



Twin Falls Planning & Zoning Commission Minutes

Tuesday, December 19, 2017, 2:00 PM

305 3rd Avenue East
Twin Falls, ID 8330

SPECIAL MEETING

Members -

City Limits: Tom Frank, Chairman, Kevin Grey, Vice Chairman, Danielle Dawson, Craig Hawkins, Gerardo "Tato" Muñoz, Ed Musser

Area of Impact: Ryan Higley, Steve Woods

1) Confirmation of Quorum/Call Meeting to Order

Members Present: Woods, Frank, Musser, Grey, Hawkins, Dawson

Staff Present: Carraway-Johnson, O'Connor, Spendlove, Strickland, Weeks

2) Consideration of Amendments to Agenda

None

3) General Public Input

None

4) Consent Calendar

None

5) Items of Consideration

None

6) Public Hearings

- a) Request for a **Non-Conforming Building Expansion** to add (66') Sixty Six square feet to a legal non-conforming building located at 1879 Addison Avenue East c/o Brian Scott (app. 2912)

Applicant Presentation:

Brian Scott, the applicant stated that drive thru in this location is not optimal for maneuvering through, so they are working on altering the drive thru for better maneuvering. They also plan to add 66 sq. ft. to the building that will be built to look like it is part of the original roof line.

Staff Presentation:

Planner I O'Connor, reviewed the request on the overhead and stated this is a request to expand a commercial building on property located at 1879 Addison Ave. E. by 66 sq. ft. The property is zoned C-1; Commercial. The C-1 zone allows a restaurant with a drive-thru window by Special Use Permit. The Special Use Permit was granted by the City Council in 1978.

Currently, the structure is 67'+/- from the centerline of Addison Ave. E. City Code 10-7-6 requires a front yard building setback of 80' from the centerline of Addison Ave from Washington Street to Eastland Drive. As the building is not 80' from centerline yet built prior to this regulation it is classified as a Legal Non-Conforming Building. City Code 10-3-4 allows a process where the Commission may grant an expansion of a legal non-conforming commercial building by public hearing. The expansion, if approved, would expand the west side of the build to allow for an easier and more efficient drive-thru experience. The proposed expansion, as presented, would not encroach further into the 80' centerline set back.

The current structure was built in 1979 according to Building Department records. It was Red Steer and then Taco John's for about 30 years. A Special Use Permit to allow a drive-thru window was granted in 1978 by the City Council by Ord 1891 for the building under construction. Burnt Lemon Grill was the most recent establishment to occupy this space until they moved to a new location earlier this year. The applicant wishes to utilize this space in the same manner as the previous occupants. This is a request to expand a commercial building on property located at 1879 Addison Ave. E. by 66 sq. ft. The property is zoned C-1; Commercial. The C-1 zone allows a restaurant with a drive-thru window by Special Use Permit. The Special Use Permit was granted by the City Council in 1978. Currently, the structure is 67'+/- from the centerline of Addison Ave. E. City Code 10-7-6 requires a front yard building setback of 80' from the centerline of Addison Ave from Washington Street to Eastland Drive. As the building is not 80' from centerline yet built prior to this regulation it is classified as a Legal Non-Conforming Building. City Code 10-3-4 allows a process where the Commission may grant an expansion of a legal non-conforming commercial building by public hearing. The expansion, if approved, would expand the west side of the build to allow for an easier and more efficient drive-thru experience. The proposed expansion, as presented, would not encroach further into the 80' centerline set back.

Staff has reviewed has reviewed this request and does not have issue with an expansion of the west side of the building, as presented.

Planner I O'Connor stated upon conclusion should the Commission grant the request, as presented, staff recommends the following condition:

1. Subject to Site Plan Amendments As Required By Building, Fire, Engineering, and Zoning Officials to Ensure Compliance with All Applicable City Code Requirements and Standard

Public Hearing: Opened & Closed

Closing Statements:

Mr. Scott stated that the business that will be occupying the space is Sips, they currently rent a operate of a building located along Blue Lakes Boulevard North. The plan to continue to operate at the current site on a year to year basis and will open at this new location as soon as they have completed their renovations.

Discussion Followed: Without Concerns

Motion:

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

Approved, As Presented

1. Subject to Site Plan Amendments As Required By Building, Fire, Engineering, and Zoning Officials to Ensure Compliance with All Applicable City Code Requirements and Standard

7) Items for Discussion

- a) Signs (Flags)

Staff Presentation:

Zoning & Development Manager Carraway-Johnson explained this discussion is in regards to the flag signs and since the last discussion about these signs they seem to have proliferated. She displayed on the overhead the definition of flags. There was a discussion about this definition with Deputy City Manager Humble and at the time it was felt they met the flag description. She displayed on the overhead a definition for banners and explained that these flags are starting to be used in residential neighborhoods which crosses the line for a flag definition. The recommendation is to consider these signs as banners and require permits.

PZ Questions/Comment:

- Commissioner Frank explained he think that it would be a great way to manage the problem.
- Commissioner Grey asked about the square footage requirement.
- Zoning & Development Manager explained they would have to meet the square footage requirement for allowed signage.
- Commissioner Woods asked if they would be allowed in a residential area.
- Zoning & Development Manager stated they would not be allowed in residential area.
- Commissioner Grey asked if this would require a code change.
- Zoning & Development Manager Carraway-Johnson explained this is just a policy change for the interpretation of the code and would not require a code amendment. She also explained that years ago she and Deputy City Manage Humble came up with a list of various code amendments to work on. The current philosophy is that to do piecemeal code amendments is not really effective. The last time the Commission had a discussion about amendments the Comprehensive Plan Amendment was getting ready to begin and the expectation was that the

Comprehensive Plan Amendment would make changes to the existing plan and the goal would be to update Title 10 so that it is complementary to the Comprehensive Plan. Until the update to the plan was complete code amendments were put on hold. The City Council is not supportive of doing piecemeal amendments. Now that the Comprehensive Plan update has been completed and been active for approximately a year, staff is looking at totally eliminating Title 10 and replacing it completely. This will be a huge undertaking the current code is from 1978 and changing a few things at a time makes keeping track of the changes difficult.

- Commissioner Frank stated he thinks that is a great plan.
- Zoning & Development Manager Carraway-Johnson also stated that if the Commission is out and about and sees things that they feel needs to be addressed to please let staff know.
- Commissioner Grey explained that this will never be a perfect document it is a living and breathing document that has to continually try to keep up with changes and try to complement other plans that have been adopted by the City.

b) 2018 Planning & Zoning Draft Meeting Schedule:

- Zoning & Development Meeting Carraway-Johnson explained that the 2018 Planning & Zoning Schedule has been provided in the agenda packet, if there are not issues with the dates it will be posted for 2018.
- Commissioner Frank stated he has no issues with the calendar.
- Zoning & Development Manager Carraway-Johnson explained that in January the Planning & Zoning Commission vacancies will be advertised.

c) Special Use Permit Revocation Process 12:00 PM

Staff Presentation:

Zoning & Development Manager Carraway-Johnson reviewed City Code and the verbiage related to revocation of a Special Use Permit. The code section states if there are conditions specifically attached to a Special Use Permit the applicant is given 6 months to comply if the conditions are not met within that time frame the Special Use Permit is voided. Typically staff has not gone to that extent but has held on to the permit and currently have approximately 25 that have been approved by the Commission but have not been issued. Staff has made every effort to explain the process to the applicant but have not had a lot of success.

Discussion Followed:

- Commissioner Woods asked about timelines listed in the conditions by the Commission.
- Zoning & Development Manager Carraway-Johnson explained that the Commission can list specific timelines for completion on a Special Use Permit which may allow extra time for completion. Code allows for those types of conditions to be placed on a Special Use Permit. She wanted to make sure that the Commission was aware of the

code and the process for revocation.

- Commissioner Woods clarified that the conditions need to be clear for the applicant.
- Zoning & Development Manager Carraway-Johnson explained that staff is also going to add some verbiage that is a little more clear to the applicant. She also asked that the Commission help by reminding the applicant that they have approved the special use but that they will need to make contact with staff on how to proceed to get the permit issued.
- Commissioner Grey asked for clarification on the Charles Legg property located on Addison Avenue West and explained there is asphalt in the landscaping area with a tree planted in holes that have been cut out of the asphalt.
- Zoning & Development Manager Carraway-Johnson explained that technically the property is in violation of the code because the requirement is that there be 35' of landscaping from back of curb. The permit has not been issued.
- Commissioner Frank stated the problem is that the permit is not issued but they are operating.
- Zoning & Development Manager Carraway-Johnson stated that is why staff is trying to make the staff reports clearer and tries to continually educate the applicants. Another property that has had a Special Use Permit issued and met the conditions of their Special Use Permit but has created negative impacts on their neighbors is the Dutch Brothers Coffee on the Pole Line Road. Staff was asked to try and mediate the situation approximately a year ago by the City Manager. Staff has met with with Devita and Dutch Brothers to discuss the issues that are occurring. She explained that Dutch Brothers has a new owner and he has been trying to be proactive in trying to figure out the history of the property along with that issues that are still occurring. He has been able to get an Engineer hired to address parking and drive isles for the business. The plans have still not been submitted and Devita continues to have problems created by the Dutch Brothers business with safe for their patients being their main concern. At this point the issue is on hold with no resolution in site, it is great that Dutch Brothers has been successful but in their original presentation their plans showed 3 cars in the stacking queue for the drive-thru. It has been three years and the problem has not been resolved nor has it improved, staff is asking for direction from the Commission. The options are to schedule it as an item of consideration so that the discussion of pursuing revocation can occur, or it can be scheduled as a full public hearing for revocation, although revocation would be extreme.
- Commissioner Frank asked their engineer looking at the issue has any time rame been set for a resolution.
- Zoning & Development Manager Carraway-Johnson explained that there is not a timeline set.
- Commissioner Woods explained he would like to see it scheduled for discussion of revocation, the business has been very successful and the stacking they presented in the original request has been exceeded. He has heard numerous complaints about this situation and would like a discussion to take place in the near future.
- Commissioner Frank stated that had the Commission known that the actual stacking

for the drive-thru was going to be 20 cars instead of an average of 3 the Commission would have reviewed the request closer.

- Zoning & Development Manager Carraway-Johnson explained that the stacking code was in the process of being amended when the Dutch Brother's request came through but it had not been codified yet.
- Commissioner Grey clarified that the stacking code was amended later but it still does not require stacking for 15 cars at a time.
- Zoning & Development Manager Carraway-Johnson explained the new code does require stacking be addressed and an escape lane in place, which could have made a difference with this request.
- Commissioner Frank stated he would like for it to be scheduled as an Item for Consideration so a discussion can take place and possibly a timeline for resolution can be set.
- Zoning & Development Manager Carraway-Johnson stated it could be placed on the January 23, 2018 meeting.

Motion:

Commissioner Woods made a motion to add this as an Item of Consideration on the January 23, 2018 agenda. Commissioner Grey seconded the motion. All members present voted in favor.

Approved

8) Upcoming Meeting(s)

- a) January 3, 2018 Work Session/Public Hearing Special Meeting
- b) January 9, 2018 Public Hearing

9) Adjournment

Chairman Frank adjourned the meeting at 3:06 pm.