



MINUTES
Twin Falls City Planning & Zoning
July 9, 2013-6:00 PM
City Council Chambers
305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

Nikki Boyd Jason Derricott Tom Frank Kevin Grey Gerardo "Tato" Munoz Chuck Sharp Jolinda Tatum
Chairman

AREA OF IMPACT:

Lee DeVore Steve Woods

Vice-Chairman

CITY COUNCIL LIAISON

Suzanne Hawkins Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS

PRESENT:

Boyd
Derricott
Frank
Grey
Sharp
Tatum

ABSENT:

Munoz

AREA OF IMPACT MEMBERS

PRESENT:

DeVore
Woods

ABSENT:

CITY COUNCIL MEMBERS PRESENT: Hawkins

CITY STAFF PRESENT: Carraway, Spendlove, Strickland, Vitek, Wonderlich

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **June 25, 2013**
2. Approval of Findings of Fact and Conclusions of Law:
 - Ed Sabia (SUP-Amended 06-25-13)

III. ITEMS OF CONSIDERATION: **NONE**

IV. PUBLIC HEARINGS:

1. Requests the Commission's consideration for an amendment to Special Use Permit 1282, granted January 23, 2013, specifically Condition #4, which reads "Subject to the vehicles that require overnight stay are stored within a sight obscuring fenced area or inside an enclosed building be in compliance by July 30, 2013 c/o Kevin Powers d/b/a Blue Lakes Auto (app. 2540)

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

VI. UPCOMING PUBLIC MEETINGS (held at the City Council Chambers unless otherwise posted):

1. Public Hearing – **Tuesday, July 23, 2013** 6:00 pm
2. Work Session – **Wednesday, August 1, 2013** 12:00 pm – 1:00 pm

VII. ADJOURN MEETING:

I. CALL MEETING TO ORDER:

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

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **June 25, 2013**
2. Approval of Findings of Fact and Conclusions of Law:
 - Ed Sabia (SUP-Amendment 06-25-13)

MOTION:

Commissioner LeDevore made a motion to approve the consent calendar as presented.
Commissioner Woods seconded the motion.

UNANIMOUSLY APPROVED

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Requests the Commission's consideration for an amendment to Special Use Permit 1282, granted January 23, 2013, specifically Condition #4, which reads "Subject to the vehicles that require overnight stay are stored within a sight obscuring fenced area or inside an enclosed building be in compliance by July 30, 2013 c/o Kevin Powers d/b/a Blue Lakes Auto (app. 2540)

APPLICANT PRESENTATION:

- Kevin Powers, the applicant would like to make a request to amend the Special Use Permit, no non-operating vehicles or parts allowed outside of a screened area.
- John Larimer, representing the applicant, stated that there was a previous condition regarding vehicle storage on the lot in Special Use Permit #562 stating: No non-operating vehicles or vehicle parts allowed outside of a screened enclosure and landscaping to be completed within 12 months. The most recent Special Use Permit #1282 stated: Subject to the vehicles that require overnight stay are stored within a sight obscuring fenced area or inside an enclosed building be in compliance by July 30, 2013. The proposal is that an amendment be made to match the verbiage from the original Special Use Permit #562 stating: No non-operating vehicles or vehicle parts allowed outside of a screened enclosure. This change would not preclude customers from dropping their car off at night and putting their keys in the key box for next day service. The parking lot would have licensed running registered vehicles, so if you drive by it will look like any other parking lot in front of a business.

STAFF PRESENTATION:

Planner I Spendlove reviewed the exhibits on the overhead and reviewed the history of the property. The property is zoned M-1; Light Manufacturing District. In January of this year a

Special Use Permit was approved for the purpose of expanding and existing automobile repair business by more than 25% on property located at 490 Washington Street South. An expansion

over 25% requires a Special Use Permit at the time of this request the file was reviewed for compliance and during that time it was determined that they will need 33 parking spaces. The question previous to this Special Use Permit request was whether or not some of these parking spaces could be used for non-operating vehicles, it was determined at that time this would not be allowed, so they had to provide another area for storage. With this request they are asking that some of the spaces be used for non-operational vehicles in the back and this area be screened. The site plan has been changed to read screened enclosure. In August of 1998 Special Use Permit #562 was approved that original permit did read; No non-operating vehicles or vehicle parts allowed outside of a screened enclosure. In April of 2005 another Special Use Permit was approved and the conditions verbiage changed to include all vehicles that require overnight stay are stored within a sight obscuring fenced area or inside an enclosed building. On the most recent Special Use Permit #1282 staff kept the condition from the most recent Special Use Permit. They are now requesting that the verbiage be changed to match the verbiage on the original Special Use Permit #562 issued in 1998. The applicant stated the screened area behind the building will be used to store non-operating, disassembled vehicles and parts. The parking lot in the front will be used for functional vehicles that need maintenance or part upgrades, they will be licensed, and running registered vehicles. The intent on the condition for last approved Special Use Permit was to eliminate the possibility of the property in the front looking like a junk yard with wrecked non-operational vehicles. Staff believes that has been the intent of the condition for the previous Special Use Permits as well. This owner does operate a clean well maintained business; Special Use Permits are typically attached to the land itself which in turn means that if the property sells to someone who wants to operate the same type of business the Special Use Permit is still valid under different ownership. In this case it may be beneficial to modify the condition as requested and add another condition that limits the Special Use Permit to Kevin Powers specifically.

He stated, on January 23, 2013 to Blue Lakes Auto c/o Kevin Powers whose address is 490 Washington Street South Twin Falls, ID 83301 for the purpose of expanding and existing automobile repair business by more than 25% on property located at 490 Washington Street South 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. Assure compliance with conditions of SUP #0562 & SUP #0918, specifically the screening or storing of vehicles requiring overnight stays.
3. Dedication of right-of-way for Washington Street South, and the future development of Park Ave West, per Master Transportation Plan and as per City Engineer approval.
4. Subject to the vehicles that require overnight stay are stored within a sight obscuring fenced area or inside an enclosed building be in compliance by July 30, 2013.

Planner I Spendlove stated upon conclusion staff recommends Special Use Permit #1282 is amended by removing condition #2 and #4 and adding the following:

1. Subject to non-operating, un-registered, or un-licensed vehicles and all parts being stored indoors or behind a sight obscured screened area; to be in compliance by July 30th 2013.
2. Subject to this permit being issued to Blue Lakes Auto, c/o Kevin Powers. Any change in ownership will require a renewal of this Special Use Permit.
3. Subject to the two (2) lots at 490 & 492 Washington Street South being combined by survey and a new warranty deed being recorded. The recorded warranty deed shall be provided to the City of Twin Falls before a final Certificate of Occupancy for the expansion will be issued.

COMMISSIONER QUESTIONS/COMMENTS:

PUBLIC HEARING: OPENED

- Pete Johnston, 312 Washington Street South, stated he is not opposed to business but he does have some concerns about the square footage of the building and you can see on any day of the week or weekend cars that need to be repaired, with wreckers dropping off cars for repairs all hours of the night. He does need the expansion, but there still are some concerns with the vehicles staying longer than 24 hours in the parking area waiting for repair. He thinks the conditions for the previous Special Use Permits should be met prior to another expansion approval.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

- Mr. Powers stated that the operation of the business is Mon-Fri 9-5:30 and they try to keep the site clean.

DELIBERATIONS FOLLOWED:

- Commissioner Woods asked what the standards are for other auto repair shops with regards to the storage of non-operating vehicles and parts.
- Zoning & Development Manager Carraway stated the concern is that the properties can turn into junk areas for motor vehicle repair shops. This is a standard condition for this type of Special Use Permit. The applicant has been in business since 1998 and staff is not aware of any complaints about the business. If a Special Use Permit was issued previous to this policy it may not be a condition on some of the older Special Use Permit applications. As previously mentioned change in ownership or business name does not make the current Special Use Permit invalid, so if this condition was not part of the original Special Use Permit as a condition it would not be updated. Staff has tried to be consistent with the conditions.

- Commissioner Woods stated he thinks this is the nature of the business and by making the Special Use Permit specific to the applicant is a good plan. If the hours of operation are Mon-Fri 9-5:30 the weekend traffic to the site could be an issue, but it does require some due diligence by the business.
- Commissioner Grey stated the Special Use Permit is subject to compliance with the conditions, and if it is discovered that the applicant is not in compliance the Special Use Permit can be considered for revocation.

MOTION:

Commissioner Woods 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. Assure compliance with conditions of SUP #0562 & SUP #0918, specifically the screening or storing of vehicles requiring overnight stays.~~
2. Dedication of right-of-way for Washington Street South, and the future development of Park Ave West, per Master Transportation Plan and as per City Engineer approval.
- ~~3. Subject to the vehicles that require overnight stay are stored within a sight obscuring fenced area or inside an enclosed building be in compliance by July 30, 2013.~~
3. Subject to non-operating, un-registered, or un-licensed vehicles and all parts being stored indoors or behind a sight obscured screened area; to be in compliance by July 30th 2013.
4. Subject to this permit being issued to Blue Lakes Auto, c/o Kevin Powers. Any change in ownership will require a renewal of this Special Use Permit.
5. Subject to the two (2) lots at 490 & 492 Washington Street South being combined by survey and a new warranty deed being recorded. The recorded warranty deed shall be provided to the City of Twin Falls before a final Certificate of Occupancy for the expansion will be issued.

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

- Zoning & Development Manager Carraway wanted to make sure the new schedule for the Planning & Zoning Work Session changing the location of the meeting from 324 Hansen Street East to the City Council Overflow Room at 305 3rd Avenue East was received by the Commissioners.
- On July 3, 2013 approval was granted by the Twin Falls Highway District for the vacation of Dessert Rose Drive for Lance LeBaron subject to a recorded easement for the dedication of an alternate location of a 50' public road. She contacted Twin Falls County and scheduling for their public hearing has not occurred. She will keep the Commission informed on this item as progress is made.

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meetings:

1. Public Hearing – **Tuesday, July 23, 2013** 6:00 pm
2. Work Session – **Thursday, August 1, 2013** 12:00 pm – 1:00 pm

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 06:28 pm



Lisa A Strickland
Administrative Assistant
Community Development Department