comprehensive Plan and is appropriate for an urban residential mixed use development.
Zoning & Development Manager Carraway stated upon conclusion should the Commission recommend approval of the request as presented to the City Council staff recommends the following conditions.

1. Subject to Master Development Plan Amendments as required by Building, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards;
2. Subject to recordation of amendment to the Perrine Point PUD Agreement.
3. Subject to an amendment of the Perrine Point Subdivision to reflect the change from attached single-family ROWHOUSE lots to allow for fewer and larger residential lots being designated for four-plex residential buildings and to require each four-plex residential building to be approved and recorded as a condominium plat prior to occupancy.
4. Subject to Engineering Department approval of the road configurations prior to recordation of the final plat.

PUBLIC HEARING:OPENED & CLOSED WITHOUT CONCERNS

DELIBERATIONS:

- Commissioner Munoz stated he is not as concerned on the parking with this development as he was with the original concept. The only parking concern he has is around the club house, and five spots may be an issue and would encourage the applicant to consider more parking.
- Commissioner Mikesell stated he is in agreement and there may be a mess with the parking on occasion and he would recommend possibly 8 parking spaces.
- Zoning & Development Manager Carraway stated that is a club house and has to meet parking requirements for an indoor recreation facility and code should address the concerns.
- Commissioner Bohrn stated that this may be an issue but that home owners association may address congestion concerns if they arise and he likes this design better than the original plan.
- Commissioner Mikesell stated because the club house will be a neighborhood building it will have to meet code for parking and other requirements.

MOTION:
Commissioner Munoz made a motion to recommend approval of the request to City Council, as presented subject to staff recommendations. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVE, AS PRESENTED, WITH STAFF RECOMMENDATION

1. Subject to Master Development Plan Amendments as required by Building, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards;
2. Subject to recordation of amendment to the Perrine Point PUD Agreement.

3. Subject to an amendment of the Perrine Point Subdivision to reflect the change from attached single-family ROWHOUSE lots to allow for fewer and larger residential lots being designated for four-plex residential buildings and to require each four-plex residential building to be approved and recorded as a condominium plat prior to occupancy.
4. Subject to Engineering Department approval of the road configurations prior to recordation of the final plat.

TO BE HEARD AT CITY COUNCIL MARCH 21, 2010

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

Zoning & Development Manager Carraway thanked Commissioner Munoz for his service. Commissioner Munoz responded by saying thank you and that his original intent when he requested to be on the Commission was to serve his community but that he has gotten so much more out of the experience then he ever planned and has really enjoyed working with City staff and the rest of the Commissioners.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for Tuesday, March 8, 2011

VII. ADJOURN MEETING:

Commissioner Bohrn adjourned the meeting at 6:50pm.

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
March 8, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS
CITY LIMITS:
Wayne Bohrn Kevin Cope Jason Derricott Terry Ihler V. Lane Jacboson Jim Schouten Chuck Sharp
Chairman Vice-Chairman
AREA OF IMPACT: CITY COUNCIL LIAISON
Lee DeVore R. Erick Mikesell Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS		AREA OF IMPACT MEMBERS	
PRESENT:	ABSENT:	PRESENT:	ABSENT:
Bohrn	Sharp	Mikesell	DeVore
Cope			
Derricott			
Ihler			
Jacobson			
Schouten			

CITY COUNCIL MEMBERS PRESENT: Mills Sojka
CITY STAFF PRESENT: Carraway, Strickland, Vitek

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Request for the approval of the preliminary plat for Poleline Commercial Subdivision consisting of 8 commercial lots on 10.28 (+/-) acres located south of Pole Line Road c/o EHM Engineering, Inc. Gerald Martens
2. Preliminary PUD presentation for a Zoning District Change and Zoning Map Amendment from R-2 and R-4 to CSI PUD for 365.89 (+/-) acres to allow for college related uses and future expansions on property located east of the 900 to 1500 blocks of Washington Street North, south of the 100 thru 600 blocks of Cheney Drive West extended, west of the 1100 thru 1200 blocks of Lincoln Street and north of the 100 thru 600 blocks of Fall Avenue. c/o College of Southern Idaho represented by Mike Mason. (app. 2433)

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to operate a U-Haul truck / trailer rental business in conjunction with an existing retail business on property located at 404 Addison Avenue West, c/o Yip Tse. (app. 2430)
2. Request for a Special Use Permit to operate a religious facility on property located at 204 Main Avenue East c/o Magic Valley Bible Church (app. 2431) (RESCHEDULED)
3. Request for a Special Use Permit to serve alcohol for consumption on the premises where sold on property located at 161 5th Avenue South, Ste 202. c/o Neilson & Company on behalf of Canyon Park Development (app. 2432

I. CALL MEETING TO ORDER:

Chairman Bohrn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present and one of the new commissioners Terry Ihler.

II. ELECTION OF OFFICERS

Chairman Bohrn asked if anyone would like to make a motion for a chairman and a vice-chairman for the Commission.

MOTION:

Commissioner Schouten made a motion to have Commissioner Bohrn remain chairman for the Commission. Commissioner Cope seconded the motion.

UNANIMOUSLY APPROVED

MOTION:

Commissioner Derricott made a motion to have Commissioner Cope remain vice-chairman for the Commission. Commissioner Schouten seconded the motion.

UNANIMOUSLY APPROVED

III. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): February 23, 2011
2. Approval of Findings of Fact and Conclusions of Law:
   - Glanbia (NCBE 02-23-11)

MOTION:

Commissioner Schouten made a motion to approve the consent calendar as presented. Commissioner Derricott seconded the motion.

UNANIMOUSLY APPROVED

Zoning & Development Manager Carraway stated there are two new Commissioners and introduced Terry Ihler and stated Chuch Sharp was not able to attend this evening.

IV. ITEMS OF CONSIDERATION:

1. Request for the approval of the preliminary plat for Poleline Commercial Subdivision consisting of 8 commercial lots on 10.28 (+/-) acres located south of Pole Line Road c/o EHM Engineering, Inc. Gerald Martens

APPLICANT PRESENTATION:

Gerald Martens, EHM Engineering, Inc., representing the applicant stated that he is here to request approval of a Pole Line Commercial Subdivision. The property is located on the south side of Pole Line Road where the previous Hertz Car Dealership used to be located; this facility has recently been sold and is now Randy Hansen Automotive. The request is to divide 10.2 acres which includes the dealership and the vacant land to the west into approximately 8 commercial lots. Mr. Martens explained that this is a preliminary plat and that the final development may result in fewer number of lots once purchased as part of the process it is easier to reduce the number of lots in a plat verses adding lots and having to start the platting process over. The property is zone C-1 PUD and the uses proposed are

commercial. The applicant has reviewed the staff recommendations and concurs. He requested that the Commission approve this request.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated on December 14, 2010 the Planning & Zoning Commission unanimously recommended approval, as presented, to amend PUD Agreement #220 The Hertz PUD to add an additional two (2) acres to the PUD and for the zoning of the additional 2 acres to be C-1 and on January 10, 2011 the City Council approved the request, as presented, with the following five (5) conditions:

1. Subject to site plan 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 development meeting or exceeding the C-1 district code requirements and required improvements as per (10-11-1 through 9).
4. Subject to completion of a minimum 6' sight obscuring screening fence along the entire southern boundary of the PUD property by June 1, 2011.
5. Subject to compliance with the "recorded" amended PUD Agreement #220, to include a revised Master Development Plan, prior to approval and recordation of the final plat.

This preliminary plat for the Poleline Commercial Subdivision consists of 10.28 (+/-) acres and eight (8) lots designated for commercial development. The car lot site which is currently occupied by Randy Hansen Automotive is on a 4.24 acre lot and the remaining seven (7) lots range from 0.58 to 1.6 acres in size. A full review of required improvements will be made by the Building, Planning, and Engineering Departments for full compliance with minimum development standards prior to issuance of a building permit. The subdivision does not include any public right-of-ways. There are four (4) existing accesses to the subdivision from Poleline Road. In the recent PUD amendment the applicants requested that the PUD would recognize the constructed approaches to the property. There is also an approach shown off of the future Harrison Street. Any internal roadways will be privately constructed and maintained. As access to interior lots will be made through other lots a cross-use or access agreement will be required between the lot owners to allow for travel throughout the subdivision prior to recordation of the final plat. There will be a looped water line and sewer line from Poleline Road along property lines in the subdivision. There will need to be a public utility easement indicated over these lines on the final plat so that the City can maintain and access the main lines as they are public. The Engineering Department is requiring that the waterline be looped to the south and connect with Fawnbrook's water line to provide for a secondary supply. Two (2) additional fire hydrants shall also be required and shall be indicated on the plat.

Screening is required between residential and commercial development and was a condition placed on the PUD amendment. A screening fence on the southern boundary of the property to separate the subdivision from the Fawnbrook Apartment complex is indicated on the plat. It is also indicated on the preliminary plat that the site will be on a pressure irrigation (p.i.) System. There will be a connection to the Harrison Street Station from the northwest corner of the subdivision. The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for commercial/retail uses.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the preliminary plat of the Poleline Commercial Subdivision, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recorded cross-use/access agreements being provided prior to recordation of final plat.
3. Subject to the water line loop to Fawnbrook being included on the plat.
4. Subject to public utility easements being included over any water, sewer, or pressurized irrigation lines on the plat.
5. Subject to compliance with the "recorded" amended PUD Agreement #220, to include a revised Master Development Plan, prior to approval and recordation of the final plat.

PUBLIC COMMENTS/QUESTIONS: OPENED & CLOSED WITHOUT PUBLIC CONCERNS

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Derricott made a motion to approve the request as presented with staff recommendations. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recorded cross-use/access agreements being provided prior to recordation of final plat.
3. Subject to the water line loop to Fawnbrook being included on the plat.
4. Subject to public utility easements being included over any water, sewer, or pressurized irrigation lines on the plat.
5. Subject to compliance with the "recorded" amended PUD Agreement #220, to include a revised Master Development Plan, prior to approval and recordation of the final plat.

2. Preliminary PUD presentation for a Zoning District Change and Zoning Map Amendment from R-2 and R-4 to CSI PUD for 365.89 (+/-) acres to allow for college related uses and future expansions on property located east of the 900 to 1500 blocks of Washington Street North, south of the 100 thru 600 blocks of Cheney Drive West extended, west of the 1100 thru 1200 blocks of Lincoln Street and north of the 100 thru 600 blocks of Fall Avenue. c/o College of Southern Idaho represented by Mike Mason. (app. 2433)

Commissioner Derricott stepped down.

APPLICANT PRESENTATION:
Mike Mason, representing the applicant, stated he is here to request a Zoning District Change and Zoning Map Amendment for the CSI Campus from R-2 & R-4 to CSI PUD. The existing PUD applies only to the portion of the campus north of North College Road. The request is to expand the CSI PUD zone to include the remainder of the campus and the CSI Dormitory Housing. He reviewed exhibits on

the overhead and explained that all of these properties are adjacent to each other and would consist of approximately 365 acres. He reviewed some elevations of a proposed apartment development. The apartments complex for Phase 1 would include 20 units of one bedroom apartments and 20 units of two bedroom apartments for a total of 40 units. The property would drain off into the adjacent field and access would be from Lincoln Street with a 10 foot path to access the college campus. The conceptual design was shown on the overhead and it was explained they are still in the development phase and within about 10 years they would develop another complex that would mirror the one they plan to build in the near future, with a total of 80 apartments upon completion.

STAFF PRESENTATION:
Zoning & Development Manager Carraway stated this is a request for a Zoning District Change and Zoning Map Amendment from R-2 and R-4 to CSI PUD for 365.89 (+/-) acres to allow for college related uses and future expansions on property located east of the 900 to 1500 blocks of Washington Street North, south of the 100 thru 600 blocks of Cheney Drive West extended, west of the 1100 thru 1200 blocks of Lincoln Street and north of the 100 thru 600 blocks of Fall Avenue. A public hearing regarding this request will be heard at the regularly scheduled Planning & Zoning Commission public meeting on Tuesday, March 22, 2011 further staff analysis will be given at that time.

P&Z COMMENTS/QUESTIONS:
- Commissioner Mikesell asked if this would allow for Fillmore to be extended.
- Assistant City Engineer Vitek stated there have been discussions about Fillmore extending all the way through. There are provisions that would take Fillmore south of the property. As part of this project it may be warranted to have Fillmore go all the way through but that would depend on the results of a traffic impact study.
- Commissioner Bohrn asked if the only access shown for this project is via Lincoln Street.
- Assistant City Engineer Vitek stated that on Phase 1 of the project Lincoln Street is the only proposed access. As they develop the western half Fillmore would be constructed at that end of the property.
- Commissioner Cope asked if the plan is for traffic from the apartments is to have them travel out to Falls Avenue or Blue Lakes Boulevard via Lincoln Street.
- Assistant City Engineer Vitek confirmed that is the intent.
- Commissioner Schouten asked how many units would be in the first phase.
- Mr. Mason stated the first phase would consist of a total of 40 units.

PUBLIC COMMENTS/QUESTIONS: OPENED
- Linda Flemming, 1097 Pinewood Circle stated she is concerned with the density proposed for this development compared to the lots adjacent to this property in the Green Acres subdivision. She stated this is going to have a big impact on Lincoln Street and she questions the occupancy allowed per unit, to determine how many people would be allowed to live in a one bedroom and how many would be allowed to live in a two bedroom.

PUBLIC COMMENTS/QUESTIONS: CLOSED

DISCUSSION FOLLOWED:
- Commissioner Schouten stated he likes the concept but traffic patterns are going to be the big issue.
- Commissioner Cope stated it would almost be necessary to bring Fillmore through.
- Commissioner Bohrn agreed it would be a necessity and two accesses should be required.

- Commissioner Mikesell said it would be much less congested and safer if there were two accesses into the property.
- Commissioner Bohrn stated it's a great idea and something the college needs.

PLANNING & ZONING PUBLIC HEARING SCHEDULED FOR MARCH 22, 2011

Commissioner Derricott returned to his seat.

V. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to operate a U-Haul truck / trailer rental business in conjunction with an existing retail business on property located at 404 Addison Avenue West, c/o Yip Tse. (app. 2430)

APPLICANT PRESENTATION:
Yip Tse, the applicant stated he is here to request a special use permit to operate a U-Haul business on property located at 412 Addison Avenue West.

STAFF PRESENTATION
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the request is to operate a U-Haul Truck and Trailer Rental Business in conjunction with an existing retail business on this property. This property is zoned C-1; highway-commercial district. A special use permit is required to operate a truck rental business in the C-1 zone. The property is 1¼ acres, the southern portion is approximately 3/4 acres, is currently developed with three (3) buildings. The northern portion of the property is approximately 1/2 acre, is undeveloped and is fenced off from the rest of the property. This property is not being used nor is it part of this request. To utilize this property will require it be developed to meet or exceed required development standards.

The applicant has stated the U-Haul Truck and Trailer Rental Business would operate Monday thru Saturday from 9:00 am to 7:00 pm and from 10:00 am to 6:00 pm on Sunday. As the property is adjacent to a major arterial with high volumes of traffic the addition of this business should have minimal impacts to the surrounding uses. The site has two existing driveway approaches, has paved drive aisles, and paved parking. Based on the size of the existing retail buildings, twenty-six (26) parking spaces are required. There are twenty-nine (29) parking spaces provided. This means that there are three (3) parking spaces that could be utilized for the rental business without impacting the required parking. Vehicles and trailers cannot be parked in landscaping areas.

There is no new construction being proposed and since the use is an additional retail use and not a change of use, required improvements on the site were recently reviewed and complied with code when the new building was constructed two (2) years ago. This use came to the City's attention as it was already operating on the site. There have not been any complaints and no conflicts have come up with the use so far. The impacts to the surrounding area are minimal. Should this request be approved, any signage that is not already approved by permit would need to be reviewed by the building department as a sign permit may be required.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve 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 ensure compliance with all applicable City Code requirements and standards.
2. All rental vehicles and/or trailers are to be parked in paved areas.
3. Signage approval is not part of this Special Use Permit request and would require permits

PUBLIC HEARING: OPEN

- Eric Watti,782 Hollyanne Court stated he boarders this property on two sides he is in support of this request

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

- Commissioner Mikesell made a motion to approve the request as presented with staff recommendations. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH STAFF RECOMMENDATIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. All rental vehicles and/or trailers are to be parked in paved areas.
3. Signage approval is not part of this special use permit request and would require permits

Commissioner Jacobson stepped down.

2. Request for a Special Use Permit to operate a religious facility on property located at 204 Main Avenue East c/o Magic Valley Bible Church (app. 2431) (RESCHEDULED)

3. Request for a Special Use Permit to serve alcohol for consumption on the premises where sold on property located at 161 5th Avenue South, Ste 202. c/o Neilson & Company on behalf of Canyon Park Development (app. 2432)

APPLICANT PRESENTATION:

Tina Looper, Project Adminstrator representing the applicant, stated the reason for this request is because they are moving their offices from the Locust Grove Complex to 161 5th Avenue South, Ste 202. The special use permit is required in order for the applicant to meet the minimum requirements for alcohol beverage control board to maintain a liquor license, owned by Canyon Park Development. The hours of operation are from 10:00 am to 10:30 am every weekday. She maintains one bottle of alcohol and it would cost a customer $20.00 per shot. This has come through twice before as a request for or two previous addresses. They have not had any issues or complaints and would like to have this request approved so they can relocated to their new business address.

STAFF PRESENTATION

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated a building permit was issued to remodel this building also known as the Gem State Paper Building into professional offices on November 11, 2002. A Certificate of Occupancy was issued on December 17, 2003. The property is located at 161 5th Avenue South and is zoned OT WHO P-3, Old Town with a Warehouse Historic Overlay in a P-3 Parking Overlay District.

The applicant's request to sale alcohol for consumption on the premises requires a special use permit in the Old Town Zone. This is the third time this applicant has requested a Special Use Permit for the same situation. It is not a request to open a bar but to allow them to maintain their liquor license. The first Special Use Permit was approved for the first office space located at the Lynwood Shopping Center. The second request came through when they relocated to the Locus Grove Professional Park. There have not been any complaints related to these approvals.

Zoning & Development Manager Carraway stated should the Commission approve this request, as presented, staff recommends the following conditions.

1. Subject to approval of City, County, and State alcohol license approval.
2. Subject to the hours of operation being limited to 10:00 am to 10:30 am weekdays, except certain holidays and election days.
3. Subject to no exterior signage except what is required by state law.
4. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

- Commissioner Cope made a motion to approve the request as presented with staff recommendations. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH STAFF RECOMMENDATIONS

1. Subject to approval of City, County, and State alcohol license approval.
2. Subject to the hours of operation being limited to 10:00 am to 10:30 am weekdays, except certain holidays and election days.
3. Subject to no exterior signage except what is required by state law.
4. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Commissioner Jacobson returned to his seat.

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

Zoning & Development Manager Carraway updated the Commission regarding the Zip Line request that was denied by the Planning & Zoning Commission was appealed and scheduled for March 14, 2011 and was scheduled to be heard by the County Commissioners on March 24, 2011.

It has been brought to the City's attention that within the Area of Impact Agreement between the City and the County does not amend the County Code when changes to the City Code are approved. Since 2004 the City has had approximately 30 Zoning Title Amendments that could affect the Area of Impact the City will move those through the public hearing process with the County Commissioners. Until the Code Amendment to the Open Space Zone has been heard by the County Commissioners on April 7, 2011 the request for a special use permit to operate a Zip Line is on hold. There are not many appeals to City Council and the few that we have had were for property within the City Limits. This process is to ensure that if a code change occurs that things are handled correctly through the entire process.

VII. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for March 22, 2011

VIII. ADJOURN MEETING:
Chairman Bohrn adjourned the meeting at 06:50 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
March 22, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS
CITY LIMITS:
Wayne Bohrn Kevin Cope Jason Derricott Terry Ihler V. Lane Jacobson Jim Schouten Chuck Sharp
Chairman Vice-Chairman
AREA OF IMPACT: CITY COUNCIL LIAISON
Lee DeVore R. Erick Mikesell Lee Heider

ATTENDANCE

PLANNING & ZONING MEMBERS		AREA OF IMPACT MEMBERS	
PRESENT:	ABSENT:	PRESENT:	ABSENT:
Wayne Bohrn	Chuck Sharp	Lee Devore	
Kevin Cope	Jason Derricott	R. Erick Mikesell	
Terry Ihler	Lane Jacobson		
Jim Schouten			

CITY COUNCIL MEMBERS PRESENT: Rebecca Mills Sojka
CITY STAFF PRESENT: Rene'e V. Carraway, Leila A. Sanchez, Troy Vitek

III. ITEMS OF CONSIDERATION:

1. Consideration for the Commission's approval for a wall-mounted sign on property located at the Chamber of Commerce Visitor's Center, west of Blue Lakes Boulevard North and adjacent to the Snake River Canyon rim, c/o Shawn Barigar on behalf of the Twin Falls Chamber of Commerce. (app. 2438)

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate a religious facility on property located at 204 Main Avenue North, c/o Greg "Bear" Morton on behalf of Magic Valley Bible Church. (app. 2431)
2. Request for a Zoning District Change and Zoning Map Amendment from R-2 and R-4 to CSI PUD for 365.89 (+/-) acres to allow for college related uses and future expansions on property located east of the 900 to 1500 blocks of Washington Street North, south of the 100 thru 600 blocks of Cheney Drive West extended, west of the 1100 thru 1200 blocks of Lincoln Street and north of the 100 thru 600 blocks of Fall Avenue, c/o Mike Mason on behalf of the College of Southern Idaho. (app. 2433)
3. Request for a Special Use Permit to operate an equipment rental business on property located at 1550 Kimberly Road, c/o Kim L. Mason/Darsi Miller-Mason dba Party Center, LLC. (app. 2434)
4. Request for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO on property located at 120 10th Avenue East, c/o Roger L. Blades dba Jewel's Home Care Service. (app. 2435)
5. Request for a Special Use Permit to operate a professional office on property located at 686 Addison Avenue, c/o Stan Haye dba Snake River Management. (app. 2437)

I. CALL MEETING TO ORDER:
Chairman Wayne Bohrn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:
1. Approval of Minutes from the following meeting(s): March 8, 2011
2. Approval of Findings of Fact and Conclusions of Law:
   - Yip Tse (SUP 3-8-11)
   - Neilson & Co Canyon Park Development (SUP 3-8-11)

MOTION:
Commissioner Cope made a motion to approve the consent calendar as presented. Commissioner Schouten seconded the motion.

UNANIMOUSLY APPROVED

Chairman Bohrn stepped down from his seat at 6:05 P.M.

III. ITEMS OF CONSIDERATION:
1. Consideration for the Commission's approval for a wall-mounted sign on property located at the Chamber of Commerce Visitor's Center, west of Blue Lakes Boulevard North and adjacent to the Snake River Canyon rim, c/o Shawn Barigar on behalf of the Twin Falls Chamber of Commerce. (app. 2438)

APPLICANT PRESENTATION:
The applicant was not available; however staff presented the information.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the subject property is located in the open space zone. To place a sign on the visitor's center building in this zone requires commission approval. This process does not require legal notice be made.

City Code 10-4-11.3(I) property development standards for the open space zone is as follows:
1. Each residential dwelling may have one nameplate sign mounted on the building or freestanding and shall not exceed two (2) square feet and not be higher than seven feet (7').
2. Nonresidential uses: all signs shall be reviewed and approved by the commission.

The request is for one 73 sq. ft. wall sign to be placed on the north side of the visitor's center. The sign structure is within the square footage allowed per City Code 10-9-8(T). If the Commission grants this request a complete review to assure compliance with minimum standards will be required prior to a sign permit being issued.

Zoning & Development Manager Carraway stated that upon conclusion, should the Commission grant this request for a special sign, as presented, staff recommends approval to be subject to the following conditions:
1. Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to full compliance with city code 10-9-8(T).

PUBLIC QUESTIONS/COMMENTS: OPENED AND CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS:WITHOUT CONCERNS

MOTION:

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

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to full compliance with City Code 10-9-8(T).

Chairman Bohrn took his seat at 6:09 P.M.

IV. PUBLIC HEARING:

1. Request for a Special Use Permit to operate a religious facility on property located at 204 Main Avenue North, c/o Greg "Bear" Morton on behalf of Magic Valley Bible Church. (app. 2431)

APPLICANT PRESENTATION:
Paul Graff, representing the applicant, stated they are applying for a special use permit to operate a religious facility at 204 Main Avenue North, previously known as the Cain's Furniture Building. The church started about 11 years ago meeting at CSI and have been sharing a facility with First Christian Church where they have been for the last 8 years. They have the desire to have a location they could call their own, which is why they have made this request. They have had several consultations regarding the structure and feasibility for this type of use and cost associated with bring it into compliance. They have decided to move forward knowing that they needed to first get approved for a special use permit. They have had a few concerns raised by some adjacent neighbors regarding parking.

They have 18 parking spaces available to them for use during the week on the property. There are approximately 150 spaces in the area that are for public use. The facility would be used by small groups during the week and 18 spaces would be sufficient to meet their needs. The biggest impact would be on Sundays with approximately 150 people attending and needing approximately 45 parking spaces. They would use the 18 available on the property and the 30 closely located public spaces along the street. The only time parking may be of concern is if Radio Rondevu had an event scheduled around the same time as their services. They would make it clear that their attendees park on the west side of Gooding to avoid impacting the restaurant nearby as well. Wednesday evenings they have a children's outreach program where the parents would be dropping off and picking up their kids that may have a small impact to the area but the 18 parking spaces onsite should be adequate for those evenings.

Having the facility in this area would bring people that are not ordinarily in this area and possibly bring more customers to the shops in the area. They would like to be a help to the community and renovate the space to make it more attractive. They would like to keep the area from deteriorating and make the facility a place where people can gather. This may not be the right type of facility for this location if it were to develop into a larger commercial area but it would fit well if it were to develop into a more dense residential type of area and would like very much for this to be approved.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the applicant would like to convert the property at 204 Main Avenue North to a religious facility. This property is located in the C-B, commercial central business district with a P-1 Parking Overlay. A special use permit is required to operate a religious facility in this zone.

The property is approximately 18,750 square feet in size. The building has a footprint of approximately 12,500 square feet and extends across a full four (4) town site lots. It has three stories a full basement, ground level, and

second floor- for a total area of approximately 37,500 sf. The remaining 6250 square feet of land is across the alley, two (2) town site lots, and is a parking lot paved and striped for 18 vehicles.

The applicant intends to use the building for church services and ministries. There is one (1) full-time employee, the pastor, and two (2) part time employees; a part-time pastor and a secretary. The three (3) employees would be the main traffic to the site during the day. The church office would be open Monday thru Friday from 8:00 am to 5:00 pm. Church services take place on Sundays. Generally 150 people are expected to attend Sunday mornings between 8:00 am and 1:00 pm. Once a month there is a Sunday evening service with about 70 attendees. Wednesday evenings there is a children's outreach ministry program from 6:00 pm to 8:30 pm. This program generally involves about 100 children who are dropped off at the church.

The parking area is accessed from the alley between Fairfield and Gooding streets. There is one-way traffic through 18 angled parking spaces and the parking area exits onto 2nd Avenue North. The property is in the P-1 parking area. In this zoning district no off-street parking is required for outright permitted uses but may be required as part of the special use permit review of a property by the planning and zoning commission or city council.

The parking ratio requirement for a religious facility is one (1) space per four (4) seats or 8' of bench in the main auditorium. Their parking lot shows 18 spaces that meets the requirement for 72 people which is about half the largest anticipated attendance of 150 in one seating. The on-site parking would be adequate for weekday use and since the Wednesday meeting involves mostly drop off and pick-up traffic the on-site parking would still be enough. The reason that off-street parking is not necessarily required in this district is because there is on-street parking and public parking lots available.

Within one (1) block from the Gooding Street and Main Avenue intersection there are about 130 on-street parking spaces and an additional 100 spaces in City-owned lots. There should be adequate parking available in the vicinity to accommodate the church's needs on Sundays.

Wednesday and Sunday evenings there would also be limited conflict with parking in the area. The Orpheum movie theater and a possible event at the Radio Rendezvous at those times may be competition for public parking. Staff has determined that the parking available on-site and the surrounding public parking would be adequate to serve the needs of this facility.

The landscaping requirement for the C-B zone is based on the size of the parking area. Landscaping equal to five percent (5%) of the total parking area is required. The parking lot is 6250 square feet and so 5% would be 313 square feet of landscaping. Required improvements for landscaping include one (1) tree per 500 square feet and one (1) shrub per 100 sf. With 50% being evergreen. There is an allowance for the Commission to allow alternative landscape plans. The site is fully developed with building and paving.

An alternative landscape plan may be appropriate if it includes a minimum of one (1) evergreen tree and four (4) shrubs, two (2) of which must be evergreen. They could be accommodated in planters along the building and/or in the parking area.

The City's Long-Range Land Use Map designates this area as part of the town site. This area is encouraged in "Twin Falls Vision 2030: a Comprehensive Plan for a sustainable future" to provide for new development that recognizes existing uses. A broad range of uses are envisioned including "high density residential, commercial, hotels and hospitality uses, professional and office uses, mixed use, cottage industries, and craftsman-type developments." The plan also emphasizes maintaining the charm and scale of the downtown area. There is a desire to maintain the existing business atmosphere and redevelop the downtown area to increase its use and traffic to the area.

A church may not be an ideal use for the downtown area to redevelop a large retail space to a church however, the applicant states in his narrative they feel that their congregation will bring people to the downtown area that will frequent the restaurants and other businesses in the downtown.

They would also be maintaining and upgrading the building. Vacant buildings often deteriorate and their charm and character is lost. If this building is occupied it would ensure the maintenance of a large space on main avenue.

The applicant is working with an engineer to develop plans for remodeling the interior of the building. They have met with the City regarding building permits changing the property from a retail space to a church is a change of use and requires compliance with a number of current building codes. The basement level would be used primarily for storage and utilities. The main level will include the sanctuary, fellowship area, some offices, some classrooms, a kitchen, and some storage. The second floor would have additional classrooms. The building permit review process would include a full review of applicable code requirements for the site. A church at this location should have few impacts on surrounding properties as it is not anticipated that there would be any glare, little noise, any odor, fumes, or vibrations. Traffic impacts should be minimal as their services are not held during normal business hours.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant this request, as presented, staff recommends the following conditions be placed on this permit:

1. Subject to site plan amendments as required by building, engineering, fire, and zoning officials to ensure compliance with all applicable city code requirements and standards.
2. Subject to an alternative landscaping plan including at least one (1) tree and four (4) shrubs being approved by planning and zoning staff and implemented prior to occupancy.
3. Subject to a certificate of occupancy being issued by the building department for a church in the building prior to occupancy or operation.

PUBLIC HEARING: OPENED

- Tony Prater , a local business owner in the area, spoke against the request, because a church would not be good in a retail area and he is concerned with parking.
- Greg Morton, 2670 E 2256 N spoke in favor of the request, he thinks it will be good for business downtown and future growth. With services on Sunday he thinks there will be adequate space for parking. Getting people in the area he thinks will be beneficial.
- Jerry Smith, 1010 Mallard Way, Kimberly, Idaho, membership is made from local communities which will bring attention to downtown including the retail shops. He is in favor of the request.
- Clark Parrish, 39 Canyon View Lane, Jerome, Idaho, his concern is the Ballroom does have events on Sunday, may be some conflict with the City parking lot.
- Zoning & Development Manager Carraway confirmed that all 3 letters were received by the Commissioners related to this request.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Erick Mikesell stated that not many businesses objected, something has to happen in this area.
- Lee Devore stated that the business has been sitting vacant. Occupying the building is important.
- Kevin Cope stated there is not a big line for the building, and this wouldn't be a bad fit.
- Terry Ihler state his only concern might be the parking and whether or not Radio Rendezvous or the restaurant will cause a parking conflict.
- Jim Schouten stated his concern is with Oktoberfest or other events and the possibility of parking being closed. Concern of other businesses being deterred because of a church in the Cain's building.
- Wayne Bohrn stated he is concerned about a school or day care in the building.

- Zoning & Development Manager Carraway stated that a school or daycare would require a Special Use Permit.
- Mikesell was concerned about a beer garden in the area would it conflicting with State Licensing requirements. This could create problems for businesses already in the area or potential businesses.

MOTION:
Commissioner Cope made a motion to recommend approval of this request, as presented, with staff recommendations. Commissioner DeVore seconded the motion. Commissioner s DeVore and Bohrn voted in favor of the motion and Commissioners Cope, Ihler, Mikesell, and Schouted voted against the motion..

THE MOTION DENIED BY A VOTE OF 2 TO 4 AGAINST

2. Request for a Zoning District Change and Zoning Map Amendment from R-2 and R-4 to CSI PUD for 365.89 (+/-) acres to allow for college related uses and future expansions on property located east of the 900 to1500 blocks of Washington Street North, south of the 100 thru 600 blocks of Cheney Drive West extended, west of the 1100 thru 1200 blocks of Lincoln Street and north of the 100 thru 600 blocks of Fall Avenue, c/o Mike Mason on behalf of the College of Southern Idaho (app. 2433)

APPLICANT PRESENTATION:
Mike Mason, Vice President of Administration for the CSI, stated they are requesting a Zoning District Change & Zoning Map Amendment. The main campus of the CSI is currently zoned R-2 and is not in compliance with existing zoning codes. The existing PUD only applies to the college property located north of North College Road. The College of Southern Idaho is requesting an expansion of the existing CSI PUD zone to cover the existing College of Southern Idaho Campus and CSI dormitory housing property. The properties are adjacent to each other and are located at 315 Falls Avenue. This request also incorporates the 6.41 acres south of the Renaissance Professional Subdivision with plans to construct an apartment complex at the west end of the property consisting of (20) one bedroom apartments & (20) two bedroom apartments. Vehicle access to this property will only be from Fillmore Street with a 10 ft wide lighted path that leads back to the college for pedestrian traffic, the eastern portion will remain undeveloped. When the Renaissance Subdivision was constructed a right of way agreement was made to allow for the continuation of Fillmore Street. The buildings will be approximately 25 ft in height with a brick fascia and metal siding similar to other buildings around the campus. The completed project will consist of two phases with another complex built on the east end of the property with vehicle access coming from Lincoln Street. There have been several concerns raised regarding this project that he would like to address.

1. What will be the occupancy allowed for the apartments. Federal Fair Housing Act allows for two people per bedroom.
2. Concerns with noise; the apartments are constructed so that the entrances to the apartments are on the inside walls of the complex and the complex is located approximately 60 ft from the property line.
3. Location of the parking lot; the spaces will be from12 to 20 ft from the property line.
4. Concerns with lighting; the lighting will comply with all City Codes and directives.
5. Concerns with fencing; there will be a fence constructed along the property line adjacent to the residential area.
6. Concerns with animal; pets are not allowed
7. Number of parking space; there will be 2 parking space per unit as per City Code two for the office manager and one for the maintenance person; with a total of 83 spaces.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for a zoning district change and zoning map amendment from R-2 and R-4 to CSI PUD for 366 (+/-) acres . The proposal consists of allowing college related uses and future expansions on properties owned by the College of Southern Idaho.

The Master Development Plan shows that a majority of the property is developed while the remaining undeveloped property will be developed in phases. In August 2009 the College of Southern Idaho North Campus Planned Unit Development Agreement, consisting of 70 +/- acres located north of the existing college campus on the north side of North College Road, was recorded. This PUD annexed and allowed for expansion of the north CSI campus phase 1 has been developed with the new Health Sciences & Human Services Building.

The proposed zoning district change and zoning map amendment from R-2 and R-4 to CSI PUD consists of both the north and south campuses. The terms and conditions of the North Campus Planned Unit Development Agreement will stay intact.

As you have just heard the first phase of the proposed CSI PUD would include the development of a student apartment complex located on the undeveloped 6.5 +/- acre site south of the Renaissance Office Park Subdivision west of Lincoln Street and east of Fillmore Street, extended

This property has been owned by the college since it was donated by Roy Raymond in 1994.

The apartments constructed in this phase will consist of 40 units and will include 2 story buildings with one (1) to two (2) bedroom apartments. The proposed apartments will be constructed on the west side of this property with two accesses off Fillmore Street.

They are proposing a walking path from the apartment buildings to the college campus.

The second phase would include the development of the remaining apartment buildings as need is established and funding is obtained. The proposed second phase would also consist of 2 story buildings with one (1) to three (3) bedroom apartments. Phase two will also include one ingress / egress off Lincoln Street.

Potential impacts to the existing neighbors could be increased traffic, glare from the vehicle lights and noise.

The Commission may wish to include a condition that the college construct a solid sight obscuring fence and landscaping along the southern boundary of the proposed apartment complex to buffer the lights of vehicles and may reduce potential noise levels.

You have in your packets a letter submitted from the adjacent property owner to the north. He is concerned there may be similar impacts to the existing Professinal Office Complex and is asking for the Commission to consider placing a condition that CSI construct a similar fence along the north side of the property.

A preliminary presentation on the PUD request was held with the Planning And Zoning Commission on March 8, 2011. The applicant's representative, Mr. Mike Mason, presented the request and information on the proposed development. The commission expressed some concerns regarding the increased traffic impacts to Lincoln and Fillmore streets and the proposed ingress/egress off Lincoln to the apartments. Due to these concerns the applicant submitted revised exhibits which show phase 1 being developed on the west portion of the property with access off Fillmore Street.

Zoning & Development Manage Caraway stated that upon conclusion should the Commission finds the CSI PUD zoning designation and the Master Development Plan, as presented, as appropriate, staff recommends that the Commission recommend to the City Council that they approve this PUD, as presented, subject to the following conditions:

1. Subject to Fillmore Street being constructed during phase one construction of the apartments, as shown in exhibits 6, 6a 7 & 8 (submitted 03-16-2011).
2. Subject to a recorded PUD agreement prior to any further development of the property.
3. Subject to amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

PUBLIC HEARING: OPENED

- Linda Fleming appointed by the community regarding the acreage just south of Renaissance and North of the Green Acre subdivision originally zoned R-2. This property failed to be rezone in 1980. A zoning change occurred in 1984 from R-2 to R-4 with a Professional Overlay. Rezoning this property again would not be in the best interest of the community and would further decrease investment at Green Acre Subdivision. The neighbors are concerned with the compatibility of the surrounding area. This plan does not feel compatible with the R-2 zoning. They feel rezoning this property will have a negative on the community and property values will decrease. There is a concern that there will be privacy infringements and that the density is not consistent with the community. Trespassing is a possibility with the fence ending at the project and the added heights of the building will allow a view into the home windows. This project will add more traffic at all hours, more light pollution, and possibly more crime. Student behavior patterns and infractions of rules and regulations will impact the surrounding neighborhood as well. Use of alcohol buy the students will endanger children on Lincoln Street and students walkers. There are no sidewalks and the path to phase one is going to made through the field. It already happens now with people trying to get to the 2nd half to the Renaissance Center. There are major safety concerns, concerns with noise pollution and if this is approved, the community is looking to make sure:
    1. Density stays low,
    2. Privacy issues are addressed
    3. Minimize the building height to two stories
    4. Increase the setbacks to the property to 30'
    5. Have the plan flip with the parking repositioned.
    6. Fencing 8' tall 12" thick masonry be installed along the southside
    7. Shrubbery 30-45% ration 12" high to reduce noise and light pollution
    8. Safety concerns be managed with on-site security, speed limit signs, possibly 4 way stop at Green Acres.

  In closing the neighborhood feels the community would be better served if this was used for a different purpose.
- Dr. Kack, property owner, in the Renaissance Subdivision, stated his concern is the significant change presented in phase 2. Preliminary use of the 6.14 acres and the traffic on Fillmore is a concern and an increase in traffic accidents. He also requesting a wall between the office buildings and proposed development.
- Helen Doherty , 1091 Lincoln Street North, noticed on the water bill "people serving people". If this is approved this will not serve the residents. She spoke against the request.
- Jim Fleming , 1090 Pinewood Circle, spoke against the request. He has an investment in his home and with this requested zoning change the family oriented neighborhood will suffer. Concern is that the dramatic impact will cause a decline in home value and the Green Acres Subdivision consisting of 82 will become a ghost neighborhood. CSI has 365 acres, 74 current acres zoned PUD, north of College Road, which would provide a better area for this type of complex.
- Rod Huber, 1099 Pinewood Circle stated there is a light pole in back window 20 to 25' away. This community is a quiet secluded community. CSI will not have an adverse affected with this zoning changes, the land was donated and CSI has had many offers for the land for substantial amounts of money, that could have impacted the neighborhood more.
- Cheryl Johnson, 1098 Cedar Wood Circle, one of the three homes sets north and south. The two stories is a concern and having the lights coming into the windows from the parking area is also a concern. A decorative fence made of stone would be good. She also has concerns related as to the amount of buildings the parking lot and problems with drainage. There are activities that go on at the Moose Lodge that generates

additional traffic in this area already and she would also like to reiterate that at one point there will be an extreme amount of traffic on Lincoln with no sidewalks. She asked for the city to put in sidewalks.

- Garrett Ballard, 706 Green Acre Drive, stated his concern is increased traffic. He spoke against the request. He asked when Fillmore will connect with Falls?
- Mary Ann Wiseman, 1099 Cedar Wood Circle, stated her concerns and asked if a Feasibility Study had been done and stated she is also concerned with the increased traffic.
- Jane Tyler, 1097 Pinewood, spoke against the request. She stated currently the water drainage ponds drain into the cul-de- sac and the water goes into neighbor's garages.
- Linda Wills, 2011 Oakwood Drive, stated CSI's need to show plans to build the two streets and run them through CSI property.
- Christy Williams, 1198 Mountain View Drive, in reading through the proposal submitted by the CSI she has questions/concerning the windmills. Usage A-1 and A-4; usage listed is windmills not exceeding the maximum blade height of 120 ft she would like to know where the windmills will be located.
- Connie Schaniel , 1063 Lincoln Street, stated traffic is already intense in this area.
- Chairman Bohrn stated the height of the windmill will not exceed 120 ft.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:
Mr. Mason stated the height of the windmills is restricted in the PUD and prohibits adding any structures north of the area. They currently have a few windmills that are approximately 60 ft in height and are used for educational purposes. Eventually they will be connected to the grid as part of the grant they received to build them along with the addition of a wind energy building. Eventually the Northview Apartments will go away they probably only have another 10 years. He stated that he does understand the neighbors' concerns and they will do what they can to mitigate the problems.

DELIBERATIONS:

- Commissioner Mikesell stated that the plan will disrupt families lives because they want to accommodate temporary students and it does not make any sense and there is no logic to the plan.
- Commissioner Cope stated the logical spot seems to be North College by look at the map and of all places to put housing this plan does not agree or fit this location.
- Commissioner Bohrn understands the logic according to the master plan because there is absolutely no place for housing because it will be taken up with academic buildings but as far as housing there are other areas to place housing. He understands they want to utilize this property.

MOTION:
Commissioner Cope made a motion to recommend approval of this request, as presented, with staff recommendations. Commissioner Ihler seconded the motion. All members present voted against the motion.

UNANIMOUSLY DENIED

RECOMMENDED FOR DENIAL TO THE CITY COUNCIL
CITY COUNCIL PUBLIC HEARING SCHEDULED FOR APRIL 25, 2011

Recess from 7:33 to 7:41pm.

Commissoner Mikesell stepped down from his seat .

3. Request for a Special Use Permit to operate an equipment rental business on property located at 1550 Kimberly Road, c/o Kim L. Mason/Darsi Miller-Mason dba Party Center, LLC. (app. 2434)

APPLICANT PRESENTATION:
Darsi Mason , the applicant stated they have outgrown their current location and would like to move to 1550 Kimberly Road. The property is located to the west of the Pocket and to the east of Budweiser Distributing, Co. They are not changing the space there is just more room for retail and storage in the back of the building. She requested that the Commission approve the request.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the applicant would like to operate an equipment rental business on this property, located at 1550 Kimberly Road. This property is located in the C-1, highway commercial district. A special use permit is required to operate an equipment rental business in the C-1 zoning district.

The property is approximately 1/2 acre with an existing building that is just under 5000 sq. ft. in size. The front half of the building is a showroom space and offices. The back half of the building is warehouse storage space. The applicant intends to utilize the building in the same manner to operate her event rental business where party equipment, supplies and misc goods can be rented such as tables, chairs, tents, dishware, and linens. All equipment shall be stored inside the building. The anticipated traffic should be typical to a small retail business. As the property is adjacent to a high volume traffic roadway, traffic should have minimal impacts to the surrounding uses.

The site has an existing drive approach, has paved drive aisles, and paved parking. Based on the current size of the building, seventeen (17) parking spaces are required. There are seventeen (17) parking spaces provided. The eastern 25' of the property includes an access easement that allows traffic to enter and pass through to the property to the south. This area must remain open and clear for that property.

No new construction has been proposed and since the use is a retail and storage use and not considered a "change of use" the code does not require any additional required improvements on the site such as landscaping, storm water retention, or paving.

The applicant has stated they plan to keep all rental equipment and materials inside the warehouse space of the building. If some items end up being stored outside in the back fenced area the fence would need to include sight-obscuring screening – materials to be approved by City Staff.

The use is in compliance with the Comprehensive Plan which designates this area as commercial and impacts of this business to the surrounding area would be minimal. Should this request be granted, any signage that is not already approved by permit would need to be reviewed by the Building Department as a sign permit may be required.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. All rental equipment and/or materials to be stored inside building or within an enclosed sight obscuring screened area, as approved by City Staff.

PUBLIC HEARING: OPENED & CLOSED WITHOUT CONCERNS

DELIBERATIONS: NONE

MOTION:
Commissioner Ihler made a motion to recommend approval of the request as presented with staff recommendations. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

APPROVED AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. All rental equipment and/or materials to be stored inside building or within an enclosed sight obscuring screened area, as approved by city staff.

Commissioner Mikesell returned to his seat.

4. Request for a Zoning District Change and Zoning Map Amendment from R-4 to R-4 PRO on property located at 120 10th Avenue East, c/o Roger L. Blades dba Jewel's Home Care Service. (app. 2435)

APPLICANT PRESENTATION:
Roger Blades, the applicant, stated he is the owner of Jewels Home Care a business that sends people out to assist elderly and sick people in their homes. They have two secretaries at the location with an occasional visit from him to the property. There will be no changes to the outside of the building, no additional light, but they would be adding a sign with the company name and logo to the front yard. They plan on doing some remodeling in the back area and clean up the property with a vinyl fence around it with no additional traffic. The property is located next to a church adjacent to their parking lot and one house close to the property on the south side. He stated this property has damage from a tree that he is willing to take care of if the tree is on his property. They do have meetings at this location twice a month on paydays for educational purposes.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the this is a request for Zoning District Change and Zoning Map Amendment from an R-4 residential zoning designation to R-4 PRO, residential with a professional office overlay, for property located at 120 10th Avenue East. The property currently is developed with a single family home.

The applicant is requesting a Zoning District Change to allow the property to be converted and used as a professional office. This property is adjacent to the R-4 PRO Zoning District on its westerly property line and is therefore able to request a zoning change to R-4 PRO. The property is surrounded by residential properties to the north and east with the south and west sides adjacent to the First Baptist Church.

In reviewing a request for a Zoning District Change and Zoning Map Amendment the Commission has two (2) main tasks:

- to determine whether the request is in conformance with the Comprehensive Plan the Comprehensive Plan's Future Land Use Map 2-4 designates this area as "Townsite".
- to evaluate the request to determine the *extent and nature* of the amendment being requested.

This land use designation was established in February 2009 –by adoption of the current Comprehensive Plan. At this time there is not a "Townsite" zoning district. The Comprehensive Plan designates this area as "town site" on the Future Land Use Map. The townsite area is described as follows:

"the greater downtown area should encourage new development that recognizes existing uses and patterns, while allowing for positive redevelopment opportunities. The types of uses which are envisioned are broad, including

high density residential, commercial, hotels and hospitality uses, professional and office uses, mixed use, cottage industries, and craftsman-type developments."

While the description is directed more towards the downtown corridor it does support redevelopment and includes professional and office uses as being appropriate as a vibrant part of the townsite neighborhood.

The extent and nature of this request is to change the residential use of this property to allow for professional office use of this property.

City code (§10-4-18.1) states the purpose of the Professional Office Overlay District is to "provide for professional office uses along or near specifically designated major arterials where increased traffic has impacted residential uses."

The uses that would be outright allowed are only the uses permitted in the R-4 residential zone. Other uses such as medical offices, commercial day care facilities and service-based businesses such as banks, title companies, real estate offices, accountant offices and professional services would only be allowed upon approval of a special use permit.

While the nature of the request is in conformance with the professional office overlay uses the extent of this Zoning District Change request is a concern as the Professional Office Overlay is generally on properties with direct access to Shoshone Street, Addison Ave or Blue Lakes Boulevard. This potential professional office would be accessing the property from 10th Avenue East. The street has had professional and commercial uses surrounding it and this would be a further encroachment into the established residential area. However this property is already adjacent to a large parking lot and is affected by the adjacent non-residential uses and may be appropriate for conversion to a non-residential use.

If this request is approved conversion of this residential property to a professional office shall require approval through the special use permit process.

Zoning & Development Manger Carraway stated upon conclusion if the Commission determines that the request is in conformance with the Comprehensive Plan and the extent and nature of changing the zoning of this property from R-4 to R-4 PRO would be harmonious and would not detract from the surrounding area then staff recommends the Commission recommend approval of this request, as presented, to the City Council.

PUBLIC HEARING: OPENED

- Dixie Garrett, , stated her concern is an increase of traffic. The business already exists. The church parking lot is adjacent to the home and the home does not have direct access. One employee parks there. On Shoshone Street 1002 the home faces Shoshone and was turned into a business. The customers park on the street. And there is a concern with the lack of parking because all of the customers. Suite A, on the sign indicates a plan for another suite. If he decides to sale the property this change is to the property. She doesn't understand why Mr. Blades wants to come into a strictly residential area, there are tons of other places on the mains streets around town that are for sale or lease. She also has concerns with Mr. Blades plan to have a sign posted in the front yard as well as safety concern by bringing strangers into the neighborhood because of a business.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:
Mr. Blades, stated he bought the property because of its affordability and it has been remodeled. He stated that he sent out letters to the addresses within a 300' radius and eight of those were businesses in that area. Parking is not an issue and there are other businesses along that street.

DELIBERATIONS:
- Commissioner Bohrn believes this area is purely residential.
- Commissioner Devore stated it is purely residential.
- Commissioner Ihler stated there are designated streets for professional offices in the plan and there is a reason for that, he can't support this request.

MOTION:
Commissioner Mikesell made a motion to recommend approval of this request to the City Council, as presented, Commissioner Schouten seconded the motion. Roll call voted showed all members present voted against the motion.

UNANIMOUSLY DENIED

RECOMMENDED FOR DENIAL TO THE CITY COUNCIL
CITY COUNCIL PUBLIC HEARING SCHEDULED FOR APRIL 25, 2011

5. Request for a Special Use Permit to operate a professional office on property located at 686 Addison Avenue, c/o Stan Haye dba Snake River Management. (app. 2437)

APPLICANT PRESENTATION:

Stan Haye, the applicant stated he and his wife own this property and are requesting a Special Use Permit to use it as a professional office. They have owned the property for approximately 10 years, have rented it out and in the past few months have done some remodeling and cleaned the property up to improve its appearance. They are continuing to remodel and work on the home. They feel this will not impact the area, and there are already several businesses in the area. He requested that the Commission approve this request.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated his property is zoned R-4 PRO, which is a residential medium density zoning designation with a professional office overlay. The site currently has a single family residence.

The request is to establish a consulting business at the site. A Special Use Permit is required to establish and operate a professional office within the Professional Office Overlay District. Professional services are defined in City Code as: "services offered by persons engaged in the legal, engineering, architectural, design, planning, accounting, banking, auditing, and related professions." A consulting business would be consistent with this definition of a professional office.

The applicant has indicated to staff that there is an apartment in the basement of the existing building. Household units in the same building as an allowed use and occupied by the owner or an employee of the allowed use are permitted in the Professional Office Overlay. The Commission may wish to place a condition if the basement residential apartment is occupied the tenant shall be either an employee or the owner of the owner of the legal business operating the Professional Office.

The main level of the existing building is approximately 1050 square feet and would require four (4) parking spaces based on the standard for professional offices of one (1) space per 300 square feet of office space.

The basement apartment will require two (2) parking spaces, for a total of six (6) office street parking spaces. The property is currently accessed off of Fairfield Street. and landscaping shall be in conformance with City Code 10-4-18.3 (J)(3) of the Professional Office Overlay Zone which requires 25% of the total lot area, this equals to 1743 sq. ft. The property is on a gateway arterial but is not commercially zoned; therefore commercial gateway landscaping requirements do not apply.

The sidewalk along Fairfield Street does not exist at this time. City Code 10-11-5(B)(1) states that new sidewalks shall be constructed at the expense of the property owner at the time of a change of use or redevelopment exceeding 25%. This is a standard code requirement on all streets, within and adjacent to the development, in all zoning districts except the AG District, for all land uses. City Code 10-11-1 states that if cost of improvements required by sections 10-11-2 through 10-11-5 of this chapter exceeds twenty five percent (25) of the cost of the proposed private improvements, an agreement may be negotiated to allow the required improvements to be staged over a period of time not to exceed three (3) years. This agreement must be approved by the City Engineer and the City Council. A portion of the required improvements must be completed each year with completion of all the required improvements at the end of the third year.

The applicant has not indicated the intended hours of operation, the anticipated traffic or how many employees will be working at the proposed professional office. There are no operation limitations in the PRO overlay unless the Commission places a condition with operation limitations. The request is consistent with the Comprehensive Plan which designates this area as part of the "Townsite" areas and its goal to maintain the special charm and pleasant scale of the area.

To establish a professional office at this site is a "change of use" and as such a Certificate of Occupancy is required. A full review to assure compliance with code requirements such as: landscaping, storm water retention, parking, hard-surfacing etc. shall be completed as part of the building permit review process and prior to issuance of a Certificate of Occupancy and operation as a business or residency.

The applicant has indicated on his site plan that he would like to construct a free-standing sign. City code 10-4-18.3(J)5 STATES, "no freestanding signs shall be located on the property. Flush wall-mounted signs shall face the arterial street and shall not be placed on the side street. Signs shall not be backlit." An application for a wall sign may be submitted and will be reviewed and permitted through a separate permitting process.

Zoning & Development Manger Carraway stated upon conclusion should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to applicant constructing curb, gutter & sidewalk along Fairfield Street in front of his property, or an approved three year deferral agreement as determined by the City Engineering Department.
2. Subject to applicant hard surfacing all parking and maneuvering areas, which may include the alley, as determined by the City Engineering Department.
3. Subject to issuance of a Certificate of Occupancy by the Building Inspection Department prior to operation of the professional office.
4. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and Standards.

PUBLIC HEARING: OPENED AND CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Schouten made a motion to approve the request as presented, with staff recommendations. Commissioner Ihler seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to applicant constructing curb, gutter & sidewalk along Fairfield Street in front of his property, or an approved three year deferral agreement as determined by the City Engineering Department.
2. Subject to applicant hard surfacing all parking and maneuvering areas, which may include the alley, as determined by the City Engineering Department.
3. Subject to issuance of a Certificate of Occupancy by the Building Inspection Department prior to operation of the professional office.
4. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and Standards.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION: NONE

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for April 12, 2011

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 8:13 pm

Leila A. Sanchez
Recording Secretary

Lisa A Strickland
Transcribing Secretary

MINUTES
Twin Falls City Planning & Zoning Commission
April 12, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS
CITY LIMITS:
Wayne Bohrn Chairman, Kevin Cope Vice-Chairman, Jason Derricott, Terry Ihler, V. Lane Jacobson, Jim Schouten, Chuck Sharp
AREA OF IMPACT: Lee DeVore, R. Erick Mikesell
CITY COUNCIL LIAISON: Rebecca Mills-Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS PRESENT:	PLANNING & ZONING MEMBERS ABSENT:	AREA OF IMPACT MEMBERS PRESENT:	AREA OF IMPACT MEMBERS ABSENT:
Bohrn	Jacobson	DeVore	
Cope		Mikesell	
Derricott			
Ihler			
Schouten			
Sharp			

CITY COUNCIL MEMBERS PRESENT: Mills Sojka
CITY STAFF PRESENT: Carraway, Strickland, Vitek

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to construct a 4800 sq. ft. (60' x 80') detached accessory building on property located at 1047 Morningside Drive c/o Jeremy Shafer (app. 2439)

2. Request for a Special Use Permit to construct a 1792 sq. ft. (32' x 56') detached accessory building on property located at 3378 Ford Place within the Area of Impact c/o Charles F Wright (app. 2440)

3. Request for a Special Use Permit to operate an in-home daycare facility on property located at 444 4th Avenue North c/o Amanda Larsen (app. 2441)

4. Request for a Special Use Permit to operate a permitted retail use outside the hours of 7:00am to 10:00pm on property located at 124 Main Avenue North , Ste 204 c/o Aretam Petroysan (app. 2442)

5. Request for Special Use Permit to replace a legal non-conforming use with another non-conforming use on property located at 276 Eastland Drive North c/o Labron Burton dba The Mailroom (app. 2443)

I. CALL MEETING TO ORDER:

Chairman Bohrn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): MARCH 22, 2010

2. Approval of Findings of Fact and Conclusions of Law:
   - Party Center (SUP 03-22-11)
   - Stan Haye (SUP 03-22-11)

MOTION:

Commissioner Schouten made a motion to approve the consent calendar, as presented. Commissioner Cope seconded.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to construct a 4800 sq. ft. (60' x 80') detached accessory building on property located at 1047 Morningside Drive c/o Jeremy Shafer (app. 2439)

APPLICANT PRESENTATION:

Jeremy Shafer, stated he would like to have a shop to store his classic cars, RV and a half court to play basketball and would be just for personal use.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the property is zoned R-4; residential medium density district. The applicant would like to construct a 4800 sq. f. detached accessory building on the property. In the R-4 Zone a Special Use Permit is required for a detached accessory building larger than 1,000 sq. ft. in size.

The property is 3.78 (+/-) acres and presently has a single family residence. The applicant indicates that they want to have a 60' x 80' or 4800 sq ft detached accessory building. The narrative states the proposed building would be for personal storage only; including a boat, recreational vehicle and a couple of classic cars. The elevation/sketch submitted of the building states the building will be constructed with metal framing, metal panels with beige and white trim and will have an 18' wall height and a 4/12 pitch roof.

The proposed size of a 4800 sq ft building constructed as described could end up looking like a commercial or industrial type of structure. The property is surrounded on three sides with residential development. The commission may wish to place a condition that the proposed shop be constructed to maintain a residential appearance.

The structure and site improvements will be reviewed as part of the building permit review process. The side property line setbacks in the R-4 zone are 7'. The western portion of the property is located within a flood zone. The proposed building will not be built in the flood plain area. A flood plain certificate will not be required for the proposed garage. Development of the site including property line

setbacks and flood plain setbacks will be reviewed as part of the building permit process. there should be no change in noise, glare, odor, fumes or vibration because of the building. If this request is approved, development of the detached accessory building will trigger the requirement for hard surfacing of the driveway to the accessory building. The driveway to the existing garage is not hard surfaced at this time. the remaining area from the proposed detached accessory building and the driveway will have to be hard surfaced. The property is in a residential area and the properties located closest to the proposed building are residential. the applicant states the proposed building will be located on the south side of the property in the middle of the lot. The request is in conformance with the Comprehensive Plan and should have minimal impacts to the surrounding neighbors if developed as presented.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant this request, as presented, staff recommends the following conditions:

1. Subject to building being used for non-commercial purposes only.
2. Any lighting be downward facing and screened to mitigate possible impact to adjoining properties
3. Subject to the proposed shop building maintaining a residential appearance
4. Driveway to be hard surfaced, as per City Code 10-11-5
5. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

PUBLIC HEARING: OPENED

- Charlotte Slater, 1851 Spring Lane asked if he owns all of the property north of Spring Lane. She has large trees at the back of her yard that are on the applicants property that have been causing problems and she would like for the applicant to remove the trees and clean up the property.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:
Mr. Shafer stated he has just purchased the property and he has plans to clean it up.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Mikesell made a motion to recommend approval of this request to the City Council. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED, WITH STAFF RECOMMENDATIONS

1. Subject to building being used for non-commercial purposes only.
2. Any lighting be downward facing and screened to mitigate possible impact to adjoining properties
3. Subject to the proposed shop building maintaining a residential appearance
4. Driveway, parking & maneuvering areas to be hard surfaced, as per City Code 10-11-5
5. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

2. Request for a Special Use Permit to construct a 1792 sq. ft. (32' x 56') detached accessory building on property located at 3378 Ford Place within the Area of Impact c/o Charles F Wright (app. 2440)

APPLICANT PRESENTATION:
Charles Wright, stated he recently purchased this property and would like to construct a 1792 sq. ft barn. The reason for the request is because the structure is larger than the 1500 sq. ft. that is allowed without a special use permit. He displayed photos of the barns that are present on adjacent properties and in the area. The barn is a single story building it will be used for personal items only and he understands it cannot be used as living quarters or for commercial uses. He showed the elevations for his building and would request that the Commission approve his request.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits and stated the property is zoned SUI; Suburban Urban Interface District and is within the City's Area of Impact (AOI). The applicant would like to construct a 1792 sq ft detached accessory building. In the SUI zone a special use permit is required for a detached accessory building larger than 1,500 sq ft in size.

There are barns and other large detached accessory buildings on adjacent properties in the area. the building elevation is a single story structure with "clear-story" windows; there are not any living facilities in the structure and as stated by the applicant he is aware that detached accessory buildings cannot be used as residences or for a non-residential use.

The driveway to the existing garage is concrete. The remaining area from the proposed detached accessory building to the existing driveway will require hard surfacing as well. The building will have little impact because of its limited visibility from the road, it is partially behind the residence, and sits over 150' from the road. The Fire Department will review if any measures are required to access the property for fire protection. The initial review by the Building Department indicated that as the wall heights are greater than ten feet (10') then the building plans will require engineering. The request is in conformance with the Comprehensive Plan and should have minimal impacts to the surrounding neighbors if developed as presented.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject To Building Being Used For Non-Commercial Purposes Only.
2. Any Lighting Be Downward Facing And Screened To Mitigate Possible Impact To Adjoining Properties.
3. Subject To Site Plan Amendments As Required By Building, Engineering, Fire, And Zoning Officials To Ensure Compliance With All Applicable City Code Requirements And Standards.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Schouten made a motion to recommend approval of this request to the City Council. Commissioner Terry seconded the motion. All member voted in favor of the motion.

APPROVED, AS PRESENTED, WITH STAFF RECOMMENDATIONS

1. Subject to building being used for non-commercial purposes only.
2. Any lighting be downward facing and screened to mitigate possible impact to adjoining properties.
3. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards

3. Request for a Special Use Permit to operate an in-home daycare facility on property located at 444 4th Avenue North c/o Amanda Larsen (app. 2441)

APPLICANT PRESENTATION:
Amanda Larson, the applicant stated she is here to make a request for a special use permit to continue operating in her home. She was approved for a permit last October and it expired today. The last concern was the number of children and the parking. Since then she has secured an agreement for additional parking with the Salvation Army across the street and she has limited her hours of operation because of the cost of insurance to operate longer hours. She asks that the Commission to approve her request.

STAFF PRESENTATION:
Zoning & Development Manger Carraway reviewed the exhibits on the overhead and stated. the property is zoned R-6, a Multi-Household Residential Zoning District. A Special Use Permit is required to operate an in-home daycare service in this zone.

- A daycare service is defined in City Code 10-2-1 as: "daycare service: services offered by persons who are paid to supervise or care for six (6) or more persons including the resident children, but excluding those businesses or religious institutions which provide incidental daycare service for patrons or attendees while parents are on the premises". (ord. 2850, 2-21-2006)
- An in-home daycare service is defined in city code 10-2-1 as: "daycare service in a home in which the provider lives full time and is the main on-site caregiver of the service." (ord. 2620, 8-2-1999; amd. ord. 2850, 2-21-2006)

The applicant, Amanda Larson, resides at this residence and is the main caregiver. On October 12, 2010 the Planning and Zoning Commission issued Special Use Permit #1199 to Amanda Larson to operate an in-home daycare at her residence. The Special Use Permit had seven (7) conditions:

Ms. Larsen is here tonight as condition #4 stated the permit would expire in six months, which is tonight April 12, 2011. A Fire Department Daycare License was issued October 18, 2010 followed by a Certificate of Occupancy issued by the Building Inspection Department on October 25, 2010. There have been no specific complaints staff is aware of regarding the operation of this daycare.

Special Use Permits typically do not have expiration conditions unless there is something unique to the request that the Commission feels is appropriate to review after a certain amount of time in operation. In this case there were two issues that triggered the six month time limit.

1. Extended hours of operation, &
    - The initial daycare request included hours of operation from 5:00 am to 10:00 pm, seven (7) days a week. The proposed operating days & times were longer than have typically been requested for in-home daycares. Staff has not received any complaints regarding

the extended operating hours during the past six months. The applicant is requesting shorter hours as part of this request, from 6:00 am to 8:00 pm Monday thru Friday.

2. Lack of parking available onsite.
   - The other reason that Special Use Permit #1199 included a six-month expiration was to allow for resolution of the non-conforming parking on the property. There is not any off-street parking on this property. This is not uncommon to the residential areas of the Townsite area. Most residences in this area do not have front driveways but have parking areas off the alley. There is a 9' x 15' paved area along the parking strip in front of the home on City Right-of-Way. This area cannot be considered an "off-street parking space" as it is on City Right-of-Way and it is less than the minimum 9'x20' parking space requirement.

In October the applicant proposed to meet parking requirements by paving an area in her front yard and/or contracting for use of neighboring driveways. City Code 10-10-1: off street parking and loading spaces required, allows for off-site/off-street parking to count towards a residence and residential use parking requirement if the parking is within 350'.

The applicant has a written agreement with the Salvation Army located at 348 4th Avenue North for use of two (2) of their parking spaces. Staff did a review of the parking requirement at the Salvation Army and determined they have two (2) excess parking spaces that were not part of their required parking. The salvation army is (300') from Ms. Larson's property. While this is not typical it may be considered by the Commission to satisfy the parking requirement.

A special use permit for an in-home day care is specific to the applicant at the approved residence and may not be transferred from one person to another or from the approved location to another location. This request is in conformance with the Comprehensive Plan and should have minimal impacts to the surrounding neighborhood if operated as presented.

Zoning & Development Manager Carraway state upon conclusion should the commission grant this request, as presented, staff recommends the following conditions:

1. A maximum of twelve (12) children, including the resident/caregiver's children, may be cared for under this permit at any one time.
2. Operation of the daycare facility shall be limited to the resident caregiver and one (1) employee.
3. The hours of operation to be from 6:00 am to 8:00 pm, Monday through Friday.
4. subject to compliance with all state and local requirements to establish a day care facility, including remaining certified with the Idaho State Department of Health and Welfare and City of Twin Falls Fire Department Day Care Center License requirements.
5. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

PUBLIC HEARING: OPENED

- Gene Jones, owns a tri-plex on property to the west of this location and is concerned with the parking for his tenants.
- Tobby Kennedy, 440 4th Ave North, stated he lives on the east side of the property and has not seen any problems associated with this request. He has offered parking to the applicant if this is necessary and is in support of the request.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Derricott made a motion to recommend approval of this request to the City Council. Commissioner Schouten seconded the motion. Commissioners Cope, Mikesell, Ihler, Bohrn, Derrricott, Schouten & Sharp voted in favor of the request and Commissioner DeVore voted against the motion.

APPROVED, AS PRESENTED, WITH STAFF RECOMMENDATIONS

1. A maximum of twelve (12) children, including the resident/caregiver's children, may be cared for under this permit at any one time.
2. Operation of the daycare facility shall be limited to the resident caregiver and one (1) employee
3. The hours of operation to be from 6:00am to 8:00pm, Monday through Friday.
4. Subject to compliance with all State and Local requirements to establish a day care facility, including remaining certified with the Idaho State Department of Health and Welfare and City of Twin Falls Fire Department Day Care Center License requirements
5. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

2. Request for a Special Use Permit to operate a permitted retail use outside the hours of 7:00am to 10:00pm on property located at 124 Main Avenue North , Ste 204 c/o Aretam Petroysan (app. 2442)

APPLICANT PRESENTATION:
Aretam Petroysan stated they are asking to be approved for a Special Use Permit to have retail sales that would be extended to 1:30 am. The extended hours is to allow for the sale of drinks and other items to their customers.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed exhibits on the overhead and stated the property is zoned C-B P-1; Central Business Commercial Designation with a P-1 Parking Overlay. The property is located along Main Street with tenant spaces accessing Main Avenue and second floor office and retail spaces. The applicant is proposing a retail store with extended hours of operation. The business, Hookah Paradise, sells Hookah Tobaccos and pipes. The sale of tobacco is a permitted use and business patrons can smoke the tobacco at the business as a business primarily engaged in the sale of tobacco or tobacco products is exempted from the Clean Indoor Air Act. Permitted retail/trade uses operating outside the hours of 7:00am. to 10:00om requires a Special Use Permit in the C-B zone. The facility is proposed to operate from 6:00pm to 1:30am. The applicant is anticipating three (3) employees.

The property is an existing site on Main Avenue that is built out to the property lines. The building is adjacent to Main Avenue to the south and an alley to the north. Due to the unique nature of the C-B zoning district there is a lot of flexibility with lot area, lot occupancy, and setback requirements. With The P-1 parking overlay, no off-street parking is required but may be required for special uses. This property is in an area with developed on-street parking and across the alley is an urban renewal agency-owned public parking lot. The operating hours of the business are after many of the surrounding businesses have closed and the impact of this business on parking is not likely to be of a volume to warrant requiring any additional parking provision.

Landscaping requirements are based on required off-street parking and as no off-street parking is required there is not a requirement for landscaping. This area of main avenue has street trees and landscaping.

Staff has some concerns with a business having late hours in the downtown area. The city has had issues with businesses operating until this hour before. If the request is granted this evening it may be appropriate to place a six month or a 1-yr time limit to the special use permit to allow the commission to determine if any negative impacts have occurred. As is the case with any special use permit, the Commission or any affected party can submit an application for revocation of the permit if there are issues at any point in the operation of the business.
As this is a late-hour business staff would also recommend similar conditions to the operation as is typical to other late night businesses such as a trash clean-up plan, noise level limitation, and contacting the city's police department to determine if security is required. A trash clean-up plan is generally a condition to ensure that there is not litter discarded around the premise. Noise levels outside the business are limited as a courtesy to the neighbors to a level equal to a typical conversation. As tobaccos are controlled and age identification may be required then security and id checking procedures should be reviewed with the police department to provide for public safety.
a zoning permit is not required for the sale or consumption of alcohol on premises in this zone. If alcohol is to be sold all requirements need to be completed and fees paid for State, County, and City alcohol licenses. If remodeling work is taking place in the suite to accommodate this use then a building permit may be required.

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.

A Certificate of Occupancy may be required to operate if the special use permit is approved. A full review to assure compliance with code requirements shall be completed as part of the building permit review process and prior to issuance of a Certificate of Occupancy.

Zoning & Development Manager Carraway stated should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject To Hours Of Operation Being No Earlier Than 7:00 Am And No Later Than 1:30 Am.
2. Subject To Site Plan Amendments As Required By Building, Engineering, Fire, And Zoning Officials To Ensure Compliance With All Applicable City Code Requirements And Standards.
3. Subject To Permit Expiring In One (1) Year (April 12, 2012).
4. Subject To A Trash Clean-Up Plan Being Approved By Planning And Zoning Department Staff.
5. Noise Level Not To Exceed 78 Decibels At Any Point Ten Feet (10') From The Exterior Walls Of The Building.
6. Subject To The Applicant Contacting The City Of Twin Falls Police Department To Review Security And ID Procedures.

<u>P&Z COMMENTS/QUESTIONS:</u>

- Commissioner Cope asked about the type of drinks that would be served and items that will be sold, doesn't understand why the extended retail hours if they are not serving alcohol.

- Mr. Petroysan stated he wants to be able sell drinks at this location to prevent people from bringing in their own drinks that could have alcohol. They also would like to be able to sell tobacco. They have been working with the previous people that operated the Hookah Lounge and explained they want to do things correctly to prevent problems. Extended retail hours would allow them to serve the customers. They have been operating from 8:00pm to 10:00pm and haven't had any problems.

PUBLIC HEARING: OPENED & CLOSED WITHOUT CONCERNS

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated there is another business that operates late in this area and there have not been any real issues, the downtown area needs business.
- Commissioner Ihler stated he doesn't understand the late hours if it was a bar it would be closed at 1:00am.
- Commissioner Cope stated he doesn't understand the late hours just to smoke tobacco.
- Commissioner Schouten stated he is concerned for people living close by and the late hours during the week and would like for the Fire Department to inspect the site because of the type of activity.

MOTION:
Commissioner Ihler made a motion to recommend approval of this request, with the permit expiring in 6 months and the hours of operation to not exceed 1:00am, with amended staff recommendations. Commissioner Cope seconded the motion. Commissioners Mikesell, Ihler, Bohrn, Sharp & Schouten voted in favor of the motion and Commissioners Derricott, Cope & DeVore voted against the motion.

APPROVED 5-3, WITH AMENDED STAFF RECOMMENDATIONS

1. Subject to hours of operation being no earlier than 7:00 am and no later than 1:00 am.
2. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
3. Subject to permit expiring in six(6) months (October 12, 2011)
4. Subject to a trash clean-up plan being approved by Planning and Zoning Department staff.
5. Noise level not to exceed 78 decibels at any point ten feet (10') from the exterior walls of the building.
6. Subject to the applicant contacting the City of Twin Falls Police Department to review security and ID procedures.

3. Request for Special Use Permit to replace a legal non-conforming use with another non-conforming use on property located at 276 Eastland Drive North c/o Labron Burton dba The Mailroom (app. 2443)

APPLICANT PRESENTATION:
LaBron Burton, stated they would like to move their business to the east side of the Twin Falls. The mailroom has been servicing magic valley for approximately 20 years. They are a neighborhood postal center, 74% is packaging and shipping, 9% selling stamps, 9% service, 8% is retail novelty gift items. They are a professional service business with retail items. This property is ideal because it is close to the neighborhoods that are approximately 2 miles from a local postal service. The business will bring a new and needed service to the area. They do not believe they will be adding additional traffic to the neighborhood streets and see approximately 30-40 customers per day that are in an out within about 5

minutes and spread out through the day. There are 4 to 5 other spaces in the building that they would like to rent to other professionals (i.e. CPA, Insurance Agent, Financial Advisor). They will have a shared entryway and the offices would accommodate a single occupant. They plan to work to eliminate any contention with the neighbors the services are quiet and the traffic would be limited. The Mail Room offers freight services and in anticipation of approval of this request they have made other arrangements for larger trucks to deliver at another location. They feel The Mail Room would be a good fit for the property and blend in with the neighborhood.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the Planning & Zoning Commissioner granted Special Use Permit #0559 on July 28, 1998, for constructing and operating a commercial daycare facility at this location with the condition that a drainage plan be provided. A building permit for the facility was issued in fall of 1998 and was issue a Certificate of Occupancy April of 1999. The property operated as a commercial daycare facility until the daycare closed in May of 2009.

At the time the facility was constructed in 1998 the City Code did not distinguish between a commercial daycare facility vs. an in-home daycare facility. The code allowed for "daycare facilities" in residential zones by special use permit. A Zoning Title Amendment to the City Code was subsequently approved that now lists commercial daycare facilities and in-home daycare facilities as separate land uses. The Zoning Title Amendment that changed the land use is what established the subject property as a legal non-conforming use. A professional use or a retail use were not permitted in the R-2 zone in 1998 nor are they permitted under the current code.

This property is zoned R-2, a residential single-family or duplex zoning district. The property operated a legal non-conforming commercial daycare facility from 1998 to May 2009. In September 1999 a request to allow a professional business to operate at this location was submitted for consideration.

As the property was operating a legal nonconforming use, City Code 10-3-4(a)1e allows for consideration of replacement of the legal non-conforming use of a commercial daycare use with another legal non-conforming use by special use permit if said legal nonconforming use:

- has not been discontinued for more than five (5) years, and
- if it can be shown that the building cannot reasonably be converted to a conforming use

The request was to allow the property to be used to operate a professional office for alternative therapies. The use was determined by the Commission to cause very little traffic as appointments were staggered to not overlapping. The request was approved subject to eight (8) conditions. One of those conditions was the permit would expire in one (1) year. On February 8, 2011 the Commission granted another special use permit to allow the same applicants to operate their alternative therapy business in the same manner. The office has operated for approximately two (2) years and there have not been any complaints staff is aware of regarding the operation of this office.

On September 9, 2009, the Planning & Zoning Commission granted Special Use Permit #1160 to Marcella Blass and Amanda Dastrup to replace the commercial daycare facility classified as a legal non-conforming use with another non-conforming use on the property. One of the conditions of approval was that the permit expires one (1) year from the date of approval.

A Certificate of Occupancy was issued on October 23, 2009, for the change of use from a commercial daycare facility to professional offices. The special use permit expired in September 2010 and on February 8, 2011, the Planning & Zoning Commission granted Special Use Permit #1214 to Marcella (Blass) Sligar and Amanda Dastrup for the purpose of continuing to operate an alternative therapy business as a legal non-conforming use subject to compliance with six (6) conditions.

1. The business to be limited to alternative therapies only and associated retail, as presented.
2. The special use permit is restricted to Amanda Dastrup & Marcella (Blass) Sligar, property owners, at this location. A change of ownership or tenants shall require a new special use permit.
3. Subject to a minimum of 3 parking spaces per professional operating at the facility at any one time.
4. Operation of the facility to be limited from 6:00 am to 8:00 pm, seven days a week.
5. Site plan amendments as required by Building, Fire, Engineering, And Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
6. Subject to lighting issues being resolved with the neighbor.

The property is now for sale and this applicant is requesting a special use permit to replace the legal non-conforming use of operating an alternative therapies business with another non-conforming use which is a commercial postal service and retail business.

The applicant currently operates a mail and parcel service business called The Mail Room their narrative indicates they would like to move from their current location, 255 Blue Lakes Boulevard North, to this location. The Mail Room provides services to the general public as well as small businesses. They offer shipping and mailing via fed ex, ups, and the postal service. They provide packaging materials and services as well as private mail boxes, copying, faxing, notary and shredding services. They also offer for sale specialty gift and decor items, such as candles, warmers, greeting cards, jewelry, treats and bottled water.

The property is surrounded by residences to the north, east and south. Eastland Drive North is to the west separating the facility from another residential neighborhood. Within 500' of this property there are two (2) non-residential uses, the Church of The Ascension to the west and the Eastside Southern Baptist Church to the south.

The hours of operation for this business are proposed to be 7:30am to 6:30pm Monday through Saturday. The Mail Room currently serves approximately 35 customers per day. In addition they have daily small delivery van traffic of one (1) morning delivery and one (1) afternoon pick up from each of their three (3) carriers; for a minimum of six (6) carriers per day. They employ two (2) full time people (owners) and a part time person. They anticipate adding one more full time employee by the end of 2012.

The property is a developed 20,000 +/- sq ft lot with an existing 3100 sq ft building. The site plan shows a 500 sq ft remodel/addition which would bring the total square footage of the building to 3600 sq. ft. The building has six (6) rooms, some of which are or have been rented out as individual offices in the alternative therapy field. The applicant states they plan to continue the current sub-leasing of the four (4) front offices which may be to the current alternative therapy businesses or it may include other retail professional services

The applicant is proposing to remove the outside park area and some of the grass area on the southeast side of the property to increase parking. The required parking for a business of this type is one space per 250 square feet of floor space. The applicant is required to provide 15 parking spaces.

If this request is granted this evening there could be a potential of five (5) separate businesses operating from this property. On-site staff from these five (5) separate businesses would potentially be taking up 50% or more of the available on-site parking.

If the Commission approves this request a complete review by the Building, Engineering, and Planning & Zoning Department will be required to ensure compliance with City Codes such as landscaping, storm water retention, lighting, parking, etc.

Staff does have a concern regarding the addition of retail uses to this property. The tea and coffee shop component of the previous request was not a separate business but was limited to hours of operation consistent to when there were clients being treated. Approval of this request, as presented, will be adding a more intensive and commercial land use to the site and to the existing residential area.

The Comprehensive Plan Future Land Use Map designates the Eastland Drive corridor from the Eastside Southern Baptist Church to the corner of Falls Avenue East as a residential corridor. The addition of a commercial/retail use may not be in character with the existing residential neighborhoods in the area.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. The Business To Be Limited To Small Delivery Van Traffic Only, No Semi-Truck Deliveries, as presented.
2. The Special Use Permit Is Restricted To Labron and Jinger Burton, Property Owners, At This Location. A Change Of Ownership or Tenants Shall Require A New Special Use Permit.
3. Operation Of The Facility To Be Limited From 7:30 Am To 6:30 Pm, Monday Through Saturday.
4. Site Plan Amendments As Required By Building, Fire, Engineering, And Zoning Officials To Ensure Compliance With All Applicable City Code Requirements And Standards.

PUBLIC HEARING: OPENED

- Curtis Eaton, 2155 Hillcrest Drive, stated that coming to a public meeting like this reminds him how small the town is, and that he is not completely in objections of the request but would like to have some restrictions. He stated he lives across the street from this property. The current special use designation is for professional office and has had limited traffic impact because the appointments were scheduled and staggered. The lighting was to be addressed but is still a concern and the third issue was the addition of postal services and retail businesses. The applicants wants to expand the business and to be successful they would need to grow. Approval of the request would add a more intensive land use to the sight. This is a residential area that has had a professional use approved with minimal impact to the area. Traffic is a very large concern with Eastland being a major artery for traffic. This would add traffic to the nearby intersection traffic already bottlenecks in this area causing traffic to back-up beyond the entrance to this property. There is a significant rebuild for this

area along Eastland Drive that should be considered. He would ask that the Commission consider the traffic impact and whether or not it fits the area. They would request that a there be a right turn into and right turn out of the property for a more controlled access. They would like for the Commission to consider the retail impact this business will have on the area.

- Amanda Dastrup stated that this property has been used as a daycare which had up to sixty cars traveling to and from the property with screaming kids. The lighting has been adjusted and she feels the neighbors will not be impacted.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:
Mr. Burton stated that he would work with the neighbor that has the lighting issue and is not against the traffic control recommendation of a right turn in and out of the property.

DELIBERATIONS FOLLOWED:

- Commissioner Sharp stated he was concerned about the traffic but it would be a benefit to have this business on this side of town.
- Commissioner Ihler agreed that it would be nice to have this business on this side of town his only concern is that if they do expand the business for tenants then the employees would take up most of the available parking.
- Commissioner Schouten stated it would be good for this location.
- Commissioner Bohrn stated the type of delivery traffic that will be coming to the business will be small vans shouldn't be an issue.
- Commissioner Ihler asked when and if there are plans to widen Eastland Drive at this location.
- Assistant City Engineer Vitek explained there are plans to widen south of Hillcrest Drive but no plans at this location currently. The right in right out is truly only effective if there is a median in the center of the road but it can still be part of the conditions.

MOTION:
Commissioner Schouten made a motion to recommend approval of this request to the City Council. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED, WITH STAFF RECOMMENDATIONS

1. The business to be limited to small delivery van traffic only, no semi-truck deliveries as presented
2. The Special Use Permit is restricted to Labron and Jinger Burton, property owners at this location. A change of ownership or tenant shall require a new Special Use Permit
3. Operation of the facility to be limited from 7:30 am to 6:30 pm Monday through Saturday
4. Site plan amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION: NONE

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for APRIL 26, 2011

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 7:15 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
April 26, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS
CITY LIMITS:
Wayne Bohrn Chairman, Kevin Cope Vice-Chairman, Jason Derricott, Terry Ihler, V. Lane Jacobson, Jim Schouten, Chuck Sharp
AREA OF IMPACT:
Lee DeVore, R. Erick Mikesell
CITY COUNCIL LIAISON
Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS		AREA OF IMPACT MEMBERS	
PRESENT:	ABSENT:	PRESENT:	ABSENT:
Bohrn		DeVore	
Cope		Mikesell	
Derricott			
Ihler			
Jacobson			
Schouten			
Sharp			

CITY COUNCIL MEMBERS PRESENT: Mills Sojka
CITY STAFF PRESENT: Carraway, Strickland, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Preliminary PUD presentation regarding a request for an amendment to Canyon Properties PUD Agreement #229, to allow for a maximum building height of 28 feet-measured from the highest point of the top of curb or future curb adjacent to the subject property, to allow for a Hospice office & a Transitional Care and Physical Rehabilitation Facility on Lots 24, 27 & 28-Block 13 Canyon Trails Subdivision No. 10, to allow unlimited hours of operation for the Hospice office & Transitional Care and Physical Rehabilitation Facility constructed on Lots 24, 27 & 28, Block 13, Canyon Trails Subdivision No. 10 and to allow up to eight (8) off-premise signs as shown on the Amended Master Sign Plan within the Canon Properties PUD #229, located on the north side of 300-400 blocks of Pole Line Road West and within the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions and west of Blake Street North, as described on the Canyon Properties PUD Master Development Plan. c/o Gary N. Nelson on behalf of Canyon Properties, LLC . (app. 2448)

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate a religious facility on property located at 204 Main Avenue North, c/o Greg "Bear" Morton on behalf of Magic Valley Bible Church. (app. 2431)
2. For a Special Use Permit to operate a U-Haul truck / trailer rental business in conjunction with an existing convenience store, gas station and car wash business on property located at 688 Pole Line Road, c/o Lori Donaldson on behalf of Twin Stop, LLC. (app. 2444)

I. CALL MEETING TO ORDER:

Chairman Bohrn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): April 12, 2011
2. Approval of Findings of Fact and Conclusions of Law:
   Jeremy Shafer (SUP 04-12-11) Amanda Larson (SUP 04-12-11) The Mail Room (SUP 04-12-11)
   Charles Wright (SUP 04-12-11) Aretam Petroysan (SUP 04-12-11)

MOTION:

Commissioner Schouten made a motion to approve the consent calendar, as presented. Commissioner DeVore seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. Preliminary PUD presentation regarding a request for an amendment to Canyon Properties PUD Agreement #229, to allow for a maximum building height of 28 feet-measured from the highest point of the top of curb or future curb adjacent to the subject property, to allow for a Hospice office & a Transitional Care and Physical Rehabilitation Facility on Lots 24, 27 & 28-Block 13 Canyon Trails Subdivision No. 10, to allow unlimited hours of operation for the Hospice office & Transitional Care and Physical Rehabilitation Facility constructed on Lots 24, 27 & 28, Block 13, Canyon Trails Subdivision No. 10 and to allow up to eight (8) off-premise signs as shown on the Amended Master Sign Plan within the Canon Properties PUD #229, located on the north side of 300-400 blocks of Pole Line Road West and within the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions and west of Blake Street North, as described on the Canyon Properties PUD Master Development Plan. c/o Gary N. Nelson on behalf of Canyon Properties, LLC . (app. 2448)

   Commissioner Mikesell stepped down

   APPLICANT PRESENTATION:

   Tim Vawser, EHM Engineering, Inc., representing the applicant, stated the area in question is in the south east portion of the Canyon Trails Subdivision. There was originally an agreement made with the Los Lagos & Villa Del Rio's home owners association that limited building sizes to single story and 24' high and in order to maintain a 5/12 pitch in a building that is large enough but keeps a residential feel they are requesting that the height restriction be raised to 28' and reducing the roof pitch would take away from the appearance of the building. The hours of operation need will be 24 hours in the physical and rehabilitation center with staff and limited visiting hours, so extended hours of operation will be requested as well. Also as part of this request , the City Code does not allow for off premise signs unless they are approved through a PUD Agreement and with all of these properties tucked in on private roads it would be more beneficial to have multi tenant directional signs posted along Pole Line Road and Park View Drive making it easier for people to find their destination easier. The public hearing for this request is scheduled for May 10, 2011.

   STAFF PRESENTATION:

   Zoning & Development Manager Carraway stated this is a request for a Planned Unit Development Agreement Amendment to the to Canyon Properties PUD Agreement #229, this is a mixed use, professional, limited commercial Planned Unit Development. The request is to amend the Planned Unit Development Agreement , as described by the applicant representative. A public hearing regarding this request will be heard at the regularly scheduled Planning & Zoning Commission public meeting on Tuesday , May 10, 2011 further staff analysis will be given at that time.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

PZ QUESTION/COMMENTS:
Commissioner Schouten asked where are the signs going to be located.
Mr. Vawser explained there will be four (4) on Pole Line Road and four (4) along Park View Drive and will be multi tenant directional signs with a minimum of 500 ft distance between them on Pole Line Road. There may not be a need for all of them but they want to be prepared for directing traffic.

Commissioner Mikesell returned to his seat.

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to operate a religious facility on property located at 204 Main Avenue North, c/o Greg "Bear" Morton on behalf of Magic Valley Bible Church. (app. 2431)

APPLICANT PRESENTATION:
Paul Graff, representing the applicant, stated he is here tonight to request a Special Use Permit to operate a religious facility at 204 Main Avenue North, aka as the old Cain's Building. The request has been heard once before but because of technical issues the request is being submitted again. They have been trying to locate places around town that would allow for a church without a special use permit request. They started meeting at CSI eleven years ago, they currently meet at First Christian Church, the purpose of the request is to move to a new location that would allow them to operate at their own facility. They have had time to talk to business owners in the downtown area and what the church can do to help downtown be successful. The Cain's building needs to be brought up to standard and they intend to update the building and make it a nice place. They have looked at several properties but they were not viable options.

The Federal Law was reviewed on the overhead and they request that they be treated equally.

The parking was discussed at the last meeting as a concern. Since the meeting they have obtained permission from other businesses in the area for use during after hours for overflow parking. They don't anticipate that the parking will be an issue, and they have been able to acquire written agreements that would offer an additional 73 spaces for off street parking if necessary. They have also had the opportunity to monitor parking on the street in the area at the time they would be operating and have found approximately 89 parking spaces west of Gooding on Main Street. At their current location they have to manage parking so that two churches can share the parking. To avoid problems a reminder notice is made available to the attendants to show where parking is available. They are willing to work well with the community and not impact the adjacent property owners. He showed a petition that had several signatures in support of the church occupying the building at 204 Main Avenue North.

The building itself is in great disrepair because of flood damage that occurred in 2009 with wiring issues and interior reconstruction that is necessary. They would like to make this building more attractive and be the foundation for improving this area and work with the community. They would like to participate in community activities and make the area more family friendly and request that the Commission approve the special use permit.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated on March 22, 2011 the Commission heard this request and by a vote of four (4) against two (2) denied the request. On Monday, March 21, 2011 the day before the public hearing three (3) letters were submitted to the City regarding this request. The letters were forwarded only to the Commission, unfortunately, and not including the applicant packet.

The code states 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. This allows for the Commission to review the comments and also allows the applicant to address them. As the applicant was not provided an opportunity to respond to the (3) letters submitted this request is coming back to the Commission as the applicant would like to address these three letters and other concerns that were brought up at the March 22, 2011 hearing.

One concern that was discussed at the previous public hearing was the effect of a church on the ability for businesses and events to acquire alcohol licenses for sales and catering. State statutes restrict new alcohol licenses from being issued if the facility is within 300' from the front door of a religious facility, except with municipality approval. It does not restrict existing locations of alcohol licenses from continuing operation and/or receiving license renewal. Catering permits for special events are reviewed by the police department and special events are also reviewed by City staff with a decision from the City Council these requests have routinely been approved within 300' of a religious facility when public safety and security issues have been met.

The other concern that was discussed at the previous public hearing was with the land use of a large religious facility and the potential parking impacts on the existing and future downtown businesses. This area is zoned CB with a P-1 parking overlay. The zone, recognizing the existing developed downtown areas, does not require any on-site parking, however, under a special use permit the Commission may look at the impacts of the use and require some be provided as a condition of approval. As previously discussed this property currently owns a parking lot that supports 18 parking spaces. The hours of operation are not typical to general operating hours for the downtown business. There are also several religious facilities currently operating in the downtown area. Most of these churches have been operating for many years and were not required to acquire a Special Use Permit prior to operating for example; the Lighthouse Christian/Center For Prayer & Worship located at 259 Main Avenue East corner of Main Avenue and Idaho Street was established in 1998 the CB zone at that time recognized religious facilities as a permitted use. The code was changed in 1999 to require a Special Use Permit in the CB zone. The only religious facility in the CB zone that has recently been established is the Olive Tree Ministry located at 338 Idaho Street East the Commission granted a Special Use Permit in July 2008.

The Commission shall review this request based on the conformance of this request with Twin Falls Code Section, 10-13-2.2(D) standards applicable to special uses. A copy of this code section has been included as an attachment in this staff report.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant this request, as presented, staff recommends the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to an alternative landscaping plan including at least one (1) tree and four (4) shrubs being approved by Planning and Zoning staff and implemented prior to occupancy.
3. Subject to a Certificate of Occupancy being issued by the Building Department for a church in the building prior to operation.

P&Z COMMENTS/QUESTIONS:

- Commissioner Mikesell asked if they plan on doing funeral or weddings and will they be on Sunday.
- Mr. Graff stated that they would not typically have a service like this and they would work with other locations to provide accommodations for this type of service and work with the surrounding businesses if things need to be coordinated.
- Commissioner Bohrn asked for clarification on the Federal Law that was discussed in the applicants presentation.
- City Attorney Wonderlich stated that in the 1990's the Federal Legislature enacted a law that prohibits local governments from imposing any land use regulations on churches but it was challenged and found to be unconstitutional. The Religious Land Use and Institutionalized Persons Act is the follow up from the U.S. Supreme Court's decision. It still allows local governments to regulate churches but puts the churches in a better position than other uses. With this law local governments cannot impose or implement land use regulations in a manner that imposes a substantial burden on the religion unless the government demonstrates that the burden is in furtherance or a compelling governmental interest and it is in the least restive means of furthering that governmental interest. This shifts the burden to the local government to show the governmental interest. This law puts churches in a much better position than other similar uses, as you think about this request and conditions that are placed on the permit, what compelling governmental interest is be considered by attaching the conditions and if it is the least restrictive means in doing so. It was also pointed out that there is a special provision regarding equal terms, basically stating that the local governments can't treat a religious facility any differently then other similar use that would assemble a large public group. For example the Radio Rendezvous, the Ball Room or other churches in the area. Finally, one of the biggest issues mentioned earlier was a concern for parking availability and under this zone there are no parking requirements, so it would be very difficult to deny this request for that reason when for similar uses in this area don't have to meet parking requirements.
- Commissioner DeVore asked if Radio Rendezvous and the Ball Room have weddings.
- Zoning & Development Manager Carraway stated yes both of these locations provide this type of service and allowed to do so at their locations.

PUBLIC HEARING: OPENED

- Mr. Beared stated he would like to state there is information provided in the staff report that addressed parking and limited conflict that this request if approved would present. He stated he has been taking random photos of the Cain's building parking and stated that on an average 6 out of 9 vehicles are here multiple times of the week. The parking does not take into account the additional parking they have procured in case there is a need for overflow.

- The alcohol licenses should not be an issue for municipality approval because the church is at this location. The City Council does allow for events that offer alcohol with schools and churches within 300 feet. He reviewed several locations in the area that had bars and alcohol events located nearby. He has a letter from a nearby business that he submitted for the record. The church participates in many of the Community activities and several of the events offered at local businesses in the downtown area. There are key retail spaces around Twin Falls that have been turned into churches for example Lighthouse Christian Church on Eastland Drive. The old buildings need to be used and the ones that have been converted have been an improvement to the area. As a realtor nothing impacts area businesses more than vacant buildings. The church will fill a space that should assist the local businesses in the downtown area.
- Bernie Shell, 1302 11th Avenue East, stated he is favor of the request. A church is a good fit in downtown and having this among the mixed uses has proven to be a success. There have been lots of businesses that have chosen to open next to churches and seem to thrive. There is also a charm that this type of mixed use offers versus just a commercial district location. The church serves as a place for community to meet.
- Commissioner Mills, stated that a church is not a detriment to society, In 1906 I. B. Perrine dedicated lots to churches in the area surrounding the park and they are still a viable part of the community. He believes if Mr. Perrine were alive today he would grant this request.
- Pastor Morton, 2670 E 4256 N, stated that he would like to eco that a bars, churches and market places seem to coexist all over cities and towns. He stated that if a parking issue were to arise from a funeral or wedding they are willing to work with the local businesses to avoid impacting the streets.
- Darren Allemen, 1046 Cyrpress Way, stated he is in favor of the request. He would like to say this community is a great place to live and would like to see the downtown area revitalized. The vitality in this area is not good and the Cain's building is a building that has been vacant since 2008. This church would bring about life and more vitality to the area. Approval or denial cannot be based on future businesses that might come into the area. Talking about what could be done with this building should end tonight with the approval of this request.
- Jeff Hepworth, stated he is speaking on behalf of Downtown Alive a group of local downtown business owners and state that they are not opposed to the church but think that this will be in conflict of what they want for the area. They want night life and restaurants and things that would be more compatible to downtown. The problem is that this use doesn't bring vitality Monday through Saturday, the majority of the people will be downtown of Sundays. He is not in support of the church being in this area.
- Rick Buffalo, 275 Fillmore stated this area will either deteriorate, remain stagnant or improve. There are more and more businesses moving out of the downtown area. There needs to be activity in this area and fewer vacant buildings. This church would improve this area, by stopping the deterioration of a building, bring more potential customers and bring more lucrative businesses to the area versus businesses that are attracted to low rent areas.
- Ken Fitzgerald, business owner downtown, he welcomes churches but there is a comprehensive plans that are in place to help revitalize the downtown area and have been to downtown area all over the country and vitalizing these areas comes from businesses like restaurants and night life. He is opposed to this request.

- Scott Record, stated that he has another offer on the building.
- Bob Donnelly, stated he owned a business downtown at it best hour. The area needs energy and a plan for bringing the area back to life. The new local business owners in this area are willing to make things happen. He is opposed to the request.
- Jake Galling, one of the owners of this building, he stated he and his partners have shown the building numerous times and the Church is the only one that has made an offer. He is not aware of any other offers at this time. The price of the building is as low as they can afford to sell it and noone else has made an offer.
- Kevin Newbry, 1109 Sunburst, owns buildings in this area and operated a church in this area for 10 years that revitalized their section of the building. The people that attended the church noticed the other businesses and shop in the area. He is in support of the request.
- Becky Schell, stated she is in support of the request.
- Vicki Graff, 3732 N 2500 E, stated she is in support of the request. The church brings stability and all of the people that come to this church are part of the community.
- Tim Stasiny, owner of downtown business, stated he has been in this building and the biggest issue for this building is the cost. Just to bring this building into the code will be an astronomical expense.
- Anna Graff, 3723 N 2700 E, she is in support of the request. This church will bring life to this area.
- Ron Heath, 668 Cinto Court, stated he is in support of this location. This church can restore this building because of their willingness to renovate.
- Heidi Hurlado, 115 Rainbow Drive, stated they want this to be a home for their church and they will be spending money in this area because they are at this location. She is in support of the request.
- Carl Sweet, 492 Orchard Drive stated he has nothing against a business that is there to make money. They are not going to petition in front of the businesses.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:
Mr. Graff stated this is not just a Sunday church there will be youth outreach programs, vacation bible schools and the building will be used throughout the week. Businesses haven't figured out a way to invest in this building because they have to be able to make a profit. The growth in the area has to support a commercial business, they have researched what is necessary to make this building function as a public assembly. They are requesting this special use permit so that they can move forward if this is approved. They have contractors within this area willing to do the work, but they are prepared to make this happen.

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated we are responsible for planning a we have to consider the Comprehensive Plan, this doesn't fit into the Comprehensive Plan. With this responsibility it requires us to consider the future for the downtown. Just because in the past City Council has allowed alcohol to be served within 300' of a church doesn't mean that will continue. Rebuilding this area is the only thing that is going to salvage this are most of the buildings in this area would not meet current building code requirements.

- Commissioner DeVore stated he is in support of the request and sees no compelling governmental issues that would change his mind. This building has been vacant since 2008 and would probably remain vacant for a long time, it's better to have a building occupied.
- Commissioener Sharp stated if the church is willing to make the improvements and if they would be willing to relocate in the future because of development this could make the building easier to sell.
- Commissioner Derricott stated the request meets the requirements for a special use permit.
- Commissioner Bohrn stated that he has seen miracles happen through sweat equity and this is all over the world not just here. He can see this as a shining example for making the area look nice.

MOTION:
Commissioner Schouten made a motion to recommend approval of this request to the City Council. Commissioner DeVore seconded the motion. Commissioners Cope, DeVore, Sharp, Derricott and Bohrn voted for the motion and Commissioners Ihler, Mikesell, Schouten and Jacobson voted against the motion.

APPROVED, AS PRESENTED, WITH STAFF RECOMMENDATIONS

1. Subject to a site plan amendment as required by Building, Engineering Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards
2. Subject to an alternative landscaping plan including at least one (1) tree and four (4) shrubs being approved by Planning & Zoning staff and implemented prior to occupancy.
3. Subject to a Certificate of Occupancy being issued by the Building Department for a church in the building prior to operation.

2. For a Special Use Permit to operate a U-Haul truck / trailer rental business in conjunction with an existing convenience store, gas station and car wash business on property located at 688 Pole Line Road, c/o Lori Donaldson on behalf of Twin Stop, LLC. (app. 2444)

APPLICANT PRESENTATION:
Donneta Johnston, representing the applicant, stated she is here to operate a U-Haul truck / trailer rental business in conjunction with an existing convenience store, gas station and car wash business on property located at 688 Pole Line Road and they understand the conditions recommended by staff.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated on March 12, 1996, the Planning and Zoning Commission approved Special Use Permit #441 for a drive-through facility and car wash on this property. In 1996 the Twin Stop gas station, convenience store, and car wash were constructed. A message center sign was constructed and approved under Special Use Permit #450. In 1999 there was an interior remodel to add the subway restaurant.

The property is zoned C-1 PUD and is located at the south west corner of Pole Line Road & Fillmore Street. The request is to operate a U-Haul truck / trailer rental business in conjunction with existing businesses on the property. A special use permit is required to operate a truck rental business in this zone.

The applicant owns 4 platted lots consisting of 3 acres of the Breckenridge Farms, Phase III the northern most 1.8 +/- acres is developed and operating as the Twin Stop gas station, car wash, and convenience store. The convenience store includes a subway restaurant and a business center. The U-Haul rentals business would be managed from the business center office located within the convenience store. The southernmost 1 +/-acre is currently undeveloped and is not included with this request. The undeveloped portion has a gravel base and frequently vehicles, including the U-Haul vehicles are illegally parked there.

The applicant intends to operate the U-Haul truck /trailer rental business on the developed property. The addition of the U-Haul business would operate consistent with the operations of the existing convenience store and would not significantly impact current day to day operations. It is anticipated the U-Haul rentals would not be a significant increase in customer or vehicle traffic.

There is a requirement for twenty (20) spaces on the site for the existing uses. There are twenty-nine (29) spaces on the site and so there are "extra" parking spots on the site that could be used by the U-Haul rentals while on site. City code 10-11-4(b) regarding surfacing of parking areas states: "all parking and maneuvering areas shall be hard surfaced with Portland concrete or asphaltic concrete surface material. Vehicles and trailers cannot be parked in landscaping areas." The current compacted gravel surface of the southern portion of the property does not meet surfacing requirements and cannot be used for parking, maneuvering or storage of any vehicles.

If this request is granted this evening the impacts to the surrounding area will be minimal. Any signage that is not already approved by permit would need to be reviewed by the Building Department as a sign permit may be required. The request is in compliance with the comprehensive plan as it identifies commercial/retail uses as appropriate in this area.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. All rental vehicles and/or trailers are to be parked in areas meeting paving requirements of city code 10-11-4(B).
3. Signage approval is not part of this Special Use Permit request.

<u>P&Z COMMENTS/QUESTIONS:</u>

- Commissioner Cope asked where they will located the rental units.
- Johnston stated they will not be parking on the gravel area.

<u>PUBLIC HEARING:</u> OPENED & CLOSED WITHOUT PUBLIC

MOTION:
Commissioner Mikesell made a motion to recommend approval of this request to the City Council. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED, WITH STAFF RECOMMENDATIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. All rental vehicles and/or trailers are to be parked in areas meeting paving requirements of city code 10-11-4(B).
3. Signage approval is not part of this Special Use Permit request.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

VI. UPCOMING MEETINGS:
Next Planning & Zoning Commission public meeting is scheduled for MAY 10, 2010

VII. ADJOURN MEETING:
Chairman Bohrn adjourned the meeting at 8:15 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
May 10, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS
CITY LIMITS:
Wayne Bohrn Kevin Cope Jason Derricott Terry Ihler V. Lane Jaboson Jim Schouten Chuck Sharp
Chairman Vice-Chairman
AREA OF IMPACT: CITY COUNCIL LIAISON
Lee DeVore R. Erick Mikesell Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS		AREA OF IMPACT MEMBERS	
PRESENT:	ABSENT:	PRESENT:	ABSENT:
Bohrn		Mikesell	DeVore
Cope			
Derricott			
Ihler			
Jacobson			
Schouten			
Sharp			

CITY COUNCIL MEMBERS PRESENT: Mills Sojka
CITY STAFF PRESENT: Carraway, Strickland, Vitek,

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Request for approval of the H & H Subdivision preliminary plat approximately 2.04 (+/-) acres consisting of commercial 2 lots located at 680 Blue Lakes Boulevard North c/o EHM Engineers/Gerald Martens on behalf of Howa & Howa I, LLC
2. Preliminary PUD presentation regarding a requests to modify the Kelly & Cohen Appliances, Inc and Willard D Ihler & Dorothy M Ihler PUD #212, recorded September 22, 1998, to allow for modification of the Master Development Plan to include redevelopment of the northeast portion of the existing PUD #212 to allow an 8000 sq. ft. multi-tenant commercial development on property located at the southwest corner of Pole Line Road East and Locust Street North, aka 1414 and 1434 Pole Line Road East and 1667 Locust Street North. c/o Rex Harding, JUB Engineers on behalf of Twin Falls Holding Corporation (app. 2450)

IV. PUBLIC HEARING ITEMS

1. Request a Special Use Permit to operate an automobile sales business in conjunction with the operation of a motel on property located at 320 Main Avenue South c/o Seth Watte and Nolan Watte (app. 2446)
2. Requests for the Vacation of a 15' x 109.14' (1525 sq. ft.) of pressurized irrigation easement located between lots 27 and 28, Block 13, Canyon Trails Subdivision #10 c/o Canyon Properties, LLC, c/o Gary Nelson (app 2447)
3. Request for an amendment to Canyon Properties PUD Agreement #229, to allow for a maximum building height of 28 feet-measured from the highest point on the top of curb or future curb adjacent to the subject property, to allow for a Hospice office & a Transitional Care and Physical Rehabilitation Facility on Lots 24, 27 & 28-Block 13 Canyon Trails Subdivision No. 10, to allow unlimited hours of operation for the Hospice office & Transitional Care and Physical Rehabilitation Facility constructed on Lots 24, 27 & 28, Block 13, Canyon Trails Subdivision No. 10 and to allow up to eight (8) off-premise signs as shown on the Amended Master Sign Plan within the Canon Properties PUD #229, located on the north side of 300-400 blocks of Pole Line Road West and within the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions and west of Blake Street North, as described on the Canyon Properties PUD Master Development Plan c/o Canyon Properties, LLC, c/o Gary Nelson. (app. 2448)
4. Request for the Commission's recommendation on a Zoning Title Amendment which would amend Twin Falls City Code 10-2-1; and by deleting Sections 10-4-1.3(I), 10-4-2.3(I), 10-4-3.3(I), 10-4-4.3(I), 10-4-5.3(I), 10-4-6.3(I), 10-4-11.3(I), 10-4-12.3(I), 10-4-13.3(H), 10-4-15.3(I), 10-4-16.3(I), 10-4-18.3(H), 10-4-19.4(F) and 10-4-21.3(I) c/o City of Twin Falls (app. 2449)

I. CALL MEETING TO ORDER:

Chairman Bohrn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

Commissioner Cope made a motion to approve the consent calendar, as presented. Commissioner Schouten seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. Request for approval of the H & H Subdivision preliminary plat approximately 2.04 (+/-) acres consisting of commercial 2 lots located at 680 Blue Lakes Boulevard North c/o EHM Engineers/Gerald Martens on behalf of Howa & Howa I, LLC

APPLICANT PRESENTATION:

Tim Vawser, EHM Engineering, Inc, representing the applicant stated this property would be known more readily as the Arctic Circle Restaurant and in order for this property to be sold separately from the commercial property located on the back portion of the parcel a subdivision is required. The applicant doesn't currently have any plans for more development but if in the future an opportunity presented itself the property would be ready by completing this process. He asked that the Commission approve the request and they are aware of the staff recommendations.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated his preliminary plat for the H & H Subdivision includes 2.04 (+/-) acres and is zoned C-1. The request is to plat two (2) commercial lots. The property is currently developed with the Arctic Circle and a multi-tenant commercial complex.

The proposed plat will divide the existing developed Arctic Circle Restaurant and the multi-tenant commercial complex into two lots to allow for separate ownership. The lots are 1.04 (+/-) acres each.

The subdivision does not include any public right-of-ways. There is one (1) existing access to the subdivision from Blue Lakes Boulevard North. There is also an existing approach through an access easement off of Spruce Avenue. As access to the interior Lot #2 will be made through Lot #1 there is an access, parking, utility and drainage easement noted on the plat. This note is required between the lot owners to allow for travel throughout the subdivision.

There is an eight (8) inch sewer line from Blue Lakes Boulevard North to Lot #2 with a fifteen (15) foot easement. There will need to be a public utility easement indicated on the west boundary of Lot #1.

City Code10-12-3 design standards for subdivision describes all the minimum design standards required. This subdivision is currently developed as a commercial lot. There will not be any requirements as to dedication of streets, planting strips, or additional storm water retention.

Utility and drainage way easements are designated on the proposed preliminary plat. an addition five (5) feet of road right-of-way along Blue Lakes Boulevard North has been dedicated on the preliminary plat.

City Code 10-12-1.2(P)1 states that the use of the City's potable water supply as a primary source of irrigation water in all new developments shall be prohibited. City Code 10-12-1.2(P)3 authorizes the City Engineer to grant a variance from the requirement of a pressure irrigation system. Upon review of the proposed plat it was determined by the City Engineer that the applicant will not be required to construct a pressure irrigation system.

The proposed subdivision is located in a flood plain. The flood plain issues have already been addressed when the property was developed in 1997. The H & H Subdivision plat is consistent with other subdivision development criteria in the area and is in conformance with the Comprehensive Plan which designates this area as appropriate for commercial/retail uses.

Zoning & Development Manager Carraway stated upon conclusions should the Commission approve the preliminary plat of the H&H Commercial Subdivision, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recorded Cross-Use/Access Agreements being provided prior to recordation of final plat.
3. Subject to public utility easements being included over any water or sewer lines on the plat.

PUBLIC COMMENT: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Mikesell made a motion to approve the request as presented. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recorded Cross-Use/Access Agreements being provided prior to recordation of final plat.
3. Subject to public utility easements being included over any water or sewer lines on the plat.

2. Preliminary PUD presentation regarding a requests to modify the Kelly & Cohen Appliances, Inc and Willard D Ihler & Dorothy M Ihler PUD #212, recorded September 22, 1998, to allow for modification of the Master Development Plan to include redevelopment of the northeast portion of the existing PUD #212 to allow an 8000 sq. ft. multi-tenant commercial development on property located at the southwest corner of Pole Line Road East and Locust Street North, aka 1414 and 1434 Pole Line Road East and 1667 Locust Street North. c/o Rex Harding, JUB Engineers on behalf of Twin Falls Holding Corporation (app. 2450)

APPLICANT PRESENTATION:
Richard Crowley, the applicant stated this property is located across from Magic Valley Mall, next door to Harbor Freight and the proposal is to build a new 8000 sq. ft. multi-tenant facility on the corner of Locust and Pole Line Road. There will be two tenants in the building and the master plan is to combine two parcels

together under on master development plan and amend the planned unit development agreement that was approved previously.

STAFF PRESENTATION:
Zoning & Development Manager Carraway stated this is a request for a Planned Unit Development Agreement Amendment to the Kelly & Cohen Appliances Inc PUD #212 Commercial Planned Unit Development. The request is to amend the Planned Unit Development Agreement , as described by the applicant representative. A public hearing regarding this request will be heard at the regularly scheduled Planning & Zoning Commission public meeting on Tuesday , May 24, 2011 further staff analysis will be given at that time.

PUBLIC COMMENT: OPENED & CLOSED WITHOUT PUBLIC CONCERN

P&Z QUESTIONS/COMMENTS: NONE

PLANNING & ZONING PUBLIC HEARING SCHEDULED FOR MAY 24, 2011

IV. PUBLIC HEARING ITEMS

1. Request a Special Use Permit to operate an automobile sales business in conjunction with the operation of a motel on property located at 320 Main Avenue South c/o Seth Watte and Nolan Watte (app. 2446)

APPLICANT PRESENTATION:
Seth Watte stated that he would like to have an automotive sales business on the property located at 320 Main Avenue South and would consider placing a modular office on the site if necessary for approval.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this property is located in the C-B P-1 zone; commercial central business district with a parking overlay. The request is to operate a used vehicle sales business in conjunction with a existing residential motel. A special use permit is required for automobile sales in this zone.

This request is to operate the auto sales business north of the alley and south of Main Street South. This area is currently undeveloped property. The auto sales office is proposed to operate from one of the existing rooms of the motel. If this request is approved the hours of operation of the automobile sales business would be from 9:00 am to 5:00pm. It is unclear what days of the week the business intends to operate.

As a hotel/motel is classified as a residential use and a used auto business is classified as a retail use if the request is granted this would be a “change of use” for the property and will require the property be brought up to meet current development standards such as hard surfacing of all parking and maneuvering areas which could include the alley if used to access the property. Lighting, stripping, landscaping and storm water retention . Approval will also require a certificate of occupancy by obtained from the building department prior to operation of the business.

The applicant does not anticipate having any more than 5-6 vehicles for sale on the property at one time. When there is a change of use being added to a property then off-street parking requirements are reviewed. City Code requires a minimum 20' long parking space with a 24' wide maneuvering area. The applicant will be required to maintain the required minimum 44' parking/maneuvering area so the parked vehicles can back safely out of the parking spaces. The applicant shall be required to display the vehicles in a manner that will not impede safe moving traffic vision. Upon review if more parking spaces are required a cross use agreement could be recorded between the two adjacent lots which are currently under common ownership.

A Certificate of Occupancy will be required prior to operation the Building Department will complete a full review to ensure compliance with development standards prior to the issuance of a certificate.

The site is located in an area of downtown where there are a variety of commercial uses. It is anticipated that the traffic impact to adjacent properties should be minimal. There could be substantial positive impacts to the surrounding downtown area upon the property being brought up to current development standards, a paved parking lot, parking lot lighting, parking space striping, landscaping, storm water retention would all be an improvement.

Zoning & Development stated upon conclusion should the Commission approve the request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to a Certificate of Occupancy being obtained from the Building Department prior to operation of the automobile sales business.
2. Subject to the designated display area, including the parking and maneuvering areas, as shown on the site plan, to comply with minimum City standards.
3. No parts or miscellaneous auto-related equipment to be stored on the property.
4. No automobile repair or service; including detailing, to occur on the property.
5. Subject to compliance with all Department of Motor Vehicle dealership requirements. A copy of the approved dealership license to be provided prior to operation.
6. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

<u>P&Z COMMENTS/QUESTIONS:</u>

- Commissioner Mikesell asked if this was approved and it worked would they have to come back through to expand.
- Zoning & Development Manager Carraway explained that if a business expands less than 25% the applicant would not have to come back through the public hearing process unless that was a condition of approval, for example if the number of vehicles is limited to six (6) or no additional buildings are allowed on site; these types of conditions would require additional public hearings.
- Commissioner Cope asked if the paving would be required just for the portion that will be used for the vehicles that the applicant is selling.
- Zoning & Development Manager Carraway stated the entire site will need to be paved because the applicant is involving the motel which triggers a change of use for the entire property.

PUBLIC HEARING: OPENED

- Larry Pollar, Antiques Etc., stated he thinks the City is missing an opportunity to purchase a piece of property to make it into a public parking lot. He is concerned that these types of uses turn into junk yards. There is also a concern with parking because people that work all day park in front of his antique store and take up spaces for customers. The location would be better suited for a public parking area. He is concerned with how the property will be maintained.

- Mary Brand, Brandtastic Soil, stated that she has two business located in the Main Street Office Suites owned by the O'Ryan Partnership building and it is a small office setting. There is a sever parking issue for this area because there is a real challenge across the street with a Community Support Center that has many customers throughout the day approximately every hour that are dropped off and picked up in taxes, busses and cars that stop traffic. The hours have been reduced however it is still a concern. The people headed to and from Kimberly Road are not traveling at 25 miles an hour and they are speeding through this area. Having a car lot located here could impact the traffic safety and she asks that the Commission deny this request.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

- Mr. Watte stated he doesn't plan to have junky cars and plans to keep it to a minimum and they want to be able to sell 5-6 cars and make improvements to the area. They were considering an office module if they are unable to use part of the hotel which they are not allowed to use according to state requirements.

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated he is not concerned too much but these types of lots don't get maintained well. He would like to have a building on the lot and give them a one year expiration.
- Commissioner Bohrn stated that to set up a car lot and pave an area that large for the ability to sell 6 cars seems difficult for anyone. There have been lots of problems with car sales and things don't come together like they should.
- Commissioner Cope stated that he commends the applicant for wanting to start a business however this will be a very expensive undertaking to sale 5-6 cars from this lot with all the improvement requirements.
- Commissioner Schouten stated the applicant might make more money paving the space and charging for parking.
- Commissioner Sharp stated he would vote for it if he knew everything was improved before the business began.

MOTION:

Commissioner Mikesell made a motion to recommend approval of this request with it expiring in one year. Commissioner Schouten seconded the motion. Commissioners Ihler, Mikesell, Schouten, Derricott & Jacobson voted in favor of the motion and Commissioners Cope, Sharp & Bohrn voted against the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to a Certificate of Occupancy being obtained from the Building Department prior to operation of the automobile sales business.
2. Subject to the designated display area, including the parking and maneuvering areas, as shown on the site plan to comply with minimum City standards.
3. No parts or miscellaneous auto-related equipment to be stored on the property.
4. No automobile repair or service; including detailing, to occur on the property
5. Subject to compliance with all Department of Motor Vehicles dealership requirements. A copy of the approved dealership license to be provided prior to operation.
6. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements an standards.
7. Subject to the Special Use Permit expiring within one year of approval (May 10, 2012)

2. Requests for the Vacation of a 15' x 109.14' (1525 sq. ft.) of pressurized irrigation easement located between lots 27 and 28, Block 13, Canyon Trails Subdivision #10 c/o Canyon Properties, LLC, c/o Gary Nelson (app 2447)

APPLICANT PRESENTATION:
Tim Vawser, EHM Engineering, Inc, representing the applicant explained the location of the easement. The applicant is the current owner of both of these lots and has the opportunity to sell both of these lots and the prospective buyer want to build over this easement. The request tonight is to vacate the easement and move the easement down and loop it back as required. Upon the construction of this property both of these lots would be combined into one parcel.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request to vacate a portion of a pressurized irrigation (PI) easement located between Lots 27 and 28, Block 13, Canyon Trails Subdivision #10. There is a PI easement that runs the length of the shared lot line between Lots 27 and 28 with 7.5' on either side. No PI lines have been constructed in this easement.

The applicant is proposing to vacate the easement in this location and allow for the PI line to go in the utility and vehicular access easement that runs between Lots 26 and 27. The PI will be able to loop from the private road easement on the south, run through the easement between Lots 26 and 27 and an easement on the north side of Lot 27 will be dedicated to connect to the PI easement on the northernmost 15' of lot 28.

As this easement is specifically called out as a PI easement then the City of Twin Falls is the only entity with the ability to use this easement for PI needs. There has not been any PI lines placed at this time and the City accepts the proposal to realign the PI system share the utility easement between Lots 26 and 27 and continue on the north end of the lots. The PUD agreement requires a 10' wide landscaped buffer on the north side of Lots 27 and 28 and along the east side of Lot 28. As this buffer is required and a building could not be constructed to encroach into it then it is a good location to also accommodate easements.

The applicant is requesting the vacation to allow for Lots 26 and 27 to be used to develop one (1) building that will span the existing lot line and easement. Construction is not permitted on top of an easement and if a building is built over a property line then firewall separations are required. To be able to construct the proposed facility the applicant needs to vacate and relocate the PI easement and record the lots under a lot combination with the Twin Falls County Recorder's and Assessor's Offices.

Zoning & Development Manager Carraway stated upon conclusion should the Commission recommend approval of the request staff recommends approval be subject to the following conditions:

1. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to dedication of a pressurized irrigation easement on the north 15' of Lot 27 and 28, Block 13.
3. Subject to legal combination of Lot 27 and 28, Block 13, should a building be constructed over the property line.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Sharp made a motion to recommend approval of this request to the City Council with staff recommendations. Commissioner Schouten seconded the motion. All members present voted in favor.

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL

1. Subject to amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to dedication of a pressurized irrigation easement on the north 15' of Lot 27 and 28, Block 13
3. Subject to legal combination of Lot 27 and 28, Block 13, should a building be constructed over the property line.

CITY COUNCIL PUBLIC HEARING SCHEDULED FOR JUNE 06,2011

3. Request for an amendment to Canyon Properties PUD Agreement #229, to allow for a maximum building height of 28 feet-measured from the highest point on the top of curb or future curb adjacent to the subject property, to allow for a Hospice office & a Transitional Care and Physical Rehabilitation Facility on Lots 24, 27 & 28-Block 13 Canyon Trails Subdivision No. 10, to allow unlimited hours of operation for the Hospice office & Transitional Care and Physical Rehabilitation Facility constructed on Lots 24, 27 & 28, Block 13, Canyon Trails Subdivision No. 10 and to allow up to eight (8) off-premise signs as shown on the Amended Master Sign Plan within the Canon Properties PUD #229, located on the north side of 300-400 blocks of Pole Line Road West and within the 500' buffer zones from Los Lagos and Villa Del Rio Subdivisions and west of Blake Street North, as described on the Canyon Properties PUD Master Development Plan c/o Canyon Properties, LLC, c/o Gary Nelson. (app. 2448)

APPLICANT PRESENTATION:
Tim Vawser, EHM Engineering, Inc, representing the applicant reviewed exhibits on the overhead explaining where the building would potentially be constructed. They are not sure as to how tall the building will be so they are asking for an additional 4' height due to the size of the building. This type of use was not included in the original PUD Agreement because it may not have been considered as a use when it was originally written so the applicant has added it to the request. Additional hours have also been requested due to the nature of the service that will be provided by the transitional care facility. The final part of the request is to have eight (8) off premise signs allowed through the PUD Agreement. There would be four (4) along Pole Line Road and four (4) along Parkview Drive with a minimum spacing of 500 ft between signs. By doing this it would channel traffic off of the busy roads to get people to where they are going. City Code only allows for this type of off premise sign request to be done through a PUD process.

P&Z COMMENTS/QUESTIONS:

- Commissioner Mikesell asked if the height is an issue because of the need to plan for the development.
- Mr. Vowser stated he doesn't see that there would be any additional buildings that might be taller and if there was an appropriate user with a need for additional height they would come back through this process to request the additional height. The applicant has attempted to be a good neighbor and has worked very hard to maintain a buffer zone for the residential area and reduce developments impact on the neighbors.
- Commissioner Bohrn asked if the reason for the request for additional height is to keep with the residential feel and pitch of the roof.
- Mr. Vowser explained yes, a big building with a lower pitch doesn't look appealing.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the history of the property stating in May of 1999 the property was actually in the City's Area of Impact and rezoned to C-1 PUD it was not annexed at this time. In March of 2003 Canyon Properties PUD was approved and in February 2005 the property was annexed into the City Limits. She then reviewed exhibits on the overhead and stated this is a request for an amendments to the Canyon Properties PUD Agreement that covers 160 (+/-) acres. The applicant has worked very hard with the surrounding neighbors and in the process of developing this PUD a 500' buffer zone was created. The applicant is working with a client that wants to build on this property. The property has been platted and has been developed in phases. The client of the applicant wants to build a hospice/transitional care facility located within the 500' buffer zone. Building heights in this area are restricted to single story, a maximum of 24' in height-measured above the nearest point of Villa Del Rio subdivision. This agreement is zoned C-1; mixed-use planned unit development agreement and master development plan. There are four (4) amendments proposed:

- Allow for a maximum building height of 28 feet measured from the highest point of the top of curb or future curb adjacent of the subject property within 500' of the centerline of Blake Street
- Allow for a hospice office and a transitional care and physical rehabilitation facility on lots 24, 27 and 28, Block 13 Canyon Trails Subdivision No. 10;
- Allow unlimited hours of operation for the hospice office and the transitional care and physical rehabilitation facility constructed on lots 24, 27 and 28, block 13, Canyon Trails Subdivision No. 10; and
- Allow up to eight (8) off-premise signs as shown on the amended master sign plan.

The current Canyon Properties PUD Agreement has a number of restrictions placed on the uses and property development standards for lots adjacent to the Villa Del Rio and Los Lagos residential area. Uses were restricted to not allow for a stand-alone rehabilitation facility and any use requiring a Special Use Permit was not allowed within 500' from the center line of Blake Street. Building heights in this area are restricted to single story, a maximum of 24' in height-measured, and a pitched roof. There is also a requirement of a 20' landscaping buffer of which the 10' closest to Blake Street is maintained by the Los Lagos home owner's association and the next 10' is maintained on the private lots.

The applicant is working with a client that would like to develop a transitional care and rehabilitation facility on Lots 24, 27, and 28 of Block 13 of the Canyon Trails Subdivision No. 10. The facility would accommodate patients recently leaving the hospital but needing additional care and rehabilitation before returning home. The facility would operate 24-hours a day as there would be patients and staff on-site but there would not be any type of emergency facilities or processing of patients or visitors outside of typical

office and visiting hours. A conceptual elevation drawing of a building for the site is included and it is single story with a pitched roof however the applicants would like to be allowed to go to a height of 28' to accommodate their design. The PUD agreement states a height of 24' measured above the nearest point in Villa Del Rio Subdivision and the applicant would also like to clarify the term "height" by including its definition per City Code 10-2-1 that height is measured from the top of curb or future curb. The applicant has reviewed their proposal for a building height of 28', the allowance of a transitional care and rehabilitation facility, and 24-hour operation with the Villa Del Rio estates property owners' association. The board of directors submitted a letter in support of the proposal and the changes affecting the specified lots.

City Code requires that the applicants make a preliminary PUD presentation to the Commission and to the public. This presentation, which took place on April 26, 2011, allows the Commission and the public to become familiar with the project prior to the public hearing. At the presentation there were questions on the number of off-premise signs being proposed. The applicant's representative indicated that the proposal involved four (4) off-premise signs on Park View Drive and four (4) to be allowed along Pole Line Road. The City's sign code does not allow for a single tenant off-premise sign. The sign code does allow for "multi-tenant" signs per City Code 10-9-8 (M). Multi-tenant signs would be allowed in this development and would allow for directing attention and traffic along the private roads to development within the subdivisions. Staff would recommend that signage be allowed per City Sign Code to allow "multi-tenant" signs.

The proposed development and amendment is still in compliance with the Comprehensive Plan which designates this area as appropriate for commercial and retail development.

Zoning & Development Manager Carraway stated upon conclusion should the Commission recommend approval staff recommends it be subject to the following conditions

1. Subject to Master Development Plan amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recordation of canyon properties PUD Agreement #229 amendment, as approved by the City Council, prior to development of this site.
3. Subject to signage being permitted as approved or as per City Code §10-9,as amended, whichever is the greater.
4. Vacation of the PI easement between lots 27 & 28, block 13, Canyon Trails Subdivison #10, as proposed on item IV-2 on this agenda, be approved, an ordinance adopted & recorded and dedication of a new location for the PI easement be approved by the City Council prior to development of the transitional care facility.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Schouten made a motion to recommend approval of this request to the City Council. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL

1. Subject to Master Development Plan amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to recordation of canyon properties PUD Agreement #229 amendment, as approved by the City Council, prior to development of this site.
3. Subject to signage being permitted as approved or as per City Code §10-9,as amended, whichever is the greater.
4. Vacation of the PI easement between lots 27 & 28, block 13, Canyon Trails Subdivison #10, as proposed on item IV-2 on this agenda, be approved, an ordinance adopted & recorded and dedication of a new location for the PI easement be approved by the City Council prior to development of the transitional care facility.

CITY COUNCIL PUBLIC HEARING SCHEDULED FOR JUNE 06,2011

4. Request for the Commission's recommendation on a Zoning Title Amendment which would amend Twin Falls City Code 10-2-1; and by deleting Sections 10-4-1.3(I), 10-4-2.3(I), 10-4-3.3(I), 10-4-4.3(I), 10-4-5.3(I), 10-4-6.3(I), 10-4-11.3(I), 10-4-12.3(I), 10-4-13.3(H), 10-4-15.3(I), 10-4-16.3(I), 10-4-18.3(H), 10-4-19.4(F) and 10-4-21.3(I) c/o City of Twin Falls (app. 2449)

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the City Council approved Ord. 2012 on July 6, 1981 which replaced Title 10 of the Twin Falls City Code in its entirety. Several citizen/staff Committee's have been formed over the years many of them addressing the sign code as a result several minor sign code amendments have been adopted over the years.

In July 2006, the Council appointed a sign committee that included citizens at large, City Council and staff. The Committee began reviewing the sign code regulations in August 2006 and in August 2008 the Sign Code Committee completed their review and unanimously recommended to start the public hearing process for a sign code amendment.

On September 30, 2008 the Planning & Zoning Commission held a public hearing to review the proposed sign code amendment and the Commission continued deliberations on October 1, 2008 where they recommended approval to the City Council of the proposed sign code subject to fourteen (14) amendments. On November 3, 2008 the City Council approved the proposed sign code amendment, as presented. On December 8, 2008 the Council adopted Ord #2957. The new sign code was implemented in January of 2009.

It has been brought to staff's attention that the City Code regarding signs is very confusing. Most people don't know that there are duplicate sign regulations in Title 10; *Chapter 9; Sign Regulations* and in *Chapter 4; Zoning District Regulations*. Staff is requesting this amendment to make the City Code more understandable and user friendly.

This is the first step of the Zoning Title Amendment approval procedure. A request for a Zoning Title Amendment is initially made to the commission. The Planning and Zoning Commission holds a public hearing to evaluate the request and to determine the extent and nature of the amendment. Upon conclusion of the public hearing the Commission makes a recommendation to the City Council on whether

or not to approve the request as presented, deny the request, or approve the request with conditions and/or modifications.

The City Council shall then hold an additional public hearing where they may approve the application as recommended by the Commission, deny the application, or remand the application back to the Commission for further proceedings. If approved, an ordinance is prepared and at a later public meeting is adopted by the city council. Once the ordinance is published the city code is officially amended.

Zoning & Development Manager Carraway stated upon conclusions staff recommends that the Commission recommend approval of the attached sign code changes, as presented, to the City Council.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Schouten made a motion to recommend approval of this request to the City Council. Commissioner Derricott seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL
CITY COUNCIL PUBLIC HEARING SCHEDULED FOR JUNE 06,2011

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

Commissioner Bohrn has requested that a review come forward regarding the property located at Kimberly Road and Blue Lakes Boulevard.

VI. UPCOMING MEETINGS:
Next Planning & Zoning Commission public meeting is scheduled for MAY 24, 2011

VII. ADJOURN MEETING:
Chairman Bohrn adjourned the meeting at 7:02 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
May 24, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS
CITY LIMITS:
Wayne Bohrn Chairman, Kevin Cope Vice-Chairman, Jason Derricott, Terry Ihler, V. Lane Jacobson, Jim Schouten, Chuck Sharp
AREA OF IMPACT: Lee DeVore, R. Erick Mikesell
CITY COUNCIL LIAISON: Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS		AREA OF IMPACT MEMBERS	
PRESENT:	ABSENT:	PRESENT:	ABSENT:
Bohrn	Ihler	DeVore	Mikesell
Cope			
Derricott			
Jacobson			
Schouten			
Sharp			

CITY COUNCIL MEMBERS PRESENT: Mills Sojka
CITY STAFF PRESENT: Carraway, Strickland, Vitek,

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Preliminary PUD presentation for a request for annexation and a Zoning District Change and Zoning Map Amendment from R-2 to C-1 PUD to allow for expansion of an existing religious facility and accessory uses, and to include a variety of light commercial and professional uses that are consistent with the land use designation of Urban village/Urban Infill as defined in the Twin Falls Comprehensive Plan and to allow for signage as allowed for non-residential uses on property located at 1631 Grandview Drive North. c/o Mike Smit on behalf of the Twin Falls Reformed Church (app 2458)

IV. PUBLIC HEARING ITEMS

1. Commission recommendation on a request for an amendment to the Kelly & Cohen Appliances, Inc., and Willard D. Ihler & Dorothy M. Ihler Planned Unit Development Agreement #212, recorded September 22, 1998, to revise the Master Development Plan to include redevelopment of the northeast portion of the existing Planned Unit Development Agreement #212 to allow an 8000 sq. ft. multi-tenant commercial development on property located at the southwest corner of Pole Line Road East and Locust Street North, aka 1434 Pole Line Road East. c/o Rex Harding, JUB Engineers on behalf of Twin Falls Holding Corporation (app.2450)

2. Request for a Non-Conforming Building Expansion Permit to allow expansion of an entrance canopy attached to a non-conforming building on property located at 1925 Kimberly Road c/o Lytle Signs, Inc. (app. 2451)

3. Request for a Special Use Permit to operate an indoor recreation facility in Space 9 of Building 4 at the Lynwood Shopping Center on property located at 1201 Filer Avenue East. c/o Rodney Waite on behalf of Laser Mania Family Fun Center (app. 2452)

I. CALL MEETING TO ORDER:

Chairman Bohrn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): MAY 10, 2011

2. Approval of Findings of Fact and Conclusions of Law:
   - Seth & Nolan Watte (SUP 05-10-11)

III. ITEMS OF CONSIDERATION:

1. Preliminary PUD presentation for a request for annexation and a Zoning District Change and Zoning Map Amendment from R-2 to C-1 PUD to allow for expansion of an existing religious facility and accessory uses, and to include a variety of light commercial and professional uses that are consistent with the land use designation of Urban village/Urban Infill as defined in the Twin Falls Comprehensive Plan and to allow for signage as allowed for non-residential uses on property located at 1631 Grandview Drive North. c/o Mike Smit on behalf of the Twin Falls Reformed Church (app 2458)

   - Chairman Bohrn read into the record a letter of support submitted by Brad Wills to the Planning & Zoning Commission, filed with the application.

APPLICANT PRESENTATION:

Mike Smit, representing the applicant, stated he is here to present information related to a request to rezone their property form R-2 to C-1. The main reason for the rezoning request is to allow for some signage that is currently not allowed under the R-2 zone. The rezone will give them the same opportunity afforded to the neighboring properties. The proposed use is in conformance with the City's Comprehensive Plan and is a logical step as it relates to this plan. The zoning designation being requested is compatible with the surrounding properties. As the owner of Fieldstone (Brad Wills) explained in his letter is working with the church and the extension of Cheney Drive. The intended use is nothing new, they are hoping to expand the facility if funds become available. The specific uses allowed are listed in the PUD Agreement , this is the preliminary presentation for the Commission prior to the public hearing. Approval of this request would allow the church to move forward with some signage they would like to construct.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated this is a request for Annexation with Zoning District Change and Zoning Map Amendment from R-2 to C-1 PUD, as described by the applicant . A public hearing regarding this request will be heard at the regularly scheduled Planning & Zoning Commission public meeting on Tuesday , June 14, 2011 further staff analysis will be given at that time.

PUBLIC COMMENT: OPENED & CLOSED WITHOUT PUBLIC CONCERN

P&Z DISCUSSION FOLLOWED: WITHOUT CONCERNS

PLANNING & ZONING PUBLIC HEARING SCHEDULED FOR JUNE 14, 2011

IV. PUBLIC HEARING ITEMS

1. Commission recommendation on a request for an amendment to the Kelly & Cohen Appliances, Inc., and Willard D. Ihler & Dorothy M. Ihler Planned Unit Development Agreement #212, recorded

September 22, 1998, to revise the Master Development Plan to include redevelopment of the northeast portion of the existing Planned Unit Development Agreement #212 to allow an 8000 sq. ft. multi-tenant commercial development on property located at the southwest corner of Pole Line Road East and Locust Street North, aka 1434 Pole Line Road East. c/o Rex Harding, JUB Engineers on behalf of Twin Falls Holding Corporation (app.2450)

- Chairman Bohrn read into the record a letter of concern submitted by Debra Guerra, Senior Council Harbor Freight Tools to the Planning & Zoning Commission, filed with the application.

APPLICANT PRESENTATION:
Rex Harding, JUB Engineers, representing the applicant, stated that this PUD Amendment application is coming before the Commission because when the PUD was approved one of the conditions was that if any change or development was planned and especially if the change was for the northeast corner of the property it would be brought back through as a PUD Amendment. This portion of the property currently has a home on it that has been used as an office until recently and there is a vacant area to the south of the home. The plan is to remove the home and incorporate these two areas into the PUD Agreement Amendment and build a multi-tenant complex approximately 8000 sq. ft. in size for two tenants. The accesses to the properties are existing and were established when the original PUD was approved and will not change. The business called Rosebuds Florist is south of where the new building will be constructed with an ingress and egress through the parking light of the Rosebuds Florist from the Locust Street North entrance as well as an ingress and egress to the new building from Pole Line Road East. There will be a parking lot along the front of the new building along Pole Line Road and a driveway that will go around the east side of the building for loading and unloading. Part of the construction will include striping the parking spaces allowing for 75 marked parking spaces. The request is that the Commission recommend approval of this change to the City Council.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for an amendment to the Kelly & Cohen Appliances, Inc and Willard D. Ihler and Dorothy M. Ihler PUD Agreement #212.

The request, if approved, would allow for modification of the Master Development Plan to include redevelopment of the northeast portion of the existing PUD #212 to allow an 8000 sq. ft. multi-tenant commercial development aka 1434 Pole Line Road East. The preliminary PUD presentation was presented to the Commission on May 10, 2011 with no concerns.

The current PUD Agreement was recorded in July 1998. The use language of the underlying "C-1" zone stated this agreement shall apply with regard to permitted uses, special uses and prohibited uses on the property as it was in the original PUD agreement. The landscaping requirements in the original PUD agreement were as per current City Zoning Ordinances and shall have a minimum 15 foot landscape buffer along Locust Street North and a minimum 30 foot landscape buffer along Pole Line Road as measured from the existing curb or future curb. Within the landscape buffer along Pole Line Road, 50% of the lineal footage of landscaping shall have

berms with a ridge elevation of at least 18 inches in height with at least 50% of the berming having a minimum ridge elevation of 30 inches in height. The landscaping requirement remains the same in the amended PUD Agreement. All other improvements have been completed per the original Kelly & Cohen Appliances, Inc and Willard D. Ihler and Dorothy M. Ihler PUD Agreement.

The original PUD Agreement stated the developer was to provide an acceptable storm water management/flood plain mitigation plan. A mitigation plan was provided and approved. Storm water seems to collect at the

northeast corner of the Harbor Freight (formerly Rex Tv & Appliance) parking lot. City Code 10-11-8(f) states that all commercial developments shall design and construct storm water retention facilities to retain the 50-year 24-hour rainstorm event. Due to the flooding that occurs after a bad rainstorm, storm water management should be reviewed for compliance.

The applicant is proposing the construction of an 8000 sq. ft. multi-tenant building. The Comprehensive Plan shows this area as commercial/retail. The proposed development of this property would comply with the Comprehensive Plan.

City Code 10-12-4.2(p)(1) states that pursuant to section 7-8-3, the use of the City's potable water supply as the primary source of irrigation water in all new developments shall be prohibited. For purposes of this subsection, the term "new development" means any new subdivision or PUD, or any development of any parcel of land of ¾ of an acre or larger that is not part of a subdivision or PUD.

Section 10-12-4.2(p)(3) states the City Engineer may authorize in specific cases a variance from the requirement of a pressure irrigation system, if not contrary to the public interest where, owing to special conditions, a literal enforcement of the previsions of this subsection would result in unnecessary hardship. Special conditions may include, but are not limited to, small developments in terms of acreage, developments without viable access to irrigation water delivery, or developments without Twin Falls Canal Company Water Shares. The proposed development has an existing well. Upon review the Engineering Department has determined that the applicant shall use the existing well for landscaping purposes of the proposed development.

There was a letter submitted from the Harbor Freight Tool company that was read into the record. This company is only a tenant in the existing building but they have expressed some concerns. Mr. Harding has spoken to them in the last few days and it seems there is not a concern with the original request for adding a building on this corner to make this a nice commercial site, however there are still some strong concerns from this tenant as well as the owner of the property with regards to parking and storm water retention on the lots. Staff has reviewed what the applicant is requesting and feel that this will be an improvement to this corner. However the tenant/property owner has expressed special concerns. Staff feels these issues need to be addressed prior to final development approval.

Zoning & Development Manager Carraway stated upon conclusion should the Planning & Zoning Commission recommend approval of this request staff recommends it be subject to the following conditions:

1. Subject to amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards, the amended PUD Agreement and the amended master development plan.
2. Subject to recordation of amended PUD Agreement #212, as approved by the City Council, prior to development of this site.
3. Subject to the use of the existing well instead of pressure irrigation system for landscaping purposes.
4. Subject to working out the outstanding issues as addressed in the letter submitted by Debie Guerra, Senior Council Harbor Freight Tools dated May 24, 2011 with the adjoining property owner prior to final approval of the PUD Agreement Amendments.

<u>P&Z COMMENTS/QUESTIONS:</u>

- Commissioner Schouten asked if there are any plans for the expansion of Locust in the next five years.
- Assistant City Engineer stated that an expansion is not planned for this collector street at this time nor in the near future.

- Commissioner Bohrn asked stated the letter that was submitted had questions about parking and traffic flow through the property. He asked how many spaces does the new building require and how many spaces will be left for Harbor Freight.
- Mr. Harding stated that 32 are required for the new building, there are 24 spaces in the new parking lot, one additional space added on the Harbor Freight property and 4 additional spaces at the south end of the Harbor Freight property and one parking space that will be moved to allow for traffic to flow through to the new facility, other than that there will not be any changes to their parking as it exists.

PUBLIC HEARING: OPENED

- Jeff Rolig, stated he was contacted Clack, Rex LLC the landlord for the tenant Harbor Freight Tools. He stated this is a prime commercial piece of property and this could have a large impact on this area. Currently there are no recorded cross use agreements for access or parking. His concern is that until the end of last week the client had no real idea of what was going on with the development and this amendment will have an impact on the tenants business and may impact the lease agreement. He is concerned with how the site will be managed during construction with the limited access and how the final development will impact the entire development. His client has asked that this request be held until these issues are able to be discussed, the client does have to sign off on the agreement before things can move forward and they have some serious concerns that need to be addressed.
- Richard Crowley, the applicant for this requested stated they have been trying for months to get the information to the necessary parties. Yesterday when he received the call from a lady in Chicago he explained the procedure for this request and explained that they are willing to work with the neighbors who will be part of this development. The parking will be shared for this development and it will add additional value to the property.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:
Mr. Harding explained there has been an additional driveway added in the Master Development Plan to help move traffic through north to south. The concern from the neighboring property was that this will add more traffic coming in from Pole Line Road. Mr. Harding explained that anyone that lives locally knows that access to the property is easier from the Locus Street access. His understanding is that a PUD Agreement allows for shared parking. The access is as it stands it was approved in the original PUD and plat and it will not change. There will be a chance for review of the Amended PUD Agreement and requires signatures from each property owner. The existing well will be used for irrigation and meet the requirement standards. The only things that have really changed in the amendment was the names of the owners and the descriptions of the uses allowed, and the master development plan to include the new building. Once the other property owners have a chance to review the agreement they will find there have not been any changes to the accesses, parking, storm water, or utility easements and its not a drastic change from the original agreement.

DELIBERATIONS FOLLOWED:
- Commissioner Schouten asked about the direction of the traffic through the driveway in front of Rosebuds and the size of the driveway.
- Mr. Harding explained the driveway width is 12 feet with a five foot sidewalk next to the building.

- Commissioner Schouten explained his concern is that if he was entering the property from the Locust Street access and someone was traveling through this driveway area there could be a problem.
- Mr. Harding explained that this driveway would most likely need to be designated as one directional probably going south would be the best.
- Commissioner Derricott asked how the last condition on staff recommendations would be enforced.
- Zoning & Development Manager Carraway explained that a PUD Agreement has to be signed by all the properties for it to be approved.
- Commissioner DeVore asked if the customers for the new building can use the parking on the Harbor Freight portion of the property since it is a separate parcel. If there is not an agreement for cross use of parking between the properties will the parking requirements be met.
- Zoning & Development Manger Carraway stated this is one of the concerns raised by the Harbor Freight Tool company and explained that in the original PUD Agreement it does not state that parking can be shared. Typically a PUD Agreement states that the parking is shared and originally this may not have been a concern. A condition requiring a cross use parking agreement could be added. The terms of agreement must be met for all the property owners to sign off and will need to be part of the agreement. If agreements for cross use are not met these lots will not meet the parking requirements. The development plan was based upon shared parking plan.
- Commissioner Jacobson asked if the fourth conditions was not added to the staff recommendations the agreement would still have to be approved by the property owners involved before it could move forward.
- Zoning & Development Manager Carraway stated yes that is correct.
- Commissioner Bohrn stated there are obviously lots of problems that have not been answered and is concerned with letting this move forward.
- Commissioner Schouten stated his concerned that this development will be a problem when future development of Locust Street takes place.
- Zoning & Development Manager Carraway stated this development plan meets the current code requirements.
- Commissioner Cope stated that he is concerned that some of these issues were not been addressed before the plan moved forward, maybe there should be more time for things to be discussed.
- Commissioner Bohrn stated his worried that the Commission isn't sending something through that is clean.
- Commissioner Derricott asked when the tenants at Harbor Freight Tools contacted the City because the original presentation was heard 2 weeks ago. If the notifications went out then it shouldn't be held up because the applicant proceeded through the process correctly.
- Zoning & Development Manager Carraway stated a public notice was sent out to the property owners as required.

MOTION:
Commissioner Derricott made a motion to recommend approval of this request to the City Council with staff recommendations. Commissioner Sharp seconded the motion. Commissioners Derricott, Jacobson & Sharp voted in favor of the motion. Commissioners Cope, Devore, Schouten, Borhn voted against the motion.

RECOMMENDED FOR DENIAL TO THE CITY COUNCIL
CITY COUNCIL PUBLIC HEARING SCHEDULED FOR JUNE 27, 2011

2. Request for a Non-Conforming Building Expansion Permit to allow expansion of an entrance canopy attached to a non-conforming building on property located at 1925 Kimberly Road c/o Lytle Signs, Inc. (app. 2451)

APPLICANT PRESENTATION:
Rex Lytle, the applicant stated he is making this request to improve the appearance of the building. This property has 100 feet across the front of the road and the rest of the property expands north. This change would improve the image. This location has 55 employees and there are 5 in the Meridian area and they would like to beautify the property. The building doesn't have a lot of frontage and sits within the existing setback, therefore it requires a non-conforming building expansion.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed exhibits on the overhead and stated the total property is approximately 2.8 (+/-) acres and is zoned C-1; highway commercial zoning district.
City Code 10-3-4 defines non-conforming buildings or uses as: "a building or use made nonconforming but which was lawfully existing or under construction at the time of adoption." In order to add to an existing legal non-conforming building it requires a public hearing before the Planning & Zoning Commission.

Lytle Sign's building has a current square footage of approximately 15,000 sq ft. the proposed expansion would increase the building by approximately 118 sq. ft. There is currently an awning over the main entrance and they would like to remove the awning and put in a new canopy structure with supports. The addition is not affecting the building interior and is not extending further south into the front setbacks than the existing awning. The new structure will have a facing of textured aluminum panels and aluminum panels will be added to other areas of the building façade to tie in the improvements. The total size of the addition is 18'4" tall by 15' wide by 7'10" deep.

The building is now considered non-conforming because it is within required front setback. The building setback from Kimberly Road is 80' from the centerline of the road. The building foundation is 72' from the centerline which equates to an 8' encroachment. The property line setback is 35' and the foundation is 18' from the property line.

The expansion will not create any additional traffic or need for any additional employees at this time. The expansion would not have any effects on adjoining property related to noise, glare, odor, fumes or vibrations. there will be no increase in or new functions, activities or tasks due to the proposed expansion.

The Commission has a number of considerations when reviewing a non-conforming building expansion permit, as stated in City Code §10-3-4(d). Some of those considerations include if the expansion is harmonious and appropriate in appearance with the general vicinity or if the expansion would have any adverse impacts to the neighborhood.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan 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 proposed expansion not extended further into the front setback than the existing building line.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERNS

CLOSING STATEMENTS:

- Mr. Lytle asked for clarification as to building code improvements that would be necessary because of the façade change.
- Zoning & Development Manager Carraway stated this is a cosmetic change and it would not trigger any improvements.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Schouten made a motion to recommend approval of this request to the City Council. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED, WITH THE FOLLOWING CONDITIONS

1. Subject to site plan 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 proposed expansion not extended further into the front setback than the existing building.

3. Request for a Special Use Permit to operate an indoor recreation facility in Space 9 of Building 4 at the Lynwood Shopping Center on property located at 1201 Filer Avenue East. c/o Rodney Waite on behalf of Laser Mania Family Fun Center (app. 2452)

APPLICANT PRESENTATION:
Jarrod Waite, opened this business in St. George, this location will be owned and operated locally by he and his wife and his parents. Twin Falls needs entertainment for kids and this location is within the Lynwood Shopping Center. The customer service will be essential to our success. There are two core tracks to this location one is the laser tag and the second attraction will be blacklight miniature golf. Each hole is separated from each other painted 3D and it is a lot of fun for the customers. They constantly update the games and avoid violent or obscene games. The main goal is to make it fun. They were recognized as the 2010 International Laser Tag Association for community involvement and operations. They have rewards programs to recognize good grades and make donations to different community and school groups. This will provide a safe environment for kids to have fun.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this request is to operate a family fun center which would include laser tag, glow-in-the-dark miniature golf, arcade games, and a party area. This type of use is classified as an indoor recreation facility. This property is zoned C-1; highway commercial district. A special use permit is required to operate an indoor recreation facility in this zone.

The narrative states the applicant plans on having three employees and will operate the business Monday Thru Thursday, 4:00 pm to 10:00 pm, on Fridays from 4:00 pm to 11:00 pm, and Saturdays from 11:00 am to 11:00 pm. the space is approximately 6500 sq. ft. and has multiple levels in the building. The applicants have contacted the Building Department about building permit requirements and are working on that process.

The site is located in the Lynwood Shopping Center. The parking requirement for a use such as an indoor recreation facility is 1 space per 250 sq. ft. of total floor area. This requirement is the same as retail sales which has been a use of this site in the past. There is no requirement for more parking.

The applicants expect a maximum of about 20 cars and up to 65 people per hour at the facility. The Lynwood complex should be able to accommodate 20 vehicles an hour and a maximum occupancy would be determined through the building permit process. There should not be a substantial impact to traffic as there is already a lot of traffic in the shopping complex.

There are no anticipated adverse impacts from the business. The use is compatible with the surrounding area as there are commercial uses throughout the Lynwood Shopping Center. The activities at the facility are inside an enclosed building in a central location in the Lynwood complex. There is not a concern by staff with the proposed hours as there is a 24-hour use in the complex and the location should have limited impact on residential areas near the site. The facility managers and operators have experience and a good reputation with this type of facility in another area. It will be providing a new business and opportunity for residents of the community.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant this request, as presented, staff recommends approval be subject to the following condition(s):

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to this Special Use Permit being for the operation of an indoor family recreation facility, as presented.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERNS

DELIBERATIONS FOLLOWED:WITHOUT CONCERNS

MOTION:
Commissioner Schouten made a motion to approve this request, as presented, with staff recommendations. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED, WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to this Special Use Permit being for the operation of an indoor family recreation facility, as presented only.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

Zoning & Development Manager Carraway gave the Commission an update on the property located at 1102 Kimberly Road with regards to compliance with the special use permit. As of today the property is in compliance and staff will continue to monitor the property.

The property located at 1105 Kimberly Road came through for a special use permit in December of 2010 for a drive through sandwich shop. The approval was subject to alternative landscaping and parking and maneuvering areas to be hard surfaced by June 1, 2011. The applicant want to update the Commission to let them know he may not meet the June 1, 2011 deadline but he is working with a contractor to get it done and it will be completed close to the deadline.

Chairman Bohrn asked staff to follow-up on the last billboard sign that was allowed in Twin Falls located on Washington Street South, the approval was contingent upon some type of landscaping to be put in around the base of the sign and there currently isn't any,

Zoning & Development Manager Carraway stated she will review this and report back to the Commission at the next meeting.

Zoning & Development Manager Carraway stated she has one other item to update the Commission on regarding the Zip-Line request. The County has approved the Zoning Title Amendment. The legal counsel for the City and the County have been discussing the procedures for code change amendments. Last week they have agreed there has been somewhat of a misunderstanding of the process. In 2004 there was an amendment to the Area of Impact Agreement with substantial changes, in the agreement it is unclear as to whether or not all Title 10 Zoning Title Amendments from that point on were automatically adopted or if each and every change required an ordinance approval by the County Commissioners. This process has not been complied with when the change impact a zone within the Area of Impact. The discussion is continuing with a plan to possibly bring through another Area of Impact Agreement amendment to clarify this issue and allow the City to act on the behalf of the County for Zoning Title Amendments with the information presented to the County as a consideration item but not an ordinance approval. This will take some time, therefore putting the Zip-Line request on hold.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for June 14, 2010

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 7:40 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
June 14, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS
CITY LIMITS:
Wayne Bohrn Chairman, Kevin Cope Vice-Chairman, Jason Derricott, Terry Ihler, V. Lane Jacobson, Jim Schouten, Chuck Sharp
AREA OF IMPACT:
Lee DeVore, R. Erick Mikesell
CITY COUNCIL LIAISON
Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS PRESENT:	PLANNING & ZONING MEMBERS ABSENT:	AREA OF IMPACT MEMBERS PRESENT:	AREA OF IMPACT MEMBERS ABSENT:
Bohrn			DeVore
Cope			Mikesell
Derricott			
Ihler			
Jacobson			
Schouten			
Sharp			

CITY COUNCIL MEMBERS PRESENT: Mills Sojka
CITY STAFF PRESENT: Carraway, Strickland, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to operate an indoor recreation facility to include dancing and pool tables operating with extended hours or operation of Wednesday, Friday & Saturday from 11:00 pm to 3:00 am in conjunction with an existing bar and grocery store on property located at 139 Shoshone Street North, c/o Afrim Hetemi. (app. 2455)
2. Request for a Special Use Permit to serve alcohol for consumption onsite and to operate a drive-through window in conjunction with an existing spa-beauty salon and restaurant on property located at 2221 Addison Avenue East, c/o Tony Valdez on behalf of Purity, LLC / A Coffee & Wine Affair. (app. 2456)
3. Request for a Special Use Permit to allow wholesale distribution and storage of hazardous chemical on property located at 2050 Eldridge Avenue East, c/o Julian Barlow on behalf of Don Wolverton. (app.2457)
4. Request for the annexation and a Zoning District Change and Zoning Map Amendment from R-2 to C-1 PUD to allow for expansion of an existing religious facility and accessory uses, and to include a variety of light commercial and professional uses that are consistent with the land use designation of Urban village/Urban Infill as defined in the Twin Falls Comprehensive Plan and to allow for signage as allowed for non-residential uses on property located at 1631 Grandview Drive North, c/o Mike Smit on behalf of Twin Falls Reformed Church. (app. 2458)
5. Request for a Special Use Permit to operate an in-home daycare on property located at 311 Trotter Drive, c/o Scott and Kelly Mason. (app. 2459)
6. Request for a Special Use Permit to construct a 1650 sq. ft. detached accessory building on property located at 343 Madrin Street, c/o Norman Lee Jones. (app. 2460)

I. CALL MEETING TO ORDER:

Chairman Bohrn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

MOTION:

Commissioner Cope made a motion to approve the consent calendar, as presented. Commissioner Schouten seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS:

1. Request for a Special Use Permit to operate an indoor recreation facility to include dancing and pool tables operating with extended hours or operation of Wednesday, Friday & Saturday from 11:00 pm to 3:00 am in conjunction with an existing bar and grocery store on property located at 139 Shoshone Street North, c/o Afrim Hetemi. (app. 2455)

APPLICANT PRESENTATION:

Afrim Hetemi stated he is here because he would like to have a dance floor and pool tables at his bar.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the property is located in the C-B P-1; commercial central business district with a parking overlay. The facility is a food store, including alcohol sales for consumption on the premises. Alcohol sales are permitted in the C-B Zone. The owner, Afrim Hetemi, took over operation of the business in 2008. There have been pool tables and a lounge area but the applicant would like to expand the services to include a dance floor and extended hours of operation on Wednesdays, Fridays, and Saturdays. City Code requires a special use permit to permit retail/trade uses to operate outside the hours of 7:00 am to 10:00 pm and for an indoor recreation facility. The applicant would like to extend the hours of operation to 3:00 am on the specified days.

The property is a 3000 sq ft space on the main level of the building. There is an entrance onto Shoshone Street North and from an alley adjacent to an Urban Renewal Agency parking lot in back. The building is built to the full extent of the property lines. There is an office to the south, above, and retail store to the north. The majority of these locations are vacant after allowed business hours and so additional hours would not be likely to affect adjacent businesses and there are not any surrounding residential uses.

There is direct access to the business from the parking lot in back. There are other facilities in the area that make use of public parking such as the Historic Ballroom. The P-1 parking overlay does not require parking for permitted uses but may in review of special uses. The property is not able to provide any on-site parking but is adjacent to public lots across the alley and across Shoshone Street. Charlie's Bar has had pool tables and music for a while and staff is not aware of any conflicts. The addition of a dance area and longer hours should not have a substantial effect on the surrounding area. The State of Idaho regulates the timeframes that alcohol can be served and all alcohol has to be cleaned up and service stops at 1:30 am. The business will have adequate employees and security to supervise and maintain order. The request is in compliance with the Comprehensive Plan which designates this area as Townsite and encourages a mix of uses.

Zoning & Development Manager Carraway stated upon conclusion that should the Commission approve this request as presented staff recommends the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to compliance with State, County, and City Alcohol licenses and regulations
3. Subject to this facility being allowed to operate until 3:00 am on Wednesdays, Fridays and Saturdays, as presented
4. Subject to operation of an indoor recreation facility including a dance floor and pool table, as presented

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Cope made a motion to approve the request as presented. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to compliance with State, County, and City Alcohol licenses and regulations
3. Subject to this facility being allowed to operate until 3:00 am on Wednesdays, Fridays and Saturdays, as presented
4. Subject to operation of an indoor recreation facility including a dance floor and pool table, as presented

2. Request for a Special Use Permit to serve alcohol for consumption onsite and to operate a drive-through window in conjunction with an existing spa-beauty salon and restaurant on property located at 2221 Addison Avenue East, c/o Tony Valdez on behalf of Purity, LLC / A Coffee & Wine Affair. (app. 2456)

APPLICANT PRESENTATION:
Tony Valdez stated he is the current owner of this property . These types of uses are uses that have had a special use permit approved before and think this request should be approved as well. It should have little impact to the surrounding properties and he asked that this be approved.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the property is located in the C-1; commercial highway district and the applicant is proposing to serve beer & wine to be consumed on site in conjunction with an existing spa, beauty salon and restaurant and to operate an drive thru window.

A Special Use Permit is required to serve alcohol for consumption on site where sold for properties within 300' of residential property, which applies to this location. A Special Use Permit is also required to re-establish the operation of a drive-through window. On May 31, 1994 Special Use Permit #0377 was approved for a drive-thru window in conjunction with the operation of a meat, produce and deli store subject to 2 conditions. In March of 1995 a special use permit was granted for the purpose of selling beer and wine by the drink or bottle and was also subject to 2 conditions. In June of 2003 another special use permit was granted for the purpose of selling alcohol for consumption on the premises with no additional conditions. Although both of these uses have been granted at this site in the past neither of these uses have operated at this site for several years. Under City Code

10-13-2.2 (I) states " a special use that has been discontinued for more than one year shall not be re-established without a new special use permit.

The applicant states in her narrative that 1 to 2 employees will be added to operate the drive-through window and to act as servers in the restaurant. The proposed hours of operation for the drive-through window are 7:00 am to 6:30 pm, with 6:30 pm being the regular closing time for the spa. The proposed hours of operation for the restaurant are 11:30 am to 9:00 pm. The applicant states that there will be no beer or wine available at the drive-through window.

There are not any anticipated negative changes in the impacts to the surrounding properties such as traffic, noise, odor, fumes, vibration or glare. There have been several businesses at this location that have utilized the drive-thru window and/or have served alcohol for consumption on site. The site is located at an intersection of two major arterials; Addison Avenue and Eastland Drive. A Certificate of Occupancy for a coffee and wine affair will have to be obtained before a Special Use Permit would be released and alcohol licenses can be obtained.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve this request as presented staff recommends the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to hours of operation being 7:00 am to 6:30 pm for the operation of the drive through window.
3. Subject to hours of operation being 11:30 am to 9:00 pm for the restaurant and the serving of alcohol for consumption on premises
4. Subject to compliance with State, County and City alcohol licenses and regulations prior to serving alcohol for consumption on site.

QUESTIONS/COMMENTS:

- Commissioner Sharp asked if the spa is running and they are adding this to the uses.
- Mr. Valdez explained that this exactly why they are making this request.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Cope made a motion to approve the request as presented. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to hours of operation being 7:00 am to 6:30 pm for the operation of the drive through window.
3. Subject to hours of operation being 11:30 am to 9:00 pm for the restaurant and the serving of alcohol for consumption on premises
4. Subject to compliance with State, County and City alcohol licenses and regulations prior to serving alcohol for consumption on site.

3. Request for a Special Use Permit to allow wholesale distribution and storage of hazardous chemical on property located at 2050 Eldridge Avenue East, c/o Julian Barlow on behalf of Don Wolverton. (app.2457)

APPLICANT PRESENTATION:
Julian Barlow, representing Thatcher Company, explained they are headquartered in Utah with six subsidiary locations; this is considered the food and dairy division. They supply chemicals for the food and dairy industry and waste water treatment facilities. The majority of the company's sales is through distribution and this location is vital to the operation of their business. The chemicals are used for sanitation purposes. Some of the chemicals are detergents and acids used to keep tanks and dairy equipment clean and are considered hazardous and some of the other chemicals are not hazardous. He stated, they have been at this location for eight years and were not aware that a special use permit was required. They have concerns with the inspection made by the Fire Department that prompted this special use permit request. In the review the Fire Inspector explained that anything over 500 gallons of corrosive chemicals would require secondary containment and automatic sprinklers, mechanical ventilation and things like that would be a concern because the chemicals are packaged in Salt Lake City, UT and they follow all standards with FDA inspections every year. The products are USDA approved. They would like to be able to obtain this permit without having to do secondary containment in the building because it would be a major expense. They have been communicating with another business in the same area Frontier Moving and Storage that lease space to various chemical companies and they were told that they were grandfathered in so they didn't have to meet the secondary containment requirements. They were there before the requirements. He stated they would like to be given the same allowances as Frontier Moving and Storage.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this property is zoned M-2, which is a heavy manufacturing zoning designation. The request is to allow operation of a wholesale distribution and storage of hazardous chemicals in a portion of an existing 15, 000 sq. ft. building. In the M-2 zoning district a Special Use Permit is required to warehouse hazardous chemicals.

If the permit is granted it would allow the applicant to continue to engage in the business of supplying products and services to food plants, dairy, industrial and agricultural operations. It is the quantity of the materials being stored on this site that make the materials hazardous as per the City's Fire Marshall.

The applicant currently leases 5,000 sq. ft. of warehouse space in an existing 15,000 sq. ft. warehouse. The owner occupies the remaining 10,000 sq. ft. The property boundary also includes a 6,000 sq. ft. warehouse for the storage of a classic automobile collection. There is also an outside RV storage business located on the property.

City Code 10-11-4(b) states all parking and maneuvering areas shall be hard surfaced with Portland concrete or asphaltic concrete surface material, except in the M-1 and M-2 zoning districts which may have a gravel surface subject to City development standards. The site has some existing asphalt for parking and maneuvering purposes as well as gravel.

The proposed site has existing landscaping which will be reviewed for compliance with the code during Certificate of Occupancy review.

The hours of operation are Monday thru Friday from 8:00 am to 7:00 pm. Traffic is usually company trucks loading and unloading, taking approximately one hour each time, six times per week. There are customers that pick up product approximately six times per week. The applicant states they have one full time and one part time employee. The applicant does not anticipate any changes in operation upon approval of this request.

To establish a hazardous material warehouse at this site is a "change of use" and as such a Certificate of Occupancy shall be required. A full review to assure compliance with codes and development standards shall

be completed as part of the building permit review process and prior to issuance of a Certificate of Occupancy and operation of business or residency.

Zoning & Development Manager Carraway stated upon conclusion sould the Commission approve this request, as presented, staff recommends the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to applicant being issued a Certificate of Occupancy for the warehousing of hazardous materials by September 16, 2011

PUBLIC HEARING: OPENED

- Don Wolverton stated he is the owner of the property and stated that the Thatcher company is a very professional operation and there is not a lot of public leaving and entering the building. He has not had any concerns with the business operating from this location.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Bohrn made a clarification that the Commission can only approve the use requested it is up to the applicant to follow-up to make sure the conditions are met for the use to be in compliance with current codes.

MOTION:
Commissioner Schouten made a motion to approve the request as presented. Commissioner Jacobson seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to applicant being issued a Certificate of Occupancy for the warehousing of hazardous materials by September 16, 2011

4. Request for the annexation and a Zoning District Change and Zoning Map Amendment from R-2 to C-1 PUD to allow for expansion of an existing religious facility and accessory uses, and to include a variety of light commercial and professional uses that are consistent with the land use designation of Urban village/Urban Infill as defined in the Twin Falls Comprehensive Plan and to allow for signage as allowed for non-residential uses on property located at 1631 Grandview Drive North, c/o Mike Smit on behalf of Twin Falls Reformed Church. (app. 2458)

APPLICANT PRESENTATION:
Mike Smit , representing the Twin Falls Reformed Church stated he is her to request annexation and rezoning of the church property to allow for continued expansion of the current facility and to be able to post signage that is not allowed under the current zoning designation. A variance to the current zone for signage was requested and denied. Therefore a rezone is being request to change from R-2 to C-1 PUD to allow for the signage. The surrounding properties are zoned C-1 and they would like to expand as necessary and as funds allow. They have no problems with the conditions recommended by staff and think this change would be a positive change and request that the Commission make a positive recommendation.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for annexation with a zone change from R-2, residential to a C-1 PUD. The property is 22.1 acres in size on the southwest corner of Pole Line Road West and Grandview Drive North. It is the location of the Twin Falls Reformed Church and the Magic Valley School for the performing arts.

This property is zoned R-2 in the City's Area of Impact (AOI). The church and school on the property were developed in accordance with R-2 standards and other applicable regulations. The property is bounded by City Limits on the eastern, western, and a portion of its southern boundaries and so it is able to request annexation. The facilities on site are served by City of Twin Falls Water and Sewer Utilities through an Out-of-City Services Agreement. Current City policy does not allow for Out-of-City Service Agreements and requires that properties must be within City Limits to receive services. Annexation of this property would bring it into compliance with current regulations. Twin Falls City Code Sections 10-15-1 and 10-15-2 require a hearing and recommendations from the Commission on Planning and Zoning Designations for areas proposed to be annexed. The City Council shall then hold an additional public hearing to determine whether the designated area should be annexed and if so what the zoning designation shall be. Section 10-15-2(a) states: "the Commission hearing shall not consider comments on annexation and shall be limited to the proposed Development Plan and Zoning changes."

City Code requires that the applicants make a preliminary PUD presentation to the Commission and to the public. This presentation allows the Commission and the public to become familiar with the project prior to the actual public hearing. At the presentation the applicant stated that the primary purpose for the change to zoning as part of the request is to allow for additional signage. The request would also allow for additional uses that would be auxiliary to the church and school on the site and for expansion of the existing facilities as budget allows.

The Comprehensive Plan calls out this property as Urban Village/Urban Infill. This long-range land use type does not have a current zoning district that corresponds to this classification. The applicant has proposed a C-1 zoning that is very limited to infill uses that are consistent with the Comprehensive Plan description of Urban Village/Urban Infill and that would be low-impact and complement the church and school. Staff feels that the uses listed in the PUD are generally in line with mixed-use infill development of the site. The remaining area outside of the developed portion and area proposed for expansion of the church is only about five (5) acres. Staff does have a concern that hotels and motels are permitted uses and there are a number of medical uses listed in the PUD including offices for Health Care Professionals, Clinics, Nursing and Assisted Living Facilities. The medical uses do not seem to be auxiliary to the church as the other proposed uses are, such as bookstores, parsonage, food sales, and offices. Staff would recommend that the medical uses and hotels/motels are removed from the PUD Agreement.

The church is currently restricted to the signage allowances for a non-residential use in a residential zone. For freestanding signs this limits them to a maximum height of 8' and 60 sq. ft. in size. Because of the properties frontage on major arterial roadways the church would like to have additional allowances to make their signs more visible. The PUD proposes a message center sign for the church on the northeast corner of the property and for an additional off-premise sign to be allowed on Pole Line Road to identify any future development on the southern portion of the property.

The landscaping requirements are similar to other PUD's in the area including a 20' wide buffer including landscaping and sidewalk along Cheney Drive West and any other future interior streets. Building heights would be limited to 35' in height. The applicants stated that land for half of the development for Cheney Drive West would be provided upon the time it is needed and its layout has been determined. Staff would recommend that commitment be stated as a condition of approval and included in the PUD Agreement. The applicant also indicated that the canal lateral on the south and west sides of the property be left in their current location as open channels. Staff would recommend that the state of the lateral be determined by the Twin Falls Canal Company and verbiage to this effect be included in the PUD Agreement.

Properties to the east and west are zoned C-1 PUD. The new St. Luke's Magic Valley Regional Medical Center just started operations to the east. The undeveloped southern portion of the property currently provides a buffer to residential property to the south. The provision for Cheney Drive West and a 20' wide landscape and sidewalk buffer would provide a transition to residentially zoned property to the south. The proposed zoning with staff recommendations should be a good transition to the area and provide for additional uses while maintaining the integrity of the site.

Zoning & Development Manager Carraway stated upon conclusion, should the Commission recommend approval of this request to the City Council, as presented, staff recommends the following conditions:

1. Subject to amendments as required by Building, Fire, Engineering & Zoning Officials to ensure compliance with all applicable City Code requirements and standards
2. Subject to the elimination of the permitted and special uses listed under "Medical Facilities" in the PUD Agreement and removal of "Motels and transient hotels" as permitted residential uses in the PUD Agreement Exhibit C.
3. Subject to recordation of a PUD Agreement, as approved by the City Council
4. Subject to dedication of half of Cheney Drive West when directed by the Engineering Department or upon platting.
5. Subject to the lateral on the south and west of the property being maintained and any development or alteration being reviewed and approved by the Twin Falls Canal Company.

PUBLIC HEARING: OPENED

- Brad Wills, 222 Shoshonse Street West stated he owns property adjacent and this a good use for this property. He has no issues with this request.
- Dee Smith stated he lives close by this property and he stated he has concerns because the uses shouldn't be commercial and making this City property would increase the taxes to the surrounding properties. He is not in favor of the request.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Schouten made a motion to approve the request as presented. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL
CITY COUNCIL PUBLIC HEARING SCHEDULED FOR JULY 11, 2011

1. Subject to amendments as required by Building, Fire, Engineering & Zoning Officials to ensure compliance with all applicable City Code requirements and standards
2. Subject to the elimination of the permitted and special uses listed under "Medical Facilities" in the PUD Agreement and removal of "Motels and transient hotels" as permitted residential uses in the PUD Agreement Exhibit C.
3. Subject to recordation of a PUD Agreement, as approved by the City Council
4. Subject to dedication of half of Cheney Drive West when directed by the Engineering Department or upon platting.
5. Subject to the lateral on the south and west of the property being maintained and any development or alteration being reviewed and approved by the Twin Falls Canal Company.

5. Request for a Special Use Permit to operate an in-home daycare on property located at 311 Trotter Drive, c/o Scott and Kelly Mason. (app. 2459)

APPLICANT PRESENTATION:
Scott Mason, the applicant stated they would like to operate an in-home daycare and they are currently going through the process to meet the requirements to provide this type of service. The home has a large fenced back yard that is safe for the children. It would operate Monday through Friday and have a small amount of impact on the local traffic for a short period of time during the day. There are off street parking spaces for the parents to drop the children off and pick them up. There should be minimal impacts to the surrounding properties. He stated that he provided a letter from a property appraiser that states small daycares do not impact property values. He would like to request that the condition allowing only 6 children be changed to allow up to 12 to avoid having to go through this process again and because up to 12 is allowed through the state.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this property is zoned R-2, single family and duplex residential zoning district. The request is to operate an in-home day care facility in an existing residence. A special use permit is required to operate an in-home daycare service in this zone.

A daycare service is defined in City Code 10-2-1 as:

Daycare service: services offered by persons who are paid to supervise or care for six (6) or more persons, including the resident children, but excluding those businesses or religious institutions which provide incidental daycare service for patrons or attendees while parents are on the premises. (ord. 2850, 2-21-2006)

An in-home daycare service is defined in City Code 10-2-1 as:
Daycare service in a home in which the provider lives full time and is the main on-site caregiver of the service. (ord. 2620, 8-2-1999; amd. Ord. 2850, 2-21-2006)

The applicants, Scott and Kelly Mason, reside at this residence and would be the main caregivers with no other employees on-the site. The hours of operation would be 7:30 am to 6:00 pm, Monday thru Friday. The applicants currently watches four (4) children, including their own. The applicants have stated they have not had any complaints.

The City did receive an inquiry regarding this property on April 28, 2011, that a day care was operating at this site. Upon inquiry the Mason's did have more than (4) children they were being paid to watch at this time due to a family member's daycare that was closed for that week and they were just helping by watching their day care kids. The Mason's have stated on their narrative they would like to be able to provide services for up to twelve (12) children, including their own.

The Mason's are tenants of this residence the property owners, have submitted a letter stating that they approve of the daycare on their property with some conditions.

The conditions include :
1. a maximum of six (6) kids, including their own kids would be allowed,
2. that they the property owners are not responsible for any injury;
3. that the Masons need to provide insurance for the daycare;
4. the Masons are responsible for any damage to the house;
5. they have to keep noise at a considerate level to the neighbors; and
6. their consent is for one year unless renewed.

As part of the State's Licensing process, daycares are required to be insured. The Mason's have committed to continuing to maintain the property and that they would be respectful of neighbors. There is a 6' solid fence around the backyard play area. This property is on a cul-de-sac road and so traffic may have more of an impact than on thru-streets. As the home owners have requested no more than six (6) children to be on-site then staff would recommend a condition that the daycare be limited to no more than six (6) children including the applicants' children.

The owner indicated that their consent is valid for a year unless renewed. Staff does not foresee any issues that would require Commission review in a year and so it would be acceptable to make the permit subject to the property owner's approval. So if the owner's were accepting of continuing the operation of the daycare then it could continue operating. If the owner's do not continue consent then the applicants would not be allowed to continue to operate in this residence. The applicants could apply at a different residence if they moved.

All Special Use Permits are subject to review and may be brought to the Commission to consider revocation should any issues arise. A standard condition the applicant comply with all state and local day care licensing requirements should be included if this request is granted this evening. Also, should this Special Use Permit be granted the applicant will also be required to acquire a Certificate of Occupancy through the building inspection department. The staff and Commission have typically required the day care to provide a minimum of two off-street parking spaces so that traffic from drop-offs and pick-ups can be done without disturbing the neighborhood street traffic. There is space in the driveway for two (2) vehicles and a two (2) car garage.

You also have in your packet two letters:

A public comment letter was received from a local real estate broker asking the Commissions consideration in making their decision regarding this request he stated he felt the impacts would be detrimental to adjacent property values if this day care request were to be granted.

The applicants also included a letter from another realtor that indicated that there is no market data that would indicate a loss in value to surrounding properties due to a small number of children being cared for on a property.

The City regulates businesses in homes to have as little impact on the neighborhood as possible. Home occupations are limited and require Commission review and approval and property owner notification to operate. Ideally, neighbors would not even know that a business was going on. There are twenty-one (21) licensed in-home daycares in the City and the City receives very few complaints.

There are no other anticipated adverse effects foreseen to adjoining properties. The property is surrounded by residential uses. There are not any anticipated impacts to the neighborhood from any glares, odors, fumes, vibrations, or other adverse conditions. The main impacts would be minimal traffic and the sound of children when playing outside which is typical to a residential neighborhood. Notice of this hearing was provided to the forty-nine (49) property owners within a 300' radius of the property. Signs are not allowed to advertise in-home day cares in residential areas.

A Special Use Permit for an in-home day care at this residence would only be valid for the applicant at this location and may not be transferable from one owner to another.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve this request, as presented, staff recommends the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

2. A maximum of six (6) children, including the caregiver's children, may be cared for under this permit at any one time.
3. The hours of operation to be from 7:30am to 6:00pm Monday through Friday.
4. Subject to compliance with all State and Local requirements to establish a day care facility, including receiving certification from the Idaho State Department of Health & Welfare and a Day Care Center License from the City of Twin Falls Fire Department prior to operation of the daycare.
5. Subject to being issued a Certificate of Occupancy from the City of Twin Falls Building Inspection Department for the in-home daycare prior to operation of the daycare.
6. Subject to the drive-way being left open for daycare traffic during business hours.
7. Subject to compliance with home-owner's conditions for operation.

PUBLIC HEARING: OPENED

- Donna Severance, 283 Trotter Drive, they feel this daycare will lower their home value. There has been increased traffic and noise since February do to the operation of a daycare. She is not in favor of this being approved.
- Leon Terry , 314 Paintbrush Circle, stated he wasn't concerned until they moved larger playground equipment into the back yard and is not sure how long this has been operating. He purchased his property in this area because it is more of a retirement area and the noise has impacted him from this property because of dogs and kids. Mr. Mason didn't indicate to him that they were operating an in-home child care when asked about all the activity going on .It is unfortunate that people have an expectation when they purchase property and that people can move in and change the entire atmosphere of the neighborhood. He is against this request.
- Linzy Trout, 2716 Paintbrush Drive, stated the idea of a daycare was brought to her attention when the owners of the property at 311 Trotter Drive called her and asked if she knew of a daycare being operated from the property. They were not aware of this but they did have to call animal control regarding the barking dog. The owners of 311 Trotter Drive asked her to let them know if she observed anything that looked like a daycare being operated from the property. The traffic has increased and play equipment has been added to the property. The tenants of the house introduced themselves to Ms. Trout and later Ms. Mason informed Ms. Trout that they would going to fight the complaints. She feels the applicant should have to follow the rules.
- Craig Cahan, 2716 Paintbrush Drive, stated he is currently trying to sell his property and his concerned that people coming by during the day will see a bunch of kids running around and will not be interested in the property. The close proximity in relationship to the other homes is detrimental to the area. He is against this request.
- Mike Alexander, a customer of the applicant, stated that his kids have been cared for by the Masons for a long time and the kids have received optimal care. This can't be too much of a nuisance because most of the neighbors were not aware daycare was happening until it was brought to their attention by another neighbor. He is in favor of this request.
- Christina Lott, stated her children has been taken care of by Mrs. Mason and that the care provided has been wonderful. The noise concerns can be addressed by the parents and traffic concerns can be addressed as well. As long as regulations are met there shouldn't be problems. She is for the request.
- Gary Stroder, 332 Paintbrush Circle, stated he is opposed to this request because it is a business operating in a residence. This has a large impact to the area with noise and traffic. He has observed up to twelve cars within the last week or so and he thinks the applicants are not being up front with how this daycare is operating. He asked that the special use permit be denied.
- Karen Stroder, 332 Paintbrush Circle, stated she and her husband Gary are adamantly opposed to the daycare being approved. She first discovered they first became aware that they were operating a daycare because of the considerable noise that was generated. They then contacted the City and were told they did not have a special use permit to operate and in home daycare. Since this time they have observed as many as eight children being dropped off and picked up on various occasions on different days. This has occurred even since the application was submitted on May 12, 2011. They have also

contacted the home owner and he was unaware of the daycare issue. The property owner indicated he would not be opposed to the daycare provided they didn't care for more than 6 six children including their own to reduce the number of people in the home. She would like to verify the number of children that reside there and asked that the daycare center be limited to no more than 6 children. Both the home owners and the City indicated that they wish to limit the number of children taken care of to six children. Since the applicants request they have observed more than 6 children numerous times. She also requested that restrictions for time outside be scheduled so that the neighbors may enjoy their time outside as well without the noise from the children. The Mason's have indicated that the hours of operation would be from 7:30 am to 6:00 pm but they have witnessed the children being at this property outside of the hours. This rental abuts several different properties of retirees not properties of people that are gone during the day. They would like to know who will ensure that the conditions listed on the special use permit will be adhered to when six of the seven conditions are still not being met. It is our opinion that this adversely impacts the value of their property and their lifestyle. It is disturbing to neighboring properties. She is opposed to the approval of this request.

- Sandra McGill, 281 Paintbrush Circle, stated she is the first one to have a home in this neighborhood and is concerned that this is more of a retirement area and the noise and traffic impacts them negatively.
- Phill Severance, 283 Trotter Drive, stated he is adjacent to this property, he is retired and there is a lot of noise because of the kids and the dogs. A commercial business shouldn't be allowed in this area. He hopes the request is denied.

CLOSING STATEMENTS:

- Mr. mason stated they moved in the home in November 2010 and have always watched a small amount of children. The additional children for a short period of time is what brought this to a head. The play sets were purchase at Costco and would remain there with or without the daycare. He wants to work hard to be a good neighbor and not have issues. He can provide a contact number for the neighbors.

DELIBERATIONS FOLLOWED:

- Commissioner Derricott asked how many children do they have of their own.
- Mr. Mason state he has two children that live under their care at home.
- Commissioner Cope stated he understands the applicant would like for the Special Use Permit to allow for more children however, he would have a difficult time approving that when the property owners have specifically request the limit be 6 children.
- Commissioner Lane asked for clarification between condition number #2 and #7.
- Zoning & Development Manager Carraway stated Special Use Permit Condition number #2 limits the number of children and Special Use Permit Condition number #7 was included on the list by the property owner. If there is a change in ownership #2 still limits the number of children allowed under this special use permit.

PUBLIC HEARING: CLOSED

MOTION:
Commissioner Cope made a motion to approve the request as presented. Commissioner Schouten seconded the motion. Commissioners Sharp, Schouten, Derricott, & Jacobson voted in favor of the motion while Commissioners Bohrn, Cope & Ihler voted against the motion. Motion passed 4-3.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. A maximum of six (6) children, including the caregiver's children, may be cared for under this permit at any one time.

3. The hours of operation to be from 7:30am to 6:00 pm Monday through Friday.
4. Subject to compliance with all State and Local requirements to establish a day care facility, including receiving certification from the Idaho State Department of Health & Welfare and a Day Care Center License from the City of Twin Falls Fire Department prior to operation of the daycare.
5. Subject to being issued a Certificate of Occupancy from the City of Twin Falls Building Inspection Department for the in-home daycare prior to operation of the daycare.
6. Subject to the drive-way being left open for daycare traffic during business hours.
7. Subject to compliance with home-owner's conditions for operation.

6. Request for a Special Use Permit to construct a 1650 sq. ft. detached accessory building on property located at 343 Madrin Street, c/o Norman Lee Jones. (app. 2460)

APPLICANT PRESENTATION:
Mr. Jones stated he has lived at this address for 42 years and would like to build a detached accessory building so that he can store his personal items. His plan is to remove the other buildings and have one large storage building. He asked that his request be approved.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this property is zoned M-2; heavy manufacturing district and is currently a residential property. While new residential development is not allowed in the M-2 zoning district due to code changes the code states that existing residential properties are to follow the R-6; residential multi-household district property development standards.

As you have just heard the applicant would like to construct a 1650 sq. ft. detached accessory building. Detached residential accessory buildings more than 1000 square feet require a Special Use Permit in this zone.

The property is .25 (+/-) acres and presently has a single family residence with an attached garage and a detached accessory building. Although zoned industrial the property is in a residential area and surrounded on three sides by properties that are residential. The property on the east side has commercial storage units and RV storage.

The applicant has indicated that they want to have this 30' x 55' detached accessory building for personal storage and that it will not be used for non-residential uses. The property has an existing garage and shop which will be removed prior to issuance of a building permit.

If this request is granted and prior to issuance of a building permit and construction the proposed structure and site improvements will be reviewed as part of the building permit review process. City Code 10-4-6.3(e) states building setbacks in the R-6 zone are (5') from the side property line and (15') from the rear property line for residential uses. However, City Code 10-4-6.3(e) 2&3(b) states that if a detached accessory building is more than 10' from the main building the foundation may be 3' from both side and rear property lines subject to any easements. The proposed site plan shows the building being 3' from the side and rear property lines. Property line setbacks will be reviewed as part of the building permit process.

City Code 10-11-4(b) states all parking and maneuvering areas shall be hard surfaced with Portland concrete or asphaltic concrete surface material except in the M-1 and M-2 zoning districts. The driveway to the existing garage is gravel. The remaining area from the proposed detached accessory building to the existing driveway may be gravel also, as approved through the building permit process.

There are other large detached accessory buildings on adjacent residential properties.
The request is in conformance with the Comprehensive Plan and should have minimal impacts to the surrounding neighbors if developed as presented.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve this request, as presented, staff recommends the following conditions:

1. Subject to building being used for non-commercial purposes only
2. Any lighting be downward facing and screened to mitigate possible impact to adjoining properties.
3. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
4. Subject to issuance of a building permit prior to beginning construction of the proposed detached accessory building

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Cope made a motion to approve the request as presented. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to building being used for non-commercial purposes only
2. Any lighting be downward facing and screened to mitigate possible impact to adjoining properties.
3. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
4. Subject to issuance of a building permit prior to beginning construction of the proposed detached accessory building

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION: NONE

VI. UPCOMING MEETINGS:
Next Planning & Zoning Commission public meeting is scheduled for June 28, 2011

VII. ADJOURN MEETING:
Chairman Bohrn adjourned the meeting at 7:36 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
June 28, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS
CITY LIMITS:
Wayne Bohrn Kevin Cope Jason Derricott Terry Ihler V. Lane Jacobson Jim Schouten Chuck Sharp
Chairman Vice-Chairman
AREA OF IMPACT:
Lee DeVore R. Erick Mikesell
CITY COUNCIL LIAISON
Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:	ABSENT:
Bohrn	Derricott
Cope	Schouten
Ihler	
Jacobson	
Sharp	

AREA OF IMPACT MEMBERS

PRESENT:	ABSENT:
DeVore	
Mikesell	

CITY COUNCIL MEMBERS PRESENT: Mills Sojka
CITY STAFF PRESENT: Strickland, Vitek, Weeks

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION: NONE

1. Approval of Minutes from the following meeting(s): June 14, 2011

2. Approval of Findings of Fact and Conclusions of Law:
   - Wolverton (SUP 06-14-11) Afrim Hetemi (SUP 06-14-11) Jones (SUP 06-14-11)
   - Purity, LLC (SUP 06-14-11) Mason (SUP 06-14-11)

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to operate a religious facility on property located at 226 Main Avenue North c/o Paul Jordan on behalf of Church on a Mission. (app. 2461) **WITHDRAWN**

2. Request for the Commission's recommendation for a Zoning Title Amendment which would amend Twin Falls City Code 10-12-2.3(I) and 10-12-2.4(I) relating to Preliminary and Final Plat approvals, length of the approval periods and extension of those approvals, c/o Developer's Council, Brad Wills, Chairman (app. 2462)

I. CALL MEETING TO ORDER:

Chairman Bohrn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

MOTION:

Commissioner Cope made a motion to approve the consent calendar, as presented. Commissioner Ihler seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to operate a religious facility on property located at 226 Main Avenue North c/o Paul Jordan on behalf of Church on a Mission. (app. 2461) **WITHDRAWN**

2. Request for the Commission's recommendation for a Zoning Title Amendment which would amend Twin Falls City Code 10-12-2.3(I) and 10-12-2.4(I) relating to Preliminary and Final Plat approvals, length of the approval periods and extension of those approvals, c/o Developer's Council, Brad Wills, Chairman (app. 2462)

APPLICANT PRESENTATION:

Brad Wills, could not be present for the meeting and asked that staff review the request for the Commission.

STAFF PRESENTATION:

Planner I Weeks reviewed the exhibits on the over head and stated City Council approved Ordinance 2012 on July 6, 1981which replaced Title 10 of the Twin Falls City Code in its entirety. There have been several changes to Chapter 12 which is the General Subdivision Provisions but no changes have been made to Title 10-12-2.3 (I) or Title 10-12-2.4 (I) the preliminary and final plat approval periods and extensions. The Developers Council is requesting that the approval period for the preliminary and final plats be extended from one (1) year to two (2) years and that the number of extensions be limited to a single two (2) year period. After four years the developer would be required to record the final plat and meet the City's requirements for bonding, financial guarantee, or placing the final plat in a trust agreement.

This is the first step of a Zoning Title Amendment approval procedure a request for a Zoning Title Amendment is initially made to the Planning & Zoning Commission. The Commission holds a public hearing to evaluate the request and to determine the extent and nature of the amendment. Upon conclusion of the public hearing the Commission makes a recommendation to the City Council, on whether or not to approve the request as presented, deny the request or approve the request with conditions and/or modifications. If the Commission recommends approval they assure that the request is compatible with the Comprehensive Plan. The City Council shall then hold an additional public hearing where they may approve the request as recommended by the Commission, deny the request, or remand the request back to the Commission for further proceedings. If approved an ordinance is prepared and at a later public meeting is adopted by the City Council. Once published the City Code is officially amended.

Planner Weeks I stated upon conclusion staff recommends the Commission recommend approval of the Zoning Title Amendment, as presented, to the City Council.

PUBLIC HEARING: OPENED & CLOSED WITHOUT CONCERNS

MOTION:
Commissioner Mikesell made a motion to recommend approval of this request to the City Council. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL
CITY COUNCIL PUBLIC HEARING SCHEDULED FOR JULY 25, 2011

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **July 12, 2011**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 6:08 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
July 12, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricott Terry Ihler V. Lane Jacobson Jim Schouten Chuck Sharp

Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:	ABSENT:
Bohrn	Cope
Derricott	Jacobson
Schouten	Ihler
Sharp	

AREA OF IMPACT MEMBERS

PRESENT:	ABSENT:
DeVore	
Mikesell	

CITY COUNCIL MEMBERS PRESENT: Mills Sojka

CITY STAFF PRESENT: Carraway, Strickland

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Request for the reactivation of Special Use Permit #1092, granted on May 13, 2008 to Bradshaw Homes for the purpose of constructing a triplex on property located at 592 Jackson Street, c/o Kevin Bradshaw (app 2223)

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to serve alcohol for consumption on site in conjunction with a restaurant on property located at 1703 Addison Avenue East c/o Michael Dougherty (app. 2463) **Rescheduled for July 26, 2011**

2. Request for the vacation of a portion of the Perrine Point Subdivision, including all dedicated public rights-of-way, easements and property lines consisting of fifteen (15) +/- acres of property for the purpose of re-platting. The Perrine Point Subdivision is located north and west of the intersection of Falls Avenue West and Grandview Drive North c/o EHM Engineers, Inc Gerald Martens on behalf of The Edmunds Group, LLC. (app. 2464)

3. Request for a Special Use Permit to allow construction of two banking facilities with two drive through windows on properties located at 452 & 476 Cheney Drive West. c/o EHM Engineers, Inc. Gerald Martens on behalf of Monarch Holding Company & First Federal Bank (app.2465)

I. CALL MEETING TO ORDER:

Chairman Bohrn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): June 28, 2011

Motion:

Commissioner Mikesell made a motion to approve the consent calendar, as presented. Commissioner Schouten seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. Request for the reactivation of Special Use Permit #1092, granted on May 13, 2008 to Bradshaw Homes for the purpose of constructing a triplex on property located at 592 Jackson Street, c/o Kevin Bradshaw (app. 2223)

APPLICANT PRESENTATION:

Kevin Bradshaw, the applicant, stated he is here to request the reactivation of Special Use Permit #1092. He does plan to do something with the property as soon as funds become available, with the current economy things have been put on hold.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this property is located at 588 Jackson Street and was split in December of 2006. The property split occurred prior to the Conveyance Plat was adopted in April 2007.

A Special Use Permit was issued on May 13, 2008 to allow construction of a tri-plex at 592 Jackson Street. The following conditions were placed on Special Use Permit #1092.

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. The 3 single car garages shall be used for on-site parking spaces only.
3. No personal outside storage allowed on-site, including but not limited to campers, boats, travel trailers, motorcycles, etc.
4. Subject to the Fire Lane being stripped and signed.

City Code Section 10-13-2.2 (I) states "... 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 changes." If the Commission determines there has been substantial changes they may call for a new Special Use Permit Application. If the Commission determines that the surrounding area and/or facts and circumstance have not changed since the Special Use Permit was approved they may reactivate the expired Special Use Permit by motion and a majority vote, subject to the same conditions of approval.

As it has been more than one year the Special Use Permit is void. The reason there has not been development is due to the economy. The applicant is asking for the Commission's consideration to allow the reactivation of Special Use Permit #1092, granted on May 13, 2008. The Special Use Permit is considered void as the tri-plex was not built within a year.

Zoning & Development Manager Carraway stated upon conclusion, staff recommends the Commission reactivate the Special Use Permit #1092, as presented, subject to the original four (4) conditions of approval.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

MOTION:
Commissioner Mikesell made a motion to approve the request as presented. Commissioner Derricott seconded the motion. All members present voted in favor of the motion.

SPECIAL USE PERMIT 1092 REACTIVATED, AS PRESENTED, SUBJECT TO THE ORIGINAL CONDITIONS:

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. The 3 single car garages shall be used for on-site parking spaces only.
3. No personal outside storage allowed on-site, including but not limited to campers, boats, travel trailers, motorcycles, etc.
4. Subject to the Fire Lane being stripped and signed.

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to serve alcohol for consumption on site in conjunction with a restaurant on property located at 1703 Addison Avenue East c/o Michael Dougherty (app. 2463) **Rescheduled for July 26, 2011**

1. Request for the vacation of a portion of the Perrine Point Subdivision, including all dedicated public rights-of-way, easements and property lines consisting of fifteen (15) +/- acres of property for the purpose of re-platting. The Perrine Point Subdivision is located north and west of the intersection of Falls Avenue West and Grandview Drive North c/o EHM Engineers, Inc Gerald Martens on behalf of The Edmunds Group, LLC. (app. 2464)

APPLICANT PRESENTATION:
Ken Edmunds, representing the applicant, state he is here tonight to request a vacation of the a portion of the final plat for the Perrine Point Subdivision. As part of the revision process this portion of the recorded final plat has to be vacated.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated on March 21, 2011 the City Council approved a PUD Agreement Modification for Perrine Point Planned Unit Development Agreement to allow modification of the architectural concept and to provide for an active adult residential community on 15 (+/-) acres within the R-6 zoned area of the Perrine Point Subdivision PUD subject to the following conditions:

1. Subject to PUD Agreement Amendments or Master Development Plan Amendments as required by Building, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards;
2. Subject to recordation of amendment to the Perrine Point PUD Agreement.
3. Subject to an Amendment of the Perrine Point Subdivision to reflect the change from attached single-family row house lots to allow for fewer and larger residential lots being designated for four-plex residential buildings and to require each four-plex residential building to be approved and recorded as a condominium plat prior to occupancy.

4. Subject to Engineering Department approval of the road configuration prior to recordation of the amended final plat.

This is a request to vacate a portion of the platted Perrine Point Subdivision. The plat was recorded on May 14, 2008. Once a plat is recorded the roads are dedicated, easements are dedicated and in order to change that according to state law is to go through a vacation process. As this plat has been recorded, the applicant is requesting to vacate dedicated public right-of-way, easements and property lines. The applicant is going to re-plat the 15 (+/-) acres that were designated for R-6 Zoning. The new configuration will conform to the R-6 Perrine Point PUD Amendment.

Zoning & Development Manager Carraway stated upon conclusion should the Commission recommend approval of the request, as presented, staff recommends the following conditions:
1. Subject to the amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to a letter of approval from each of the utility companies impacted by this vacation prior to approval/publication of the ordinance.

PUBLIC HEARING: OPENED
- Doug Gagliard, 1287 Falls Avenue West, and he stated he has questions about the lot sizes and is concerned that this will be a instant slum area.
- Chairman Bohrn explained that the plat prior to this has been revised and the lots are much larger with this amendment.

PUBLIC HEARING: CLOSED

MOTION:
Commissioner Schouten made a motion to recommend approval of this request to the City Council. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL, AS PRESENTED, TO THE CITY COUNCIL
CITY COUNCIL PUBLIC HEARING SCHEDULED FOR JULY 18, 2011

3. Request for a Special Use Permit to allow construction of two banking facilities with two drive through windows on properties located at 452 & 476 Cheney Drive West. c/o EHM Engineers, Inc. Gerald Martens on behalf of Monarch Holding Company & First Federal Bank (app.2465)

Commissioner Derricott stepped down for this request.

APPLICANT PRESENTATION:
Gerald Martens, EHM Engineers, Inc., representing the applicant, stated he reviewed the exhibits on the overhead. There are two addresses the lot to the left is where the facility will be constructed while a modular unit is being used on the second lot while construction is in progress. The traffic will enter off of Cheney Drive and loop around the north end of the property and back out to Cheney from the modular facility. The entry for the newly constructed building will be from Parkview Drive or Cheney Drive. This will be a First Federal Savings Bank and a multi-tenant building and will be a nice project once completed.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this property is located in the C-1 PUD North Have Phase 2 Subdivision. The applicant is proposing to operate a drive through window for two separate banking facilities located in proposed buildings on lots 12 & 13 block 2. A Special Use Permit is required to operate a drive through window in the C-1 Zone.

The proposed development of lot 13, block 2 of North Haven Subdivision is to construct a multi-tenant building. The building is to include a First Federal Savings Bank. The bank anticipates utilizing a two lane drive through window. One lane will be for the window and the other for an ATM Machine. During construction on the bank building, a modular bank will be placed on lot 12, block 2 of North Haven Subdivision. The modular building intends to utilize a single land drive-through window. The applicant is requesting a Special Use Permit for drive-through windows at both locations.

City Code 10-7-13, vehicle stacking requirements for drive through facilities, states that fast food restaurants and drive in banks require nine spaces, or such other number as approved by the Planning & Zoning Commission, but not less than six spaces. All others are required to have six stacking spaces.

This request is actually fairly unique in that we have two separate lots and there will be two separate buildings that will be placed on these lots. The City doesn't recognize temporary buildings so both of the buildings will be permitted as permanent buildings and will each have a drive through window. The circulation of traffic on the property should not be an issue and stacking of vehicles can be a minimum of six. Both lots 12 and 13, Block 2 of the North Haven Subdivision are currently undeveloped. A building permit has been issued for the modular building on lot 12. The site has been reviewed for compliance with City Code, the approval for a drive through window is the only hold up for finishing this building. The other building for the corner has not had a building permit issued yet, when it is it will be in compliance with all City Code.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve this request, as presented, staff recommends approval be subject to the following conditions:
1. Subject to site plan 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 operation of the drive-through window on the modular bank, proposed to be located on lot 12, not being operated until a Certificate of Occupancy is issued on building permit #11-1227.

PUBLIC HEARING: **OPENED & CLOSED WITHOUT PUBLIC CONCERN**

MOTION:
Commissioner Mikesell made a motion to recommend approval of this request to the City Council. Commissioner Schouten seconded the motion.

APPROVED, AS PRESENTED, SUBJECT TO THE FOLLOWING CONDITIONS
1. Subject to site plan 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 operation of the drive-through window on the modular bank, proposed to be located on lot 12, not being operated until a Certificate of Occupancy is issued on building permit #11-1227.

Commissioner Derricott returned to his seat.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION: NONE

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **July 26, 2011**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 6:30 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
July 26, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn **Chairman** | Kevin Cope **Vice-Chairman** | Jason Derricott | Terry Ihler | V. Lane Jacobson | Jim Schouten | Chuck Sharp

AREA OF IMPACT:

Lee DeVore | R. Erick Mikesell

ATTENDANCE

PLANNING & ZONING MEMBERS		**AREA OF IMPACT MEMBERS**	
PRESENT:	ABSENT:	PRESENT:	ABSENT:
Cope	Bohrn	Mikesell	DeVore
Derricott			
Ihler			
Jacobson			
Schouten			
Sharp			

CITY COUNCIL MEMBERS PRESENT: Mills Sojka

CITY STAFF PRESENT: Carraway, Vitek, Reeder, N. Miller

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

I. ITEMS OF CONSIDERATION:

1. Consideration of the Preliminary Plat of the K&L Subdivision, approximately .65(+/-) acres, consisting of 3 residential lots located at 776 Sparks Street North c/o EHM Engineering, Inc on behalf of Keith & Laura Detmer.

II. PUBLIC HEARINGS:

1. Request for a Special Use Permit to serve alcohol for consumption on site in conjunction with a restaurant on property located at 1703 Addison Avenue East c/o Michael Dougherty. (app. 2463)

2. Requests for a Special Use Permit to operate an Attorney's Office at property located at 727 Shoshone Street North c/o Kevin Cassidy. (app. 2466)

I. CALL MEETING TO ORDER:

Vice Chairman Cope called the meeting to order at 6:00 PM. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **NONE**
2. Approval of Findings of Fact and Conclusions of Law:
   - Monarch Holding-First Federal (SUP 07-12-11)

MOTION:

A motion was made and seconded to approve the consent calendar, without the meeting minutes.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. Consideration of the Preliminary Plat of the K&L Subdivision, approximately .65(+/-) acres, consisting of 3 residential lots located at 776 Sparks Street North, c/o EHM Engineering, Inc on behalf of Keith & Laura Detmer.

APPLICANT PRESENTATION:

Gerald Martens presented the request. He is representing the applicant, LAD Enterprises. The project is a small .65 acre piece of property on Sparks Street with an older residence and two deteriorating out buildings. They are proposing an infill project with three lots. One lot would be the existing residence, the other two would be for a single family residences or duplexes. They would add some sidewalk in the area and the existing out buildings would be removed prior to recording of the plat. He reviewed the report and staff recommendations and concurs with the recommendations.

STAFF PRESENTATION:

Zoning and Development Manager, Rene'e Carraway reviewed the exhibits on the overhead and stated the request was for consideration of the preliminary plat of the K & L Subdivision. The existing residence would remain at its location and the remaining property subdivided into two lots with duplexes. The minimum lot requirement in the R-4 zone is 4,000 sq ft for a single family residence and 7,000 sq ft for a duplex. This plat does comply with those requirements.

There is one (1) existing access to the property currently and an additional access is proposed on the north end of the property to accommodate the additional development. This has been accepted by the Engineering Department.

There is currently curb and gutter along Sparks Street fronting this subdivision. A detached sidewalk would be required prior to development on the property.

This is the first step of the plat approval process. A preliminary plat is presented to the Planning and Zoning Commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council.

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for medium density residential uses.

Upon conclusion, should the Commission approve the preliminary plat of the K&L Subdivision, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to existing accessory buildings to be removed prior to recordation of a final plat.
3. Subject to development of a detached sidewalk as part of subdivision construction and completed prior to recordation of the final plat.

PUBLIC COMMENT:

Marie Smith, 333 Robbins Street. The back of her property goes all along back property line of this property. There are two old buildings but also a 1465 sq ft steel building. She is concerned that when developed that there be a solid, child- and dog-proof fence between properties and access to canal water be maintained. She has a water share and neighbor is also dependent on water. Sparks is difficult to cross during the school year and this will contribute to traffic.

Mr. Marten stated that in regard to irrigation water- if there is a water delivery it has to maintained and it will be maintained. It will likely be piped. These lots will likely be for sale and so the buyer or developer of the lot would have to conform to all of the ordinances, standards, and requirements of developing a residence in the R-4 zone.

DELIBERATIONS FOLLOWED:

Commissioner Schouten had some concerns about duplexes on the lots and adding traffic across from the school. He would prefer to see single family but infill is good idea.

Commissioner Sharp asked staff if there would be enough parking for duplexes.

Zoning and Development Manager Carraway stated that it would be reviewed through building process and they would have to comply with parking requirements.

MOTION:

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

APPROVED, AS PRESENTED, SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to existing accessory buildings to be removed prior to recordation of a final plat.
3. Subject to development of a detached sidewalk as part of subdivision construction and completed prior to recordation of the final plat.

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to serve alcohol for consumption on site in conjunction with a restaurant on property located at 1703 Addison Avenue East, c/o Michael Dougherty. (app. 2463)

APPLICANT PRESENTATION:

Michael Dougherty, the applicant stated that he opened Saucy restaurant a few weeks ago. He wants to serve beer and wine with their lunch operation. He has done all the paperwork.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the property is zoned C-1, a commercial/retail zone. The applicant is proposing to serve beer and wine to be consumed on site. A Special Use Permit is required to serve alcohol for consumption on site where sold for properties within 300' of residential property - which applies to this location.

Some history on the site- The Planning and Zoning Commission granted a Special Use Permit in October 2003 to allow alcohol sales for consumption on site in conjunction with a restaurant. The SUP was approved without any conditions but an alcohol license from the City was never obtained. In September 2007, the Commission granted a request for a Special Use Permit for consumption of alcohol on site in conjunction with a restaurant, La Tortuga. That restaurant opened and operated for about a year. And in March 2008, a Special Use Permit was granted to the Party Center to operate an equipment rental business at this location and no alcohol license was involved in this business.

There is anticipated to be two to four employees, depending on the time of day. The anticipated hours of operation are 11:00 am to 5:00 pm Monday through Saturday

The use on this site has generally been restaurant uses which have a different parking requirement than a retail use. City Code 10-10-3 states eating places shall have one parking space per four seats or eight feet of bench. The site plan indicates there are 26 parking spaces provided- which does meet parking requirements.

No new construction has been proposed and since the use is going back to a restaurant and not a "change of use" therefore the code does not require any additional site improvements at this time.

Should this request be granted, any signage that is not already approved by permit would need to be reviewed by the Building Department as a sign permit may be required.

The applicant will also have to receive alcohol licenses from the State of Idaho, Twin Falls County, and Twin Falls City to be able to serve alcohol.

The anticipated impacts of this business to the surrounding area would be minimal and the use is in compliance with the Comprehensive Plan which designates this area as neighborhood center.

So in conclusion, should the Commission approve this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to compliance with State, County, and City alcohol licenses and regulations.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Sharp asked if the yurt was going to be used?
- Michael Dougherty said they would possibly be using it.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

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

APPROVED, AS PRESENTED, SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and Standards.
2. Subject to compliance with State, County, and City alcohol licenses and regulations.

2. Requests for a Special Use Permit to operate an Attorney's Office at property located at 727 Shoshone Street North, c/o Kevin Cassidy. (app. 2466)

APPLICANT PRESENTATION:

Kevin Cassidy, 727 Shoshone Street North. He explained he is a partner in Roark Law Firm. The primary office is located in Hailey and they opened an office in Twin Falls since 1998. They looked at property previously but the price has gone down and Mr. Cassidy is moving to run the Twin Falls office. He is living in residence and operating office on main floor for himself and two partners in Hailey that will periodically come here to do business. There are three rooms upstairs- two bedrooms and a living room space and one bathroom.

On page 1 of staff report – there were comments about continuing with the building permit process. They are not doing any additional construction. He contacted Jon in the Building Department and he checked the Certificate of Occupancy and it was approved for the use in 2007. He thinks they have complied with that concern. The second concern was regarding adequate parking. A striper came in yesterday and striped the handicap-accessible stall and 6 stalls. The requirement for a 1500 sf office and residence is 7 spaces. Mr. Cassidy explained the floor plan of the building. About 250 sq ft of the main level space is a kitchen that will be associated with the residence. There will be two offices, a reception area, and a conference room. He would like six (6) spaces to be considered. He can have the stacked parking lined in if the commission wants. They also use the garage. He doesn't anticipate parking to be a problem. Partners are down usually once a week for a few hours. There would likely be two clients at the most at a time.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the property is Zoned R-4 PRO P-3. This is a residential zone with a professional office overlay and with a P-3 parking overlay. A special use permit is required to operate a professional office in this zone and an attorney's office is considered a professional office and that is why it is coming forward this evening.

There have been permits issued on this property for professional offices on this property in the past. There was a Certificate of Occupancy in July 2007, however the professional office was never established.

The applicant anticipates 2-3 employees with hours of operation typical to an office, 9:00 am to 5:00 pm, Monday through Friday. The main floor of the building occupancy is an office and a residence upstairs. He has come in and spoken with our Building Department- Jon did review some items with him.

As to the situation with parking, the Commission does have the authority to issue variances through a public hearing process. At this time parking would be determined per Code. If this became an issue at a future time then the applicant could move forward with a variance request and the Commission could make a decision through a public hearing process.

The Building Department did review the upstairs plans. There was originally thought to have offices upstairs but due to the stairwell and other building code issues that wasn't possible. The residential part of the property can continue to be used as long as it is occupied by an owner or employee of the business, which it is the intention in this request. The building does not have a dual occupancy rating- at this point it is a professional office that has someone living there. For clarification it is a professional office, not a professional office downstairs and a residence upstairs.

There are pictures in the packet and show there has been a lot of work on the property in terms of paving, storm water retention, and landscaping. In our review of the site it does appear to meet those conditions and seems to be in compliance. The Commission cannot wave a parking requirement.

Upon conclusion, should the Commission approve this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan 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 parking spaces being painted.
3. Subject to the applicant receiving approval from the Building Department for a residential unit upstairs prior to occupancy.

QUESTIONS/COMMENTS:

Commissioner Cope asked if the seventh parking space could be stacked?

Planning and Development Manager Carraway indicated that since there are people living there then there could be stacked parking per the approved parking plan.

PUBLIC HEARING: **OPENED & CLOSED WITHOUT PUBLIC CONCERN**

DELIBERATIONS FOLLOWED: **WITHOUT CONCERNS**

MOTION:

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

APPROVED, AS PRESENTED, SUBJECT TO THE FOLLOWING CONDITIONS

1. Subject to site plan 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 parking spaces being painted.

3. Subject to the applicant receiving approval from the Building Department for a residential unit upstairs prior to occupancy.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

Zoning and Development Manager Carraway gave the Commission an update from the previous day's City Council meeting. The Council approved the code amendment regarding plat time limitation for approval periods and one-time extension. The ordinance was approved and should be going to publication next week and will then become code.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **August 9, 2011**

VII. ADJOURN MEETING:

Vice Chairman Cope adjourned the meeting at 6:29 pm.

Amber Reeder

Amber Reeder
Planner I
Planning and Zoning Department

MINUTES
Twin Falls City Planning & Zoning Commission
August 9, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS
CITY LIMITS:
Wayne Bohrn Kevin Cope Jason Derricott Terry Ihler V. Lane Jacobson Jim Schouten Chuck Sharp
Chairman Vice-Chairman
AREA OF IMPACT: **CITY COUNCIL LIAISON**
Lee DeVore R. Erick Mikesell Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:	ABSENT:
Bohrn	Ihler
Cope	
Derricott	
Jacobson	
Schouten	
Sharp	

AREA OF IMPACT MEMBERS

PRESENT:	ABSENT:
Mikesell	DeVore

CITY COUNCIL MEMBERS PRESENT:
CITY STAFF PRESENT: Carraway, Strickland, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Consideration of the Preliminary Plat of Crowley's Corner Subdivision, 0.88 (+/-) acres consisting of two (2) commercial lots and located at the southwest corner of Pole Line Road East and Locust Street North aka 1434 Pole Line Road East, c/o JUB Engineers/Rex Harding on behalf of Twin Falls Holding Corp.

IV. PUBLIC HEARINGS: NONE

I. CALL MEETING TO ORDER:

Chairman Borhn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **July 12, 2011 & July 26, 2011**

2. Approval of Findings of Fact and Conclusions of Law:
   - K&L Subdivision (pre-plat)
   - Michael Dougherty (SUP)
   - Kevin Cassidy (SUP)

MOTION:
Commissioner Schouten made a motion to approve the consent calendar as presented. Commissioner Derricott seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. Consideration of the Preliminary Plat of Crowley's Corner Subdivision, 0.88 (+/-) acres consisting of two (2) commercial lots and located at the southwest corner of Pole Line Road East and Locust Street North aka 1434 Pole Line Road East, c/o JUB Engineers/Rex Harding on behalf of Twin Falls Holding Corp.

APPLICANT PRESENTATION:
Rex Harding, JUB Engineers, representing the applicant stated they are here to request approval of the Crowley's Corner Subdivision preliminary plat. The property is located at the southwest corner of Locust Street North and Pole Line Road East. The northern portion of the property is currently vacant and the southern portion of the property is occupied by a commercial business named Rosebuds Florist. The property is zoned C-1 PUD the plan is combine the northerly portion and southerly portion into one lot for a commercial development. The platting process will also require right of way to be given to the City of Twin Falls. Access to the lots consists of two different locations, Locust Street North and Pole Line Road East, no additional access is being proposed.

The utilities for this property are already available; water services were paid for when the original Rex Subdivision was approved, power is already available and the overhead power will be brought to the lot underground. Run off/retention will be retained on lot 1 at the northern edge. The western half in the southern portion already has retention and there is established retention for Harbor Freight the lot adjacent.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the request on the overhead and stated the preliminary plat for the Crowley's Corner Subdivision includes .88 acres and is zoned C-1 PUD.

This is a request to plat two (2) lots for commercial development incorporating an additional lot into the plat. The site is located on the southwest corner of Pole Line Road East and Locust

Street North. The proposed lot has an existing commercial retail business and the lot that is being incorporated into the plat is currently vacant.

Curb gutter and sidewalk exist along Pole Line Road East and Locust Street North. Upon review by the Engineering Department it has been determined that the developer could be allowed a deferral agreement for the installation of curb, gutter and sidewalk along Locust Street North until such time the street is widened. There is an existing access easement to the property from an approach off Pole Line Road East on the lot to the west. There is an existing access easement to the property on the west from an approach off Locust Street North. The easement off Locust Street North is proposed to be modified and some parking easements added. The developer will be responsible for executing a cross-use access, parking, utility and storm water drainage agreement between Lots 1 and 2 of the proposed subdivision.

City Code 10-1-1.2 (P)1 stated that the use of City's potable water supply as a primary source of irrigation water in all new developments shall be prohibited. City Code 10-12-1.2(P)3 authorizes the City Engineer to grant a variance from the requirement of a pressure irrigation system. The existing lot in the northeast corner of the proposed subdivision has an existing well. The developer has indicated they will use the existing well for non-potable water. Upon review of the proposed plat it was determined by the City Engineer that the applicant will not be required to construct a pressure irrigation system as long as the existing well is operable.

The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for medium density residential uses.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the preliminary plat of Crowley's Subdivision-a PUD, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to a cross-use agreement between Lots 1 and 2 of the proposed subdivision for access, parking, utilities and storm water drainage being recorded before final plat recording.
3. Subject to a deferral agreement being obtained for construction of Curb, Gutter and Sidewalk along the Locust Street North frontage.

P&Z QUESTIONS/COMMENTS:

- Commissioner Sharp asked about the setback requirements and if the 7' right of way dedication is going to put the building even closer to the intersection once the road is widened along Locust Street North.
- Zoning & Development Manager Carraway explained that setback requirements have to be met to accommodate both the building and all of the development requirements.

PUBLIC HEARING: OPENED

- Jeff Rolig, Attorney, representing Harbor Freight explained that his client occupies the building located to the west of this proposed development. He stated his client has several concerns but that progress has been made between the two parties. His clients enquired about signage and received a sign plan proposal this afternoon from JUB Engineers. He reviewed the original Rex Subdivision Plat on the overhead and the Amended Rex Subdivision Plat explaining that on each of these plats there is a

designated parking easement identified on both drawings but that in the newly proposed plat this had suddenly disappeared. His client is concerned that they have lost the parking easement with this proposed change. Their lease is contractually based on making a certain amount of income and the additional traffic for the new development could impede their customers access to their store. The parking issue could be detrimental to the Harbor Freight business.

He presented a memo to the Commission asking that an additional condition for approval be added to this plat requesting that the following condition be added to the approval of the preliminary plat:

1. Subject to negotiation and acceptable resolution with the property owner of the adjacent parcel to the West of the subject property, of parking and traffic directional patterns on the subject property prior to elimination of or interference with existing parking and access easements

- Chairman Bohrn requested input from the City Attorney Wonderlich regarding the easement that has been mentioned in the testimony and how this impacts the request.
- City Attorney Wonderlich stated he has reviewed this information and there is a parking easement on the plat however there are not notes indicating the reason for the easement or who should benefit from the easement. It is not an issue that the Commission would be responsible for deciding and approval of the preliminary plat doesn't indicate that the easement has been removed.
- Commissioner Schouten asked if the access easement on Pole Line Road East could be any closer to Locust Street North.
- Assistant City Engineer stated that this access cannot be moved and single directional flow onto and off of the property would not be beneficial to either property. There is going to be an additional 7 foot dedication for future development of Locust Street North which is another reason the access cannot be moved.
- Commissioner Derricott asked if the parking at the Harbor Freight location is adequate for the use.
- Zoning & Development Manager Carraway stated the lot is designated as commercial and met the requirements when it was originally developed. She explained that this request tonight is for plat approval and the development is not under review during this process.

PUBLIC HEARING: CLOSED

MOTION:
Commissioner Derricot made a motion to approve the request as presented. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to a cross-use agreement between Lots 1 and 2 of the proposed subdivision for access, parking, utilities and storm water drainage being recorded before final plat recording.
3. Subject to a deferral agreement being obtained for construction of Curb, Gutter and Sidewalk along the Locust Street North frontage.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION: NONE

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **August 23, 2010**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 06:22 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
August 23, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS
CITY LIMITS:
Wayne Bohrn Kevin Cope Jason Derricott Terry Ihler V. Lane Jacobson Jim Schouten Chuck Sharp
Chairman Vice-Chairman
AREA OF IMPACT:
Lee DeVore R. Erick Mikesell
CITY COUNCIL LIAISON
Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:	ABSENT:
Bohrn	Schouten
Cope	
Derricott	
Ihler	
Jacobson	
Sharp	

AREA OF IMPACT MEMBERS

PRESENT:	ABSENT:
DeVore	
Mikesell	

CITY COUNCIL MEMBERS PRESENT: Mills Sojka
CITY STAFF PRESENT: Carraway, Miller, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Preliminary PUD presentation for a Zoning District Change and Zoning Map Amendment from R-4 PRO to R-6 PUD for 8.5 (+/-) acres to allow for a college apartment complex on property located between 140-250 Block of Falls Avenue West and Robbins Avenue West c/o College of Southern Idaho represented by Mike Mason. (app. 2474)

IV. PUBLIC HEARINGS:

1. Request for a Special Use Permit to operate a religious facility on property located at 134 Hansen Street East c/o Pastor Paul Jordan on behalf of Church on a Mission (app.2467)

2. Requests for a Special Use Permit to serve alcohol for consumption on-site in conjunction with an existing restaurant/grocery store on property located at 404 Addison Avenue West c/o Yip C Tse (app. 2468)

3. Request for a non-conforming building expansion permit to add 115 (+/-) sq. ft. to an existing non-conforming building on property located at 1733 Addison Avenue East c/o Pizza Hut #2179/NPC International (app. 2469)

4. Request for a Special Use Permit to allow a detached accessory building larger than 1000 sq. ft (1600 sq. ft.) on property located at 620 Orchard Drive West c/o Alphonse Gamache (app. 2470)

I. CALL MEETING TO ORDER:

Chairman Borhn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **August 9, 2011**
2. Approval of Findings of Fact and Conclusions of Law:
   - Crowley's Corner (pre-plat)

MOTION:

Commissioner Derricott made a motion to approve the consent calendar, as presented. Commissioner Cope seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION: NONE

1. Preliminary PUD presentation for a Zoning District Change and Zoning Map Amendment from R-4 PRO to R-6 PUD for 8.5 (+/-) acres to allow for a college apartment complex on property located between 140-250 Block of Falls Avenue West and Robbins Avenue West c/o College of Southern Idaho represented by Mike Mason. (app. 2474)

Commissioner Derricot stepped down.

APPLICANT PRESENTATION:

Mike Mason, Vice President of Administration, representing the College of Southern Idaho state the College of Southern has made an offer to purchase property located between Falls Avenue West and Robbins Avenue West. He is here tonight to present a request for a rezone of this property from R-4 PRO to R-6 PUD to allow for the construction of a student housing complex. The property is southwest of the college and adjacent to the Sawtooth Surgery Center. The request is in compliance with the Comprehensive Plan. The property is located within walking distance of the campus and will consist of approximately 40 (2 bedroom apartments) with 84 parking spaces. They will have to work with the Fire Department regarding fire access and all other building and project plans will meet City Code requirements.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated this is a preliminary presentation for a request for a Zoning District Change & Zoning Map Amendment from R-4 PRO to R-6 PUD for 8.54 (+/-) acres to allow for a college apartment complex and future expansions on property located between the 140-250 blocks of Falls Avenue West and Robbins Avenue West.

Staff makes no recommendations at this time. A public hearing regarding this request will be heard at the regularly scheduled Planning & Zoning Commission public meeting on Tuesday, September 13, 2011 Further staff analysis will be give at that time.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

PLANNING & ZONING PUBLIC HEARING SCHEDULED FOR SEPTEMBER 13, 2011

Commissioner Derricot returned to his seat.

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to operate a religious facility on property located at 134 Hansen Street East c/o Pastor Paul Jordan on behalf of Church on a Mission (app. 2467)

APPLICANT PRESENTATION:

Pastor Paul Jordan, representing Church on a Mission, stated they are requesting to be able to operate a religious facility on property located at 134 Hansen Street East. The congregations consists up approximately 20-30 people and currently meet at Heritage Assisted Living. They believe the church would be an asset to the downtown area and believes that there is not a lot of activity on Sundays and that by bringing people to the area for services it will give people a reason to visit the area. The space is approximately 3125 sq. ft. they will operate on Sunday from 10:00am to 12:30pm and also on Wednesday nights at 6:30 for Bible Study. This use fits the area, there is parking available across the street and behind the building and will be readily available during their hours of operation. They do not anticipate any negative impacts to the surrounding properties and request that the Commission approve this request.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated this is a request to establish a religious facility at 134 Hansen Street East. The property is zoned CB; commercial central business and is within a P-1; parking overlay which means that there is no parking required for businesses in this zone. The building is approximately 3125 sq. ft. lot size is 6250 sq. ft. and they plan to only use a portion of the building. The hours of operation will be a couple of hours on Wednesday and Sunday. Attendance expected is a maximum of 30 people and parking should not be a concern during the hours they propose to operate. The building was previously used as an office and to use the space as a religious facility may require a change of use through the Building Department. A change of use application has been submitted to the Building Department and is currently being reviewed to ensure the building meets code for the type of use planned for the building and some modifications may be required in order to receive a Certificate of Occupancy.

The Comprehensive Future Land Use Map designates this area as Townsite, this plan emphasizes maintaining the charm and character of the downtown area as one of its major goals. However vacant buildings often deteriorate and their charm and character are lost over a short period of time. While there is a desire to maintain existing businesses and redevelop the downtown area to increase commercial uses and traffic to the area there is some concern that to redevelop a commercial space into a church in the downtown area may not be considered an ideal redevelopment project especially because the facility will be closed for most of the week and not generating customer traffic. However, there have been other churches approved in the downtown area and the applicant believes that by locating the church in this area it will encourage the congregation to support businesses downtown after services. An occupied building will also be maintained and produce some activity in the area.

Zoning & Development Manager stated upon conclusion should the Commission approve this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to a Certificate of Occupancy being issued by the Building Department for a church in the building prior to operation.

PUBLIC HEARING: OPENED

- David Woodhead, 251 5th Avenue East, stated it may be too late to close the barn door because we have already allowed other churches to operate in the downtown area. This seems to be the route Main Street is going in and this decision will just turn the place into a "Holy Ghost Town". His issue is when someone wants to open a bar or restaurant to serve alcohol, beer or wine they are prohibited to do so within 300 feet of a church or school. He understands that a municipality can override this rule. He is concerned that the 300 foot rule will prevent any new businesses to operate and sell alcohol with all the churches located in the area. The number of vacancies is increasing and this will make it even more difficult for new restaurants or bars to move into the area and may even prevent someone from even considering the downtown location because of the 300 foot rule. He doesn't see this as the right direction for downtown to move.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated he is going to continue to say the same thing over and over again, if they ever expect to revitalize downtown Twin Falls can't keep allowing churches to operate in this area. He knows that the Commission cannot rule against the request or zone against it, but the plan for this area calls for commercial development and every time we approve a special use permit for this type of use we are contradicting the Comprehensive Plan and going against what we would like to see for this area. He said he cannot vote in favor of this type of request, they want to revitalize downtown it is going to have to be done through other means besides churches that are closed 60 out of the 70 available hours of operation. You cannot revitalize an area with a nonproductive use.
- Commissioner Cope stated he agrees with Commissioner Mikesell but at the same time no one is banging down any doors to take up any space down in this area, millions of dollars have been spent on plans for the area and until something changes what do you do. There are not any bars along Main Street and nothing is happening in the area. There is just no one here to do it.
- Commissioner Mikesell explained he doesn't know what can be done but as long as we keep settling for anything people are not going to want to invest. There has to be something major like a 30 foot building brought in to bring attention to the area, we just can't settle. If a business from Atlanta comes in a looks at the area to build a shopping center they are going to look at the three churches located on three square block and see an atmosphere that is not going to provide them with the growth and activity they want to support their business. It will appear that there is no activity in the area and that may be what they are looking at now.
- Commissioner Bohrn stated if that much money comes to town they would work on relocating the churches. He thinks that if someone can go into a building and maintain it in this economy should be welcome.
- Commissioner Jacobson stated he thinks part of the problem is we are stuck because of the zoning regulations. He doesn't see how the Commission can prove that this use is in conflict with the Comprehensive Plan. The duty of the Commission is to apply what is in the code and there have not been any arguments that show this use is in direct conflict with the Comprehensive Plan.
- Commissioner Bohrn stated we are also here to support our citizens.

MOTION:

- Commissioner Derricott made a motion to approve the request , as presented, with staff recommendations. Commissioner Sharp seconded the motion. Commissioners Bohrn, Cope, DeVore, Sharp, & Derricott voting in favor of the motion and Commissioners Ihler, Jacobson, & Mikesell voting against the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to a Certificate of Occupancy being issued by the Building Department for a church in the building prior to operation.

2. Requests for a Special Use Permit to serve alcohol for consumption on-site in conjunction with an existing restaurant/grocery store on property located at 404 Addison Avenue West c/o Yip C Tse (app. 2468)

APPLICANT PRESENTATION:

Yip Tse, the applicant stated he has just opened a restaurant in the Asian Food Market located at 404 Addison Avenue West . He is here tonight because he would like to be able to serve alcohol in conjunction with the restaurant during the hours of 11:00am to 8:00pm. He stated there should not be any impact to the surrounding properties and would like the Commission to approve this request.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated this property is zoned C-1; commercial highway district. The applicant is requesting a special use permit to serve alcohol in conjunction with an existing restaurant, grocery store and U-Haul business. A special use permit is required to serve alcohol for consumption on the premises when located within 300 feet of residential property. The applicant has stated there will be no change in operation upon approval of this request. No new construction has been proposed for this project all site plan requirements were completed when the Asian Food Market was constructed in 2009. The site appears to be in compliance as it is paved, screened and landscaping is present, however if the Commission grants this request, as presented, staff will review the site to ensure compliance with required improvements prior to the alcohol license being approved. Should this request be granted this evening any signage that is not already approved by permit would need to be reviewed by the Building Department as a sign permit may be required. The use is in compliance with the Comprehensive Plan which designates this area appropriate for commercial/retail uses. The impacts of this business to the surrounding areas should be minimal.

Zoning & Development Manager stated upon conclusion should the Commission approve this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to compliance with State, County, and City alcohol licenses and regulations.

PUBLIC HEARING: **OPENED & CLOSED WITHOUT PUBLIC CONCERN**

MOTION:
Commissioner Mikesell made a motion to approve the request , as presented, with staff recommendations. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to compliance with State, County, and City alcohol licenses and regulations.

3. Request for a non-conforming building expansion permit to add 115 (+/-) sq. ft. to an existing non-conforming building on property located at 1733 Addison Avenue East c/o Pizza Hut #2179/NPC International (app. 2469)

APPLICANT PRESENTATION:
Steve Holdeman, representing the applicant, stated they would like to remove the existing cooler and put in a new concrete pad and enlarge the space. This will help the business with production. The unit that is currently in place is getting older and needs either continual repair or replacement; approval of this request would allow the business to replace the unit. This change should not have impact to the surrounding properties.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the request on the overhead and stated this property is zoned C-1; commercial highway district. This is a request to allow a building expansion to an existing non conforming building.

City Code 10-3-4 defines a non-conforming buildings or uses as: "A building or use made nonconforming but which was lawfully existing or under construction at the time of adoption."

In order to add to an existing legal non-conforming building it requires a public hearing before the Planning & Zoning Commission."

This building is considered non-conforming because the building foundation is within the required front yard setback. The building setback from Addison Avenue East is required to be a minimum of 80' from the centerline of the road. The building foundation is 65' +/- from the centerline which equates to a 15' encroachment**.** The property line setback is 35' and the foundation is 35' from the property line.

Pizza Hut's building has a current square footage of approximately 3,049 sq. ft. The proposed expansion would increase the building approximately 115 sq ft. There is currently a walk-in cooler located at the rear exterior of the building. The applicant intends to remove the existing walk-in cooler and replace it with a larger one.

The proposed expansion is in the rear of the existing building. Therefore, if this request is granted this evening, there will be no further encroachment into the front setback and should not create any impacts to the surrounding area.

Zoning & Development Manager stated upon conclusion should the Commission approve this request, as presented staff recommends approval be subject to the following conditions:

1. Subject to site plan amends as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the proposed expansion completed as approved and no extension further into the front setback than the existing building.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

MOTION:
Commissioner Cope made a motion to approve the request , as presented, with staff recommendations. Commissioner Derricott seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amends as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to the proposed expansion completed as approved and no extension further into the front setback than the existing building.

Commissioner Sharp stepped down.

4. Request for a Special Use Permit to allow a detached accessory building larger than 1000 sq. ft (1600 sq. ft.) on property located at 620 Orchard Drive West c/o Alphonse Gamache (app. 2470)

APPLICANT PRESENTATION:
Alphonse Gamache, the applicant stated he is here to request a special use permit to build a personal shop that is larger than 1000 sq. ft. The property is in the Area of Impact on one side there is farm land and on the other side there are a few homes. He is requesting that the Commission approve his request.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the request on the overhead and stated the property is zoned R-4; residential medium density zoning district, within the City's Area Of Impact (AOI). The request is to construct a 1600 sq. ft. detached accessory building. In the R-4 zone a special use permit is required for a detached accessory building larger than 1,000 sq. f t. in size.

The property is developed with a single family residence. The property is in a rural residential area and surrounding properties are primarily single family residential or agricultural. The detached accessory building is presented to be 40' x 40' or 1600 sq ft. There are barns and other large detached accessory buildings on adjacent and nearby residential properties.

The proposed building is single story with (3) bay doors and (1) man-door. There are not any living facilities in the structure and the applicant is aware that detached accessory buildings cannot be used as residences or for a non-residential use. The applicant has stated the building will be for personal use and is designed to be compatible with the area and the existing residence. The structure is made of corrugated metal siding and will have a roof with asphalt shingles.

The structure and site improvements will be reviewed as part of the building permit review process. The side and rear yard property line setbacks for a detached accessory building may be three (3') feet from property line. However, on this property there is fifteen foot (15') wide easement on the west property line that cannot be built over. Detached accessory buildings must also be a minimum of ten feet (10') from the residence.

There is an asphalted private driveway to the existing residence. The remaining area from the proposed detached accessory building to the existing driveway will have to be hard surfaced. There is fence around the southern and western sides of the property and so the building will have little impact to surrounding neighbors because of its limited visibility from the road, it is partially behind the residence, and sits over 150' from the road. The fire department will review if any measures are required to access the property for fire protection. The building department indicated that as the wall heights are greater than ten feet (10') then the building plans will require engineering. The request is in conformance with the Comprehensive Plan and should have minimal impacts to the surrounding neighbors if developed as presented**.**

Zoning & Development Manager stated upon conclusion should the Commission approve this request, as presented staff recommends approval be subject to the following conditions:

1. Subject to building being used for non-commercial purposes only.
2. Any lighting be downward facing and screened to mitigate possible impact to adjoining properties.
3. Subject to vehicular access to the detached accessory building being hard-surfaced per City Code 10-11-4(B)
4. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

PUBLIC HEARING: **OPENED & CLOSED WITHOUT PUBLIC CONCERN**

MOTION:
Commissioner Cope made a motion to approve the request , as presented, with staff recommendations. Commissioner Lee seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to building being used for non-commercial purposes only.
2. Any lighting be downward facing and screened to mitigate possible impact to adjoining properties.
3. Subject to access to the detached accessory building being hard-surfaced per City Code 10-11-4(B)
4. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

Commissioner Sharp returned to his seat.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

Zoning & Development Manager Carraway stated there will be a free Planning & Zoning Workshop from 6:3pm to 8:30 pm on November 29, 2011 offered to the Commissioners at the City Council Chambers. She will remind the Commission again as the date gets closer.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **September 13, 2011**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 6:40 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
September 13, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricott Terry Ihler V. Lane Jacobson Jim Schouten Chuck Sharp

Chairman **Vice-Chairman**

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:	ABSENT:
Bohrn	Ihler
Derricott	
Cope	
Jacobson	
Schouten	
Sharp	

AREA OF IMPACT MEMBERS

PRESENT:	ABSENT:
Mikesell	DeVore

CITY COUNCIL MEMBERS PRESENT: Mills Sojka

CITY STAFF PRESENT: Carraway, Strickland, Vitek

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Requests a Zoning District Change and Zoning Map Amendment from R-2 to R-6 PRO PUD for 12.5 (+/-) acres to allow for a planned mixed use development consisting of residential multi-family and professional uses/medical uses on property located on a portion of the Fieldstone Subdivision south of the 900-1100 blocks of Cheney Drive West, undeveloped, and east of the 1350-1450 blocks of Field Stream Way c/o Brad Wills on behalf of Wills, Inc. (app. 2475)

IV. PUBLIC HEARING ITEMS

1. Request for a Zoning District Change and Zoning Map Amendment from R-4 PRO to R-6 PUD for 8.5 (+/-) acres to allow for a college apartment complex on property located between the 140 – 250 Blocks of Falls Avenue West and Robbins Avenue West. c/o College of Southern Idaho represented by Mike Mason (app. 2474)

2. Request a Variance to construct a 1300 sq. ft. detached accessory building within the front-yard setback on property located at 2750 Skyline Drive c/o Bill and Shauna May (app. 2471)

3. Request for a Special Use Permit to operate an outdoor public and commercial swimming pool and family fun center on property located at 807 Wendell Street c/o Stephanie Ford & Amanda Connors (app. 2472)

4. Requests a Special Use Permit to operate an indoor recreation facility serving alcohol to be consumed on-site with extended hours of operation on property located at 348 4th Avenue South c/o Edward M Sabia (app. 2477)

I. CALL MEETING TO ORDER:

Chairman Borhn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **August 23, 2011**
2. Approval of Findings of Fact and Conclusions of Law:
   1. Church on a Mission (SUP 08-23-11)
   2. Yip Tse (SUP 08-23-11)
   - Pizza Hut (SUP 08-23-11)
   - Alphonse Gomache (SUP 08-23-11)

III. ITEMS OF CONSIDERATION:

1. Requests a Zoning District Change and Zoning Map Amendment from R-2 to R-6 PRO PUD for 12.5 (+/-) acres to allow for a planned mixed use development consisting of residential multi-family and professional uses/medical uses on property located on a portion of the Fieldstone Subdivision south of the 900-1100 blocks of Cheney Drive West, undeveloped, and east of the 1350-1450 blocks of Field Stream Way c/o Brad Wills on behalf of Wills, Inc. (app. 2475)

APPLICANT PRESENTATION:

David Thibault, EHM Engineers, Inc. representing the applicant stated he is here to present an request for rezone from R-2 to R-6 PRO PUD. This property is currently platted and recorded with developed single family residential lots along the east side of the subdivision. The Fieldstone subdivision has been developed in phases, the third phase has not been developed which is the portion the applicant is requesting to be rezoned. The proposed PUD will allow for a professional office overlay and commercial mixed-uses including multi-family residential, single family residential and professional office uses. The applicant feels this would be a good fit for this location as there is an R-6 PRO PUD immediately west of the subject property and a C-1 PUD immediately north the Twin Falls Reform Church property and a high density mobile home park north of Fieldstone Subdivision. This type of development would provide a good buffer/transition from the higher density to the residential areas. The draft PUD Agreement has been prepared the master plan is proposed to include six (6) Professional Offices Overlay lots located along Cheney Drive West, seven (7) multi-family residential along Fieldstream Way, two (2) single family residential areas along cobble creek road at the cul-de-sac and three (3) duplex lots fronting North College Road. Samples of different elevation types were provided in the application and are consistent with what is located to the south and east of this property. This proposed plan will allow for the extension of Cheney Drive which is a collector street that currently dead ends into the existing mobile home park on Grandview Drive. The mobile home park doesn't appear to be going away in the near future which prevents Cheney Drive from extending westerly unless the development of this particular proposal occurs. As the subdivision is platted currently the lots would be sold as individual single family lots which would make it more difficult for the City to obtain right of way for the construction of Cheney Drive West creating a discontinuous road along this area. The applicant feels the request is in conformance with the Comprehensive Plan would eliminate the shortcut trips taken through the Fieldstone Subdivision and allow traffic to have a secondary route to and from the westerly area without having to rely solely on North College Road.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated this is a preliminary presentation for a request for a Zoning District Change and Zoning Map Amendment from R-2 to R-6 PRO PUD for 12.5 (+/-) acres to allow for a planned mixed use development consisting of residential multi-family and professional/medical uses on property located on a portion

of the Fieldstone Subdivision south of the 900-1100 blocks of Cheney Drive West, undeveloped, and east of the 1350-1450 blocks of Field Stream Way.

City Code requires a preliminary PUD presentation be made to the Commission prior to the public hearing. The purpose of this presentation is to allow both the Commission and the adjacent property owners to hear from the developer what type of development is being planned for the property. No action is taken at this preliminary presentation however the Commission and the public can ask questions and make comments at this time prior to the public hearing.

Staff makes no recommendations at this time. A public hearing regarding this request will be heard at the regularly scheduled Planning & Zoning Commission public meeting on Tuesday, September 27, 2011 Further staff analysis will be give at that time.

PUBLIC COMMENTS/QUESTIONS: OPENED

- Gerardo Munoz stated he would like to ask for more information related to when Cheney Drive West would be developed and open for traffic, because currently there is only one route to this area which is North College Road creating traffic issues. He also asked if a traffic analysis could be provided regarding North College Road.

PUBLIC COMMENTS/QUESTIONS: CLOSED

PLANNING & ZONING PUBLIC HEARING SCHEDULED FOR SEPTEMBER 27, 2011

IV. PUBLIC HEARING ITEMS

Commissioner Derricott stepped down for this request.

1. Request for a Zoning District Change and Zoning Map Amendment from R-4 PRO to R-6 PUD for 8.5 (+/-) acres to allow for a college apartment complex on property located between the 140 – 250 Blocks of Falls Avenue West and Robbins Avenue West. c/o College of Southern Idaho represented by Mike Mason (app. 2474)

APPLICANT PRESENTATION:
Mike Mason, representing the College stated he is here to request a zoning change from R-4 PRO to R-6 PUD to allow for a college apartment complex. He reviewed photos and site maps on the overhead. The elevations shows a 42 bedroom apartment complex with 84-86 parking spaces. He stated staff has concerns with the two accesses shown on the plans and stated they are still working on addressing those issues. The college feels this would be an excellent location for the apartments and requests that the Commission make a positive recommendation to the City Council for approval.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the request on the overhead and stated this is a request for a change in zoning at this site from R-4 PRO to a R-6 PUD to allow for a multi unit housing complex for college students. The project is planned to be developed in phases. As a Planned Unit Development (PUD) the project may be developed without subdividing the property into separate lots for each apartment building.

When there is a request to develop property as a planned development the code requires a preliminary presentation be made to the Commission prior to the public hearing. The purpose is to allow both the Commission and the adjacent property owners to hear from the developer what type

of development is being planned for the property. This preliminary presentation was held on August 23, 2011, there was no public comment at that meeting.

The College Park Apartments are north of the proposed property, across Falls Avenue West, and were developed as an R-6 PUD project also. There are duplexes and four-plexes in the area that are currently being rented to college students.

The college will maintain ownership of this proposed apartment complex and plans to operate them in the same manner as the North View Apartment Complex, also owned by the college, and located at the northeast corner of North College Road and Washington Street North.

The PUD proposes signage, lighting, and landscaping that will comply with City Codes and ordinances. These types of development requirements shall be incorporated within the PUD agreement.

This property is located on the southwest corner of the intersection of Falls Avenue West and Washington Street North. The Southern Idaho Medical Park is on the northeast corner of the property. There is an undeveloped road right of way for a cul-de-sac located at the eastern end of Elaine avenue which is intended to provide for a fire truck turn-around. Staff will be working with a City Council appointed task force to discuss this property and others that the city owns. The submitted proposed master development plan does not show the cul-de-sac being developed. If this project is approved by the City Council - this issue will be addressed prior to development of Phase I.

The city recently completed a road construction project on Falls Avenue West that included the development of curb, gutter and sidewalk. Along Falls Avenue West, adjacent to this proposed site, there is only one (1) residential access that was developed and it is near the northwest corner of the proposed PUD site. The proposed master development plan indicates the college would like two (2) accesses off Falls Avenue West and two (2) off of Robbins Avenu West. The engineering department has concerns with the two (2) accesses shown on Falls Avenue West. One concern is the alignment with the apartment complex to the north of this site and another is that any access should be designed to meet arterial standards due to the estimated amount of ingress/egress traffic. These concerns/issues will need to be resolved prior to construction of the first phase of the project.

There is no curb, gutter and sidewalk along Robbins Avenue West on the southern border of this project. Curb, gutter and sidewalk shall be required to be constructed the time of development of this phase.

The Comprehensive Plan calls out this property as medium residential. The proposed project is consistent with the Comprehensive Plan.

Zoning & Development Manager Carraway stated upon conclusion should the Planning & Zoning Commission recommend approval of this request to the City Council, as presented, staff recommends approval be subject to the following conditions:

1. Subject to recordation of a PUD agreement, as approved by the City Council, prior to construction of the first phase of the project.
2. Subject to construction of curb, gutter and sidewalk along Robbins Avenue West at the time this phase is developed.
3. Subject to approach issues on Falls Avenue West being resolved and approved by the Engineering Department prior to construction of the first phase of the project.

4. Subject to the issue of the undeveloped cul-de-sac at the east end of Elaine Avenue being resolved prior to construction of the first phase of the project.
5. Subject to amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

PUBLIC QUESTIONS/COMMENTS:

- Commissioner Cope asked if CSI security would be monitoring this apartment area.
- Mr. Mason stated yes
- Commissioner Mikesell asked if there are plans for separation between the complex and the residential area.
- Mr. Mason stated they will have plans that meet City Code.

PUBLIC HEARING: OPENED

- Janet Renaldi stated, 276 Robbins Avenue she is asking the Commission to deny this request. The property is surrounded by residential except along the north side. It will have a negative impact to three major school zones in the area and the traffic flow to Perrine, Robert Stuart and Canyon Ridge Schools. The access that are shown coming out to Robbins Avenue will greatly increase traffic to this area and making the area even more of a safety issue for the pedestrians, bicyclists, buses and the children going to and from school. There are currently no sidewalks along this area making this area a safety hazard. There are many two way stops in this area and many traffic delays. Student housing is already located in this area, quite a few of these students drive creating more traffic, the students walking don't always use the cross walk creating traffic issues on Washington Street.
  She provided traffic counts for Falls Avenue from Sparks Street moving west and Filer Avenue from Sparks moving west there are between 3000 - 8650 cars per week Monday through Friday which is a lot of traffic through this area. She has a petition with 302 signatures requesting that this be denied.
- Kimberly Madson, 293 Robbins Avenue stated she is very concerned about the traffic along this area and she is asking that this request be denied. She stated children are walking to and from school along this area at their own risk because there are no sidewalks in this area. She would like to at least make sure that sidewalk is continued all the way down Robbins Street, and possibly have speed bumps installed.
- Marie Smith stated the biggest concern is having this go through and paid for with a childs life. The traffic is dangerous in this area, she has lived in this area for a long time and has heard on numerous occasions cars sketching to avoid hitting a child trying to cross streets to get to and from school. She asked the Commission to please deny this request.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

- Mr. Mason stated that this phase of the construction has traffic emptying onto Falls Avenue; the intent is not to increase the dangers in this area.

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated he doesn't understand why the College doesn't build this complex on the campus and with 302 citizens signing a petition to recommend denial he doesn't think he can vote in favor of this request. Traffic is going to get worse.

- Commissioner Borhn stated at this point and time the traffic is going to empty onto Falls Avenue onto Falls Avenue and the traffic down Robbins is not going to happen. We are looking for zoning district change to allow for the complex that is all that can be considered at this time. There is no guarantee that the second phase of this project will ever be built and at this time the traffic will not be traveling down Robbins Avenue it will be traveling down Falls Avenue towards the college.
- Commissioner Cope asked if there is a plan for a light at Washington Street North and Robbins Avenue.
- Assistant City Engineer Vitek stated currently there are no plans for a light at this intersection.
- Commissioner Schouten asked if it will be possible to cross Washington Street North at this location and is concerned with traffic approaching the complex and would recommend there be turn lanes provide to get into the complex to avoid traffic delays.

MOTION:
Commissioner Cope made a motion to recommend approval of this request to the City Council. Commissioner Schouten seconded the motion. Commissioners Bohrn, Cope, Jacobson, Schouten & Sharp voted in favor of the motion and Commissioner Mikesell voted against the motion.

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL

1. Subject to recordation of a PUD agreement, as approved by the City Council, prior to construction of the first phase of the project.
2. Subject to construction of curb, gutter and sidewalk along Robbins Avenue West at the time this phase is developed.
3. Subject to approach issues on Falls Avenue West being resolved and approved by the Engineering Department prior to construction of the first phase of the project.
4. Subject to the issue of the undeveloped cul-de-sac at the east end of Elaine Avenue being resolved prior to construction of the first phase of the project.
5. Subject to amendments as required by Building, Fire, Engineering and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

CITY COUNCIL PUBLIC HEARING SCHEDULED FOR OCTOBER 10, 2011

Commissioner Derricott returned to his seat.

2. Request a Variance to construct a 1300 sq. ft. detached accessory building within the front-yard setback on property located at 2750 Skyline Drive c/o Bill and Shauna May (app. 2471)

APPLICANT PRESENTATION:
Mr. May, the applicant stated the reason for his request is that his property is pie shaped with most of the property in toward the front and they would like to build and outbuilding for their animals and to do this they would need a variance to build the barn in front of the house. The area is not directly in front of the house but to the side of the house however by definition is off to the side in the front area. The barn would match the materials used for the house. There should not be any negative impact to the neighboring properties. There is space in the back of the house and by convenience they can't build within 40 feet of the property line, which would not allow for construction in this area. He ask that the Commission consider and approve his request.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the request on the overhead and stated this is a request is for a variance to the City Code requiring a detached accessory buildings to be located in a side or rear yard. If the variance is granted the applicants would be allowed to construct a small barn in their front yard. This property is zoned SUI; Suburban Urban Interface in the City's Area of Impact. This is the city's rural residential zone and residences are required to be on a minimum of one (1) acre and are permitted on well and septic systems. The property is 2.34 acres in size and includes a single family residence and a horse pasture. The property is surrounded by other rural residential properties with single family homes and a number of animal pastures and out buildings. The skyline acres subdivision was platted in the 1960's and all the lots range from 2-5 acres in size.

The applicant is requesting a variance to construct a 36' x 36' (1296 sq ft) detached accessory building in their front yard. The building would provide shelter for their horses and storage of tack and hay. The proposed building is designed to match the house and to be compatible with the property and neighborhood.

City code section 10-13-2.1(c) 4 sets forth five (5) criteria for a variance to be granted - all (5) criteria must be met in order to approve a variance. The applicant provided a narrative that addresses the five (5) criteria which staff has reviewed & responded. The five (5) criteria are as follows:

A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
The applicant states that their property is pie-shaped with the house in the back corner because of the slope of the property. The house is on the high point of the lot to protect the home from water draining through the property and so the applicant believes that the only place for an outbuilding is in the proposed location. The applicant also states that the building is between the side of the house and the road and in their opinion would be perceived as being in the side yard and not the front yard.
Staff's review of this condition determined that there are some unique features of this property. The subdivision is over fifty (50) years old and home and animal pasture areas have been long established. There is only one (1) other home that is on the curve of skyline drive. The pie-shaped lot does limit the side and rear yard area for any home built to face the street. Their home was situated in the back corner due to the higher elevation of that portion of the property. The home had established asphalt driveways, mature landscaping and trees, well areas, septic tanks, and drain fields and so when the home was rebuilt two (2) years ago it was put in the same location because of the slopes, existing development and existing services.

B. That a literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title.
The applicant indicates that they "are one of three properties in the subdivision that does not have an outbuilding to shelter horses/livestock." If they were not able to have an outbuilding they would be denied the opportunity that other properties in the subdivision enjoy.

Staff's review of this condition is that the applicant is not being denied any rights commonly enjoyed by other properties in the same zoning district. Although the space is limited the applicant could construct a detached accessory building in the rear or side yard of the home. However this subdivision predominantly provides for residences with animal pasturing. Construction of an outbuilding for animals in the rear yard would separate them from the pasture and due to conditions

of this property, may require relocation of well and septic systems and mature landscaping that may not be ideal.

C. That special conditions and circumstances do not result from the actions of the applicant.

The applicant states that the slope of the land and water drainage problems dictated the location of the home to protect it and that locations of the pasture and access on the property were existing and not a reflection of the actions of the Mays.

Staff review of this determines that while the applicants recently reconstructed a home in the location that would limit the viability of detached accessory buildings on the property, it was in reaction to conditions of the land. The home was located initially to make use of the unique shape and topography of the lot and this has inadvertently limited outbuilding development.

D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district.

The applicant states that they will not be receiving a special privilege that their neighbors do not enjoy. The majority of homes in the subdivision have buildings to shelter livestock.

Staff review determined that the applicant would not be receiving a privilege that is denied other properties. Specifically in this subdivision there are not any other properties where the location of the home and shape of the lot limits the construction of detached accessory buildings. Also the applicants have discussed this proposal with their neighbors without concern.

E. That a literal enforcement of the provisions of this title would result in unnecessary hardship. For purposes of this section, where a reasonable conforming use is, or can be, located on a lot or parcel, there is no unnecessary hardship.

The applicant states that "this outbuilding cannot viably be placed in any other spot on the property to shelter [their] horses."

Staff review determines that a reasonable conforming use- detached accessory building- could be located within the side or rear yard of the property. A shed or outbuilding could fit in the available area, however literal enforcement of this code in regards to an outbuilding to shelter animals and product like hay does create more of a hardship. The size would be limited and the access is also limited due to the nature of the land and not necessarily the actions of the applicant. The sui zone is "intended to provide a transition district from agricultural land uses to residential land uses in the area of impact." This zone is intended to provide for residences and agricultural uses such as animals on pasture and allowing an animal-oriented detached accessory building is typical to the intent of this zone.

Zoning & Development Manager Carraway stated upon conclusion should the Commission find the five (5) criteria are met, staff recommends the following conditions of approval:

1. Subject to site plan amendments as required by Building, Engineering, Fire, And Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to construction as presented and approved in terms of location, design, elevation, and materials.

PUBLIC HEARING: OPENED

- Mr. Berry Noblic 1174 skyline drive stated he is the president of the Architectural Control Committee for this subdivision and after review of this request with this Committee they reached the same conclusion. The property is unique and has drainage issues that require the structures

to be built in certain locations. More than 2/3 of the neighbors have signed off and approved this request.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Bohrn stated this is the first variance request that he has seen that meets all 5 criteria and he is willing to approve.

MOTION:
Commissioner Mikesell made a motion to approve the request, as presented with staff recommendations. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, And Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to construction as presented and approved in terms of location, design, elevation, and materials.

3. Request for a Special Use Permit to operate an outdoor public and commercial swimming pool and family fun center on property located at 807 Wendell Street c/o Stephanie Ford & Amanda Connors (app. 2472)

APPLICANT PRESENTATION:
Stephanie Ford, the applicant, stated she is requesting a special use permit to operate a public swimming pool and family fun center "Splasher's Family Fun" at 807 Wendell Street. They have requested extended hours to be open until 11:00pm on weekends and provide music at the pool to offer "spectro swimming" with lights. They have spoken to the neighbors and plan to tarp the fences to barricade the pool from the outside and reduce the noise impact to the neighboring properties and plan to keep the music and lights at a reasonable level. They don't expect any negative impacts to the surrounding neighborhood and request that this be approved.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed this request on the overhead and stated this is a request to operate a public swimming pool and family fun center on property within the R-2 zone. The R-2 zone is defined as a residential single household or duplex district. An outdoor, public and commercial swimming pool requires a special use permit in this zone. The property is approximately 1.2 acres and there is currently an outdoor swimming pool that was built back in the 70's however, the facility has been closed for quite some time.

Zoning & Development Manager Carraway reviewed the following history on the property:

On October 3, 1977, the pool was already built and Elbert Lowe brought a request for an adjustment to cover an outdoor swimming pool to City Council. This was approved by Ordinance 1862. Although the request was approved, the pool was not covered.

On July 30, 1985, Raymond Coats brought a request for an expansion of the Special Use Permit to add public dancing to the existing activities of swimming and miniature golf. The Planning & Zoning Commission denied this request. There was no appeal.

On March 27, 1990, David Detweiller requested a Special Use Permit for a water slide. The Planning & Zoning Commission approved this request with the following conditions:

1. The portion of the parking lot adjacent to the pool be paved within three (3) years.
2. The parking lot adjacent to the golf course be paved within five (5) years.
3. The parking lot be dust controlled with oil or other means, until the lot(s) are paved.
4. Curb, gutter and sidewalk may be deferred by Standard Deferral Agreement, and
5. The ditch along Wendell Street to be piped this year (1990).

The swimming pool and water slide were opened. The parking lot has not been paved as required in condition(s) #1 & #2 above. There is no record of a deferral agreement being approved for curb, gutter and sidewalk as listed in condition #4 above. The ditch along Wendell Street has been piped.

On May 12, 2009, the Commission heard a request for a Special Use Permit for the operations of an outdoor swimming pool and public park with crowd-attracting facilities. The Commission approved the request with the following conditions:

1. Subject to execution of deferral agreement for curb, gutter, sidewalk and approaches on Wendell Street, Lawrence Avenue and Robbins Avenue West.
2. Subject to execution of a deferral of piping the ditch on Robbins Avenue West.
3. Subject to a deferral of parking and maneuvering improvements that may be staged over a 3-year period of time if the cost of (in this case the parking and maneuvering area being hard surfaced) improvements are more than 25% of the private improvements.
4. If the deferral of parking and maneuvering is approved the parking and maneuvering area shall be applied with dust control until hard surfaced.
5. Subject to the Wendell Street frontage being barricaded to direct traffic to one ingress/egress.
6. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning officials to ensure compliance with all applicable City Code requirements and standards.

The Pool was opened for a brief period, however the required deferral agreements, conditions #1, #2, #3 & #4, were not met and the Special Use Permit is void, creating the need for this request.

There is an existing 1664 sq ft building that was formerly used as a snack bar and pool admittance area. The northern portion of the lot was once a miniature golf area but has not been maintained. You have heard by the applicant proposes that this area will be used for a sand volleyball pit, horseshoe pit and picnic area. There will also be a small playground area on the grassy area north of the pool. The property is completely fenced. Anyone choosing to use the facility will have to be checked in at the front office. The applicant is anticipating covering the pool sometime in the future to make it a year round pool.

If the request is granted this evening the Commission may wish to place a condition at such time the owners wish to cover the pool to facilitate a year round public swimming pool the design/elevations of the cover be brought to the Commission as a consideration item for review, the Commission may determine to allow the cover as presented or they may require a public hearing be held.

The applicant's narrative states they intend to operate the business Sunday-Thursday from 10:00 am to 8:00 pm and Friday & Saturday from 10:00 am to 11:00 pm.

On Friday and Saturday Nights the applicant proposes to be doing "spectro swimming" which consists of the use of music and lights.

Twin Falls City Code states that it shall be unlawful and deemed a nuisance for any circus, carnival, festival, show or entertainment herein provided for to permit any sound or noise of the same in violation of the following provisions:

> *(a) no sound or noise shall commence earlier than ten o'clock (10:00) a.m. or continue later than ten o'clock (10:00) p.m. on any day of the week.*
> *(b) sound and noise from any facility shall be controlled so as not to be unreasonably loud, raucous, jarring, disturbing or a nuisance to any person within an area of audibility".*

City Code §10-11-4(d) states that "lighting shall be screened so that it does not directly illuminate any adjacent residential uses with more than one-fourth (1/4) of a foot-candle and so that it does not create a traffic hazard."

The Commission may wish to put a condition on the special use permit regarding restrictions and limitations on the music and lights to help mitigate any impacts to surrounding neighbors. Engineering reviewed the request and determined the anticipated traffic should have minimal impacts to the surrounding neighborhood.

The business will employ a minimum of three (3) employees . Two employees will operate the check in and snack bar area and they will have at least 1 life guard.

City Code 10-11-1 thru 9; required improvements, must be complied with if the special use permit is approved. Minimum standards with regards to landscaping, screening, parking areas, streets, and storm water retention must be addressed. The Commission may wish to place conditions of approval on this application to require satisfaction of current code requirements as has been conditions on previous special use permits.

Wendell Street currently has a 39' center line road right-of-way. The owner of the property will be asked to dedicate additional road right of way on Wendell Street to comply with current standards. The City Engineering Department would be receptive to recommending deferral of curb, gutter, sidewalk and development of approaches on Wendell Street, Lawrence Avenue and Robbins Avenue West.

At the present time the parking and maneuvering areas are not hard surfaced.

City Code §10-11-4(b) requires all parking and maneuvering areas be hard surfaced with Portland concrete or asphaltic concrete surface material. City code 10-11-1 allows for the city council to consider a deferral of improvements that may be staged over a 3-year period of time if the cost of (in this case the paving) improvements are more than 25% of the private improvements. The applicant is asking the commission to consider recommending a staged 3-yr deferral of the hard surfacing of the parking and maneuvering area at this time.

There are no street improvements on the Wendell Street frontage of the property at this time. The City Engineering Department is requesting that the applicant have only one access on Wendell Street. The remainder of the street frontage shall be barricaded to direct traffic to this access.
The code requirement for the number of parking spaces to be provided for public swimming pool is not defined in City Code §10-10-3. Undefined spaces are to be determined by administrator. There are 28 parking spaces shown on the site plan which has been determined to be adequate.
The landscaping requirement for the R-2 zone is 10% of the site for all nonresidential uses and shall comply with the provisions of City Code §10-11-2. Minimum landscaped area shall have one tree

per 500 square feet of required landscaped area and one bush per 100 square feet of required landscaped area. At least 50% of required trees and bushes shall be evergreens.
There should be minimal impacts on the surrounding properties due to anticipated noise from the patrons during operation of the facility. There also may be an odor of chlorine coming from the water but typically would not be at a level that would cause any impact.

The applicant believes there is a need for this type of outdoor family fun center/facility and feels the facility would provide recreation and exercise to the neighborhood and general public.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to a deferral agreement for curb, gutter, sidewalk and approaches on Wendell Street, Lawrence Avenue and Robbins Avenue West.
2. Subject to a deferral agreement for piping the ditch on Robbins Avenue West.
3. Subject to a deferral agreement for parking and maneuvering improvements that may be staged over a 3-year period of time if the cost of (in this case the parking and maneuvering area being hard surfaced) improvements are more than 25% of the private improvements. The 3-yr plan to be submitted and approved by city staff by September 30, 2011.
4. If the deferral of parking and maneuvering is approved the parking and maneuvering area shall be applied with dust control until hard surfaced.
5. Subject to the Wendell Street frontage being barricaded to direct traffic to one ingress/egress.
6. Subject to music being turned off by 10:00 pm.
7. Subject to lights being downward facing and screened to avoid impacts to residential neighbors.
8. Subject to consideration by the Commission regarding the design/elevations of the above ground pool cover prior to installation and change of operating hours to allow for year round operations.
9. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards and completion of site improvements.

PUBLIC HEARING: OPENED

- Rex Baker, 736 Robbins Avenue stated he lives adjacent to this property. Requiring the music and sound to be turned off at 10:00pm addressed one of his concerns. He did ask about a fence between the residence and the pool area. He would like to see that the fence be taken care of to provide a barricade between the pool and the residence. He also asked that there be some kind of control on the language and behavior of the patrons that come to the pool maybe put some signs up to prevent vulgar language.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

- Ms. Ford she stated that they would comply with fencing requirements. In regards to the music they do intend to be good neighbors and they will do their best at managing fowl language and behavior. They would be willing to address any complaints the neighbors may have.

DELIBERATIONS FOLLOWED:

- Commissioner Cope asked if replacing the slats would meet code.
- Zoning & Development Manager Carraway stated as long as the slats are sight obscuring that would meet code.
- Commissioner Mikesell stated that this property has had several operators and he would like to give the applicant a season to see if this is going to take off and put an expiration date on the

permit so that the Commission can review the use again to ensure compliance with conditions have been met.

MOTION:
Commissioner Mikesell made a motion to approve the request, as present, with staff recommendations and the addition of a one year expiration date. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to a Deferral Agreement for curb, gutter, sidewalk and approaches on Wendell Street, Lawrence Avenue and Robbins Avenue West.
2. Subject to a Deferral Agreement for piping the ditch on Robbins Avenue West.
3. Subject to a Deferral Agreement for parking and maneuvering improvements that may be staged over a 3-year period of time if the cost of (in this case the parking and maneuvering area being hard surfaced) improvements are more than 25% of the private improvements. The 3-yr plan to be submitted and approved by city staff by September 30, 2011.
4. If the deferral of parking and maneuvering is approved the parking and maneuvering area shall be applied with dust control until hard surfaced on undeveloped portion.
5. Subject to the Wendell Street frontage being barricaded to direct traffic to one ingress/egress.
6. Subject to music being turned off by 10:00 pm.
7. Subject to lights being downward facing and screened to avoid impacts to residential neighbors.
8. Subject to consideration by the Commission regarding the design/elevations of the above ground pool cover prior to installation and change of operating hours to allow for year round operations.
9. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards and completion of site improvements.
10. Special Use Permit to expire September 13, 2012

7. Requests a Special Use Permit to operate an indoor recreation facility serving alcohol to be consumed on-site with extended hours of operation on property located at 348 4th Avenue South c/o Edward M Sabia (app. 2477)

APPLICANT PRESENTATION:
Ed Sabia, the applicant stated he is back because the year is up and would like to request that their special use permit be approved once again. They have had great success and a good relationship with the police department . They are doing lots of events and it is working well, they have not had any complaints and would like to be considered for approval.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the request on the overhead and stated this property zoned OT WHO P-3 ; the Old Towne district with a Warehouse Historic Overlay and also a P-3 Parking Overlay. Within this zone a special use permit is required for the retail sale of alcoholic beverages when consumed on premises where sold, retail uses operating outside the hours of 7:00 am and 10:00 pm, and for indoor recreation facilities such as an event center.

The applicant has stated he would like to continue to operate this business as approved with no proposed changes. This is the same request that was approved by the Commission the previous two (2) years.

The building was issued a Certificate of Occupancy in July 2010 there are no interior or exterior building or site changes being proposed therefore no additional building permits shall be required at this time.

The narrative states the requested hours of operation would remain the same no change to the operation is being considered at this time.

The state regulates the use of liquor and beer & wine licenses and requires catering permits for alcohol when it is to be served off of the primary location of where the license is issued.

The City of Twin Falls Police Department manages alcohol catering licenses for the state. Every event held at the 348 4th Avenue South location that includes alcohol would require a catering permit to be applied for, paid for and issued in advance of the event. The state does not allow the building tenant to be the only alcohol proprietor and so events could use any license holder to cater at the facility. The state also has a limit that a single license holder cannot cater for more than three (3) consecutive days. The police department indicated that the intent of these regulations is to keep business owners from using one license to operate at multiple locations.

The police department has reviewed this special use permit application. The applicant has been in contact with the police department to determine if a special event permit or catering permit is required for each event and has gone through the permit and license requirements, if applicable, since being approved for occupancy in July 20, 2010. Part of the special event review process is determining if security is required and if so what type, trash clean-up, and management of nuisances such as noise.

Mr. Sabia has committed to maintaining guidelines regarding noise and does not anticipate any other negative effects on the area. The police department has indicated that Mr. Sabia has followed through on all his commitments and they have not had any issues with the event center operation over the last year.

The special use permit issued in September 2010 was issued for a year to allow the applicant to operate for a full year for staff to have a chance to review the use again to see if any concerns or issues came up. The facility has been in compliance with all the previous special use permit conditions. Staff recommends carrying over the conditions requiring communication with the police department regarding special events and weekend use(s).

Staff is not recommending a timeframe to be placed on a new special use permit, if approved, as the applicant has operated without concern or issue over the past year.

The request is in compliance with the Comprehensive Plan which designates this area as Townsite. Upon approval and subject to compliance with the special use permit the operation of this business should cause minimal impacts.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to the applicant contacting the City Of Twin Falls Police Department on every event/show to determine if a special events permit and/or catering permit are required including a review of security and trash clean-up.
2. Subject to the applicant contacting the City Of Twin Falls Police Department if the event center is to be used for overflow patrons from the 360's Bistro & Lounge, 360 Main Avenue North location prior to allowing patrons occupancy at the 360's main event, 348 4th Avenue South location.

3. Noise level is not to exceed 78 decibels at any point ten (10) feet from the exterior walls of the building.
4. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

PUBLIC HEARING: **OPENED & CLOSED WITHOUT PUBLIC CONCERN**

DELIBERATIONS FOLLOWED: **WITHOUT CONCERNS**

MOTION:
Commissioner Schouten made to approve the request, as present, with staff recommendations. Commissioner Sharp seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to the applicant contacting the City Of Twin Falls Police Department on every event/show to determine if a special events permit and/or catering permit are required including a review of security and trash clean-up.
2. Subject to the applicant contacting the City Of Twin Falls Police Department if the event center is to be used for overflow patrons from the 360's Bistro & Lounge, 360 Main Avenue North location prior to allowing patrons occupancy at the 360's main event, 348 4th Avenue South location.
3. Noise level is not to exceed 78 decibels at any point ten (10) feet from the exterior walls of the building.
4. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **September 27, 2011.**

VII. ADJOURN MEETING:

Chairman Borhn adjourned the meeting at 7:25 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
September 27, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS
CITY LIMITS:
Wayne Bohrn Kevin Cope Jason Derricott Terry Ihler V. Lane Jacobson Jim Schouten Chuck Sharp
Chairman Vice-Chairman
AREA OF IMPACT:
Lee DeVore R. Erick Mikesell
CITY COUNCIL LIAISON
Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:	ABSENT:
Bohrn	Derricott
Cope	
Ihler	
Jacobson	
Schouten	
Sharp	

AREA OF IMPACT MEMBERS

PRESENT:	ABSENT:
DeVore	
Mikesell	

CITY COUNCIL MEMBERS PRESENT: Mills Sojka
CITY STAFF PRESENT: Carraway, Strickland, Vitek

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION: **NONE**

IV. PUBLIC HEARING ITEMS

1. Request for a Zoning District Change and Zoning Map Amendment from R-2 to R-6 PRO PUD for 12.5 (+/-) acres to allow for a planned mixed use development consisting of residential multi-family, professional uses and medical uses on property located on a portion of the Fieldstone Subdivision south of the 900-1100 blocks of Cheney Drive West, undeveloped, and east of the 1350-1450 blocks of Field Stream Way c/o Brad Wills on behalf of Wills, Inc. (app. 2475)

2. Requests the Vacation of dedicated public rights-of-way and easements consisting of 2.7 (+/-) acres located within a portion of the Fieldstone Subdivision located south of the 900-1100 blocks of Cheney Drive West, undeveloped, and east of the 1350-1450 blocks of Field Stream Way c/o Brad Wills on behalf of Wills, Inc. (app. 2478)

3. Requests a Special Use Permit to operate a restaurant with a drive-through window on property located at 1671 Washington Street North c/o Lupe Sandoval Vigen Associates, on behalf of Panda Express (app. 2480

I. CALL MEETING TO ORDER:

Chairman Bohrn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **SEPTEMBER 13, 2011**
2. Approval of Findings of Fact and Conclusions of Law:

- May (Variance 09-13-11) Sabia (SUP 09-13-11)
- Ford & Connors (SUP 09-13-11)

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS:

Chairman Bohrn announced that Item IV-3 was moved to the first item on the agenda.

3. Requests a Special Use Permit to operate a restaurant with a drive-through window on property located at 1671 Washington Street North c/o Lupe Sandoval Vigen Associates, on behalf of Panda Express (app. 2480)

APPLICANT PRESENTATION:

Lupe Sandoval, Vigen Associates, representing Panda Express , they would like to request a special use permit for a drive thru to be located at Pole Line Road West and Washington Street North in the C-1 PUD North Haven Subdivision.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated reviewed the request on the overhead and stated the property is located in the C-1 PUD North Haven Subdivision. The applicant is proposing to operate a drive-thru window in conjunction with a restaurant at this location. A special use permit is required to operate a drive-thru window in this C-1 PUD Zone.

The proposed property is Lot 7, Block 1 of the North Haven Subdivision. The property is currently undeveloped and the applicant has submitted plans to construct a 2,448 sq. ft. Panda Express Chinese Cuisine Restaurant.

The restaurant would like to include a drive thru window to service customers. Access to the site is through existing access easements dedicated on the Wal-Mart property. There are three (3) pad site lots between the Washington Street North access and Pole Line Road West; this lot is the northern-most lot. The restaurant and drive-thru are proposed to operate 11:00 am to 10:00 pm daily. Operating hours outside of 7am to 10pm require a special use permit.

There are proposed to be eight (8) employees per shift with two (2) shifts per day. There is indoor seating provided for fifty-two (52) people. The drive-through lane is (12') wide and 180' long. City Code 10-7-13, vehicle stacking requirements for drive-thru facilities, states that fast food restaurants and drive-in banks require "nine (9) spaces, or such other number as approved by the Planning and Zoning Commission, but not less than six (6) spaces." The drive-through lane will accommodate the requirement for nine (9) stacking spaces.

The drive-thru is on the south side of the building. The main impacts from idling vehicles and the drive-thru window speakers are on the south side which separates them from the residential area to the north. There should be minimal impacts from the drive-thru traffic and/or speakers. The remainder of the undeveloped property is designated for additional commercial business.

Other impacts should be minimal with non-offensive odors, minimal noise, minimal glare, and little traffic impact as the entrance is off of an existing access within an existing commercial development.
Panda Express has submitted a building permit for review. The proposed site plan appears to provide adequate landscaping, screening, and parking.Through this submittal there will be a full review of parking and required site improvements for compliance with all applicable codes and regulations.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required By Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to development of the drive-through on the south side of the building, as shown, and providing for a minimum of nine (9) stacking spaces, as shown.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Mikesell made a motion to approve the request as presented. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required By Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to development of the drive-through on the south side of the building, as shown, and providing for a minimum of nine (9) stacking spaces, as shown.

1. Request for a Zoning District Change and Zoning Map Amendment from R-2 to R-6 PRO PUD for 12.5 (+/-) acres to allow for a planned mixed use development consisting of residential multi-family, professional uses and medical uses on property located on a portion of the Fieldstone Subdivision south of the 900-1100 blocks of Cheney Drive West, undeveloped, and east of the 1350-1450 blocks of Field Stream Way c/o Brad Wills on behalf of Wills, Inc. (app. 2475)

2. Requests the Vacation of dedicated public rights-of-way and easements consisting of 2.7 (+/-) acres located within a portion of the Fieldstone Subdivision located south of the 900-1100 blocks of Cheney Drive West, undeveloped, and east of the 1350-1450 blocks of Field Stream Way c/o Brad Wills on behalf of Wills, Inc. (app. 2478

Chairmn Bohrn announced that Items IV-1 & IV-2 will be discussed as one item with two individual motions to be made after the presentation.

APPLICANT PRESENTATION:
Brad Wills, the applicant, stated the first request is for a rezoning request from R-2 to R-6 PRO PUD for 12.5 (+/-) acres. He understands that concerns have been expressed regarding this request from the surrounding property owners. He is interested in the concerns, this request is a

land use change and this portion is for the third phase of the Fieldstone Subdivision. Fieldstone Subdivision is one of the first subdivisions to develop in this area and was here prior to the new hospital and several other develops in this location. Some of the concerns are related to CCR's that govern Fieldstone Subdivision and he plans on dealing with this in the future if this request is approved. Some of the other concerns is that the project will turn into low income housing, three story buildings, none of which is true.

The remaining 36 lots have been closed off at the west entrance and re-platted this section because of development that has occurred around this subdivision and to avoid traffic shortcuts through the residential area. This change was approved and final platted.

He reviewed exhibits on the overhead and explained what has developed around the Fieldstone Subdivision. He has been reviewing the land use and growth that has occurred throughout this area and there is an excess of residential land in Twin Falls and he is looking at what might be the best use of this property as a land owner. The idea is that with the Hospital as closely located to this property it was felt that there would be a need for more professional zoned property. One of the issues is that in order for Cheney Drive to continue west to this area of town it will most likely need to be an off-set intersection around the mobile home park and the best location would be to construct just south of the mobile home park and extend the road adjacent to the northern boundary of Fieldstone Subdivision creating a need for more professional zoned property.

Currently there is no future plan for this land use to change where the mobile home park is located so for the City to have Cheney continue the direction that is planned it would have to acquire property currently owned by the mobile home park and by the Twin Falls Reformed Church. Creating an off-set intersection would be a way to possibly help Cheney Drive develop without the added expense of acquiring land and an off-set intersection has been found to be safer. This plan would free up North College and offer the commercial property and the church parking north of Fieldstone Subdivision another route to travel.

If this proposal is approved the plan would be to have office buildings along the north portion of the Fieldstone Subdivision with residential character with a 5/12 minimum pitch and eves that are similar to the residential area with lighting that doesn't pollute the neighboring properties, trash receptacles would need to be screened and access to the professional offices would be directed away from the residential area and would operate during business hours with little impact to the subdivision. To the south there will be 3 lots approximately 10,000 sq. ft that would allow for duplexes which is what is directly across the street from this property. The lots along Fieldstone Way, seem to be the biggest concern at this time , his concept for this area is multi-family that would be for more of senior independent living area, but to allow for this type of density R-6 allows for this type of development. The design criteria with 5/12 minimum pitch, masonry and windows for a residential feel would eliminate the idea of a three story apartment complex type development. This will not be a low income housing development, there is control of the use and design through the PUD Agreement and zoning process. He doesn't have control over the property to the west that has been designated R-6 PRO PUD, but he does have in mind what he wants this project to look like and has specified that in the PUD Agreement. He has made his developments very nice and still owns 20 of the lots in the Fieldstone Subdivision and cares about how things develop. He does understand the neighbors' concerns.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the request on the overhead and stated in June 2004 this area was annexed into the City of Twin Falls with R-2 Zoning. Fieldstone subdivision (formerly Westview Meadows), consisting of 36 acres and 82 residential lots, was recorded in December 2004. The property has been developed in phases. There was an amendment approved in 2009 to allow vacation of public right-of-way. this is a request for a zoning district change & zoning map amendment from R-2 to R-6 PRO PUD.

It was explained that this is a two part request

- First is a request for a Zoning District Change & Zoning Map Amendment from R-2 to R-6 PRO PUD for 12.54 (+/-) acres to allow for a planned mixed use development consisting of multi-family residential, professional and medical uses on property located on the remaining portion of the fieldstone subdivision; and
- Second Is A Request To Vacate The Dedicated Public Rights-Of-Way And Easements Within That Portion Of The Fieldstone Subdivision That Is Being Proposed To Be Included With The Rezone/Pud Request.

The development, upon approval, would rezone a portion of an area that is currently platted for thirty-five (35) residential dwellings. The planned unit development description indicates that it would replace those single family residential lots with an area that would allow for six (6) professional offices along the future alignment of Cheney Drive West, seven (7) multi-family residential buildings along Field Stream Way, two (2) single family lots at the end of Cobble Creek Road, and three (3) duplexes fronting along North College Road West.

The change of the base zone from R-2 to R-6 with a Professional Office Overlay would allow for a number of additional uses in the area.

The current R-2 zoning designation allows for single-family and duplex residences. Non-residential uses are limited to some cultural and public amenities such as parks, schools, and churches.

The R-6 zone, as proposed in the PUD, allows for single-family, duplex, up to a 6 unit multi-family dwelling, and nursing/rest homes with an occupancy of 16 residents/including on-site care givers as allowed uses. Some professional office uses are proposed to be allowed without a special use permit such as doctor's offices, finance and real estate offices. Some additional uses may be permitted with a special use permit. Also, in general, non-residential uses are restricted to hours of 7:00 am to 9:00 pm and less than 14,000 sq ft building unless allowed by special use permit.

A preliminary PUD presentation was made to the Commission and public on September 13, 2011. there were some questions from the public on the development of Cheney Drive and if a traffic impact study would be required. At this point a traffic impact study has not been required. There has been discussion on Cheney Drive West with the applicant. The most-likely alignment of Cheney Drive West would go through the southern-most portion of the County Villa Estates Mobile Home Park and then along the northern boundary of fieldstone subdivision and the southern boundary of the reformed church property. Currently, North College Road West is the only way that the Fieldstone Professional Area could be accessed. This would be an increase in traffic impacts to the area as North College Road West is already servicing the Xavier Charter School, a future LDS Stakehouse and existing residential development. There has not

been any additional information provided on the proposed phasing and development of Cheney Drive West.

Access to individual lots is to be developed individually per lot. There are currently eight (8) lots proposed that front on Field Stream Way. The property development standards indicate that there would eight (8) separate accesses onto Field Stream Way. The development standards also state that parking, landscaping, and water retention standards will need to be met on each individual lot. Generally in PUD developments of this size there is an allowance for consolidated accesses with cross-use easements for traffic, parking, landscaping and storm water retention with a common property owners association to maintain.

The majority of the other property development standards proposed are consistent with the R-6 zone in terms of setbacks, maximum building height (35'), and landscaping. Screening would be required between the residential areas and non-residential areas. The type and/or materials of the screening has yet to be decided.

There are some design standards proposed to decrease the impact of non-residential development such as a requirement for 5/12 pitched roofs on the buildings. Approved materials are listed and a minimum of 15% and maximum of 85% residential development is stated to require a mix of uses in the development. There are building elevation samples that illustrate the type of development design that is proposed.

This request is in conformance with the Comprehensive Plan which designates this area as appropriate for Medium Density Residential development and the Urban Village/Urban Infill land use concept.

There is not a zoning designation specific to the Urban Village/Urban Infill classification within City Code but it encourages mixed density residential development and a mix of non-residential uses that support the area which can be met with the Professional Office Overlay designation.

The applicant indicates that this project will provide a buffer to transition between the single-family residential area and the areas to the north and west that have zoning allowing for commercial-retail, professional, and multi-family development.

Zoning & Development Manager Carraway stated upon conclusion the Commission needs to make 2 separate motions: both are recommendations only which means that both requests will automatically be scheduled for another public hearing whereby the City Council shall make a decision on the request(s).

IV-1 Staff Recommendations:

Should the Commission recommend the R-6 PRO PUD zoning to the City Council, as presented, staff recommends the following conditions:

1. Subject to site plan 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 property being re-platted and recorded prior to any building permits being issued.
3. Subject to final approval and recordation of the PUD agreement.
4. Subject to approval of vacation request, as presented.

IV-2 Staff Recommendations:
Should the Commission recommend approval of the request for vacation, as presented, staff recommends the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to meeting the conditions of utility companies for the abandonment of the public utility easements.
3. Subject to approval of the Fieldstone Professional Planned Unit Development.

PUBLIC HEARING: OPENED

- Steve Dixon, 1006 Cobble Creek Road, representing several property owners, state they understand that Brad Wills has submitted a rezoning request for the undeveloped portion of the Fieldstone Subdivision. He would like to rezone the property from R-2 to R-6 PUD with a PRO overlay. We also understand that following the rezoning, he will proceed with a process to vacate the right-of-way that was dedicated to serve the future phase of Fieldstone and submit a new plat for redevelopment of the area. They are opposed to the Zoning request in its current form. They think it leaves too many issues unanswered. Several of the residents have had conversations with Brad. He has shared some of his ideas and given some assurances, however, Brad may not be the builder or developer who does all this work. Following this process, he may sell off the property to someone else. At such a point, Brad's ideas and assurances will mean little. The zoning document has to be drafted to protect the current residents of Fieldstone and the other neighborhoods around. Following are some concerns they have with this request:

    1) Conformance to the Future Land Use Plan -The Future Land Use Plan appears to show a designation change between Urban Village and Medium Density Residential along Field Stream Way, with the Fieldstone subdivision being designated as Medium Density Residential. They understand that the Future Land Use Plan is meant to be somewhat flexible and that the line between the two designations should be allowed to shift either way a little. In this case, they would argue that the line between the two designations should remain along Field Stream Way, leaving the Medium Density Residential designation in place for the Fieldstone subdivision. The subdivision was platted and partially developed as a medium density subdivision. The homeowners who invested in the subdivision invested in a complete vision and have an expectation that the plan will be maintained. So, while the Commission has the ability to interpret the Future Land Use Plan designation for this property as Urban Village, they urge you to maintain the Medium Density Residential designation for the property.
    2) Lots 6 & 7 at the west end of Cobble Creek Rd. -If this plan is approved, these two lots will be located within and accessed through the Fieldstone subdivision. Yet, the zoning on these two lots will be R-6. According to the proposed PUD language, these two lots would then be able to be developed as multifamily lots. They are not big enough lots to have a 6-unit apartment building constructed on them, but are certainly big enough to have a duplex or triplex constructed. These two lots should

be removed from the zoning request. Perhaps an acceptable alternative would be to add a restriction in the proposed PUD language limiting these two lots to single family units only.

3) Trailer and RV parking The Fieldstone subdivision currently has a trailer and RV parking area for residents to utilize at the north end of River Mist Path. This plan appears to show a cul-de-sac being built on that parking area. Reducing the size of this area will mean that homeowners will have less area to use there and potentially have to make costly improvements to their own yards or pay a monthly fee at a storage facility.
4) Gravel Access Road -The plan appears to show a gravel access road running along the backs of the new lots being proposed. At one point, this gravel access road ties to the cul-de-sac in the Fieldstone subdivision at the end of Cobble Creek Rd. Are all of these proposed high density housing and office uses going to have access through the subdivision? The plan is unclear. The proposed PUD should eliminate all access from the proposed new lots to any street within the Fieldstone subdivision, with the exception of Lots 6 & 7 as discussed above in item #2.
5) Fencing -The proposed PUD language says that the proposed office lots will have a fence between them and the residences in Fieldstone. The language doesn't say anything about the proposed high density housing lots and Fieldstone. Will they have to have a fence as well? The language is also silent on who or when shall construct the fence, and what material the fence will be. Will the developer install a single uniform fence along the entire boundary, or will Fieldstone residents be left with a hodgepodge of different fence styles at the discretion of whoever builds each building? They would like the PUD to state that the developer shall construct the fence with the subdivision development, rather than each lot's fence being built with each lot's building permit. They would also like the fence to match the fence that the developer has already constructed around the perimeter of the Fieldstone subdivision so far.
6) Walking Trail-There is currently a walking trail planned to run behind the homes on the north side of Cobble Creek Rd. The property for the trail has been dedicated to the HOA, but the trail has not been constructed. This plan shows that trail continuing into the requested new subdivision a little ways, then dead-ending there. It does not continue to Field Stream Way, or stop short of the new subdivision and turn south to Cobble Creek Rd. This is a terrible plan. A dead-end trail surrounded by fencing will just create an isolated spot for suspicious behavior. The trail needs to either turn south to Cobble Creek Rd. or continue on to Field Stream Way.
7) Requested Residential Density -The R-6 zone allows for apartment buildings. This PUD language limits the number of units on an R-6 lot to 6 units, but six units is still an apartment building. Many of the residents in Fieldstone have a real problem with apartment buildings being allowed within what it now zoned and platted as our single family subdivision. That is not what they bought into. This residential density should be reduced duplex, perhaps a maximum of triplex.
8) Building Standards -They appreciate that he has include the building standards in the proposed PUD language. In addition to those already proposed, they suggest that there be a one-story building height as well.

9) Traffic Concerns -With the construction of the Xavier School, traffic around our subdivision has significantly increased, particularly along North College Road. Adding more high density residential and office uses into this area will only increase the already heavy traffic. The development of Cheney Drive, west of Grandview may help deal with the heavy traffic loads in the area. If this plan is approved, development of the property should not be allowed to proceed until Cheney Drive is constructed.

In conclusion, when the residents of Fieldstone bought their homes, they invested in a platted, zoned, and recorded subdivision. It was not an idea or rumor, it was a certainty. They want to thank the Commission for their time and consideration of our thoughts, and ask that the Commission deny this request.

- Ted Booth, 446 Pierce St, stated his father owns a home in the Fieldstone Subdivision and would like to remind the Commission of City Code 10-1-5(E)and stated the purpose of zoning is to protect and conserve the value of land throughout the Municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings. He stated when people purchased their property in this subdivision they knew what was planned and this will create a negative impact on the property values in this subdivision, particularly the lots that have been designated as multi-family. He does agree that getting Cheney Drive routed through the area as presented would be beneficial but changing the zoning would not be beneficial.
- Kristy Hill, 932 Starlight Loop, representing a group of property owners, stated she lives in Sunterra the subdivision south of this property and knows many people in the Fieldstone Subdivision. This will impact the values of their home and would like to have input in how this area grows and changes and they have several concerns with this proposal.
    1) Density is the first concern, the original plan allows for single family dwellings only. The new plan allows for multi-family dwellings up to 6 units per lot. If they assume that the lots facing Fieldstream Way were to become 4 plex to 6-plex apartment buildings, and the lots facing North College Road were to become duplexes, then the density of people significantly increases. Where 17 households were originally to be, they would be replaced with 30-42 households. This does not take into account the increased amount of traffic from the employees and patrons of the professional buildings.
    2) Buffer Zone concept is the second concern, a neighborhood does not need to be buffered from a church or school. R-6 zoning does not offer any kind of buffer to another R-6 zoning. Fieldstone is designed to be an internal neighborhood. The homes don't face Fieldstream Way, so the idea of the buffer is not necessary. The street itself acts as a buffer and divider for the neighborhood to the other R-6 zoned property as opposed to Will's plan to butt the R-6 zoning right up to the subdivision.
    3) Rental Propert is another concern, they agree that varied and diverse housing is necessary and desirable in Twin Falls. However, we also feel that there is plenty of high density housing already planned in the area, or already existing in the area. About a mile away on Caswell Avenue there already exist several different apartment complexes. Higher density housing puts a strain on schools and other resources.
    4) Home Values, raises another concern with rental property is the impact it has on home values in the surrounding area. Homeowners tend to put a lot more effort into

the upkeep of the exterior of their house. Rental properties tend to get rundown more quickly; the tenants often don't take as much pride in the appearance of the exterior. This leads to less attractive properties which then impacts the value and appeal of the surrounding houses.

5) Safety, becomes an issue with rental properties because of the turnover of tenants. When permanent residents are in place, we get to know the neighbors, the cars become familiar, providing a level of safety for out children based on familiarity. We want to protect our children and our way of life in the neighborhood.
6) Compatibility with the Comprehensive Plan, is a point that we disagree with in the proposal. The plan states "Twin Falls residents have high expectations for the future of their city and the quality of life it offers. Rapid development in the recent past, the lack of sufficient water to accommodate such growth, a sprawling development pattern and strained infrastructure are viewed as primary threats to continued growth and development. In order to continue to grow and prosper in a sustainable manner, these conditions must be addressed. They feel this change does not adequately adhere to the vision that the citizen's want for this city.

In closing, they think that, as citizens who are mot impacted by this proposed change, would like to be heard. Over a hundred signatures were collected from the surrounding neighborhoods, opposing this request. The residents of Fieldstone have a right to expect the neighborhood that they invested in to become the neighborhood they were sold. They requested that the Commission represent the citizens and object to this zoning change.

- George Burkett, 1380 Silver Creek Way, wanted to make sure that the access from Silver Creek Way to North College Road was not going to be closed.
- Tato Munoz, 410 Aspenwood Dr, stated his concerns are related to traffic issues and not requiring a traffic study. Even with the future road plans in place the roads are not going to be developed for years leaving heavy traffic on a small road that already has issues. His other concern is that this proposal is trying to address a need that doesn't currently exist. The Comprehensive Plan designates this area as medium density and the proposed zoning R-6 allows for higher density development. There needs to be a Comprehensive Plan amendment that would allow this area to have high density residential before this request gets approved.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

- Mr. Wills stated it seems the biggest concern is based on misinformation and the idea that this will be high density, low income development. The plan is not intended to be for low income housing. He reviewed the exhibits once again and explained the boundaries explaining the pieces were excluded from the request because the land does not belong to him. He understands that a lot of people have invested in this subdivision, and unfortunately the property values are all down. Some of the proposed uses could already be done, except the CCR's prevent the uses from happening. He has never promised what type of wall will go in around the rest of the subdivision but there will be a fence. The walking path is a concern but is not part of the request, and will have to be dealt with through the home owner's association. The traffic has been generated by the development around the subdivision but by having Cheney Drive developed it would help relieve some of the problems. He understands that if the zoning designation was developed to its fullest potential he could see how the density would be scary. He is confident however, that whatever gets developed he will work to make palatable to the people most impacted.

P&Z QUESTIONS/COMMENTS:

- Commissioner Cope stated there were two people that spoke that are worried that the property will be sold making the assurances void, does he know what his plans are with the land.
- Mr. Wills stated they have a good point as long as he owns it he has the ability to do what he says he is going to do. He owns 20 lots still within this subdivision and is the one that has designed and invested in the development, it would be against his nature to not continue in this way.
- Commissioner Schouten asked about the vacation and if it was designated for utilities.
- Mr. Wills stated there was suppose to be a 20 foot easement for fire with a fire gate, the utilities are located in this area and the easement will stay in place the only thing that has changed is the need for the 20 foot fire easement.

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated that they vacated roadways to reduce traffic, now they want to come through face the buildings the other way and create more traffic through this area. We need to protect the people in the subdivision. This is not going to protect the residents. There is almost 30 acres that is set aside for office space north of this area and it isn't going to be developed any time soon. There may be some need for this in 10 years but not now**.**
- Commissioner Sharp agreed and stated his concern is with the residents that are already there, they bought thinking this was going to be developed as single family residences.
- Commissioner Schouten stated properties change hands and become run down over town. He likes the idea of Cheney Drive being developed and but is not in favor of this request.

MOTION I:

Commissioner Schouten made a motion to recommend approval of the request, as presented, to City Council. Commissioner DeVore seconded the motion. All members present against the motion.

1. Subject to site plan 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 property being re-platted and recorded prior to any building permits being issued.
3. Subject to final approval and recordation of the PUD agreement.
4. Subject to approval of vacation request, as presented.

MOTION II:

Commissioner Cope made a motion to recommend approval of the request, as presented, to City Council. Commissioner Schouten seconded the motion. All members present against the motion.

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to meeting the conditions of utility companies for the abandonment of the public utility easements.
3. Subject to approval of the Fieldstone Professional Planned Unit Development.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **October 11, 2011**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 7:30 pm.

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
OCTOBER 25, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS
CITY LIMITS:
Wayne Bohrn Kevin Cope Jason Derricott Terry Ihler V. Lane Jacobson Jim Schouten Chuck Sharp
Chairman Vice-Chairman
AREA OF IMPACT: **CITY COUNCIL LIAISON**
Lee DeVore R. Erick Mikesell Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:	ABSENT:
Bohrn	Jacobsen
Cope	
Derricott	
Ihler	
Schouten	
Sharp	

AREA OF IMPACT MEMBERS

PRESENT:	ABSENT:
Mikesell	DeVore

CITY COUNCIL MEMBERS PRESENT: Mills Sojka
CITY STAFF PRESENT: Carraway, Strickland, Vitek,

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Consideration of the Preliminary Plat of the Platinum Trio Subdivision, 0.195 (+/-) acres consisting of two (2) residential lots and located on the west side of the 300 block of Tyler Street, c/o Riedesel Engineering, Inc. on behalf of Habitat For Humanity of the Magic Valley, Inc.

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to operate an automobile sales business on property located at 269 Washington Street North, c/o Nelson and Co. (app. 2479)

2. Request for a Special Use Permit to construct an 1800 sq. ft. detached accessory building on property located at 3549 North 3000 East within the City's Area of Impact, c/o Justin and Jessica Simmons. (app. 2481)

3. Request for a Special Use Permit to construct an 1800 sq. ft. detached accessory building on property located at 2996 Anderson Lane within the City's Area of Impact, c/o Jared and Sonya Povey. (app. 2482)

4. Request for a Special Use Permit to expand an existing medical office including physical therapy by more than 25% on property located at 1426 Falls Avenue, c/o Paul Lloyd on behalf of Bryan Wright. (app. 2483)

5. Request for a Zoning District Change and Zoning Map Amendment from C-1 to M-2 for 58 +/- acres located at the southwest corner of Kimberly Road aka 3800 North Road and 3300 East Road, c/o Margaret Sligar and Kimberly Road Partners, LLC. (app. 2484)

I. CALL MEETING TO ORDER:

Chairman Bohrn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **September 27, 2011**
2. Approval of Findings of Fact and Conclusions of Law:
   - Vigen Associates (SUP 09-27-11)

Motion: Commissioner Cope made a motion to approve the consent calendar, as presented. Commissioner Derricott seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. Consideration of the Preliminary Plat of the Platinum Trio Subdivision, 0.195 (+/-) acres consisting of two (2) residential lots and located on the west side of the 300 block of Tyler Street, c/o Riedesel Engineering, Inc. on behalf of Habitat For Humanity of the Magic Valley, Inc.

APPLICANT PRESENTATION:

Don Acheson, Riedesel Engineering, Inc., state he is here to request approval of the Platinum Trio Subdivision for the Habitat for Humanity. This is an infill project to subdivide a lot so that two homes may be built for two families.

Linda Fleming stated this lot was originally owned by one family and there was a home located on the center of this property that has been removed. This will yield approximately 2 homes once the subdivision is approved. The development will consist of a townhome with two units containing two bedrooms and will be sold two separate families.

STAFF PRESENTATION:

Zoning & Development Manger Carraway reviewed the exhibits on the overhead and stated that this is request for a preliminary plat approval for the Platinum Trio Subdivision the property is approximately 0.195 (+/-) acres and is zoned R-4.

The request is to plat two (2) lots for residential development. The site is located on the west side of the 300 block Tyler Street. The proposed plat will divide an existing lot and portion of the lot to the south into two (2) lots. The property is currently vacant as the home on the property was demolished earlier this year. The applicant, Habitat for Humanity of the Magic Valley, constructed a home on the lot to the south in June 2011. A lot line adjustment took place that added some additional square footage to the northern lot. The lot is presently about 65'x130'. It is being subdivided into 2 lots. The proposed development is for a zero lot line subdivision which as proposed meets the minimum standards.

As an additional two residential units is proposed there is a requirement for parkland dedication or an in-lieu contribution. As the property is not large enough to provide a park and there are park facilities directly to the north then an in-lieu contribution was required and approved by the City Council on September 26, 2011.

Tyler street is not built to its full width and curb and gutter are not present on this section. Construction of curb, gutter, and sidewalk are required by code and a patch of the roadway to the gutter. The preliminary plat reflects the these improvements however the applicant is requesting that their construction be deferred. The City Council will review this request.
The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for medium density residential uses.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the preliminary plat of the Platinum Trio Subdivision, as presented, staff recommends approval be subject to the following condition:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

PUBLIC COMMENTS: **OPENED & CLOSED WITHOUT PUBLIC CONCERN**

DELIBERATIONS FOLLOWED: **WITHOUT CONCERNS**

MOTION:
Commissioner Schouten made a motion to approve the request as presented. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to operate an automobile sales business on property located at 269 Washington Street North, c/o Nelson and Co. (app. 2479)

APPLICANT PRESENTATION:
Tim Vawser, EHM Engineers, Inc., representing the applicant, stated he is here to request a special use permit for property located at 269 Washington Street North. This property has been used as an automobile dealership in the past and this request is for the same type of use. The lot is small with two approaches off of Washington Street North. City staff has raised some concerns regarding the large lateral to the south and the two approaches for the property. The applicant intends to work with the canal company on the lateral and would like to negotiate keeping both of the approaches open on the property. The improvements that have been made to Washington Street North included a center island that forces traffic to turn right when exiting this property mitigating some traffic concerns.

The applicant is asking that there be a eight month deferral for the improvements for paving but that occupancy be allowed prior to the completion of the improvements. Currently the property adjacent to this parcel is going to be up for bid in a City Auction and the applicant would like to post pone landscaping and other improvements until it has been determined what is going to occur with this lot. The applicant plans to bid for the adjacent lot and if he acquires the property he would like to do the improvements on both lots at the same time. The applicant would like to be allowed to use barrels for an interim landscaping plan until the outcome for the adjacent lot

has been determined. If he does not acquire the adjacent property the applicant would meet the landscaping requirements or leave the barrels if that is adequate.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this property is located in the C-1, highway commercial district. The request is to re-establish an automobile sales business at this site. A special use permit is required for this use in the C-1 zone.

The applicant is not indicating any display pads as part of this permit; if there were some desired it would require a public hearing process. The most recent use of this property was an automobile sales lot but as the use was discontinued for more than one (1) year a special use permit is required to re-establish the use.

The applicant is anticipating operating the sales lot Monday -- Saturday from 9:00 am to 6:00 pm. It is estimated that there may be 5-10 visitors to the site daily. The property is adjacent to Washington Street North, a high-volume arterial roadway, and so the effect on traffic in the area would be negligible. It is anticipated there will be three (3) employees on-site at any one time. The site is adjacent to a vacant commercial property to the north and an undeveloped residentially zoned property to the west. There is a residence to the south and another automobile sales lot to the east, across Washington Street North as part of the special use permit process there is a review of required site improvements, including: landscaping, screening, required parking areas, street access, and storm water retention.

Washington Street North is a gateway arterial. City Code 10-7-12 states in addition to and as part landscaping requirements specified elsewhere in this title landscaping along gateway arterials shall be provided and this portion requires a minimum ten feet (10') width of landscaping along the frontage. The required landscaping within the C-1 zone is 10% of the required parking area or 3% of the total site, whichever is larger. Review of the site will be done to assure compliance with minimum requirements.

There is some asphalt along the frontage and so the site plan indicates that landscape barrels will be used. The Commission may consider and approve this alternative landscaping plan as presented. The barrels as shown on the site plan are in the traffic way. If the Commission grants an alternative landscape plan it should be subject to staff approval to ensure the minimum required square footage is met and to ensure the barrels shall be placed out of the traffic pathway.

Screening is required between commercial and residential or residentially-zoned properties. A sight obscuring fence would need to be constructed on the western and southern boundaries of the property. The site plan indicates a six foot (6') high chain link fence with privacy slats will be installed, slating materials to be approved by staff.

The C-1 commercial zone requires that all parking and maneuvering areas be hard surfaced with Portland concrete or an asphaltic surface. There are some areas of damaged asphalt and much of the lot is undeveloped. As the proposed land use is for an automobile sales business the entire area designated to be used to park vehicles, whether for sale, customers or employees, would require compliance with the hard surfacing requirement.

The engineering department recommends only one (1) curb-cut as the roadway carries such a high amount of traffic, however the state, constructed the site, as it was previously, and developed it with two (2) narrow accesses to the site. Both are shown on the site plan as ingress/egress accesses. The Commission can, as a condition of approval, limit the business to one (1) ingress and one (1) egress access only.

Any change to a surface, from being undeveloped to being paved, will require that storm water be retained on site for the additional runoff created. A paving and storm water retention plan will have to be provided and approved by the planning and zoning department.
The applicant has requested that development of the required improvements be deferred until the property to the north is available.

The property to the north was purchased by the City of Twin Falls as part of the right-of-way acquisition process on Washington Street North. As a surplus property the City will put it up for auction at some point. The applicants would like to purchase that property and master plan both properties. They have indicated they would complete improvements for both properties at that time. The applicants have indicated they would like to begin operation of this business on their property now, however, the time frame for the sale is unknown at this time and there is not any guarantee that the City's property would be acquired by the applicant; therefore the City is not supportive of a deferral of any improvements. Staff would recommend the required improvements on the applicants' property be completed prior to operation of an automobile sales business.

If the applicants did acquire this property a special use permit would be required to include this property as part of the automobile dealership. There is a Twin Falls Canal Company coulee on the south side of the property. The applicant has indicated that he is working with the canal company to determine if any measures need to be taken to protect or maintain the coulee.
In addition to the City's requirements, the state department of motor vehicles has a licensing process for dealers and dealerships with which the applicant would need to be in compliance.
The Comprehensive Plan shows this property as residential/business. This request is consistent with the Comprehensive Plan.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the request, as presented, staff recommends the following conditions be placed on this permit:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to compliance with landscaping requirements, as per City Code§ 10-4-8.3(F), §10-7-12 & §10-11-2. If the commission grants an alternative landscape to allow landscape barrels the plan shall be subject to final approval by staff prior to operation of the business.
3. Subject to construction of a minimum six foot (6') high sight obscuring privacy fence on the western and southern boundaries of the property. Slating material to be approved by staff and fencing to be installed prior to operation of the business.
4. Subject to all parking and maneuvering areas being hard-surfaced, as per City Code §10-11-4. There shall be no vehicles on undeveloped surface at any time.
5. Subject to limiting the existing accesses to one (1) ingress and one (1) egress. Directional signage to be approved by staff prior to operation of the business.
6. Subject to approval and implementation of a storm water retention plan for the property.

7. Subject to review by the Twin Falls Canal Company of the coulee on the property and compliance with any requirements that they may have for development.
8. Subject to compliance with all DMV dealership requirements. A copy of the approved dealership license to be provided prior to operation of the business.

PUBLIC HEARING: OPENED & CLOSED WITHOUT CONCERNS

DELIBERATIONS FOLLOWED:

- Commissioner Cope stated his is all for the staff recommendations except that number four should give a time frame of eight months. As for the landscaping with the new improvements on Washington Street the barrels will look tacky and landscaping should meet code requirements.
- Commissioner Mikesell agrees with the landscaping comment made by Commissioner Cope and stated he understands that the applicant is interested in the adjacent property but the ownership is a big "if" and the time frame is uncertain, so if there was a time restriction placed on the approval he would be willing to consider barrels for a limited time. If something changed and the applicant didn't acquire the adjacent property there would be a time limit for completing the landscaping or put a time limit for a year on the special use permit approval. There have been many times that improvements don't get done and the projects never get completed. He is not willing to approve this with just the barrels for landscaping.
- Commissioner Cope suggested that we just deal with the current property improvements and worry about the adjacent property if it come through for special use permit and is acquired by the applicant.
- Commissioner Schouten stated his only concern is the fence requirement with on the south side of the property with the fence, the canal company is going to need an easement for access, and fencing this without approval from the canal company would not be recommended. A one year probation on the special use permit would be something he would consider approving.
- Commissioner Bohrn asked if the current curb cuts for the egress and ingress to the property meet the requirements so that the applicant could keep them both open, or if there is a reason there needs to be directional signage.
- Assistant City Engineer Vitek stated that the current accesses to the property are not sufficient size to be used for both egress and ingress to the property. When street improvements are done ITD's policy is to replace what is existing. In order to meet code the access needs to be wider if used for egress and ingress to the property.
- Zoning & Development Manager Carraway stated when a year expiration is put on a special use permit it limits improvements made on a property because the applicant is uncertain as to whether or not the special use permit request will be approved the next time. Putting a timeframe for when improvements need to be complete is not unreasonable. Staff does agree that the season will create a delay and is willing to allow for extensions.

MOTION:

Commissioner Derricott made a motion to recommend approval of this request, as presented with an eight (8) month deferral for site improvements. Commissioner Cope seconded the motion. Commissioners Cope, Ihler, Sharp, Schouten, Derricott, & Bohrn voted in favor of the motion and Commissioner Mikesell voted against the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to compliance with landscaping requirements, as per City Code§ 10-4-8.3(F), §10-7-12 & §10-11-2.
3. Subject to construction of a minimum six foot (6') high sight obscuring privacy fence on the western and southern boundaries of the property. Slating material to be approved by staff and **fencing to be installed prior to operation of the business**.
4. Subject to all parking and maneuvering areas being hard-surfaced, as per City Code §10-11-4. There shall be no vehicles on undeveloped surface at any time.
5. Subject to limiting the existing accesses to one (1) ingress and one (1) egress. Directional signage to be approved by staff prior to operation of the business.
6. Subject to approval and implementation of a storm water retention plan for the property.
7. Subject to review by the twin falls canal company of the coulee on the property and compliance with any requirements that they may have for development.
8. Subject to compliance with all DMV dealership requirements. A copy of the approved dealership license to be provided prior to operation of the business
9. Subject to approval with an eight (8) month deferral for site improvements **(June 11, 2012).**

2. Request for a Special Use Permit to construct an 1800 sq. ft. detached accessory building on property located at 3549 North 3000 East within the City's Area of Impact, c/o Justin and Jessica Simmons. (app. 2481)

APPLICANT PRESENTATION:
Nevin O'Berg, CNR Construction, representing the applicant, stated his customer is in need of an 1800 sq. ft accessory building for storage of lawn equipment and vehicles to keep them out of the weather. They would like to put the building along the northwest corner of the property, they are not sure where the drainage field is located on the property so that will need to be discussed with South Central Health District representative Craig Paul. This proposed structure will coincide with the neighborhood and there are several out buildings in the neighborhood that are similar in size.

STAFF PRESENTATION:
Zoning & development manager carraway reviewed the request on the overhead and stated this property is zoned R-1 VAR; residential single-family zoning district, in the City's area of impact (AoI). The applicant would like to construct an 1800 sq ft detached accessory building to be used for personal storage. In the R-1 VAR zone a special use permit (sup) is required for a detached accessory building larger than 1,000 sq ft in size.

The property is 2.5 (+/-) acres and presently has a single family residence and pasture area. The property is in a rural residential area and surrounding properties are residential or agricultural. The detached accessory building is proposed to be 36' x 50' or 1800 sq ft. There are barns and other large detached accessory buildings on adjacent properties. The building is single story with three (3) bay doors and one (1) man-door. The center area is the highest point, the eaves are at 15' 4" tall.

There are not any living facilities in the structure and the applicant is aware that detached accessory buildings cannot be used as residences or for a non-residential use. The applicant has stated the building will be for personal use and not for any type of commercial endeavor.

The building is designed to be compatible with the area and the existing residence. The structure is made of metal siding and will have a metal roof. The structure will be painted a color to match the house on the property.

The structure and site improvements will be reviewed as part of the building permit review process to assure compliance with minimum code requirements as this property is within the area of impact a review for county compliance with regards to well & septic placement per new development on the site will also be included in the review.

There is a concrete private driveway to the existing residence. The remaining area from the proposed detached accessory building to the existing driveway will have to be hard surfaced. The building is placed behind the residence and as far from the adjacent roadways as possible and will have little impact because of its limited visibility from the road. The fire department will review if any measures are required to access the property for fire protection.

The request is in conformance with the Comprehensive Plan and should have minimal impacts to the surrounding neighbors if developed as presented.

Zoning & Development Manager Carraway stated upon conclusion should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to building being used for non-commercial purposes only.
2. Any lighting be downward facing and screened to mitigate possible impact to adjoining properties.
3. Subject to access to the detached accessory building being hard-surfaced per City Code §10-11-4(B).
4. Subject to construction & elevations of the building as presented.
5. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable code requirements and standards.

PUBLIC HEARING: OPENED

- Larry 2990 Anderson Lane, stated his concern is that this is a private lane with 1+ acres lots and there is no consistency with the sizes for outbuildings. Some of the existing buildings are 1200 sq. ft. and some are 1800 sq. ft. is there size limit accessory buildings for the remaining 3 lots in the neighborhood.
- Craig Paul, stated there is not a well delineated design showing the exact location of the drain field on the property. There may or may not be a problem with the location, but he plans to work with the applicant before a building permit is submitted.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Schouten explained that unless there are CCR's in place for the neighborhood that restricts sizes for outbuilding there are not limitations. The City only enforces city code and this size outbuilding is allowed if approved through the special use permit process.

MOTION:

Commissioner Mikesell made a motion to recommend approval of this request to the City Council. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to building being used for non-commercial purposes only.
2. Any lighting be downward facing and screened to mitigate possible impact to adjoining properties.
3. Subject to access to the detached accessory building being hard-surfaced per City Code §10-11-4(B).
4. Subject to construction & elevations of the building as presented.
5. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable code requirements and standards.

3. Request for a Special Use Permit to construct an 1800 sq. ft. detached accessory building on property located at 2996 Anderson Lane within the City's Area of Impact, c/o Jared and Sonya Povey. (app. 2482)

APPLICANT PRESENTATION:
Nevin O'Berg, CNR Construction, representing the applicant stated his customer would like to build an 1800 sq. ft accessory building on the northeast corner of the property. This proposed structure will coincide with the neighborhood and they ask that they approve this request.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the request on the overhead and stated this property is zoned R-1 VAR; residential single-family zoning district, in the City's area of impact (AoI). The applicant would like to construct an 1800 sq ft detached accessory building to be used for personal storage. In the R-1 VAR zone a special use permit (sup) is required for a detached accessory building larger than 1,000 sq ft in size.

The property is 1.32 (+/-) acres and presently has a single family residence and pasture area. The property is in a rural residential area and surrounding properties are residential or agricultural. The detached accessory building is proposed to be 36' x 50' or 1800 sq ft. There are barns and other large detached accessory buildings on adjacent properties. The building is single story with three (3) bay doors and one (1) man-door. The center area is the highest point, the eaves are at 15' 4" tall.

There are not any living facilities in the structure and the applicant is aware that detached accessory buildings cannot be used as residences or for a non-residential use. The applicant has stated the building will be for personal use and not for any type of commercial endeavor. The building is designed to be compatible with the area and the existing residence. The structure is made of metal siding and will have a metal roof. The structure will be painted a color to match the house on the property.

The structure and site improvements will be reviewed as part of the building permit review process to assure compliance with minimum code requirements as this property is within the area of impact a review for county compliance with regards to well & septic placement per new development of the site will also be included in the review.

There is an asphalt private driveway to the existing residence. The remaining area from the proposed detached accessory building to the existing driveway will have to be hard surfaced. The

building is placed behind the residence and as far from the adjacent roadways as possible and will have little impact because of its limited visibility from the road. The fire department will review if any measures are required to access the property for fire protection.

The request is in conformance with the comprehensive plan and should have minimal impacts to the surrounding neighbors if developed as presented.

Zoning & Development Manager Carraway stated should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to building being used for non-commercial purposes only.
2. Any lighting be downward facing and screened to mitigate possible impact to adjoining properties.
3. Subject to access to the detached accessory building being hard-surfaced per City Code §10-11-4(b).
4. Subject to construction & elevations of the building as presented.
5. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable code requirements and standards.

PUBLIC HEARING: OPENED & CLOSED WITHOUT CONCERNS

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Schouten made a motion to recommend approval of this request to the City Council. Commissioner Derricott seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to building being used for non-commercial purposes only.
2. Any lighting be downward facing and screened to mitigate possible impact to adjoining properties.
3. Subject to access to the detached accessory building being hard-surfaced per City Code §10-11-4(b).
4. Subject to construction & elevations of the building as presented.
5. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable code requirements and standards.

4. Request for a Special Use Permit to expand an existing medical office including physical therapy by more than 25% on property located at 1426 Falls Avenue, c/o Paul Lloyd on behalf of Bryan Wright. (app. 2483)

APPLICANT PRESENTATION:
Bryan Wright, the applicant, state he is here to request a special use permit to expand his current business. The purpose for the request is to build a wellness center for physical therapy. The hope would be to be able to distinguish the service from physical therapy and bill it as a separate service. The physical therapist would be reviewing the medical charts and guided towards the persons diagnosis. There is a need for improving the access off of Falls Avenue and to make it safer and have additional access from Walnut Street with this plan. He requested that the Commission approve this request.

STAFF PRESENTATION:
Zoning & development manager Carraway reviewed the request on the overhead and stated this property is zoned R-2 PRO, residential single household or duplex district with a professional office overlay. The applicant would like to expand his medical office/physical therapy business located on the property just east of site granted the sup last year. A special use permit is required for an expansion of over 25% to a use allowed by special use permit. The proposed expansion would be a 100% expansion.

The site currently has a residence and is .38 (+/-) acre in size. The applicant intends to remove the home and construct an additional 4700 sq ft building, 2900 sq. ft. onto the main floor of the facility and 1800 sq ft on the 2nd floor. The full facility would continue to operate Monday - Friday from 7:00 am to 8:00 pm. The expansion would allow for additional equipment and area for patients to use therapeutic equipment. A therapy pool, equipment like exercise bikes, lockers, a hot tub, and an elevator for full accessibility to the 2nd floor would be added. There will also be an additional 2-4 employees in addition to the current six (6) full-time staff members.

The professional office overlay zoning designation allows for medical offices but does not allow for expanded uses such as a fitness facility. The expanded physical therapy services that Dr. Wright and his staff provide are for medical rehabilitation of patients only ; the facility may not be open to the public.

Due to the size of the facility, total of 9400 sq. ft. and nature of equipment such as a pool, hot tub and various exercise equipment, staff recommends that if the Commission grants the request this evening the special use permit be specific to Dr. Wright's facility.

The applicant anticipates that traffic may increase by 30-60 vehicles per day in the area. When the adjacent office was initially constructed it was a relocation from the Locust Grove Commercial Complex on the north side of Falls Avenue East and so it was not anticipated to increase traffic in the area as it was an already established business. An additional 30-60 vehicles may only be a slight increase to traffic on Falls Ave East and Locust Street North however the expansion would likely impact Walnut Street North. This is a residential roadway and commercial traffic is not desirable.

The site plan depicts two (2) accesses onto Walnut Street and one (1) on Falls Avenue East. There is currently an access from Falls Avenue East on the 1444 property that the applicant is proposing to close. The engineering department will accept one (1) access onto Falls Avenue East for ingress only and the location being as far from the Falls Avenue East and Locust Street intersection as possible which is the most desirable location. Engineering staff will not support two (2) accesses onto Walnut Street. To reduce commercial traffic impacts to the Walnut Street neighborhood one (1) access with ingress only will be allowed. Staff recommends a traffic control device so exiting onto Walnut Street is "right-only" be constructed such as a raised curb or "pork chop" median which would help direct traffic towards Falls Avenue East. Staff also recommends that this type of traffic control device be implemented on the existing Locust Street access also to encourage "right-only" exits.

A full review of property development standards and required improvements will be completed as part of the building permit review process. This includes review of: accesses, landscaping, right-of-way improvements, easements, screening, parking, storm-water retention, and building height.

Landscaping is depicted along the frontages of the property and the full required square footage will be reviewed. Landscaping around the existing office has been maintained and exceeds code requirements. Some site landscaping exists in the dedicated and proposed right-of-way; minimum landscaping requirements will have to be met on the private property.
The existing office was reviewed under the professional office requirement of one (1) parking space per 300 sq. ft. of total floor area. This required a minimum of sixteen (16) spaces the addition will require an additional sixteen (16) spaces. The site plan shows a total of thirty-five (35) spaces.

City Code requires that parking areas over eighteen (18) spaces provide parking lot lighting. Any lighting should be downward-facing and shielded to not create a traffic hazard or illuminate onto any residential properties. The spaces are indicated as paved as required per code and storm-water retention will have to be accommodated on-site.

The site plan indicates that additional right-of-way will be dedicated on Falls Avenue East for the subject property. Curb and gutter exist and sidewalk will be constructed on the additional Falls Avenue East and Walnut Street North frontages.

There is a recorded sewer easement on a portion of the property line between the applicant's properties and property to the south. The applicant will relocate the sewer line to the property and request a new easement.

The properties will also be required to be legally combined so that the building will not be constructed across a property line. As per City Code 10-11-3(a)1 the applicant will install a six (6) foot privacy fence on the south border of the property between the medical office use and the existing residence. It has been presented to be a stucco fence that could also be considered as a firewall, subject to building approval.

The project will be connected to and be an addition of the existing office and the height will have to be in conformance with the maximum height allowance of 35' in the zone. The materials and design will be compatible with the existing project.

Zoning & Development Manager Carraway stated should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to approval being specific to "Wright Physical Therapy".
3. Subject to the operation of a medical office including medically related physical therapy as indicated. Use of the physical therapy equipment will not be open to the public.
4. Subject to one (1) egress access on Walnut Street North. The exit onto walnut street north and exit onto locust street north shall include a "pork-chop" curb to require "right only" turns.
5. Subject to one (1) access from falls avenue east for the entire business site, both lots, being as proposed on the site plan and shall be for ingress only.
6. Subject to dedication of additional right-of-way on Falls Avenue East, as indicated.
7. Subject to legal combination of the two parcels into a single property prior to construction.
8. Subject to parking lot lighting being downward-facing and shielded to not create a traffic hazard or illuminate onto any residential properties.

PUBLIC HEARING: OPENED & CLOSED WITHOUT CONCERNS

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell is concerned with parking, and the impact this already has on the surrounding residential area. He is afraid that the expansion is going to make this situation worse. His second concern is that a fitness center by any other name is still a fitness center. He would like for it to be clear that this is a medical fitness center and should only be for medical patients only with no public membership allowed.

MOTION:

Commissioner Mikesell made a motion to recommend approval of this request to the City Council. Commissioner Ihler seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to approval being specific to "Wright Physical Therapy".
3. Subject to the operation of a medical office including medically related physical therapy as indicated. Use of the physical therapy equipment will not be open to the public.
4. Subject to one (1) egress access on Walnut Street North. The exit onto Walnut Street North and exit onto locust street north shall include a "pork-chop" curb to require "right only" turns.
5. Subject to one (1) access from Falls Avenue East for the entire business site, both lots, being as proposed on the site plan and shall be for ingress only.
6. Subject to dedication of additional right-of-way on Falls Avenue East, as indicated.
7. Subject to legal combination of the two parcels into a single property prior to construction.
8. Subject to parking lot lighting being downward-facing and shielded to not create a traffic hazard or illuminate onto any residential properties.
9. Subject to the site being limited to medically related therapy patient use only with no allowance for membership as a fitness center for the public.

5. Request for a Zoning District Change and Zoning Map Amendment from C-1 to M-2 for 58 +/- acres located at the southwest corner of Kimberly Road aka 3800 North Road and 3300 East Road, c/o Margaret Sligar and Kimberly Road Partners, LLC. (app. 2484)

APPLICANT PRESENTATION:

Todd Blass, representing Kimberly Road Partners, the application has three parcels with several ownerships. The property is located along the south side of Kimberly Road and they are requesting a change from C-1 zoning designation to M-2 zoning designation. The current use of the property is agricultural the property to the south is zoned M-2 and the property to the north is Commercial. As it stands now the current map identifies the front portion of the property as C-1 and this is designated by a line. This property is 58 acres and there is not much development in this area currently and should have minimal impact with the change. He asked that the Commission make a positive recommendation to the Council.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the over and stated there are three (3) properties included in this request and portions of the full properties were annexed at different times. Both the 77 acres located at the southwest corner of 3300 E Rd and Kimberly Rd,

and the western-most 17 (+/-) acres that is part of this request was annexed In 2007. The 37 (+/-) acre property in the middle was annexed in April of 2008.

This is a request for a Zoning District Change and Zoning Map Amendment for 57.7 (+/-) acres of property from C-1; commercial highway zoning district to M-2; the heavy manufacturing zone. The property is located southwest of the corner of 3300 East Road and Kimberly Road. The applicants have indicated in their narrative that they wish to rezone these properties so that they will have a uniform industrial zoning to allow for future development. The property is currently undeveloped and being used as agricultural land. The properties to the north and east are also being used agriculturally. there are areas to the south of these properties that are used for manufacturing such as Jayco and some other smaller manufacturers and supporting industry.

In reviewing a request for a Zoning District Change and Zoning Map Amendment the Commission has two (2) main tasks:

The first main task is to determine whether the request is in conformance with the comprehensive plan.

- The Comprehensive Plan's Future Land Use Map 2-4 designates this area as commercial retail. This land use designation was established in February 2009 with the adoption of the Comprehensive Plan. At the time this area's designation was considered it was determined that undeveloped areas of Kimberly Road would be geared towards an attractive commercial/industrial gateway into Twin Falls; this is still desired. For the north side of Kimberly Road as that property transitions into residential and agricultural uses it is determined that commercial / retail uses would be more consistent and compatible with future growth. The south side area transitions to more industrial uses and has good access to highway 30 and the railroad so therefore it has been determined by staff to be consistent and compatible with existing development and projected growth in the area.

  The properties on the south side are all split by the current zoning designations which make them difficult to master plan and develop uniformly. The northern part of twin falls has a substantial amount of commercially-zoned property to serve retail, office, and medical uses. City staff believes that this area is prime location for expansion of surrounding industrial and manufacturing uses.

  The second main task is to evaluate the request to determine the extent and nature of the amendment requested.

- The Commission also reviews the extent and nature of the amendment proposed.

  The proposal of expanding manufacturing uses adjacent to Kimberly Road would be compatible with the adjacent development in the area. The area where Jayco is located to the south is supported by the urban renewal agency and proximity to the railroad and highways make it a desirable industrial location. It is one-half mile from the nearest residential development and much of the surrounding property is undeveloped and being used agriculturally. The M-2 zone may allow for uses that would bring additional impacts such as traffic, lighting, odors, vibrations and noise however there are not adjacent uses that would be incompatible with this type of development.

Zoning & Development Manager Carraway stated 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 M-2 would be harmonious and compatible with industrial development established in the area.

Should the Commission determine that both standards apply then staff recommends the Commission recommend approval of this request to the City Council, as presented.

PUBLIC HEARING: **OPENED & CLOSED WITHOUT CONCERNS**

DELIBERATIONS FOLLOWED:

- Commissioner Schouten asked if the M-2 zoning designation would reduce the landscaping requirements.
- Zoning & Development Manager Carraway stated that the gateway arterial landscaping would be required along Kimberly Road.

MOTION:

Commissioner Schouten made a motion to recommend approval of this request to the City Council. Commissioner Cope seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL
CITY COUNCIL PUBLIC HEARING SCHEDULED FOR NOVEMBER 7, 2011

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **November 8, 2011**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 7:19 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
October 25, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS
CITY LIMITS:
Wayne Bohrn Kevin Cope Jason Derricott Terry Ihler V. Lane Jacobson Jim Schouten Chuck Sharp
Chairman **Vice-Chairman**
AREA OF IMPACT:
Lee DeVore R. Erick Mikesell
CITY COUNCIL LIAISON
Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:	ABSENT:
Bohrn	Ihler
Cope	
Derricott	
Jacobson	
Schouten	
Sharp	

AREA OF IMPACT MEMBERS

PRESENT:	ABSENT:
DeVore	
Mikesell	

CITY COUNCIL MEMBERS PRESENT: Mills Sojka
CITY STAFF PRESENT: Carraway, Strickland, Vitek

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Consideration of the Preliminary Plat of Westpark #6 Subdivision, 3.04 (+/-) acres consisting of one (1) commercial lot and located at the northeast corner of the intersection of Canyon crest Drive and Washington Street North in the Northbridge #2, C-1 PUD, c/o EHM Engineers, Inc. on behalf of David Shotwell, Westpark Partners

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to expand an existing impound yard on property located at 371 Locust Street South c/o Mark Gardoski (app. 2486)

2. Request for consideration of readopting the City of Twin Falls Comprehensive Plan and Land Use Map, together with the City of Twin Falls Zoning and Subdivision Regulations and Area of Impact and Zoning Districts Map, for application in the Twin Falls City of Area of Impact c/o Twin Falls Board of County Commissioners (app. 2485)

I. CALL MEETING TO ORDER:

Chairman Bohrn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

III. ITEMS OF CONSIDERATION:

1. Consideration of the Preliminary Plat of Westpark #6 Subdivision, 3.04 (+/-) acres consisting of one (1) commercial lot and located at the northeast corner of the intersection of Canyon crest Drive and Washington Street North in the Northbridge #2, C-1 PUD, c/o EHM Engineers, Inc. on behalf of David Shotwell, Westpark Partners.

APPLICANT PRESENTATION:

Tim Vawser, EHM Engineers, Inc, representing the applicant stated he is here to request approval of the Westpark Commercial #6 Subdivision preliminary plat. This plat is located at the northeast corner of the intersection of Canyon Crest Drive and Washington Street North. The applicants are trying to market this property that is part of a PUD with required development guidelines. They asked that the Commission approve this request so that they may move forward.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated in April 1993 the City Council approved a 132.5 acre rezone from R-1 43,000 to C-1 PUD. On May 16, 1994 the City Council approved the Northbridge No. 2 PUD agreement. The majority of the property has been platted.

This is a request for a preliminary plat approval for the Westpark #6 Subdivision which is one of only 4 remaining parcels unplatted and includes 3.04 (+/-) acres and is zoned C-1 PUD within the Canyon Rim Overlay. The request is to plat one (1) lot for commercial development. The site is located adjacent to Washington Street North on the east side and north of Canyon Crest Drive.

There is not a minimum lot size requirement in the C-1 Zone; the lot is required to be of "*sufficient size to provide for the building, required site improvements & meet the required setbacks…"* Specific development criteria will be reviewed and addressed as part of the construction plan and building permit review process.

A water model has been requested for this development to insure compliance with fire flow needs. The water model has not been completed. In order to expedite this request we are moving forward but additional water piping may be necessary. The Commission may wish to place a condition on this preliminary plat approval that recommendations of the pending water model and the City's Engineering Department shall be constructed. A sewer model is not required for the proposed subdivision.

Canyon Crest Drive is constructed to its full width and includes curb, gutter and sidewalk. Construction of curb, gutter, and sidewalk are required by code and a patch back of the roadway to the gutter. The preliminary plat reflects these improvements along Washington Street North as well as construction of an arterial approach. The proposed plat indicates dedication of 40' of road right-of-way.

The property is subject to the Northbridge #2 C-1 Planned Unit Development agreement. The PUD agreement has language that will regulate the building heights which allows the City Council to approval additional height with or without additional canyon rim setback. The PUD also requires a 30' landscape buffer along Washington Street North and a 20' buffer along interior streets including a 5' sidewalk. The landscape buffers are measured from back of the curb. The landscape buffers are to be constructed at the time of development.

This is the first step of the plat approval process. A preliminary plat is presented to the planning and zoning commission. The Commission may approve the preliminary plat, deny it, or approve it with conditions. A final plat, that is in conformance with the approved preliminary plat and including any conditions the Commission may have required, is then presented to the City Council. Only after a final plat has been approved by the City Council and construction plans approved, may the plat be recorded and lots sold for development.

Approval of a preliminary plat does not constitute a commitment by the City to provide water or waste water services. The plat indicates that the lot will be connected to City of Twin Falls water and sewer systems.

A guarantee of services comes when the City Engineer signs a will-serve letter after final and construction plans are reviewed. The plat is consistent with other subdivision development criteria and is in conformance with the Comprehensive Plan which designates this area as appropriate for commercial uses.

Zoning & Development Manager stated upon conclusion should the Commission approve the preliminary plat of the Westpark #6 Subdivision, as presented, staff recommends approval be subject to the following condition:

1. Subject to final technical review by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to compliance with the Northbridge #2 PUD agreement.
3. The recommendations of the pending water model and The City's Engineering Department shall be constructed.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

MOTION:
Commissioner Mikesell made a motion to approve the request as presented, with staff recommendations. Commissioner Schouten 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 by the City Engineering Department and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to compliance with the Northbridge #2 PUD agreement.
3. The recommendations of the pending water model and The City's Engineering Department shall be constructed

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to expand an existing impound yard on property located at 371 Locust Street South c/o Mark Gardoski (app. 2486)

APPLICANT PRESENTATION:
Mark Gardoski, the applicant stated he has had a towing yard on the property adjacent to this location for approximately 7 years. he would like to incorporate into this property for the expansion of his towing yard. There is an 8 foot fence that has been installed and they have brought in additional 4" of gravel for fire truck access and dust control. He asked that the Commission approve his request.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the site is located within the Highland View Tract Subdivision, which was recorded in 1909.

On December 14, 1999 a special use permit to allow the operation of an automobile salvage yard at 347 locust street south adjacent property to the northwas approved by the Planning & Zoning Commission. There were 5 conditions placed on this special use permit one of the conditions was that this special use permit would expire in 6 months. This permit expired on June 14, 2000. A new special use permit was not requested therefore the use expired.

On February 12, 2002 a special use permit was requested by the applicant to allow the operation of a vehicle storage yard at 347 Locust Street South which was approved by the Planning & Zoning Commission subject to the following conditions 1) Compliance with all City Code requirements; 2) Provide a storm water retention basin based on engineering calculations approved through the City Engineering Department; 3) Immediate berming on the low side of the property; 4) There is to be no salvage just storage.

The site is zoned M-2, the heavy manufacturing district. The M-2 zone is the only zone in the City that allows for an impound yard but requires a special use permit for the use. The site is 1.1 acres which is the east half of the property. The request is to expand the existing operation of an automobile impound yard at 347 Locust Street south onto the property at 371 Locust Street South automobile impound facilities are defined as the following in city code §10-2-1:

> *A facility that provides temporary outdoor storage for three (3) or more vehicles that are to be claimed by titleholders or their agents, provided that no vehicle shall be stored at said facility for more than forty five (45) days and must remain mechanically operable and licensed at all times, or a parcel of land or a building that is used for the storage of wrecked motor vehicles usually awaiting insurance adjustment or transport to a repair shop and where motor vehicles are kept for a period of time not exceeding fourteen (14) days. (ord. 2773, 12-15-2003)*

The applicant will not be doing any auto salvage at the site and upon approval would have to operate within the regulations of the definition of an automobile impound facility from City Code. The towing business is open 24 hours a day every day and may be bringing vehicles into the facility at any time. There are two (2) full-time employees and traffic is not anticipated to change. This is an extension of the existing impound yard to the north. The daily office operation of the impound yard will remain the same. The location and screening of the property would allow the operation of an impound yard with little impact to adjacent properties.

The M-2 zone requires a minimum of 2 sq ft of landscaping per lineal foot of frontage and is required to be placed between the building and the street. There is landscaping on the street frontage of the property. The proposed property for this impound yard is located on the east portion of the lot with no direct street frontage, therefore, no landscaping is required.

Screening is required to separate residential uses from trade uses. City Code §10-11-3(b) 3.states: "screening shall completely obscure objects inside the screened area when viewed from any angle outside the screened area and shall be constructed so as to reduce noise, lights and blowing trash." This code section also requires an impound/wrecking yard to have a minimum 8' tall sight obscuring screening fence.

On June 17, 2011 a building permit was issued to increase the height of the existing 6' chain link fence to 8' on this site. If this request is approved City staff will confirm that the screening fence is constructed on all property boundaries of the proposed location of the extension of the impound yard prior to operation on this site.

This property is in a manufacturing zone and hard surfacing is not required however the City regulates particulate matter (dust) as a nuisance. City Code §7-1-20 states that "all reasonable precautions shall be taken to prevent particulate matter from becoming airborne" and so the parking and maneuvering areas should have gravel or a surface adequate to ensure that particulate matter is managed. The applicant has indicated the storage area is covered in small gravel and rock four inches deep. If this request is approved City staff will confirm that the gravel meets minimum code requirements.

City Code 10-11-8(a) states that building sites shall use best management practices to retain as much storm water as possible on the property. Ground elevation should be such that the storm water does not leave the proposed impound yard. If there is a change to the surface of the property then additional water retention would have to be provided for the impound area.

There is also a concern about vehicle fluids leaking from vehicles and the management of fluids seeping into the ground. The applicant has indicated that any damaged vehicles will be kept together where there will be drip pans or absorbent pads put down under vehicles that may be leaking fluids so that ground and surface water are protected. City staff will confirm this matter is compliant with code requirements prior to operation.

City Code 10-11-5(b) 1. Requires new curb, gutter and sidewalk shall be constructed at the expense of the property owner with any change of use and/or new construction only curb and gutter are required in the M-2 zone. The City Engineer may recommend deferral of the construction of required curb & gutter to the City Council. Assistant City Engineer Vitek, indicated a deferral would be appropriate at this time.

The applicant will be required to submit a detailed plan that indicates all City Code improvement requirements have been constructed. City Code requirements and plans will be reviewed by staff for compliance before the applicant can operate the impound yard at the proposed location of 371 Locust Street South. As this request is an expansion of the existing adjacent impound yard it would be appropriate to include a condition that prior to operation on the new site assurance all conditions placed on the special use permit to the adjacent site be in compliance.

The request is in compliance with the Comprehensive Plan which indicates this area appropriate for industrial uses. Operated as presented this use should have little impacts to the surrounding properties.

Zoning & Development Manager Carraway stated should the Commission grant this request, as presented, staff recommends approval be subject to the following conditions:

1. Vehicle storage in the impound yard be limited to the time allowed by code, 45 days for mechanically operable and licensed vehicles and 14 days for wrecked vehicles awaiting transport.
2. No auto salvage permitted, the impound yard is for storage only.
3. No stacking of vehicles.
4. Subject to minimum 8' solid site-obscuring screening fence surrounding the entire perimeter of the impound yard. Materials to be approved by staff.
5. Subject to plan approved by staff for management of storm water prior to operation of impound yard. Any change of surface will require additional water retention subject to review by staff.
6. Subject to plan approved by staff addressing how vehicle fluids or chemicals are to be disposed of properly and which cannot drain onto the ground.
7. Subject to plan approved by staff addressing how reasonable precautions will being taken to prevent particulate matter (dust) from becoming airborne.
8. All parts and miscellaneous equipment to be stored inside of buildings or behind minimum 8' solid site-obscuring screened area.
9. Subject to recorded deferral agreement for construction of curb and gutter development requirements.

10. Assure compliance with conditions on special use permit for 347 Locust Street South.
11. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

MOTION:
Commissioner Cope made a motion to recommend approval of this request, as presented. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Vehicle storage in the impound yard be limited to the time allowed by code, 45 days for mechanically operable and licensed vehicles and 14 days for wrecked vehicles awaiting transport.
2. No auto salvage permitted, the impound yard is for storage only.
3. No stacking of vehicles.
4. Subject to minimum 8' solid site-obscuring screening fence surrounding the entire perimeter of the impound yard. Materials to be approved by staff.
5. Subject to plan approved by staff for management of storm water prior to operation of impound yard. Any change of surface will require additional water retention subject to review by staff.
6. Subject to plan approved by staff addressing how vehicle fluids or chemicals are to be disposed of properly and which cannot drain onto the ground.
7. Subject to plan approved by staff addressing how reasonable precautions will being taken to prevent particulate matter (dust) from becoming airborne.
8. All parts and miscellaneous equipment to be stored inside of buildings or behind minimum 8' solid site-obscuring screened area.
9. Subject to recorded deferral agreement for construction of curb and gutter development requirements.
10. Assure compliance with conditions on special use permit for 347 Locust Street South.
11. Subject to amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

2. Request for consideration of readopting the City of Twin Falls Comprehensive Plan and Land Use Map, together with the City of Twin Falls Zoning and Subdivision Regulations and Area of Impact and Zoning Districts Map, for application in the Twin Falls City of Area of Impact c/o Twin Falls Board of County Commissioners (app. 2485)

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated Idaho State Law required that cities and counties establish Areas of Impact around cities where properties could reasonably be expected to be annexed within a reasonable period of time. The City of Twin Falls and the County of Twin Falls established an area of impact for the City of Twin Falls in 1980. Since that time there have been minor changes to the agreement with a major amendment adopted in 2004.

Since 2004 there have been 30 Zoning Title Amendments that could have impacted properties within the Area of Impact. There have been no boundary changes to the City Of Twin Falls' Comprehensive Plan or the Area of Impact and Zoning Districts Map.

Adoption of the attached ordinance will satisfy Idaho State Law and assure all code amendments adopted by the City since 2004 that may impact properties within the Area of Impact have been adopted by the County.

The request is for the Planning & Zoning Commission to consider a recommendation to the Board of County Commissioners of Twin Falls regarding readopting the City of Twin Falls Comprehensive Plan and Land Use Map, together with the City of Twin Falls zoning and subdivision regulations and Area of Impact and Zoning Districts Map, for application in the Twin Falls City of Area of Impact.

Zoning & Development Manager Carraway stated staff recommends that the Commission recommend the Board of County Commissioners adopt the ordinance.

PUBLIC HEARING: **OPENED & CLOSED WITHOUT PUBLIC CONCERN**

MOTION:
Commissioner Mikesell made a motion to recommend approval of this request to the Twin Falls Board of County Commissioners. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL, AS PRESENTED,
TO THE BOARD OF COUNTY COMMISSIONERS

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

VI. UPCOMING MEETINGS:
Next Planning & Zoning Commission public meeting is scheduled for **November 8, 2011**

VII. ADJOURN MEETING:
Chairman Bohrn adjourned the meeting at 6:30pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
November 8, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS
CITY LIMITS:
Wayne Bohrn Kevin Cope Jason Derricott Terry Ihler V. Lane Jacobson Jim Schouten Chuck Sharp
Chairman Vice-Chairman
AREA OF IMPACT:
Lee DeVore R. Erick Mikesell
CITY COUNCIL LIAISON
Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:	ABSENT:
Bohrn	Sharp
Cope	
Derricott	
Ihler	
Jacobson	
Schouten	

AREA OF IMPACT MEMBERS

PRESENT:	ABSENT:
DeVore	Mikesell

CITY COUNCIL MEMBERS PRESENT: Mills Sojka
CITY STAFF PRESENT: Carraway, Humble, Reeder, Vitek

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Consideration of a recommendation to the City Council regarding a proposed amendment to Urban Renewal Plan #4 that creates Revenue Allocation Area #4-3. c/o Community Development Director Mitch Humble (app. 2493)

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to construct and operate two assisted living facilities on property located at 870 Eastland Drive, c/o Thietten Family Trust. (app. 2487)

2. Request for a Variance to reduce a building setback on property located at 870 Eastland Drive, c/o Gary L. Thietten, Thietten Family Trust. (app. 2488)

I. CALL MEETING TO ORDER:

Chairman Bohrn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **October 25, 2011**
2. Approval of Findings of Fact and Conclusions of Law:
   - Westpark Commercial Sub#6 (Pre-plat 10-25-11)
   - Gardoski (SUP 10-25-11)
   - Urban Renewal Agency (revenue area #4-3 11-08-11)

MOTION:
Commissioner Cope made a motion to approve the consent calendar, as presented. Commissioner Schouten seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. Consideration of a recommendation to the City Council regarding a proposed amendment to Urban Renewal Plan #4 that creates Revenue Allocation Area #4-3. c/o Community Development Director Mitch Humble (app. 2493)

STAFF PRESENTATION:
Community Development Director Humble introduced himself and explained that he is representing the City and the Urban Renewal Agency at this presentation. He reviewed the exhibits on the overhead outlining the proposed expansion area which is approximately 220 acres. Tax increment financing funds were part of the package presented to the Chobani manufacturing group and the property must be part of the Urban Renewal allocation area to qualify for this funding. Community Development Director Humble stated this is a request for a recommendation from the Planning & Zoning Commission to approve an amendment to the Urban Renewal Plan #4 to create Revenue Allocation Area #4-3. The Commission is reviewing if this plan complies with the long term plans for this area for the City. City staff recommends that it is compliant with the long range plan for this area to develop as an industrial park.

PUBLIC COMMENT: **OPENED & CLOSED WITHOUT PUBLIC COMMENTS**

MOTION:
Commissioner Cope made a motion to recommend approval of this request, as presented, to the City Council. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, AS PRESENTED.
CITY COUNCIL PUBLIC HEARING SCHEDULED FOR DECEMBER 12, 2011

IV. PUBLIC HEARING ITEMS

Commissioner Bohrn stated because these items are related they will be presented together with one motion related to the special use permit request and one motion related to the variance request.

1. Request for a Special Use Permit to construct and operate two assisted living facilities on property located at 870 Eastland Drive, c/o Thietten Family Trust. (app. 2487)

2. Requests for a Variance to reduce a building setback on property located at 870 Eastland Drive, c/o Gary L. Thietten, Thietten Family Trust. (app. 2488)

APPLICANT PRESENTATION:

Mr. Gary Thietten indicated that this property has been used as a five (5) bed in-patient hospice facility for a few years. Mr. Thietten sold the company and they haven't had any inpatient work at the location. He is taking over the property again and has a partner that operates a number of in-patient facilities in other locations. They would like to establish two (2) sixteen (16) bed facilities on the property. The zoning allows for the request and it would be for more residents than the previous permit. He understands the issues with subdivision and he has been working with an engineering firm. He realizes that the variance request does not meet the criteria but would like to request its consideration from the Commission.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for two (2) residential care facilities. The property is located in the R-6 PRO, Multi-family professional office zoning district. The applicant is proposing to expand in-patient nursing services on this site. A Special Use Permit is required to operate a nursing or assisted living facility and expand a facilities over twenty-five (25) percent.

Ms. Carraway reviewed the proposed Phase I and Phase II. The R-6 PRO zoning allows for one building per lot. Before Phase I could be started the existing 5-bed facility would have to be removed or the property subdivided. The property would have to be subdivided before Phase II could take place.

The site currently has an access off of Eastland Drive and an access off of 9th Avenue East. The new proposal would eliminate the Eastland Drive access with the only ingress and egress off of 9th Avenue East. Staff supports this proposal as Eastland Drive is a busy roadway and the access is near the intersection with 9th Avenue East. The existing 9th Ave E approach will have to be widened to meet minimum non-residential standards for two-way traffic and meet all other Engineering specifications.

There will be a full review of site development standards with submission of a building permit. It appears that the proposed site would be able to accommodate the required improvements.

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

1. Subject to site plan 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 property being subdivided so that each facility will be located on its own lot.
3. Subject to the access to Eastland Drive being eliminated and the 9th Avenue East access meeting all minimum code requirements.

Ms. Carraway continued with the presentation of the variance request. She indicated the five (5) criteria are reviewed in detail in the staff report. The request does not meet those criteria as required by code for approval.

P&Z COMMENTS/QUESTIONS: **NONE**

PUBLIC HEARING: OPENED

- Darrell Morgan, 879 Hollyann Court: The presentation answered some of his questions. He and some neighbors visited the facility and thought it provides a great service. He has a couple of concerns- 9th Avenue East often has cars backed up and it is a traffic concern since Lighthouse has increased the traffic. The second phase concerns him as a home owner because of the proximity of the building to the homes on Hollyann Court and if the building was one or two stories. The business park on Eastland is only one story but the roofs are quite high. He is wondering about the deliveries during the day and at night and about ambulance traffic. He is concerned if there would be semi-truck deliveries although the buildings on the site would block any trucks from the residential neighbors. He would recommend that there be considerations about some of the health situations such as an Alzheimer patient and their security next to a busy road.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:
Mr. Thietten would like more space on the south side by moving the building five feet (5') into the 9th Avenue East setback.

MOTION IV-1:
Commissioner Cope made a motion to approve the request, as presented. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan 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 property being subdivided so that each facility will be located on its own lot.
3. Subject to the access to Eastland Drive being eliminated and the 9th Avenue East access meeting all minimum code requirements.

MOTION IV-2:
Commissioner Cope made a motion to approve the request, as presented. Commissioner Schouten seconded the motion. All members present voted against the motion.

THE MOTION WAS DENIED

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **November 22, 2011.**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 6:30 pm.

Amber Reeder

City of Twin Falls
Planner I

MINUTES
Twin Falls City Planning & Zoning Commission
November 22, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS
CITY LIMITS:
Wayne Bohrn Kevin Cope Jason Derricott Terry Ihler V. Lane Jacobson Jim Schouten Chuck Sharp
Chairman Vice-Chairman
AREA OF IMPACT:
Lee DeVore R. Erick Mikesell
CITY COUNCIL LIAISON
Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:	ABSENT:
Bohrn	
Cope	
Derricott	
Ihler	
Jacobson	
Schouten	
Sharp	

AREA OF IMPACT MEMBERS

PRESENT:	ABSENT:
DeVore	
Mikesell	

CITY COUNCIL MEMBERS PRESENT: Mills Sojka
CITY STAFF PRESENT: Carraway, Strickland, Weeks

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. A preliminary presentation for a Zoning District Change and Zoning Map Amendment from R-2 to R-4 PRO PUD for 12.5 (+/-) acres to develop a mixed use project consisting of residential single-family and/or duplex dwellings and professional/medical uses on property located on a portion of the Fieldstone Subdivision south of 900-1100 blocks of Cheney Drive West, undeveloped, and east of the 1350-1450 blocks of Field Stream Way c/o Brad Wills on behalf of Wills, Inc (app 2475)

2. A preliminary presentation for a Zoning Title Amendment which would amend Twin Falls City Code 10-4-22.3(H) "Warehouse Historic District Design Guidelines" as they exist or as amended when reviewing for a Certificate of Appropriateness, c/o Historic Preservation Commission, Darrell Buffaloe, Chairman (app. 2492)

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to construct a 7200 sq. ft. detached accessory building on property located at 3725 Canyon Ridge Drive West within the City's Area of Impact, c/o Cindy Bond on behalf of April Leytem. (app. 2491) **WITHDRAWN BY APPLICANT**

I. CALL MEETING TO ORDER:

Chairman Bohrn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **November 8, 2011**
2. Approval of Findings of Fact and Conclusions of Law:
   - Thietten Family Trust (SUP 11-08-11)
   - Thietten Family Trust (Variance Denied 11-08-11)

MOTION:

Commissioner Schouten made a motion to approve the consent calendar, as presented. Commissioner Cope seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. A preliminary presentation for a Zoning District Change and Zoning Map Amendment from R-2 to R-4 PRO PUD for 12.5 (+/-) acres to develop a mixed use project consisting of residential single-family and/or duplex dwellings and professional/medical uses on property located on a portion of the Fieldstone Subdivision south of 900-1100 blocks of Cheney Drive West, undeveloped, and east of the 1350-1450 blocks of Field Stream Way c/o Brad Wills on behalf of Wills, Inc (app 2475)

APPLICANT PRESENTATION:

Dave Thibault, EHM Engineers, Inc representing the applicant this request was heard earlier for an R-6 PRO PUD rezone which was recommended for denial. The applicant chose to come back with an R-4 PRO PUD rezone request to eliminate the concerns that the residents had regarding multi-family housing. The plan would consist of single family cottage type homes, professional office, and a few duplex lots along the perimeters. This request would comply with the Comprehensive Plan and would be compatible with the area. This development would allow for Cheney to extend without creating a large burden on the City later if Cheney has to extend through already developed property.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the request on the overhead and stated this is a preliminary presentation for a request for a Zoning District Change and Zoning Map Amendment from R-2 to R-4 PRO PUD for 12.5 (+/-) acres to allow for a planned mixed use development consisting of residential single-family and/or duplex dwellings and professional/medical uses on property located on a portion of the Fieldstone Subdivision south of 900-1100 blocks of Cheney Drive West, undeveloped, and east of the 1350-1450 blocks of Field Stream Way.

City Code requires a preliminary PUD presentation be made to the Commission prior to the public hearing. The purpose of this presentation is to allow both the Commission and the adjacent property owners to hear from the developer what type of development is being planned for the property. No action is taken at this preliminary presentation however the Commission and the public can ask questions and make comments at this time prior to the public hearing.

Staff makes no recommendations at this time. A public hearing regarding this request will be heard at the regularly scheduled Planning & Zoning Commission public meeting on Tuesday, September 27, 2011 further staff analysis will be give at that time.

PUBLIC COMMENT: OPENED

- Christy Villa starlight loop, curious about the minimum/maximum size of the lots and homes.

PUBLIC COMMENT: CLOSED

P&Z QUESTIONS/COMMENTS:

Commissioner Ihler asked how many cottage dwellings will go on each lot.
Mr. Thibault There will be one cottage per lot with a minimum square foot lot of approximately 4300 sq. ft. and a total of approximately 20 lots. The total remainder of the project will consist of 4 single family lots, 3 duplex lots and 5 professional office lots. The lots are subject to R-4 setbacks and standard lot sizes, and will meet the standard zoning requirements.

PLANNING & ZONING PUBLIC HEARING SCHEDULED FOR DECEMBER 13, 2011

2. A preliminary presentation for a Zoning Title Amendment which would amend Twin Falls City Code 10-4-22.3(H) "Warehouse Historic District Design Guidelines" as they exist or as amended when reviewing for a Certificate of Appropriateness, c/o Historic Preservation Commission, Darrell Buffaloe, Chairman (app. 2492)

APPLICANT PRESENTATION:

City of Twin Falls Planner I Weeks, reviewed the exhibits on the overhead and stated this is a preliminary presentation for a Zoning Title Amendment which would amend Twin Falls City Code 10-4-22.3(H) "Warehouse Historic District Design Guidelines" as they exist or as amended. The Historic Preservation Commission is requesting these design guidelines be approved by the City Council and as part of this process the Council has to have a recommendation from the Planning & Zoning Commission for a code change. The design guidelines will be a reference for the Historic Preservation Commission to use when requested to make decisions on "Certificates of Appropriateness" for the Warehouse Historic District.

STAFF PRESENTATION:

Zoning & Development Manager Carraway stated this presentation was provided to allow the Commission to ask any questions prior to the public hearing scheduled for this item that will be held on December 13, 2011. Staff makes no recommendations at this time; staff analysis will be give at that time.

PUBLIC COMMENT: OPENED & CLOSED WITHOUT PUBLIC CONCERN

PLANNING & ZONING PUBLIC HEARING SCHEDULED FOR DECEMBER 13, 2011

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to construct a 7200 sq. ft. detached accessory building on property located at 3725 Canyon Ridge Drive West within the City's Area of Impact, c/o Cindy Bond on behalf of April Leytem. (app. 2491) **WITHDRAWN BY APPLICANT**

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

Commissioner Schouten asked about public gardens and if staff has made any progress regarding this issue.
Zoning & Development Manager Carraway stated staff is reviewing this issue with Parks & Recreation and evaluating the need for a possible code change.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **December 13, 2011**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 6:30 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
December 13, 2011-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS
CITY LIMITS:
Wayne Bohrn Kevin Cope Jason Derricott Terry Ihler V. Lane Jacobson Jim Schouten Chuck Sharp
Chairman Vice-Chairman
AREA OF IMPACT:
Lee DeVore R. Erick Mikesell
CITY COUNCIL LIAISON
Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:	ABSENT:
Bohrn	Derricott
Cope	Jacobson
Ihler	
Schouten	
Sharp	

AREA OF IMPACT MEMBERS

PRESENT:	ABSENT:
DeVore	
Mikesell	

CITY COUNCIL MEMBERS PRESENT: Mills Sojka
CITY STAFF PRESENT: Carraway, Strickland, Vitek

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. Consideration of a final 2-year extension on the approval of the preliminary plat of the Riverhawk Commercial PUD Subdivision, consisting of 4.2 (+/-) acres and five (5) lots located in the southwest quadrant of the Washington Street North and Chaney Drive intersection, c/o Wiley Dobbs on behalf of Twin Falls School District #411

IV. PUBLIC HEARING ITEMS

1. Request for a Zoning District Change and Zoning Map Amendment from R-2 to R-4 PRO PUD for 12.5 (+/-) acres to develop a mixed use project consisting of residential single-family and/or duplex dwellings and professional/medical uses on property located on a portion of the Fieldstone Subdivision south of 900-1100 blocks of Cheney Drive West, undeveloped, and east of the 1350-1450 blocks of Field Stream Way c/o Brad Wills on behalf of Wills, Inc (app 2475)

2. Requests for a Zoning Title Amendment which would amend Twin Falls City Code 10-4-22.3(H) "Warehouse Historic District Design Guidelines" as they exist or as amended when reviewing for a Certificate of Appropriateness, c/o Historic Preservation Commission, Darrell Buffaloe, Chairman (app. 2492)

I. CALL MEETING TO ORDER:

Chairman Borhn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **November 22, 2011**
2. Approval of Findings of Fact and Conclusions of Law: **NONE**

MOTION:

Commissioner Schouten made a motion to approve the consent calendar, as presented. Commissioner Cope seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION:

1. Consideration of a final 2-year extension on the approval of the preliminary plat of the Riverhawk Commercial PUD Subdivision, consisting of 4.2 (+/-) acres and five (5) lots located in the southwest quadrant of the Washington Street North and Chaney Drive intersection, c/o Wiley Dobbs on behalf of Twin Falls School District #411

APPLICANT PRESENTATION:

Kirk Brower, representing the Twin Falls School District, state the reason he is here is to request and extension for the Riverhawk Commercial preliminary plat because there is not currently enough in the school budget to move forward with development. They are in hopes that the extension will allow time for funds and planning to occur. He asked that the Commission approve the request.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated on January 12, 2010 the Commission approved the preliminary plat of the Riverhawk Commercial Pud Subdivision, consisting of (5) commercial lots, as presented, subject to the following (4) conditions:

1. Subject to site plan 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 rebuilt or built to current city standards upon development of the property.
3. Subject to a cross use agreement for parking, drainage, ingress/egress, pedestrian access, emergency vehicle access, and public utility easements being recorded.
4. Development to comply with an approved and recorded PUD agreement

On December 16, 2010 a letter requesting an extension of the approval of the preliminary plat was submitted to the City due to district budget constraints and the current economic conditions.

On January 25, 2011 the Commission approved a one year extension of the preliminary plat subject to the original (4) conditions; the extension would expire on January 12, 2012.

On October 19, 2011 Wiley Dobbs, Superintendent of Public Schools submitted another letter requesting a 2nd extension of the approval of the preliminary plat of the Riverhawk Commercial PUD subdivision due to district budget constraints and the economy.

The applicants have not made any changes to the original plat since the preliminary plat was approved on January 12, 2010.

As per Twin Falls City Code: 10-12-2.3(i) failure to file and obtain the certification of the acceptance of the final plat application by the administrator within two (2) years after action by the Commission shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for by the subdivider and granted by the Commission. only one extension may be granted by the Commission for a term of two (2) years.

If the commission grants this request the preliminary plat will expire on January 12, 2014.

CONCLUSION:
Zoning & Development Manager Carraway stated should the Commission grant this request, as presented, staff recommends approval be subject to the original four (4) conditions:

1. Subject to site plan 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 rebuilt or built to current city standards upon development of the property.
3. Subject to a cross use agreement for parking, drainage, ingress/egress, pedestrian access, emergency vehicle access, and public utility easements being recorded.
4. Development to comply with an approved and recorded PUD agreement

PUBLIC HEARING: OPENED & CLOSED WITHOUT PUBLIC CONCERN

MOTION:
Commissioner Mikesell made a motion to approve the request as presented. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan 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 rebuilt or built to current city standards upon development of the property.
3. subject to a cross use agreement for parking, drainage, ingress/egress, pedestrian access, emergency vehicle access, and public utility easements being recorded.
4. Development to comply with an approved and recorded PUD agreement

IV. PUBLIC HEARING ITEMS

1. Request for a Zoning District Change and Zoning Map Amendment from R-2 to R-4 PRO PUD for 12.5 (+/-) acres to develop a mixed use project consisting of residential single-family and/or duplex dwellings and professional/medical uses on property located on a portion of the

Fieldstone Subdivision south of 900-1100 blocks of Cheney Drive West, undeveloped, and east of the 1350-1450 blocks of Field Stream Way c/o Brad Wills on behalf of Wills, Inc (app 2475)

APPLICANT PRESENTATION:
Brad Wills, the applicant, stated he is here tonight with a new and improved plan for the rezone request heard previously for this property. The request has changed from R-6 PUD to R-4 PUD He changed the cul-de-sac area located close to the northwest corner of the property to prevent traffic access from the professionally zoned lots into the neighborhood. The original density remains similar to what is already allowed in the development but he has changed the plan so that if he wasn't involved the prospect of putting in rental properties would not be feasible.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for a Zoning District Change and Zoning Map Amendment from R-2 to R-4 PRO PUD for 12.5 (+/-) acres to allow for a planned mixed use development consisting of residential and professional/medical uses on property located on a portion of the Fieldstone Subdivision.

If approved, the development would rezone an area that is currently platted for thirty-five (35) single-family residences. The narrative describes that this PUD would replace those single family lots with an area designated for five (5) professional offices along the future alignment of Cheney Drive West and Fieldstream Way, three (3) residential duplexes at the northeast corner of North College Road West and Fieldstream Way, four (4) single family residences at the end of Cobble Creek Road to complete a cul-de-sac, and twenty (20) single family residences along Field Stream Way. The development would reduce the residential density from (35) households to (30) households.

The change of the base zone from R-2 to R-4 with a professional office overlay would allow for a number of additional uses in the area. The R-2 zone primarily allows for single family and duplex residences. Non-residential uses are limited to some cultural and public amenities such as parks, schools, and churches by special use permit only. The R-4 zone as proposed in the PUD would allow for single family, duplex, nursing/rest homes up to an occupancy of 16 as outright permitted uses and with higher density by special use permit and residence halls-motels-rooming houses -limited to medical related by special use permit.

Nursing homes and residence halls are not permitted in an R-4 zone at all and only allowed by special use permit in the R-6 residential zone. The code would require if those uses are incorporated within this PUD the zoning shall be required to be R-6 where they are developed.

With the professional office overlay added, some professional office uses are proposed to be allowed without a special use permit such as doctor's offices, finance and real estate offices. Additional uses may be permitted by special use permit.

Also, in general, non-residential uses are restricted to hours of 7:00 am to 9:00 pm and less than a 14,000 sq ft building unless allowed by special use permit.

A Preliminary PUD Presentation was made to the Commission and public on November 22, 2011. The applicant indicated that the change from R-6 pro to an R-4 PRO was to address some of the concerns about multi-family housing and high density brought up in the previous public hearing. The multi-family residential area has been replaced with a cottage-style single family use. The lots range from about 4300 sq ft to 6700 sq ft and the homes are oriented toward the middle of the block where a courtyard-type space is created. Lots shall be individually owned but the interior space will be designated as common area for those residences.

A private road loops around the two (2) blocks of the cottage development. Vehicle access to the residences is off the private lanes. The previous multi-family area had six (6) lots for six-plexes which would have been 36 households. The presented cottage-style development has (20) lots for a total of (20) households.

This type of cottage-style residential development was also proposed on property to the west of the Fieldstone Subdivision. As this development did not have a typical street configuration there were some concerns expressed by the Fire Marshall at that time for providing adequate access and information for the emergency response to the site. It was recommended that the property addresses be posted in the alleys and that on-street parking be prohibited in the alleys to maintain access**.**

The fire code requires an access road with a minimum width of twenty-six feet (26'). Hydrants would need to be installed in the alleys and at the ends of each alley. No overhead utility lines could obstruct the alleyways and rear, unobstructed access to the dwellings would have to be maintained. Staff recommends that those conditions be included with this request upon a positive recommendation to the City Council.

The initial presentation of this concept also included additional parking. PUD residential plats require that there is an additional parking space provided per every three (3) residential units and so this will be a requirement that will be verified at the platting stage of the property.

This project includes a provision for Cheney Drive West to be extended along the northern edge of the subdivision. The most-likely alignment of Cheney Drive West would go through the southern-most portion of the "County Villa Estates Mobile Home Park" and then along the northern boundary of Fieldstone Subdivision and the southern boundary of the Twin Falls Reformed Church property. Cheney Drive West is the only access to the proposed professional office lots and would provide additional access to the area.

There are some design standards proposed to decrease the impact of non-residential development such as a requirement for pitched roofs on the buildings. Approved materials are listed and a minimum of 15% and maximum of 85% residential development is stated to require a mix of uses in the development. There are building elevation samples that illustrate the type of development design that is proposed.

The proposed development standards specified address parking, landscaping, and water retention that will need to be met on the individual lots. The property development standards are required to comply with the underlying zone and upon initial review appear to be consistent with the R-4 zone in terms of lot size requirements, maximum building height (35'), and landscaping. Screening would be required between the residential areas and non-residential areas.

Staff has some concerns with the extent of uses proposed in this development. The nursing home and medical-related residence halls are not consistent with an R-4 zoning. The professional office lots are the only lots where such uses could go since the other residential areas are specifically designated on the master development plan for duplex and single-family use. It would be more consistent to designate the professional office lots and nursing home/resident hall lots as R-6 PRO. The development's zoning could be proposed as an R-4 and R-6 PRO PUD.

This request is in conformance with the Comprehensive Plan which designates this area as appropriate for medium density residential development and the Urban Village/Urban Infill land use concept. There is not a zoning designation specific to the Urban Village/Urban Infill classification but it encourages mixed density residential development and a mix of non-residential uses that support the area which can be met with the professional office overlay. The applicant indicates that he feels this project will provide a great buffer to transition between the single family residential area and the areas to the north and west that have zoning allowing for commercial, professional, and multi-family development.

Zoning & development manager carraway stated upon conclusion should the Commission recommend a zoning designation change to the City Council, staff recommends the following conditions:

1. Subject to the designation of the property as an R-4 and R-6 PRO PUD with the single-family and duplex areas being R-4 and the professional use area being R-6 PRO.
2. Subject to the property being replatted and recorded prior to any building permits being issued.
3. subject to compliance in the cottage-style residential area with the following recommendations of the Fire Marshall:
    a. addresses need to be posted in the alleys.
    b. access roads (alleys) with hydrants shall be a minimum of 26 feet total width. (IFC, D103.1)
    c. no on-street parking in alleys and alley marked with approved "no parking" signs.
    d. rear, unobstructed access into the dwellings is maintained (not through the garage or through fences or gates), or as approved by the Fire Marshall.
    e. no overhead utilities in the alley (power lines, phone lines, etc.).
    f. hydrants are installed on the ends of each alley.
4. Subject to final approval and recordation of the PUD agreement.
5. subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

P&Z COMMENTS/QUESTIONS:

- Commissioner Cope asked about the sq. ft of cottages.
- Mr. Wills stated that they will be between 1000 – 2000 sq. ft.
- Commissioner Sharp asked how the common areas will be maintained.
- Mr. Wills stated the property lines will be part of each lot and the Home Owners Association would maintain this portion of the development.

PUBLIC HEARING: OPENED

- Magen Humble, 931 Misty Meadows Trail in Fieldstone, stated they bought into the original concept the way it was platted and recorded they would like it to stay that way and not change.
- Khristy Hill, 932 Starlight Loop, stated that she still has to do with concerns related to density and traffic. This plan is still going to increase traffic through the neighborhood and around the development. The medical offices don't make a lot of sense and she doesn't see the need for this type of development. This area has been partially developed and this change is not something people invested in when they purchased their lots.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED:

- Commissioner Mikesell stated there is not much of a change from the last presentation and there is still not a need for medical offices. This doesn't make any since. There can't be changes based on the need of the developer. This plan is going to increase the traffic to the area for no foreseeable reason.
- Commissioner Bohrn stated that the concept of the cottage design is nice and the plan for helping Cheney develop without the need to go through a developed area would be a plus.

MOTION:

Commissioner Cope made a motion to recommend approval of this request to the City Council. Commissioner DeVore seconded the motion. Commissioners Cope, Sharp, & Bohrn voted in favor of the motion, Commissioner DeVore, Ihler, Mikesell & Schouten voted against the motion.

RECOMMENDED FOR DENIAL 4-3

CITY COUNCIL PUBLIC HEARING SCHEDULED FOR JANUARY 23, 2011

2. Requests for a Zoning Title Amendment which would amend Twin Falls City Code 10-4-22.3(H) "Warehouse Historic District Design Guidelines" as they exist or as amended when reviewing for a Certificate of Appropriateness, c/o Historic Preservation Commission, Darrell Buffaloe, Chairman (app. 2492)

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for a to amend Twin Falls City Code Section 10-4-22.3(H): "Design Guidelines" for the WHO; Warehouse Historic Overlay District. The request is specifically to reference the "*Warehouse Historic District Design Guidelines"* when reviewing applications for Certificates of Appropriateness.

Sections 10-4-22.3(H) of the City Code identifies the design guidelines for property development standards in the Warehouse Historic Overlay District. Currently there are no design guidelines to reference for appropriateness. The Historic Preservation Commission developed design guidelines in 1997 but they were never adopted by the City Council.

The Twin Falls City Historic Preservation Commission received a $12,000.00 grant during the fiscal year 2010 – 2011 for the purpose of developing design guidelines for the warehouse historic district. The design guidelines were developed with the consulting firm of Winter & Company out of Boulder, Colorado.

On November 21, 2011 The Historic Preservation Commission recommended the *"Warehouse Historic District Design Guidelines"* be approved as the official document to reference while reviewing applications for a Certificate of Appropriateness**.**

Zoning & Development Manager Carraway stated upon conclusion staff recommends that the Commission recommend approval of the proposed code amendment as presented to the City Council.

APPLICANT PRESENTATION:
Darrell Buffaloe, Historic Preservation Commission Chairman, stated the Historic Preservation Commission has been working on this project approximately 2 years. In 1997 the Historic Warehouse District of Twin Falls was approved the Department of Interior. At that time a set of design guidelines should have been implemented at that time so that owners and the Historic Preservation Commission would know what should be done to preserve the property. There was a draft completed years ago but it was never implemented and is not adequate. The State Historical Preservation Commission knows that there are quite a few City's with the same issues, they want to preserve the history but don't have guidelines to help achieve that goal. In 2010 the Historic Preservation Commission of Twin Falls applied for a grant through the state and was given $12,000 to persue this project which was double what was requested. They recommended that the City of Twin Falls partner with the City of Boise on this project and guidelines were developed for both cities.

With the guidelines referenced in the City Code it will give the Historic Preservation Commission something to base the Certificate of Appropriateness on for requests that applicants submit. Making sure that the exterior character of the buildings in this district are preserved. If someone wants to do something that the Historic Preservation Commission feels doesn't meet the guidelines this process allows them to appeal the decision to the City Council.

It is a good document and the Historic Preservation Commission recommends that the Planning & Zoning Commission make a positive recommendation to approve this change to the City Council.

PUBLIC HEARING: **OPENED & CLOSED WITHOUT PUBLIC CONCERN**

DELIBERATIONS FOLLOWED: **WITHOUT CONCERNS**

MOTION:
Commissioner Schouten made a motion to recommend approval of this request to the City Council. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, AS PRESENTED
CITY COUNCIL PUBLIC HEARING SCHEDULED FOR JANUARY 9, 2011

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

Commissioner Mikesell notified staff that he will be stepping down from the Commission due to health reasons and recommends that his position be advertised.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **Wednesday**, **December 28, 2011**

The 2012 Planning & Zoning Commission meeting schedule was unanimously approved.

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 6:42 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department

MINUTES
Twin Falls City Planning & Zoning Commission
December 28, 2012-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Wayne Bohrn Kevin Cope Jason Derricott Terry Ihler V. Lane Jacobson Jim Schouten Chuck Sharp

Chairman Vice-Chairman

AREA OF IMPACT:

Lee DeVore R. Erick Mikesell

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:	ABSENT:
Bohrn	
Cope	
Derricott	
Ihler	
Jacobson	
Schouten	
Sharp	

AREA OF IMPACT MEMBERS

PRESENT:	ABSENT:
DeVore	
Mikesell	

CITY COUNCIL MEMBERS PRESENT: Mills Sojka

CITY STAFF PRESENT: Carraway, Strickland, Vitek, Wonderlich

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION: **NONE**

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to expand by more than 25% an existing used automobile dealership to include display pad sites for property located at 284 Washington Street North. c/o Allen Nagel on behalf of All State Auto, Inc. (app. 2494)

2. Requests for a Special Use Permit to operate an indoor recreation facility specific to a private fitness center for property located at 1411 Falls Avenue East, Suite 401 c/o Bryan Wright on behalf of Classics Guided Fitness (app. 2495)

3. Request for a Special Use Permit to install and operate an aerial tour business on a southeast portion of the Canyon Springs Golf Course within the Snake River Canyon c/o Jody Tatum on behalf of Magic Valley Flight Simulation, LLC (app. 2496)

I. CALL MEETING TO ORDER:

Chairman Bohrn called the meeting to order at 6:00 P.M. He then reviewed the public meeting procedures with the audience, confirmed there was a quorum present and introduced City Staff present.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): December 13, 2011
2. Approval of Findings of Fact and Conclusions of Law:
   - Riverhawk Commercial (pre-plat extension 12-13-11)

MOTION:
Commissioner Schouten made a motion to approve the consent calendar, as presented. Commissioner Sharp seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to expand by more than 25% an existing used automobile dealership to include display pad sites for property located at 284 Washington Street North. c/o Allen Nagel on behalf of All State Auto, Inc. (app. 2494)

APPLICANT PRESENTATION:
Mike Gomez, representing the applicant and stated the applicant wants to expand their automobile dealership and add lighting. The expansion should not have any impact to the surrounding properties and asked that the Commission approve the request.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this property is located in the C-1; highway commercial district. The request is to expand an existing automobile dealership by more than 25% & to add up to (4) vehicle display pad sites along the Washington Street North frontage.

The property at 284 Washington Street North has been used for automotive sales for over twenty-five (25) years. The other properties have been used for residential uses. A Special Use Permit is required to operate an automobile sales lot in this zone or to expand an existing automobile sales lot by more than 25%. A Special Use Permit is also required to install vehicle display pad sites in a gateway arterial landscaped area.

The applicant currently operates the sales lot Monday - Saturday 10:00 am to 6:00 pm and the expanded business would operate the same days and hours. It is estimated that there are an average of 15 visitors to the site daily. The expansion will more than double the size of the lot and include up to four (4) additional employees and so there will be an increase in traffic to the site. Approximately three (3) employees would be on site at any one time.

The site is adjacent to Heyburn Avenue to the north and residential property to the south. There is an alley along the eastern edge of the property with residences on the other side. As there has been a used car sales lot for many years at the current location the impacts should be minimal with little anticipated change to possible nuisances from noise, glare, odor, fumes, or

vibrations on the property. The expansion is compatible with existing uses along this gateway arterial corridor.

There is noise from vehicles and traffic to the site but the proposed hours of operation only go to 6:00 pm which reduces the impact to the adjacent residences in the evening hours. The Commission may consider limiting the hours of operation on the permit as the zoning would allow a business at this location to operate until 10:00 pm. another way to limit impact on the adjacent residential property is screening. Screening is required between commercial and residential or residentially zoned properties and must be completed in accordance with code requirements for a screening fence (§10-11-3) prior to operation of the expanded business. As part of the Special Use Permit process there is a review of required site improvements, including: landscaping, screening, required parking areas, street access, and storm water retention. Washington Street North is a gateway arterial and this portion requires a minimum ten feet (10') width of landscaping along the frontage in addition to the required landscaping of 10% of the required parking area or 3% of the total site, whichever is larger minimum of 1 tree per 500 sq ft and 1 bush per 100 sq ft of required landscaping. The required landscaping will be evaluated with an approved plan prior to issuing a Special Use Permit or Certificate of Occupancy.

The applicant is requesting a maximum of (4) vehicle pad sites be permitted along the Washington Street North frontage. There is 350' of frontage including the current location and four (4) pad sites are consistent with the spacing of pad sites on other car lots. For safety and visibility along the Washington Street North corridor all pad sites shall be at least ten feet (10') back from the edge of the curb and shall be hard surfaced with a minimum size of 9' x 20' to meet minimum standards.

The C-1 commercial zone requires that all parking and maneuvering areas are hard surfaced with Portland concrete or an asphaltic surface. The current building on-site would require eight (8) parking spaces. Any new construction would have to provide customer and employee parking at one (1) space per 250 sq ft of building space. As the proposed land use is for an automobile sales business the entire area designated to be used to park vehicles, whether for sale, customers or employees, would require compliance with the hard surfacing requirement. The applicant is requesting that they be allowed to use the new property in its undeveloped state until it can be asphalted in the spring when the asphalt plant opens again. There is not precedence for allowing for a deferral for this type of use. Staff would not recommend that the applicant be allowed to operate from any portion of the site that does not meet minimum City Codes for development. Staff would recommend that the applicant be given a timeframe to complete the site, landscaping and paving requirements by May 31, 2012.

When a change of use to the property takes place such as converting residential property to commercial use then right of way improvements are also triggered. Washington Street North and Heyburn Avenue were completed and right-of-way acquired in the last two (2) years. The site plan shows parking off the alley, if the alley is used for access to the site it will have to be paved. If the applicant does not want to use and pave the alley then alley access from the site will have to be blocked so cars cannot travel through such as placing a landscaped area or fence along the eastern border.

The Engineering Department recommends that accesses onto Washington Street North be consolidated and only one (1) curb-cut be allowed as the roadway carries such a high amount of traffic.

Any change to a surface, from being undeveloped to being paved, will require that storm water be retained on site for the additional runoff created. a paving and storm water retention plan will have to be provided and approved by the Planning and Zoning Department prior to asphalting of the site.

There is a Twin Falls Canal Company coulee piped through a portion of the expansion property. The applicant needs to contact the canal company to determine if any measures need to be taken to protect or maintain the coulee pipe.

In addition to the City's requirements, the State Department Of Motor Vehicles has a licensing process for dealers and dealerships with which the applicant would need to be in compliance. The Comprehensive Plan shows this property as residential/business. This request is consistent with the Comprehensive Plan.

Zoning & Development Manager Carraway stated should the Commission grant this request, as presented, staff recommends approval be subject to the following condition(s):

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to four (4) pad sites being allowed in the landscaped area, at least ten (10') feet back from the back of curb on Washington Street North, minimum of 9' x 20' and hard surfaced to meet code.
3. Subject to compliance with C-1 zone landscaping requirements and including a minimum ten feet (10') of landscaped area along the frontage to meet the gateway arterial landscaping requirements.
4. Subject to compliance with City Code §10-11-3 by implementing screening on the southern boundary of the property.
5. Subject to all parking and maneuvering areas being hard-surfaced per City Code §10-11-4. There shall be no vehicles on undeveloped surface at any time.
6. Subject to compliance with paving and landscaping requirements by May 31, 2012.

7. Subject to limiting the existing accesses on Washington Street North to one (1) access for ingress/egress.
8. Subject to signage being approved by staff prior to operation of the business.
9. Subject to approval and implementation of a storm water retention plan for the property prior to operation of the business.
10. Subject to review by the Twin Falls Canal Company of the coulee on the property and compliance with any requirements that they may have for development. A copy of the approved plan to be provided prior to operation of the business.
11. Subject to compliance with all DMV dealership requirements. A copy of the approved dealership license to be provided prior to operation of the business.
12. Subject to hours of operation no later than 6:00 pm, as presented, and no earlier than 7:00 am per City Code §10-4-8.2.

PUBLIC HEARING: OPENED & CLOSED WITHOUT CONCERNS

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Cope made a motion to approve the request, as presented. Commissioner Schouten seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to four (4) pad sites being allowed in the landscaped area, at least ten (10') feet back from the back of curb on Washington Street North, minimum of 9' x 20' and hard surfaced to meet code.
3. Subject to compliance with C-1 zone landscaping requirements and including a minimum ten feet (10') of landscaped area along the frontage to meet the gateway arterial landscaping requirements.
4. Subject to compliance with City Code §10-11-3 by implementing screening on the southern boundary of the property.
5. Subject to all parking and maneuvering areas being hard-surfaced per City Code §10-11-4. There shall be no vehicles on undeveloped surface at any time.
6. Subject to compliance with paving and landscaping requirements by May 31, 2012.

7. Subject to limiting the existing accesses on Washington Street North to one (1) access for ingress/egress.
8. Subject to signage being approved by staff prior to operation of the business.
9. Subject to approval and implementation of a storm water retention plan for the property prior to operation of the business.
10. Subject to review by the Twin Falls Canal Company of the coulee on the property and compliance with any requirements that they may have for development. A copy of the approved plan to be provided prior to operation of the business.
11. Subject to compliance with all DMV dealership requirements. A copy of the approved dealership license to be provided prior to operation of the business.
12. Subject to hours of operation no later than 6:00 pm, as presented, and no earlier than 7:00 am per City Code §10-4-8.2.

2. Requests for a Special Use Permit to operate an indoor recreation facility specific to a private fitness center for property located at 1411 Falls Avenue East, Suite 401 c/o Bryan Wright on behalf of Classics Guided Fitness (app. 2495)

APPLICANT PRESENTATION:
Bryan Wright, the applicant, stated he has been looking for a location to provide guided fitness for people over 50 years of age. This would add value to the City and enhance and this location would be a great place to meet a local need. He asked that the Commission approve this request.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the Locust Grove Office Park is part of the Locust Grove PUD. The site was a pasture for a number of years and then rezoned in December 1995 from R-2 to R-6 PRO PUD and C-1 PUD. The property was rezoned again in August of 2002 to all be under a C-1 PUD. The Locust Grove PUD agreement was approved by City Council on November 12, 2002.

The PUD was amended in March of 2003 to modify the maximum building size regulation language. Building permits have subsequently been issued and offices constructed on the site. The applicant would like to operate a "private guided fitness center" at this location, which is classified as an indoor recreation facility. This property is located in the C-1; Highway Commercial District, Locust Grove PUD Zone. A Special Use Permit is required to operate an indoor recreation facility in this zone.

The applicant intends to have two (2) full-time employees and operate the business Monday through Saturday, 7:00 am to 10:00 pm. The site is located in the Locust Grove Business Complex and is intended to cater to ages fifty (50) and older. The parking requirement for a use such as an indoor recreation facility is 1 space per 250 square feet of total floor area. This requirement is the same as retail sales which was used for determining the parking requirements for the Locust Grove Complex. There is a cross-use agreement for parking on the site. The applicant expects about ten (10) vehicles a day and that the traffic impact would be similar to the previous use at the site which was a hair salon and spa.

No adverse impacts due to noise, glare, odor, fumes, or vibrations to adjoining properties are anticipated. It should be compatible with the surrounding area as there are commercial uses with various hours within the complex. The activities at the facility are inside an enclosed building and should not be noticeable to surrounding businesses. The change of the space from a salon and spa to a fitness facility is a change of use for building and Planning & Zoning regulations. The applicant will have to apply for and receive a change of use/Certificate of Occupancy permit prior to operation in the facility. A change of use also requires review and compliance with applicable zoning regulations. A full review will be part of the permit review process however the development is compliant with landscaping, parking, storm water management requirements and the current PUD agreement. Any new signage must be reviewed for a sign permit.

Zoning & Development Manager Carraway stated should the Commission grant this request, as presented, staff recommends approval be subject to the following condition(s):

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to this special use permit being for the operation of fitness facility, as presented.
3. Subject to a Certificate of Occupancy for a fitness facility, as presented, being issued prior to operation of the business.

PUBLIC HEARING: OPENED & CLOSED WITHOUT COMMENTS

MOTION:
Commissioner Schouten made a motion to approve the request, as presented. Commissioner DeVore seconded the motion. All members present voted in favor of the motion.

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to this special use permit being for the operation of fitness facility, as presented.
3. Subject to a Certificate of Occupancy for a fitness facility, as presented, being issued prior to operation of the business.

Commissioner Jacobson stepped down

3. Request for a Special Use Permit to install and operate an aerial tour business on a southeast portion of the Canyon Springs Golf Course within the Snake River Canyon c/o Jody Tatum on behalf of Magic Valley Flight Simulation, LLC (app. 2496)

APPLICANT PRESENTATION:
Jody Tatum, representing Magic Valley Flight Simulation, stated she is here to request approval of a special use permit to operate a zip-line to be located at the Canyon Springs Golf Course. She discuss the plan for the operation of the business and provided the following information. The estimated group size will be between 6-12 people with 4-8 vehicles per tour and the tours will be scheduled 2-3 hours with 4-6 tours per day depending on demand, with the approximate number being between 12-60 people per day weather permitting. She stated that the Canyon Springs Golf Course Club House has an underutilized lower parking lot that would be use for the zip-line. The zip-line would use existing terrain with minimal platforms and anchor poles, eco-friendly, and will operate during daylight hours only. The business should increase local tourism adding jobs and revenue to the hotel, food, retail, recreation and entertainment sectors. As for a business plan it will be community focused and they will offer discounted tickets for kids with good grade and youth /therapeutic organization. The plan to provide educational field trips, and donate tickets to raffles and drawings. The project will be developed on 100% private property, operated during daylight hours only, weather permitting and will be community integrated.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated this is a request for a

Zoning & Development Manager Carraway reviewed the exhibits on the overhead and stated the request is to operate a zip-line facility within the Canyon Springs Golf Course. This property is located in the OS: Open Space District within the Area of Impact.
A Special Use Permit is required for zip-lines in this zone. The zip-line operation area is about 10 acres in size and the trail length from the Canyon Springs Clubhouse to the launch site is about 2/3 mile (3500 +/- feet). A description of the proposed zip-line and operation was presented by the applicant.

It is proposed to be a year-round business and the hours of operation would be during daylight hours as varies by the season. They anticipate that the operations would employ 8-12 people in the summer and in the off-peak season from October to March that they would employ 3-6 people. Tour guests would pre-register for a specific group time for 6-12 individuals and would be scheduled for 2 to 2.5 hours. If demand was high the maximum capacity the applicant is proposing is eight (8) groups in a day which would be a total of 96 people throughout the day. Tour guests will meet and park at the Canyon Springs Golf Course Clubhouse and meet on the lower level for training on the zip-line. They will have educational training on history of the area, the natural and geological features, and plants and wildlife. Guests will receive equipment and have training on a 250' long training line that is proposed behind the clubhouse and golf

cart storage area. Guests will be moved from the clubhouse to the three-course zip-line area by golf cart or a similar-type vehicle on golf course paths.

The zip-lines extend from a launch area between Canyon Springs Road and the road to Centennial Park over the wetlands where the Perrine Coulee drains to the Snake River with the landing area being on Canyon Springs Golf Course. The zip-lines launching, landing, and aerial trail area is all contained on property owned by McCollum Enterprises who has granted permission To Magic Valley Flight Simulation to use this property.

The project description indicates that pole anchors will be approx 20' high at the ends of the lines and painted to blend into the surrounding landscape. There will be one large launch platform at the top of the double line and drawings have been included of its design and dimensions. At the smaller zip-lines there will be (5) smaller platforms. Dirt ramps will be used for landing areas.

The course will include a total of (4) zip-lines and (6) platform structures. Tour guests will ride the zip-line and then walk to the next platform to continue the course. They will end up back where they started at the edge of the golf course and then scheduled transportation will take them back to the clubhouse. The applicant indicated that the clubhouse is ADA accessible. The building department will review to determine if the clubhouse occupancy is compliant with applicable codes. There are ADA restrooms accessible on the green and handicap-accessible parking spaces. There are a total of 89 parking spaces in the paved lot areas. If determined additional parking is required the applicant indicated that it can be accommodated in the area west of the clubhouse.

Security of the launch platforms is a concern as unauthorized users may try to access the zip-lines. The applicant has indicated that the platforms will be secured and that 24-hour security will be implemented. Staff recommends a condition that a bond be in place to ensure if the business ceases to operate all structures shall be removed and the area impacted by this business will be returned to its natural state.

The applicant has stated that a security bond for the cost of removing structures and any rehabilitation will be established with the property owner. Construction in the wetland area is reviewed by the Army Corps of Engineers. The applicant contacted the Army Corps of Engineers and their response indicated that a review is not required for the project as proposed. Building permits through the City of Twin Falls and State may be required.

Staff has expressed concerns about additional traffic affecting safety of the use on Canyon Springs Road. The Twin Falls Traffic Safety Commission requested the City conduct a speed study as there were concerns the posted 35 mph speed limit may be too fast due to the number of pedestrians using the road as a walking path. In review of the collision history on Canyon Springs Road and Centennial Park Road from 1997 to 2009 it was found that there was a total of 11 accidents with only 1 in the past (5) years none of the 11 accidents involved pedestrians or cyclists. At the time of this speed study Canyon Springs Road had a posted 35 mph speed zone and Centennial Park Road had a 15 mph posted speed zone.

Upon conclusion of the study the City recommended the posted speed limit(s) remain the same the City also recommended due to high volumes of pedestrians and cyclists that "pedestrian warning signs" be installed a the top & bottom of the grade and at the beginning & end of Centennial Park Road.

At the February 10, 2011, Twin Falls Traffic Safety Commission meeting they unanimously voted that the introduction of the zip-line course use would not affect safety on the roadway or pose a hazard to traffic in the area; and on December 19, 2011 the City Council approved a request by the Traffic Safety Commission to install the proposed pedestrian signs.

Staff also has concerns over the possible distraction to the drivers of vehicles as the zip-line launch area is near Canyon Springs Road. The zip-line activity may cause drivers to stop or slow in the road to watch the activity. They may also attempt to park along the road to access the site or watch. The road width is not adequate to accommodate parking and as the site is just after a major curve in the road vehicles may not be able to see or plan for other vehicles to be parked along or stopped in the road.

Staff recommends that signage be put up at the applicant's expense along Canyon Springs Road indicating that parking and stopping is not permitted on the road in that area at any time. There is also concern about people trying to access the launch area from Canyon Springs Road or Centennial Park Road. Twin Falls County staff does not want the Centennial Park area to be used for parking, observing of the zip-line activity. Staff recommends that there be a security fence or similar structure that would keep people from accessing the zip-line while it is not attended or after hours. The area should not be permitted for spectator viewing from the launch site at any time.

As per code to operate an aerial outdoor recreation facility the outfitter company and/or guides will need to be licensed by the Idaho Outfitters and Guides Licensing Board.

The Comprehensive Plan does indicate a desire in the community for additional recreational opportunities. The applicant believes that their aerial tour zip-lines facility would provide this opportunity.

Zoning & Development Manager Carraway stated upon conclusion should the Commission approve the request, as presented, staff recommends the following conditions be placed on this permit:

1. Subject to a review by the Building Department to determine if a Certificate of Occupancy is required for the use of the clubhouse facility for the zip-line staging area.
2. Subject to a review of parking requirements for the clubhouse and zip-line use to determine if additional parking is required.
3. Subject to the launch site having a security fence or suitable enclosure to provide security to the site.
4. Subject to signage on Canyon Springs Road being placed by operator indicating that no parking or stopping is allowed on the road way in the vicinity of the launch area at any time.
5. Subject to the zip-line(s) being operated by outfitters and guides licensed by the Idaho Outfitters and Guides Licensing Board. Documentation provided to City prior to operation.
6. Upon abandonment or discontinuation of use, the property owner/business owner shall physically remove all structures associated with the zip-line(s) facility within ninety (90) days of the date of abandonment and/or discontinuation of use, and restore the site to its original condition. The property owner/business owner shall provide to the City, prior to issuance of a permit, a performance bond in the amount of twenty thousand dollars ($20,000.00) or a bond equal to a written estimate from a qualified contractor to guarantee that the facility will be removed when no longer in use & site restored. The City shall be named as an oblige in the bond and must approve the bonding company.
7. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

PUBLIC HEARING: OPENED

- John Lezamiz, 847 Canyon Springs Road stated he is here to speak against the request. He stated he has several concerns regarding parking/building requirements, expansion to an existing business, and safety concerns. Based on the data provided in the applicants application he has determined that adding this business to the Golf Club will expand the business by 53%. The existing golf club already had issues with parking, and the lack of ADA restrooms, the additional traffic and customers to the site will only increase the problems.

  His major concern is traffic and safety on Canyon Springs Road. The current road condition is below standard for the amount of traffic that travels along this path. The road is substandard, is approximately 20 feet wide and is twice as steep as it should be for the type of traffic that uses the road. He stated there are always pedestrians, bicyclists, large trucks, and regular vehicles traveling this road and he is concerned that with this business the additional traffic is going to create more hazardous conditions. City Code 10-13-2.2 D (5) states that when the Commission reviews a special use permit request it should consider whether or not approval of the request will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons responsible for the establishment of the proposed use shall be able to provide adequately any such services. If the Commission considers this one standard, it should find that this location is not the best place because the public roadway is not adequate to serve the needs, and therefore the request should be denied.

- Terry Tracey, 867 Canyon Park Ave, wrote a letter to the Council expressing her concerns with the proposed request. Her back yard extends to the bike and walking path on Canyon Springs Road with an uninterrupted view of the dangers on this road stating the curve as you come onto Canyon Springs Road is an accident waiting to happen. There are places better suited and of less risk to the area. She asked that the Commission deny this request.
- Tracy Wooleen, Kimberly Road, the road is inadequate for anything with or without the zip-line. The other question is this meets the requirements and code then why can't they have a zip-line.
- Chris Schut, 882 Canyon Park Avenue, is in opposition to the request because of the impact to the residential area. He has already spoken to the Parks and Recreation Department about limiting the use and late hours that people are allowed on the trail. Approving this request is going to increase the traffic and impact the residence in this area.
- Mike McBride 675 Riverview Drive, speaking in opposition to the request stated the roadway is substandard and there are expanding uses already and looking at additional traffic to the area is going to cause more problems.
- Bill Gerhke, 711 Canyon Springs Road, stated he has a few questions. It seems that the residence familiar with the road are in objection to the request and additional traffic. He asked if the speed of 35 mph is too fast, slow people down. He stated he doesn't have a problem with the zip-line but he does have concerns about the event area needing site improvements, security and fencing.
- Scott Record, resident of Twin Falls, stated he has been to this meeting several times but can't see any reason for denying this request.
- Dave Fairbanks, 633 2nd Avenue East, if the road is an issue the City can revoked the permit. If there are building and parking issues these will be handled through the building review process.

- Jeanne Meyer, 281 Caswell Avenue West, stated she is in favor of the zip-line to bring in more jobs and this would be a great place and should be open to everyone . The community is growing and Twin Falls is a hot spot and this is an opportunity for growth.
- Katie Breckenridge, stated her only concern was noticing property owners for the public hearing. She asked who is responsible for mailing the notices and explained that the notice allows the public to prepare questions and raise concerns if there are any.
- Attorney Wonderlich stated that for whatever reason the applicant didn't have Katie's name on the list. The applicant is responsible for providing notice. If people are not provided notice but are present then that concern is waived. He stated he was notified by Katie prior to the meeting that she didn't receive notice and should have. If however the person that was not notified was unable to attend the meeting or unable to respond in time for the meeting, rescheduling of the item would be required.
- Barry Knoblic, 1174 Skyline Drive, stated all he wants is to not have to come and testify on the same issue. The road is not the back breaking issue, maybe there needs to be foot traffic control along this road, because it has been a concern for a long time. He would hope this request is approved.
- Brian Davis, 2536 Kimberly Road, requested BLM information related to the impact to Centennials Park and the centerline survey, because he is unable to determine from the exhibits if the area is entirely private property.
- Chris Satterwhite, 452 Woodland Court, she was here before and stated that the road is an issue but shouldn't be an issue on deciding the zip-line.
- Ryker Fairbanks 862 4th Avenue North, there are ways around these issues and would asked that this request be approved.
- Boyd Satterwhite, 452 Woodland Court , stated that issue seems to be the access to the zip-line, when we do highway work there is one way traffic. There are way to control the traffic and slow the speed down. He thinks it would be a good way for the families to enjoy the area, it is already a place for recreation.
- Rob Struthers, has a question regarding notice, and asked how would the City know if the notice was inadequate.
- Wayne Tously, 226 Southwood Avenue, stated he feels the issues can be handled as the process goes along. If the solution is in adequate the special use permit can be revoked.

Letters were submitted prior to the meeting and are part of the record.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:
Jodi Tatum stated the numbers presented for the traffic study were on the day of the family golfing event are extremely high. She also apologized to Katie Breckenridge stated she had no idea that she would have to question the accuracy of the address list of property owners she requested from the County Accusers Office.

DELIBERATIONS FOLLOWED:
- Commissioner Mikesell stated in the worst case scenarios there is not enough parking. They should provide parking Mr. McCullum may own the property but it is up to us to watch this, issue and there is going to be concerns and accidents, we should not contribute to the safety along this road, because we want to allow this Special use permit.
- Commissioner Bohrn stated parking will be reviewed during the building process, the City of Twin Falls is going to add additional traffic with Augar Falls opening, these attractions are all over the world, they are used and valued. He is 100% behind this request.

- Commissioner Schouten stated they have gone through the necessary hoops, it is good for the business, and the road has been and will be an issue forever.
- Commission Ihler stated the road is not a zip-line issue. He is in support of this request.
- Commissioner Sharp they have done all that is requested and he is in support also.
- Commissioner Cope he is not willing to punish the applicant for the road issue. The zip-line is needed and wanted and he is behind the request.
- Commissioner DeVore stated traffic was a concern, the parking and ADA requirements will be reviewed through the permit process and therefore he is in support of the request as well.

MOTION:
Commissioner Derricott made a motion to approve the request, as presented. Commissioner Cope seconded the motion. Commissioners Bohrn, Cope, Derricott, Ihler, Jacobson, Schouten, Sharp & DeVore voted in favor of the motion. Commissioner Mikesell voted against the motion.

MOTION PASSED 7-1
APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

1. Subject to a review by the Building Department to determine if a Certificate of Occupancy is required for the use of the clubhouse facility for the zip-line staging area.
2. Subject to a review of parking requirements for the clubhouse and zip-line use to determine if additional parking is required.
3. Subject to the launch site having a security fence or suitable enclosure to provide security to the site.
4. Subject to signage on Canyon Springs Road being placed by operator indicating that no parking or stopping is allowed on the road way in the vicinity of the launch area at any time.
5. Subject to the zip-line(s) being operated by outfitters and guides licensed by the Idaho Outfitters and Guides Licensing Board. Documentation provided to City prior to operation.
6. Upon abandonment or discontinuation of use, the property owner/business owner shall physically remove all structures associated with the zip-line(s) facility within ninety (90) days of the date of abandonment and/or discontinuation of use, and restore the site to its original condition. The property owner/business owner shall provide to the City, prior to issuance of a permit, a performance bond in the amount of twenty thousand dollars ($20,000.00) or a bond equal to a written estimate from a qualified contractor to guarantee that the facility will be removed when no longer in use & site restored. The City shall be named as an oblige in the bond and must approve the bonding company.
7. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with all applicable City Code requirements and standards.

V. PUBLIC INPUT AND/OR ITEMS FROM THE ZONING DEVELOPMENT MANAGER AND/OR THE PLANNING & ZONING COMMISSION:

NONE

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **JANUARY 10, 2012**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 7:50 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department