



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
March 10, 2015, 6:00PM
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" Muñoz Christopher Reid Jolinda Tatum
Chairman Vice-Chairman

AREA OF IMPACT:

Ryan Higley Steve Woods
Vice-Chairman

CITY COUNCIL LIAISON

Rebecca Mills Sojka

ATTENDANCE

**CITY LIMIT
MEMBERS**

<u>Present</u>	<u>Absent</u>
Boyd	Derricott
Frank	
Grey	
Muñoz	
Reid	
Tatum	

AREA OF IMPACT MEMBERS

<u>Present</u>	<u>Absent</u>
Higley	
Woods	

CITY COUNCIL LIAISON(S): Mills Sojka

CITY STAFF: Carraway-Johnson, Knope, Spendlove, Strickland, Vitek, Wonderlich

I. CALL MEETING TO ORDER:

1. Confirmation of quorum
2. Introduction of staff
3. Election of Officers

Nominations:

- Commissioner Munoz nominated Commissioner Frank for Chairman. Commissioner Grey seconded the nomination. All members present voted in favor of the motion.
- Commissioner Tatum nominated Commissioner Grey for Vice-Chairman Commissioner Boyd seconded the nomination. All members present voted in favor of the motion.

Zoning & Development Manager Carraway-Johnson explained that she had a couple of items to discuss prior to moving forward with the agenda. She stated there was an item that was withdrawn by the applicant the same day that it was published in the newspaper so technically it should have been listed on the agenda. The request was from Lytle Signs on behalf of Automotive Performance Solutions to establish an automotive repair business on property located at 2019 Kimberly Road. This item was withdrawn by the applicant and is not on tonight's agenda.

The second item is a request for the reactivation of a Special Use Permit #1239 for property located at 1703 Addison Avenue East, staff is requesting that the Commission make a motion to amend the agenda to add this item.

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Motion:

Commissioner Munoz made a motion to amend the agenda to add a request to reactivate Special Use Permit #1239 for property located at 1703 Addison Avenue East. Commissioner Woods seconded the motion.

Unanimously Approved

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **February 24, 2015**
2. Approval of Findings of Fact and Conclusions of Law:
 - TFSD Pillar Falls Elementary (SUP 02-24-15)
 - TFSD Rock Creek Elementary (SUP 02-24-15)
 - TFSD South Hills Middle School (SUP 02-24-15)
 - Sacket Farms (Pre-plat 02-24-15)
 - Sharkey (SUP 02-24-15)

Motion:

Commissioner Grey made a motion to approve the consent calendar, as presented. Commissioner Reid seconded the motion.

Unanimously Approved

III. ITEMS OF CONSIDERATION:

- 1. Consideration of the reactivation of Special Use Permit #1239, granted on July 26, 2011, to serve alcohol for consumption on site in conjunction with a restaurant on property located at 1703 Addison Ave E.**

Staff Presentation:

Zoning & Development Manager Carraway-Johnson reviewed the request and stated on July 26, 2011 Special Use Permit #1239 was approved for Michael Dougherty for the purpose of serving alcohol for consumption on site in conjunction with a restaurant for property located at 1703 Addison Avenue East. It was approved subject to two 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, and 2) Subject to compliance with State, County and City alcohol licenses and regulations. The alcohol license was never established. The restaurant has not operated at this site for a several years. Twin Falls City Code 10-13-2.2I 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. She explained that the applicant Mrs. Coopersmith came in to the office and spoke to staff about establishing a restaurant at this location and was told a restaurant was an outright permitted use, and there was no discussion of serving alcohol at that time. On Thursday March 5, 2015 staff received an inquiry about whether or not serving alcohol for consumption on premises would be allowed. Upon review it was found that there is no active Special Use Permit to serve alcohol for consumption on premises, however there was a Special Use Permit approved for this use in 2011. As the Special Use Permit was never established it was determined the Commission could reactivate the Special Use Permit if the facts and circumstances have not changed. On March 9, 2015 the City Council approved the applicant's request for a City alcohol license subject to the Planning & Zoning Commission reactivating Special Use Permit #1239 or granting a new Special Use Permit.

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Zoning & Development Manager Carraway stated upon conclusion staff recommends the Commission reactivate Special Use Permit #1239, as presented, subject to the original two conditions of approval.

P&Z Questions/Comments:

Commissioner Frank asked if the applicant was available to speak and answer any questions the Commission may have.

Applicant Presentation:

Leslie Coopersmith, 1703 Addison Avenue East, requested a reactivation of the special use permit in order to serve alcohol at her restaurant. She reviewed her policy for serving alcohol and requested that the Commission approve her request.

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

Deliberations Followed: [Without Concerns](#)

Motion:

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

2. Consideration of an alternative landscape plan for two (2) new elementary schools c/o Hummel Architects on behalf of the Twin Falls School District

Staff Presentation:

Zoning & Development Manager Carraway-Johnson reviewed the history of the request and explained that on February 24, 2015 the Planning & Zoning Commission held a public hearing to review requests for Special Use Permits for three new elementary schools. Pillar Falls Elementary, Rock Creek Elementary and South Hills Middle School. The Twin Falls School District included a request for consideration of an alternative landscape plan for each new school. Upon review the Commission voted to approve the Special Use Permits for the new schools however the following condition was placed on all permits, subject to an "Alternative Landscape Plan" containing water-wise plants and ground cover being reviewed and approved by the Planning & Zoning Commission, prior to the school receiving their building permit. The schools are being developed in residential zoning districts the code states for development of non-residential uses within a residential district the site requires a minimum of 10% of the total site to be landscaped. The development requirements in 10-11-2A3 states the Commission may approve alternative plans or design to allow innovative landscaping. The Commission is tasked with this decision this evening, there is not definition in the code for alternative or innovative landscaping.

Zoning & Development Manager Carraway-Johnson stated upon conclusion should the Commission find the presentation is an innovative alternative landscape plan they are asked to approve that plan for the two elementary schools.

Applicant Presentation:

- Clint Seivers, Hummel Architect, explained the new schools will be going out for BID this month. They would like to be able to have some resolution for this request prior to the BID packets being assembled and distributed. He reviewed on the overhead Google images of several existing schools and the number of trees and bushes on their properties. There are fewer trees on the existing schools than what is currently required. Some of the reason for that is maintenance and safety. He displayed on the

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overhead renderings of the new schools to give the Commission a visual idea of what the schools will look like when constructed.

- Josh Rennicer, explained they have worked with the extension office to determine the types of plants and trees that grow successfully here in the Magic Valley. One goal was to find materials that require less water, smaller amounts of maintenance and provide esthetics. They have plans to use a turf that is 50% more drought tolerant. He then reviewed each of the plant types and trees they have selected for the sites.
- Clint Sievers, reviewed the design of the site and explained they have provided more evergreen shrubs to replace some of the evergreen trees required. They designed originally with the code requirements and then revisited the plans to see what the issues are and tried to address those concerns to allow for some changes in plant materials and locations of the trees and bushes so that maintenance and safety concerns could be addressed. This plan is approximately a 30-35% reduction in trees and have also provide a learning landscape area to use for outdoor teaching. They have also considered placing signage in this area to teach the kids about the different types of vegetation. In summary, the proposed plan provides for more open area, less plant material, the addition of the learning landscape area, and more deciduous trees vs evergreens.

P&Z Questions/Comments:

- Commissioner Munoz asked if the reduction percentage is about the same for both sites.
- Mr. Sievers explained yes.
- Commissioner Frank asked if in order to offset the reduction they have chosen to go with more evergreen shrubs?
- Commissioner Woods asked if there were any studies used to compare the water required for the original plan vs the proposed plan, and if cost were calculated?
- Mr. Sievers explained the water reduction cost is minimal between the two because of the types of plants chosen, as for cost for installation the cost for additional plants would be much more costly than what is being proposed.
- Commissioner Frank asked if there were some other materials considered such as artificial turf that is a little more cost up front but benefits last longer and have lower maintenance.
- Mr. Sievers explained that the cost for the artificial turf type materials is very costly up front so that it is not an option.

Public Hearing: **Opened & Closed Without Comments**

Deliberations Followed:

- Commission Munoz explained this presentation was much better than the last time and doesn't have many concerns with the proposal.
- Commissioner Higley thinks the proposal is much better this time.
- Commissioner Grey explained the lack of trees along the perimeter is a concern for him and doesn't buy the safety concern and that ultimately it is an attempt to plant less because of cost issues. Any trees that were on the original plan were all eliminated and it's not really an alternative plan it's just a reduction.
- Commissioner Munoz stated he can see both sides to the argument and there has to be a balance and cost was probably the main reason for this and that child safety was probably not as high up on the list, however he thinks it's a good plan.
- Commissioner Frank explained the visual aids were much better and he was happy with the plants and trees being planted closer to the buildings because it breaks up the building visually. He agrees

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somewhat with Commissioner Grey but his biggest concern was they had originally removed most of the trees and in this plan they have put some back in closer to the building which breaks things up visually.

- Commissioner Higley stated his concern is the wind and would suggest that they put trees along the northwest perimeter of the property to keep snow from blowing.
- Commissioner Boyd explained she was impressed with the presentation and doesn't have any issues with the proposal.

Motion:

Commissioner Woods made a motion to approve the request, as presented. Commissioner Higley seconded the motion. Commissioners Boyd, Higley, Reid, Tatum, Frank, Woods and Munoz voted in favor of this motion with Commissioner Grey voting against the motion.

Motion Passed 7-1
Approved, as presented

IV. PUBLIC HEARINGS:

1. Request for a **Special Use Permit** to allow for the construction of a 2180 sq. ft. detached accessory building on property located at 4064 Quail Ridge Drive in the City's Area of Impact c/o Peterson Brothers Construction on behalf of Dean Seibel (app.2709)

Applicant Presentation:

Andrew Dipietro, Petersen Brothers Construction, representing the applicant, stated they are requesting a Special Use Permit to build a 2180 sq. ft. detached accessory building. The building will be a four car garage and will be used for personal items only. There will not be any impacts to the surrounding properties and the building will match the exterior of the home.

Staff Analysis:

Planner I Spendlove explained development along the Canyon Rim requires a PUD. The Quail Ridge Estates PUD was executed in 2008 after multiple public hearings. This lot was created with the Quail Ridge Estates Subdivision, also created in 2008. A single family dwelling was constructed on the property in 2009. The Applicant has supplied plans showing a 2180 sf detached accessory building being constructed to the west of the main building. The applicant described the shop for personal property. The location of the shop was originally on a separate lot. The applicant has furnished a new deed listing both lots under common ownership, as well as a deed restriction that prohibits the independent sale of either lot.

Per City Code 10-4-2: Detached accessory buildings within the SUI Zone greater than 1500 sf are required to obtain a Special Use Permit prior to being legally constructed. One building of 2180 square feet, the look of which will complement the main building. Within this existing neighborhood the size proposed is not uncommon.

Per City Code 10-11-1 thru 8: Required improvements include streets, water and sewer, drainage and storm water. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal.

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Accessory structures of similar size are common in this area. The design submitted is consistent with the existing house and the developed neighborhood. Staff does not foresee any impacts related to noise, glare, odor, or fumes being overly imposing to neighboring property owners.

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

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Subject to construction of the detached accessory building to be consistent with the submitted drawings/elevations, as presented.
3. Subject to no business use or residential occupancy use within this structure.

P&Z Questions/Comments:

- Commissioner Munoz asked about the location of the detached accessory and if it is located in the building in front of the home.
- Planner I Spendlove explained that this has been discussed with the representative about the location of the detached accessory and where it can be place with regards to property line and front yard location.
- Commissioner Grey asked if there were elevations available.
- Mr. DePietro placed the elevations on the overhead for display.

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

Deliberations Followed: [Without Concerns](#)

Motion:

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

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

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
 2. Subject to construction of the detached accessory building to be consistent with the submitted drawings/elevations, as presented.
 3. Subject to no business use or residential occupancy use within this structure.
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2. Request for a [Special Use Permit](#) to convert a residence to a Professional Office for property located at 510 Lincoln Street [c/o Fran Florence](#) (app. 2710)

Applicant Presentation:

Fran Florence, the applicant, stated he is here to request a Special Use Permit to convert a residential property into a professional office. It has taken some time to come up with a solution for what could be done with this property because of its location. The proposed plan fits in the Comprehensive Plan and a

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professional office is permitted with an approved Special Use Permit. They are in the process of cleaning the property up and making alterations to bring the property up to code. The building will house approximately 3 employees, there requirements is for 6 parking spaces and they have designed the plan to accommodate the 6 off street parking spaces. One of the concerns that may come up during this process will be traffic. The amount of activity may decrease once the office is in place, the office will be closed in the evening reducing impacts to the neighbors at night. Typically professional offices make better neighbors because of the hours of operation. He reviewed the traffic pattern for egress and ingress to the property with a plan for visitors to park in front of the building while employees and owners will park to the back of the property. An effort has been made to address both visitor and employee parking.

Staff Analysis:

Planner I Spendlove stated this lot is part of the Randall Subdivision created in 1945. Multiple public hearings were held in 2010 to rezone this property from R-2 to R-2 Professional Office. On September 20, 2010, the City Council approved the rezone to include the PRO Overlay via ordinance #2993. No further zoning history is known at this time.

The Applicant has supplied a narrative detailing the operation of the office building. The home has been gutted and the City has received a building permit to remodel the residence. Staff has not approved the building permit, but we have received it. Currently the upgrades are meeting or exceeding residential requirements as we are aware the applicant is wishing to convert this residence to a professional office. If the Commission grants the request this evening allowing a professional office to operate at this site the building permit shall be amended to commercial standards. The office hours are presented to be 7:00 AM to 7:00 PM with occasional weekend and night meetings, but not beyond 6:00 AM or 9:00 PM. The applicant states traffic impacts will be negligible due to only 3 employees and typically 1 client at a time will be in the office. The applicant does not anticipate any noise, glare, odor, fumes or vibrations associated with this office use.

Per City Code 10-4-4: The R-2, Residential Single Household District only permits Residential Uses and select few other uses.

Per City Code 10-4-18: The Professional Office (PRO) Overlay District may be placed on an R2, R4 or R6 District. This overlay then allows for certain Office Uses to be established only through the Special Use Permit process. As this property is directly adjacent to an existing residential neighborhood the commission may wish to place a condition that approval be subject to the operation of the professional office as presented; no more than 3 employees at any one time. This could help mitigate a different office use operating at this site that may have more traffic impacts than what is being presented with this application.

Per City Code 10-10: The Professional Office parking requirement is one (1) parking space per two hundred fifty (250) square feet. The building is listed at 1410 square feet, which equals six (6) parking spaces. The applicant is showing that number on his site plan.

However, the Commission should evaluate all the impacts associated with parking and traffic impacts that could result from this project and address them accordingly.

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Per City Code 10-11-1 thru 8: Required improvements include streets, water and sewer, drainage and storm water. These required improvements will be evaluated and all applicable code requirements will be enforced at the time of building permit submittal.

Office Buildings in close proximity to residential properties can have impacts that need to be mitigated. The most common impact these types of uses incur involve noise, light, and traffic.

The noise and light generally revolve around the coming and going of employees and clients as well as the design of the building. The applicant has stated the project will have a residential design and feel. This could help eliminate some of the light intrusion issues.

Noise and Traffic with office uses revolve around vehicles, employees and clients coming and going at odd hours, and parking issues impacting the residential neighborhood. The type of workers and clients for this establishment will be driving vehicles typically found in neighborhoods, and the hours of operation are not extraordinary. Occasionally, these types of offices outgrow their accommodations and develop parking issues with the surrounding neighborhoods. The commission may wish to evaluate the parking requirements and make adjustments if needed.

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

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.

P&Z Questions/Comments:

- Commissioner Munoz asked for clarification on the hours of operation. He asked because the impacts to the adjacent property with doors closing and traffic entering and exiting the property.
- Commissioner Frank asked what type of fencing is between this property and the adjacent property.
- Mr. Florence explained there is an existing 6' wood fence.
- Commissioner Tatum asked about clarification on the specification that the request is for a law office.
- Planner I Spendlove explained because this has been specified as a law office a different use would be required to come back through the process for a Special Use Permit.
- Commissioner Higley asked about the landscaping requirements.
- Planner I Spendlove stated the request would have to comply with the required landscaping and this is reviewed at the time the building permit is reviewed.
- Commissioner Reid asked what type of signage would be allowed for this property.
- Zoning & Development Manager Carraway-Johnson explained the signage application has been received and will be reviewed for compliance at the time the commercial building permit is reviewed.

Public Hearing: [Opened](#)

Philip Lutz, 535 Lincoln Street, explained that Lincoln Street is very narrow with the two sided parking allowed along the street. The intersection at Filer Avenue and Lincoln Street is dangerous because of the Starbucks traffic. He appreciates the attempt by the applicant to reduce the issues of the traffic but is concerned with turning the residential properties into professional offices in this area. He asked that this be

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considered for the future and asked if there is a need for this type of development when there are a lot of other properties that could be used for this purpose. He is not opposed to the request but does have some concerns.

Public Hearing: [Closed](#)

Closing Statement:

Mr. Florence explained he is aware of the concerns and there is a dilemma with what to do and by making this a professional office it will reduce traffic to the property. The property could be used as a rental which may or may not be maintained, this seemed to be the most appropriate use for the property.

Deliberations Followed:

- Zoning & Development Manager Carraway-Johnson explained that the accesses shown on Filer Avenue and Lincoln Street have not been reviewed fully.
- Commissioner Grey asked if there is a way to make the exit a right turn only egress.
- Commissioner Boyd stated she sees this as the highest and best use of this property. A home that is not managed and is left abandoned is not a better option.
- Commissioner Higley explained this will be an improvement.
- Commissioner Grey explained the PRO-overlay is to provide a buffer between commercial and residential.
- Commissioner Munoz explained that he doesn't see this property as being used for residential with the location along the busy street.
- Commissioner Woods explained he thinks it is a good fit.
- Commissioner Frank explained that he does have empathy for the neighbor however we have several properties that are undergoing this type of transition to a higher use because they don't work as residential properties anymore. This is a special use permit which allow for the use to be addressed with a revocation request if issues arise.

Motion:

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

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

1. Subject to site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.

Chairman Frank called for a 5 minute break

3. Request for a [Special Use Permit](#) to establish a retail vehicle sales lot on property located at 365 Blue Lakes Boulevard North c/o David E Johnson (app. 2711)

Applicant Presentation:

Dave Johnson, the applicant, explained this property was built in 1930 and he has always admired the property. It has been used as wedding/event type center. He decided that once the property went on the market he would purchase the property. The request tonight is to operate a car lot at this location. This is the third move for his business. Their business model is professional office rather than car dealership. He

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explained this property will not be shared it will be their own lot and will not have shared access. There is minimal space so it will not be a large car lot. He requested that the conditions suggested by staff be considered closely by the Commission upon approval of this request. He would ask that his request be allowed the same privileges as other car dealerships in the area. The hours of operation are limited 9-5 Monday through Friday and Saturday by appointment only. He thanked the Commission for their service.

Staff Analysis:

Planner I Spendlove stated this property is location along a major corridor Blue Lakes Blvd with residential properties located behind the property.

The Applicant has supplied a narrative detailing the operation of his particular car sales business. The applicant wishes to distinguish his business model from traditional new and used car sales lots. His narrative details an operation where minimal vehicle inventory is held on the property.

Due to State law, 5 dedicated spaces are required to be available for car sales in order to acquire the state dealership license. The applicant has stated they have no intention to increase from that required retail sales number. Other than the dedicated spaces per state law, the normal operation of the business includes an “ebb and flow” as vehicles arrive to be delivered to their new owners. For this reason the applicant has sought a new location that has additional parking space for these operations, client and employee parking.

An additional element to this business model includes trade of Recreational Vehicles on occasion. Although this is a small element of this business, it will be treated in the same way as the Automobiles described by the applicant.

The applicant states their hours of operation to be Monday – Friday 9 AM to 5 PM, with appointment only times in the evenings and Saturdays. The business currently has 8 full time and 4 part time employees. The applicant does not believe an increase in noise, glare, odor, fumes or vibrations will occur.

Per City Code 10-4-8: The C-1 Commercial Highway Zoning District requires automobile and truck sales and/or rentals businesses to acquire a Special Use Permit prior to being legally established.

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

Per City Code 10-10: The Professional Office parking requirement is one (1) parking space per five hundred (500) square feet of the associated structure. The building is listed at approximately 4000 square feet, which equals eight (8) parking spaces. The applicants’ site plan shows that number being far exceeded. However, the commission may wish to evaluate the land use described by the applicant for any parking issues that could cause impacts to the area and address those appropriately. In addition, a dedicated screened area for parking vehicles waiting to be delivered to new owners would also help mitigate the “ebb and flow” of vehicles waiting for transport or new owners.

Per City Code 10-11-1 thru 8: Required improvements include streets, water and sewer, drainage and storm water. These required improvements would be evaluated and all applicable code requirements will be

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enforced at the time of building permit submittal. However, we do not anticipate a building permit being submitted for this project. As a result, the commission may wish to evaluate this project for any improvements it feels are necessary to mitigate any impacts that could occur.

Retail Vehicle Sales lots can have significant impacts on neighboring properties. However, some consideration should be taken for this special business model. Staff has not received complaints regarding their operations at their current business location. It could be beneficial to review the conditions placed on that location for reference in determining potential conditions. Staff feels those conditions have served this business model well in previous locations and provide some reasonable impact mitigation to neighboring properties.

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

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
2. Limited to a maximum of ten (10) vehicles displayed on the property at any one time.
3. Subject to limiting displayed vehicles to a maximum of five (5) days.
4. Subject to a screened parking area being provided for vehicles that are in transition between owners.
5. Subject to no signage on vehicles, balloons, streamers or any other visible marketing materials used to advertise the sale of vehicles.
6. Subject to this Special Use Permit limited to Freedom Auto Finders operating as presented.

P&Z Questions/Comments:

- Commissioner Grey asked where on the property a screened area would be placed.
- Zoning & Development Manager Carraway-Johnson explained this would be a plan for future issues and the conditions are only a suggestion by staff.
- Commissioner Woods asked how the cars that are transported on large trucks would be unloaded at the property.
- Mr. Johnson explained the trucks would be met at another location and then driven to the site.
- Commissioner Woods asked about how cars would be displayed on the frontage.
- Mr. Johnson explained they would like some flexibility in displaying the cars however they would not be placed in the landscaped area.
- Commissioner Munoz asked about traffic coming into the property if there are cars displayed along the front of the property.
- Mr. Johnson explained the cars would be parked facing Blue Lakes Boulevard and traffic would be accommodated.
- Commissioner Frank asked for clarification on the conditions recommended.
- Zoning & Development Manager Carraway-Johnson explained that staff report and conditions were based on the business plan and the narrative presented by the applicant. He has also been told that he could come back through for amendments if the conditions area approved, as presented this evening.
- Commissioner Reid asked if the applicant was ok with the conditions recommended by staff.
- Mr. Johnson explained that he thinks he mistakenly lead the staff down this path but would like to be able to operate as any other car dealership because he doesn't want to devalue the Special Use Permit.

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- Commissioner Woods asked about the landscaping plans for the property and if there are any plans to remove the back yard area.
- Mr. Johnson explained that this area will be used for employees if there was a need to expand he would remove the garage.
- Commissioner Wood explained he would hate to see cars parked in the back yard area.

Public Hearing: Opened & Closed Without Comments

Jim Paxton, explained he is the applicant's landlord at his current location and he has not had any problems with him as a tenant or with how his business is operated. He is in support of the request.

Closing Statement:

Mr. Johnson asked for reconsideration of the staff recommendations and would like the same allowances as the other car dealerships in this area.

Deliberations Followed:

- Commissioner Munoz explained that the only consideration that may be a concern is that it abuts residential property. However he is aware of the applicants current business location and has not had or seen any issues. He can see how the restrictions for signage and balloons and streamers could become an issue if they want to display vehicles for a special event. He doesn't see the residential property changing any time soon, but he doesn't see a need for a screened area.
- Commissioner Higley explained he thinks the screening would be a hindrance more than a benefit and the five day limitation for display is too restrictive.
- Commissioner Frank explained he thinks there are a few of the conditions that could be eliminated, and he thinks this is a much better use of this property. He just wants to ensure that if the garage is removed that there would be no vehicles past the concrete of the garage.
- Commissioner Reid would recommend that the landscaping be maintained as it is.

Motion:

Commission Grey made a motion to approve the request, as presented, with staff recommendations 1, 2 & 6 and condition 3 amended to state: Subject to maintaining the landscape buffer behind the building with no additional parking to the rear of the existing building. Commissioner Reid seconded the motion. All members present voted in favor of the motion.

Approved, As Presented, With The Following Amended Conditions

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
 2. Limited to a maximum of ten (10) vehicles displayed on the property at any one time.
 3. Subject to maintaining the landscape buffer behind the building with no additional parking to the rear of the existing building.
 4. Subject to this Special Use Permit limited to Freedom Auto Finders operating as presented.
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4. Request for a **Special Use Permit** to operate a public indoor recreation facility on property located at 2338 & 2340 Eldridge Ave c/o Kristin Clepper (app. 2712)

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Applicant Presentation:

Kristin Clepper, the applicant, explained she is here to request a Special Use Permit for a cross fit business and when searching for a location they went into the building where Planet Cheer was located which was similar to their use and so they moved in, not knowing a Special Use Permit was required.

Staff Analysis:

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

Recently staff became aware of an indoor recreation facility operating at this location. During our investigation it was found that this business had moved into a previously rented space that was similar to their business. Unknown to the applicant, the previous tenant had not received the proper building or zoning permits to operate. The applicant has been most cooperative in pursuing the proper building and zoning permits to operate legally in this location.

The Applicant has supplied a narrative detailing the operation of this particular business. The applicant provides personal training to groups of classes ranging from 2 and 15 people. The hours of operation range from 5am – 7pm, and they employ 8 people. The applicant does not believe they will have a negative impact on neighboring properties or uses.

Per City Code 10-4-10: The M-2 Heavy Manufacturing Zoning District requires indoor recreation businesses to acquire a Special Use Permit prior to being legally established.

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

Per City Code 10-10: The parking requirement for Health Clubs or Exercise Gyms is one (1) parking space per two hundred fifty (250) square feet of exercise area. The leased space is approximately 4800 square feet. The actual exercise area is approximately 2500 square feet, which amounts to 10 required parking spaces. This business is located on a lot that provides a cross use agreement amongst the renters. Staff has received no complaints in regards to parking in this area and we believe the overall parking requirement for the entire property is being met.

This business offers a cross fit type gym that requires large open spaces to accommodate the type of exercise they advertise. Staff does not feel there will be significant impacts on neighboring properties that require mitigating measures due to the limited hours, type of operation, and existing surrounding land uses.

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

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.

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P&Z Questions/Comments:

- Commissioner Munoz explained this should be an outright permitted use based on his interpretation of the code and the definition of indoor recreation facility. He understands in the past that this use has been brought through for a Special Use Permit but he asked if there needs to be a reevaluation of the code. Athletic areas and sports facilities area outright permitted, so he is not sure how this became a public hearing.
- Zoning & Development Manager Carraway-Johnson explained that staff is aware that the code has inconsistencies in definitions and historically what has been brought through the Special Use Permit process. At this time indoor recreation facility covers any type of indoor activity that can impact the surrounding area, this is a very good example that needs to be reevaluated for impacts.

Public Hearing: Opened & Closed Without Comments

Ron Aguirre, stated he is here to support the request. The cross-fit is more Olympic Weight lifting and yelling, this is the perfect location for this request.

Deliberations Followed:

- Commissioner Munoz explained noise impacts for this use compared to other outright permitted uses in this zone it do not compare.
- Commissioner Woods stated with the business sharing a space with other businesses the Special Use Permit was probably the best approach to address this use.

Motion:

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

Approved, As Presented, With The Following Conditions

1. Subject to the site plan amendments as required by Building, Engineering, Fire, and Zoning Officials to ensure compliance with applicable City Code Requirements and Standards.
5. Request to **Vacate** a platted 15' x 300' (+/-) sanitary sewer easement to allow for an addition to the Canyon Ridge High School on property located at 300 North College Road c/o Hummell Architects & EHM Engineers, Inc. on behalf of Twin Falls School District #411 (app. 2713)

Applicant Presentation:

David Thibault, EHM Engineers, Inc., representing the applicant stated the request is to vacate an existing sewer easement. He showed on the overhead how the current sewer is designed on the property and there is a need for an addition to the school. In order to accommodate the addition they need to vacate this platted sewer easement.

Staff Analysis:

Planner I Spendlove reviewed the request on the overhead and stated in 2006-2007, multiple public hearings took place to Annex, Re-Zone, and establish a PUD on the property where Canyon Ridge High School currently stands. Shortly thereafter a building permit was issued and construction took place from 2007 – 2010.

This is a request to vacate a sanitary sewer easement located in Riverhawk Subdivision Lot 2. The easement was placed during the platting process as part of the sewer system design for the High School. The sewer line within the easement is in use. The Twin Falls School District is proposing an addition to the existing Canyon

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Ridge High School. The addition is directly over this easement. This line will need to be re-routed and a new easement granted.

Staff believes the rerouting of the line is possible, however, we have not received a justifiable plan set that shows how the re-route will work. It is critical to have an approvable plan set for the re-route, and an associated easement recorded prior to finishing vacation process for the current location of the sewer.

The vacation process requires a public hearing before the Planning and Zoning Commission. After receiving a recommendation from the Commission, the City Council holds an additional public hearing and if the request is approved an ordinance is adopted and published.

Planner I Spendlove stated upon conclusion should the Commission recommend approval of the request to the City Council, 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 approvable plan set being provided to City Staff **prior** to being scheduled for City Council Public Hearing.
3. Subject to the new sanitary sewer easement being dedicated and recorded **prior** to publishing the ordinance for vacation of the existing easement.

P&Z Questions/Comments:

- Commissioner Frank asked for clarification on how the design is approved.
- Assistant City Engineer Vitek explained staff will verify that the proposed change meets the requirements in order for the project to move forward.

Public Hearing: Opened & Closed Without Comments

Motion:

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

Recommended For Approval To The City Council, 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 an approvable plan set being provided to City Staff **prior** to being scheduled for City Council Public Hearing.
3. Subject to the new sanitary sewer easement being dedicated and recorded **prior** to publishing the ordinance for vacation of the existing easement.

V. GENERAL PUBLIC INPUT:

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

Zoning & Development Manager Carraway-Johnson stated Hummel Architect was chosen for the Banner Building remodel. She also explained that staff is working with Logan Simpson Design on the final details of the scope of services with a plan to get this information to City Council by March 30, 2015.

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

1. Public Hearing- **(Special Meeting) March 31, 2015**
2. Work Session- **April 1, 2015**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 8:50 pm.

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department