



MINUTES
TWIN FALLS CITY PLANNING & ZONING COMMISSION
October 28, 2014 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" Munoz 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

Present

Boyd
Frank
Grey
Reid
Tatum

Absent

Derricott
Munoz

AREA OF IMPACT MEMBERS

Present

Woods

Absent

Higley

CITY COUNCIL LIAISON(S): Mills Sojka

CITY STAFF: Carraway-Johnson, Nope, 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): **10-1-14 WS, 10-14-14 PH**
2. Approval of Findings of Fact and Conclusions of Law:
 - Dutch Bros Coffee (SUP 10-14-14)

Motion:

Commissioner Grey made a motion to approve the consent calendar, as presented. Commissioner Tatum seconded the motion. All members present voted in favor of the motion.

UNANIMOUSLY APPROVED

III. GENERAL PUBLIC INPUT: **NONE**

IV. ITEMS OF CONSIDERATION:

1. Consideration of an Alternative Landscape Plan as per SUP #1331 granted 09-09-2014, c/o Gary's Woodworking.

Staff Analysis:

Planner I Spendlove explained that an alternative landscape proposal was presented to the Commission at the October 1, 2014 Work Session. This property is zoned C-1, Highway Commercial. The C-1 Zone requires this lot provide 441 square feet of landscaped area. City Code 10-11-2: Required Improvements places a minimum amount of trees and bushes per square feet of required landscaped area; this requirement,

**Planning & Zoning Commission Minutes
October 28, 2014**

applied to this particular lot, equals 1 tree and 5 bushes. Mr. Henning has submitted an alternative landscape plan, that shows approximately 91 sq. ft. with 1 tree 2 bushes and 2 pots which will be planted with a bush each.

Planner I Spendlove stated upon conclusion the Commission's task is to determine whether or not this plan is appropriate, or the applicant can be directed to resubmit a new plan. Staff recommends that the Commission review and act on the attached request for an Alternative Landscape Plan for the Gary's Woodworking project located at 1825 Floral Ave.

Deliberations Followed:

- Commissioner Grey asked if the applicant was spoken to about the discussion from the October 1, 2014 Planning & Zoning Work Session meeting and if so where there other suggestions made.
- Planner I Spendlove explained that there was a discussion with the applicant about alternative ideas the applicant provided this second proposal.
- Commissioner Woods reviewed the location on the aerial map and asked for some clarification as to where the landscaping needs to be placed.
- Commissioner Boyd stated she would be more likely to approve an alternative landscaping plan that incorporated an awning or possibly something other than a planting area surrounded by concrete that will most likely die.
- Commissioner Woods stated this is an existing building in an area across from a commercially zoned area and that it doesn't make sense to him to require additional landscaping. A little bit of landscaping added to this property is not going to improve the appearance of the surrounding area.
- Zoning & Development Manager Carraway-Johnson explained that alternative is not defined in the code and the landscaping requirement is to address beautification and aesthetics of properties.
- Commissioner Grey explained that the applicant is going to have to do something. If the applicant was to come back with the addition of an awning that would soften the appearance of the building he would be in support of the proposal.
- City Attorney Wonderlich stated the Commission needs to vote yes or no on this proposal and reminded the Commission it is not the place of the Commission to design for the applicant.
- Commissioner Frank asked if this were voted down if there would be some means of asking the applicant to provide more detail about his proposal. This item has been discussed twice now and the applicant has not appeared at either meeting.
- Planner I Spendlove stated the applicant understood that the item was going to be brought back to the Commission for review, he was also told it was on tonight's agenda and that the Commission may have questions to ask him.
- Commissioner Reid stated the picture was provided but there is nobody to ask questions of regarding what the proposal. There needs to be more details for what is being proposed, without having the applicant here it is very difficult to make a decision.

Planning & Zoning Commission Minutes

October 28, 2014

Motion:

Commissioner Grey made a motion to approve the proposed alternative landscaping plan for the Gary's Woodworking project located at 1825 Floral Avenue. Commissioner Woods seconded the motion. Commissioner Woods voted in favor of the motion and Commissioners Boyd, Frank, Grey, Reid and Tatum voted against the motion.

MOTION DENIED

V. PUBLIC HEARINGS:

1. Requests a **Special Use Permit** to operate an automobile body and paint business on property located at 810-836 2nd Avenue West c/o Phil Labat aka Pro Image Body & Paint (app. 2681)

Applicant Presentation:

Phil Labat, the applicant, stated he currently owns and operates Pro Image Body & Paint located at 712 Main Avenue South. He would like to purchase another building located at 810-836 2nd Avenue West and turn it into an auto body shop. He wants to move the body shop to the building and have his self-contained paint booth in one of the bays; he would not have any of the cars exposed outside.

PZ Questions/Comments:

- Commissioner Frank reviewed the list of conditions with the applicant and asked if the applicant was aware of the recommendations made by staff.
- He stated he understood the staff recommendations.

Staff Analysis

Planner I Spendloves stated the building was constructed in 2006 there was a Special Use Permits approved for one of the spaces in 2008 that was never fully implemented and there were a couple of Certificates of Occupancies issued for a few spaces within the building. The applicant has supplied a narrative outlining the details of the proposed use of the property and building. The hours of operation will be 8:30 AM – 5:30 PM, Monday – Friday; and Saturday by appointment, closed Sunday. There are three (3) employees.

The applicant believes that the impacts to neighboring land uses will be minimal. His narrative states that he does not anticipate any change in odor, glare, or otherwise objectionable impacts to neighboring properties.

Per City Code 10-4-7.2: Automobile and truck service and/or repair businesses are required to have a special use permit in order to operate. There are residences nearby, particularly across Albion Street West. The proposed automobile body and repair business may increase traffic. The applicant anticipates three (3) to seven (7) vehicles a week for estimates and three (3) vehicles a week for repairs.

Per City Code 10-7-18: Inside commercial painting is permitted only by special use permit. The applicant proposes the use of a spray booth for painting vehicles. He anticipates minimal paint fumes inside the building and no fumes outside due to the type of paint booth system he is using.

**Planning & Zoning Commission Minutes
October 28, 2014**

All improvements made on the subject property are required to comply with standards set forth in Twin Falls City Code.

Per City Code 10-10: The number of parking spaces required is three (3) plus one and one half (1.5) per service bay. This ratio equals nine (9) spaces. This location is also within the P-2 Parking Overlay, this allows a 30% reduction in number of required parking spaces. With this factored in, the **required** number of spaces equals six (6). The submitted site plan exceeds the minimum code requirement with eleven (11) striped parking spaces.

Per City Code 10-11-1 thru 8: Required improvements to the property are required to be in conformance with city code at the time of building permit. All required improvements including landscaping, screening, parking areas, drainage and storm water retention will be reviewed with the building permit submitted to the city and will be required to meet the minimum requirements.

Landscaping: Currently the landscape area complies with minimum required city code. The trees and bushes will have to be replaced and maintained per city code.

Possible Impacts: This particular business has been in operation at his current location, 712 Main Avenue South, for some time. The City has not received any recent zoning complaints regarding this business or location. It is believed that the proposed automobile body and paint business being proposed will not greatly impact beyond what is reasonably acceptable at this location. However, any auto body & paint shop has the potential to become an unsightly visual impact to neighbors and the community. In order to mitigate this visual impact to neighbors and the community as a whole, it would be acceptable to require all un-operable vehicles and parts to be stored inside, or within a sight obscuring fence area as proposed on the applicant's site plan. Also, a time limit for vehicles to be parked outside that are either waiting to be worked on or work is completed would be appropriate.

Planner I Spendlove stated should the Commission grant this request as presented; city 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 the trees and bushes being replaced and maintained per city code no later than March 31, 2015.
3. Subject to all un-operable, un-licensed, or junk vehicles, and all parts being stored inside, or behind a sight obscuring fence that has been approved by staff.
4. No vehicle parked outside for longer than 2 business days prior or after work is completed.

PZ Questions/Comments:

- Commissioner Grey asked if there is a sight obstruction concern where the bullpen is shown on the site plan.

Planning & Zoning Commission Minutes

October 28, 2014

- Planner I Spendlove stated he doesn't believe there is an issue however it would be reviewed as part of the building permit.

Public Hearing: Opened & Closed Without Concerns

Motion:

Commissioner Tatum 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 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 the trees and bushes being replaced and maintained per city code no later than March 31, 2015.
 3. Subject to all un-operable, un-licensed, or junk vehicles, and all parts being stored inside, or behind a sight obscuring fence that has been approved by staff.
 4. No vehicle parked outside for longer than 2 business days prior or after work is completed.
2. Request a **Special Use Permit** to construct an 1800 sf +/- detached accessory building on property located at 1095 Skyline Drive within the Area of Impact c/o Roy and Heather Murray (app. 2682)

Applicant Presentation

Ryan Murray stated this is a request for a Special Use Permit to build a detached accessory building that will be used for personal storage and it will match the existing barn to make it pleasant to the neighbors.

Staff Analysis

Planner I Spendlove stated this lot was created in the Skyline Acres Subdivision in 1963. A single family dwelling was constructed on the property in 1996. In 2012, the Murray's purchased the property. The applicant is requesting to build a detached accessory greater than 1500 sq. ft. which requires a Special Use Permit. The proposed building will be approximately 1800 (+/-) square feet. The site plan and elevations have been provided to show the design and materials to be used in the construction. A full review of the detached accessory building will occur at the time of the building permit.

The accessory building as shown on the site plan and elevations has been designed to complement the character of the neighborhood in line with agricultural type outbuildings commonly existing in the area. It is reasonable to assume that the possible impacts to neighboring property owners will be minimal due to the surrounding development pattern.

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

**Planning & Zoning Commission Minutes
October 28, 2014**

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. Detached Accessory building shall be for storage of personal property only, no commercial use shall be allowed and no residential occupancy shall be permitted.

Public Hearing: [Opened](#)

Barry Knoblich, 1174 Skyline Drive, stated he represents the neighbors they have reviewed the design and materials for the accessory building and they are all ok with the proposed building.

Public Hearing: [Closed](#)

Motion:

Commissioner Boyd made a motion to approve the request, as presented, with staff recommendations. Commissioner Woods 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. Detached Accessory building shall be for storage of personal property only, no commercial use shall be allowed and no residential occupancy shall be permitted.
3. Requests a [Special Use Permit](#) to construct a 2800 sf +/- detached accessory building on property located at 3869 North 3400 East within the Area of Impact [c/o James Ray on behalf of Jim Roth](#) (app. 2684)

Applicant Presentation

James Ray, representing the applicant, stated he is here to request a Special Use Permit for his client Mr. Roth. His client has spent a lot of money remodeling his home. He would like to construct a detached accessory building to complement the home; it will be used as a garage and for personal storage.

Staff Analysis

Planner I Spendlove stated this lot is part of an original 40 Acre government parcel. According to County records, the home was built in 1937, with a major remodel occurring sometime in the 1980's, and another major remodel occurring recently. This area was zoned when the Area of Impact Agreement was signed by the City and County. No further zoning history is known at this time.

The lot is zoned R-1 VAR, allowing for Single Family Dwellings and detached accessory buildings. Detached accessory buildings over fifteen hundred (1500) square feet require a Special Use Permit prior to construction in order to mitigate possible adverse effects on adjoining property owners. The proposed building will be approximately 2800 (+/-) square feet. The site plan and elevations have been provided to show the design and materials to be used in the construction.

**Planning & Zoning Commission Minutes
October 28, 2014**

The accessory building as shown on the site plan and elevations has been designed to complement the character of the home in materials and design. It is reasonable to assume that the possible impacts to neighboring property owners will be minimal due to the surrounding development pattern.

Planner I Spendlove stated 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. Detached Accessory building shall be for storage of personal property only, no commercial use shall be allowed and no residential occupancy shall be permitted.

Public Hearing: [Opened & Closed without Concerns](#)

Motion:

Commissioner Woods 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.

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. Detached Accessory building shall be for storage of personal property only, no commercial use shall be allowed and no residential occupancy shall be permitted.
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4. Requests the Commission's recommendation for a [Zoning Title Amendment](#) to delete Title 10; Chapter 6; Section 1; Planned Unit Development Subdistrict and replace with a new section Title 10; Chapter 6; Section 1; Zoning Development Agreement, to add a definition of Zoning Development Agreement to Title 10; Chapter 2; Definitions and to amend Title 10; Chapter 2; definition of Planned Unit Development c/o City of Twin Falls (app. 2683)

Staff Analysis

The City Council approved Ordinance 2012 on July 6, 1981 which replaced Twin Falls City Code - Title 10; Zoning & Subdivision Regulations in its entirety.

No changes have been made to this section since its implementation in 1981.

This request was initiated by the City Council in order to create a more clear and precise process for applicants and citizens of the community to follow. During that process, staff recognized that the name of the process needed to change from "Planned Unit Development" to "Zoning Development Agreement" in order to avoid a conflict with State Statute.

**Planning & Zoning Commission Minutes
October 28, 2014**

The proposed amendment will remove the current Title 10 Chapter 6 Section 1: PUD, Planned Unit Development in its entirety. The new section will be Title 10 Chapter 6 Section 1: Zoning Development Agreement. Changes to multiple other sections are for reference purposes only.

The most notable changes to this process include the following: **(1)** clear requirements for applicants in regards to the Conceptual Development Plans and documents needed, **(2)** stated criteria for conformance to the Conceptual Development Plan, and **(3)** a clear path of procedure for the ZDA Process.

(1) - The requirements for the Conceptual Development Plan have been described in detail for both residential and non-residential plans. Certain items are to be required of every plan; some prominent items include multi-use transportation pathways, density, parks and open space. Other items may be added by the commission and council as they determine to be essential to the certain area being applied for the ZDA.

(2) - The criteria for conformance to the conceptual development plan will assist staff in determining whether changes to a plan would need to be brought back through the process. These criteria focus on the land-use relationship between the proposed project and the existing developments in the area.

"Changes to any of the following items constitute a departure from the Conceptual Development Plan and/or development standards, thus changing the basic relationship of the proposed development to the adjacent property:

(A) the permitted uses,

(B) increase in density,

(C) increase in building height,

(D) increase in building coverage of the site,

(E) reduction in the off-street parking ratio,

(F) reducing the building setbacks provided at the boundary of the site,

(G) reduction of any open space plans, or

(H) Alteration of the overall design theme, primary architectural elements, or building materials."

(3) – The procedure section clarifies the process for these developments. The most prominent changes are clear requirements for the ZDA Written Commitment, and the requirement of a signed agreement being submitted prior to the City Council adopting the rezone ordinance. This fixes a loophole in the current system that left some agreements in limbo after the Council had approved Planned Unit Developments in the past.

Planner I Spendlove stated the Commission may recommend to the City Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested (will require another public hearing before the Commission), or it may recommend that the amendment be denied. This change could affect properties within the Area of Impact this request will require a public hearing before the Board of County Commissioners.

**Planning & Zoning Commission Minutes
October 28, 2014**

Public Hearing: Opened & Closed Without Concerns

Deliberations Followed:

- Commissioner Frank stated it has taken a long time to get this amendment done, a lot of thought and discussion has taken place and he thinks it is a good change.
- Commissioner Woods asked if staff has had any feedback from the community regarding this change.
- Planner I Spendlove stated there have been some comments some negative and some positive. Overwhelmingly it has been positive from community members that want to see a more solid thing, it is easier for people to conceptualize and understand what is going to happen around them. He doesn't think the requirements are overly difficult it may be a change for Twin Falls but there are other areas that have more stringent requirements; it will require staff to work through the process with the applicant more closely.

Motion:

Commissioner Grey made a motion to recommend approval of the request, as presented, to the City Council. Commissioner Woods seconded the motion. All members present voted in favor of the motion.

Recommend For Approval, As Presented, To The City Council

Scheduled for City Council December 1, 2014

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

- Zoning & Development Manager Carraway Johnson gave an update to the Commission about a Special Use Permit issued to 284 Washington Street North; the applicant has forfeited the permit and will void the building permit. The applicant will be working with the building official to address the existing structure and he is aware if the property becomes weedy the staff will take care of the property and bill him for the services.
- Commissioner Grey asked about a coffee shop at 1020 Blue Lakes Blvd North and if staff could verify that the Special Use Permit for a drive through is still valid.
- Zoning & Development Manager Carraway-Johnson stated staff will look into this item.

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

1. Work Session- **(Wed) November 5, 2014**
2. Public Hearing- **WEDNESDAY, November 12, 2014**

VIII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:00pm.

Lisa A Strickland
Administrative Assistant
Planning & Zoning Department