MINUTES
Twin Falls City Planning & Zoning Commission
August 28, 2012-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS
CITY LIMITS:
Wayne Bohrn **Chairman** Jason Derricott **Vice-Chairman** Tom Frank Kevin Grey Terry Ihler V. Lane Jacobson Chuck Sharp

AREA OF IMPACT:
Lee DeVore Steve Woods

CITY COUNCIL LIAISON
Rebecca Mills Sojka Suzanne Hawkins

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:	ABSENT:
Bohrn	
Derricott	
Frank	
Grey	
Ihler	
Jacobson	
Sharp	

AREA OF IMPACT MEMBERS

PRESENT:	ABSENT:
DeVore	
Woods	

CITY COUNCIL MEMBERS PRESENT: Hawkins
CITY STAFF PRESENT: Carraway, Humble, 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 install a 100' wireless communication facility on property located at 2862 Addison Avenue East c/o Dave Wright D. W. Land Company, LLC on behalf of Digital Skylines, Inc (app. 2525)

2. Requests for a Special Use Permit to serve alcohol for consumption on-site in conjunction with an existing restaurant on property located at 669 Blue Lakes Boulevard north c/o c/o Afshin Zahroony dba Persian Kebab (app. 2526)

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 26, 2012**
2. Approval of Findings of Fact and Conclusions of Law:
   - Twin Falls County (SUP 06-26-12)
   - Jensen (SUP 06-26-12)

MOTION:

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

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use permit to install a 100' wireless communication facility on property located at 2862 Addison Avenue East c/o Dave Wright D. W. Land Company, LLC on behalf of Digital Skylines, Inc (app. 2525)

APPLICANT PRESENTATION:

Kevin Howell, the applicant representing Verizon Wireless stated he is here to request a special use permit for the installation of a 100' wireless communications tower located at 2862 Addison Avenue East. Clearly there is a need for more wireless communication towers here in Twin Falls. The request also includes a 12' x 26' equipment shelter approximately 11 1/2 tall inside a 50 x 50 lease space at the northwest corner of Kimberly Nursery. The request is being made because of the growth of wireless and more so for data. Verizon is working to expand its network to cover the needs of their customers. Studies show the 34% of homes have no land line and this has become a public safety issue, a third of the homes cannot call out to 911 for assistance without good cell coverage. This doesn't impact this site but, it is why Verizon is trying to increase the capacity for the service. The other reason for this additional tower is to provide the 4G data rates to the area. Once the service gets loaded with customers the service will slow down. The closer the wireless site is to the user the faster the data rate, which is the reason for picking this location. The impact to the surrounding properties, should be minimal it will be slim and as for color a recommendation would be helpful. By going to the northwest corner it puts the tower closer to more commercial/industrial uses. They think this is the good location and would request approval of the special use permit.

STAFF PRESENTATION:

Zoning & Development Manager Carraway reviewed the exhibits on the over head and stated this is a request for a special use permit to install a 100' wireless communication facility and to construct a 12' x 26' equipment shelter/enclosure. The property is located at 2862 Addison Avenue East and is zoned C-1; commercial highway district; to establish a freestanding wireless communication facility in this zone requires a special use permit. The reason a special use permit is required is because these can typically be adjacent to residential property, making some commercial properties in appropriate for this type of use. Staff has reviewed this request and this property is somewhat unique in that there is some separation between the commercial zone and the residential zone. As part of the submittal process the applicant is required to provide a master development plan along with a site plan. The structure will require a building permit and the development standards will need to be met.

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 & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Assure compliance with all requirements of Twin Falls City Code 10-7-17, including:
    a. The lease agreement for this facility on the property needs to indicate that Verizon Wireless is obligated to remove the tower if the tower is no longer needed and that if use is discontinued for one hundred eight (180) days that the responsibility for removal shall belong to the landholder.
    b. The carrier shall provide the City, prior to issuance of a permit, a performance bond of twenty thousand dollars ($20,000.00) or a bond equal to a written estimate from a qualified tower removal 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.
3. Color to be neutral color, simulate a standard utility pole, or otherwise be camouflaged or disguised so at to make the tower as un-obstructive as possible.
4. Subject to the application receiving a building permit for the freestanding tower and equipment shelter and final inspection approval of the construction, placement and landscaping.
5. Subject to a signed lease being provided to the City before a building permit is issued

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Frank stated because the City endorses co-location, if another provider wanted to co-locate on this pole would it change the look at the top of the pole shown in the exhibit, as for the location on the property, is this the best spot for the tower.
- Mr. Howell, stated that no if another provider co-located the next antenna would go below and there would be a 10' separation with the lowest antenna would be 84', so the service co-locating would be at approximately 74'. As for the location on the property, the applicant is open to suggestions however there are some limitation for access made by the land owner because of the layout of the property. Technically anywhere on the property would work for this request.
- Zoning & Development Manager Carraway clarified that the maximum height for this tower is 100' so nothing could go above the antenna's shown on the exhibits.
- Commissioner Woods asked if this type of technology has issues with interfering with televisions , pacemakers or other medical equipment from cell emissions.
- Mr. Howell explained that Verizon Wireless has to meet Federal Communications Commission requirements and the parameters are set to keep interference from occurring. The bands and powers are specific and very limited and if Verizon doesn't abide by these guidelines it would jeopardize their license to operate.
- Commissioner Sharp asked what the noise impact might be associated with the equipment shelter and items contained within the enclosure.
- Mr. Howell stated there will not be any radio vibration, but there will be two 5 ton air conditions to cool the equipment. The equipment puts off a lot of heat and 5 tons is a typical size air conditioner, and they typically are placed on the side furthest away from the residential area. They are not any different than a household air-conditioner.

PUBLIC HEARING: OPENED

- Larry Arbaugh, 951 Meadowview Lane, the tower would be approximately 400' from the proposed tower. He has concerns about generator noise, camouflage, a strobe light flashing on top but his biggest concern is the 10' utility easement shown on the exhibit. The fence line shown on the exhibit is accurate however it was constructed 13' into his property by Kimberly Nursery without his consent. To avoid property line arguments the owner of Kimberly Nursery agreed to plant trees along the property line to screen the residential property from the commercial/industrial activities going on at the nursery.
- Brent Jussel, 935 Meadoview Lane, he has a few concerns one is related to the air conditioners and the noise they will generate, in his experience volunteering at the Harmon Park Ball Field there is a communication tower with an equipment shelter at this site that at times generates quite a bit of noise and he is wondering if this will be similar at this location. He asked that the applicant be mindful of the residential zoning around the area and the impacts this can have on these areas. He stated he would like to see the tower further north away

from the residential area, and would asked that the pole be camouflaged to not look so commercial, the exhibits show a very commercial looking pole. The boundary along the property needs to be screened better either by slating the fence or landscaping to buffer the residential area from the homes. He would also like to request that the amplified music be minimized so that it doesn't resonate throughout the adjacent neighborhood. If this could possibly be moved further north away from the existing residential zone that would be appreciated. Dave Wright, owner of Kimberly Nursery, he explained that he understands the concerns, especially the "not in my backyard issue", however communication towers are becoming more and more necessary and more prevalent in communities. He too had some concerns with interference, health risks and through research and education he has had these fears put to rest. This commercial property was here prior to the residential zoning, with 660' south of Addison Avenue East being designated for commercial. The south boarder was establish long before the zoning was established. He stated that the amplified music will no longer. The property to the north of this location is zoned residential also so moving the tower would just put it closer to future residential development. His preference is to have the pole located at the rear of his property. Other locations were looked at on the property, and this seemed to be the best spot. He has no problems meeting the development requirements.

PUBLIC HEARING: CLOSED

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Frank asked for clarification for the access to the site for service and repair, because it doesn't make since to access along the southern boundary of the property.
- Mr. Howell, stated the access will be through the main entrance of the nursery. This is a potential underground utility easement to tie into quest because there are not any fiber optics along Addison Avenue East so the easement is not for access.
- Commissioner Frank asked about the air conditioners, and if one is the backup for the other. He stated that installation at Harmon Park will be similar to the ones located there. As for the noise there is a generator on-site in the equipment shelter as well that is only used when commercial power goes out. The generators are tested once a week for 20 minutes to ensure they are in working order. If specified, they can be scheduled this during the day or at night which ever might be preferred to reduce the impacts to the surrounding neighbors. As for strobe lights any tower over 200' the FAA requires the pole to be lit anything under that height has to be lit if found to be near an air field or a flight path, currently this will not be required for this pole.
- Commissioner Woods asked if there are any noise requirements for industrial or commercial facilities, and if there are any other facilities similar to this where residential areas are located and if there have been any complaints about the noise.

- Zoning & Development Manager Carraway stated no we do not have any decibel requirements. The most recent facility that is similar to this is located on Washington Street North the property adjacent to this site is residential and there have not been any complaints related to this site.
- Commissioner DeVore asked about the screening and if conditions could be tied to this request for buffering the residential area.
- Zoning & Development Manager Carraway explained that the Commission could set conditions for screening as this is a new land use request in a commercial zone that is adjacent to a residential zone. There will be screening around the facility, as shown in the packet.

MOTION:
Commissioner Frank made a motion to approve the request, as presented. Commissioner Sharp 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. Assure compliance with all requirements of Twin Falls City Code §10-7-17, including:
    a. The lease agreement for this facility on the property needs to indicate that Verizon Wireless is obligated to remove the tower if the tower is no longer needed and that if use is discontinued for one hundred eight (180) days that the responsibility for removal shall belong to the landholder.
    b. The carrier shall provide to the City, prior to issuance of a permit, a performance bond of twenty thousand dollars ($20,000.00) or a bond equal to a written estimate from a qualified tower removal contractor to guarantee that the facility will be removed when no longer in use. The City shall be named as an obligee in the bond and must approve the bonding company.
3. Color to be neutral color, simulate a standard utility pole, or otherwise be camouflaged or disguised so as to make the tower as unobtrusive as possible.
4. Subject to the applicant receiving a building permit for the freestanding tower and equipment shelter and final inspection approval of the construction, placement and landscaping.
5. Subject to a signed lease being provided to the City before a building permit is issued.

2. Requests for a Special Use Permit to serve alcohol for consumption on-site in conjunction with an existing restaurant on property located at 669 Blue Lakes Boulevard North c/o c/o Afshin Zahroony dba Persian Kebab (app. 2526)

APPLICANT PRESENTATION:
Afshin Zahroony, the applicant state he is here to request a special use permit to serve alcohol for consumption on-site. They operate Monday through Saturday, and he has had customers request wine and beer to be served with the Kebabs. They would like to grow as a business and this will help the business.

STAFF PRESENTATION:
Zoning & Development Manager Carraway reviewed the exhibits on the over head and stated this is a request for a special use permit to serve alcohol for consumption on-site in conjunction with a restaurant. The property is located at 669 Blue Lakes Boulevard North and is zoned C-1; Commercial Highway District. In this zone if the property is located within 300' of residential property a special use permit is required. The business operates within the normal hours, there are not any proposed changes to the building, making this strictly a land use request, it is in compliance with the Comprehensive Plan.

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 compliance with State, County, and City alcohol licenses and regulations

PUBLIC HEARING: OPENED & CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:
Commissioner Sharp made a motion to approve the request, as presented. 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 compliance with State, County, and City alcohol licenses and regulations

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

Community Development Director spoke to the Commission about staff offering a training session once a month at lunch time 12:00 to 1:00 to assist the Commission in becoming comfortable with code requirements and to develop a rapport with staff. The sessions would be a time to discuss code and general issues to consider for different types of requests. Staff will send communication related to scheduling if interested.

The Commissioners were interested in this idea are will plan to attend.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meeting is scheduled for **September 11, 2012**

VII. ADJOURN MEETING:

Chairman Bohrn adjourned the meeting at 7:05 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department