



MINUTES
Twin Falls City Planning & Zoning
Commission
April 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 Terry Ihler Gerardo Munoz Chuck Sharp
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
Munoz
Sharp

ABSENT:

Ihler

AREA OF IMPACT MEMBERS

PRESENT:

ABSENT:

DeVore
Woods

CITY COUNCIL MEMBERS PRESENT: Hawkins

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

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION:

1. A Preliminary Presentation for an Amendment to the PUD Agreement for the Grandview Mini-Storage Facility, 6.4 acres +/-, to allow for a u-haul rental business and outside boat, RV and automobile storage yard for the storage facility customers on undeveloped property within the PUD on property located at 485 Grandview Drive. c/o Gregg Olsen on behalf of MOJO, LLC. (app. 2564)
2. A preliminary presentation for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD to develop a planned mixed-use development consisting of neighborhood commercial uses, including a financial institution facility, on 4.7 acres (+/-) located at the northwest corner of Eastland Drive North and Addison Avenue East. c/o Scott Allen, The Land Group on behalf of Thomas & Cheryl Arledge and TOMERYL, LLC (app. 2563)

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to allow a dog grooming and kennel business in conjunction with a photography studio and a residential dwelling unit occupied by the business owner or an employee on property located at 520 Main Avenue South. c/o JoAnna & Emily Thompson (app. 2557)
2. Request for a Special Use Permit to allow bulk fuel (propane) sales in conjunction with an existing retail business on property located at 628 Main Avenue South c/o Lawry Wilde on behalf of Wildland, LLC (app. 2558)
3. Requests for the Vacation of Tract E, 25' x 109' (2725 sq. ft.), located between 555 Falling Leaf Lane and 583 Falling Leaf Lane within Canyon Trails Subdivision No. 9. c/o Gary N Nelson on behalf of Canyon Properties, LLC (app. 2559)

4. Requests for the Vacation of platted utility and vehicular access easement, 30' x 478' (14,340 sq. ft), located between Lot 1 and Lot 14, Block 14, of the Canyon Trails Subdivision No. 5. c/o Gary N Nelson on behalf of Canyon Properties, LLC (app. 2560)
5. Requests for a Special Use Permit to operate an indoor recreation facility -- which may include charity/fundraiser events, comedy club, theater, music events, art show and private events, and to allow alcohol consumption on site in conjunction with a restaurant—all with extended hours of operation until 1:30 a.m. seven (7) days a week, on property located at 516 Hansen Street South. c/o Edward Sabia (app. 2561)
6. Requests a Special Use Permit to allow an auto rental business in conjunction with an existing multi-tenant office building on property located at 1286 Addison Avenue East. c/o Spencer Wood on behalf of Hertz Local Edition (app. 2562)

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): **NONE**
2. Approval of Findings of Fact and Conclusions of Law: **NONE**

III. ITEMS OF CONSIDERATION:

1. A Preliminary Presentation for an Amendment to the PUD Agreement for the Grandview Mini-Storage Facility, 6.4 acres +/-, to allow for a u-haul rental business and outside boat, RV and automobile storage yard for the storage facility customers on undeveloped property within the PUD on property located at 485 Grandview Drive. c/o Gregg Olsen on behalf of MOJO, LLC. (app. 2564)

APPLICANT PRESENTATION:

Gregg Olsen, the applicant, state they are requesting that the PUD Agreement for mini-storage facilities be amended to allow for u-haul rental business, outside boat, RV and automobile storage yard. His request also included a request for a deferral on the paving requirement, eventually the plan is to expand the storage facility into this area and the paving would have to be removed.

STAFF PRESENTATION:

Zoning & Development Manager Carraway displayed the exhibits on the overhead and stated this is a request for an amendment to a PUD Agreement for the Grandview Mini-Storage Facility, 6.4 (+/-) acres, to allow for a u-haul rental business and outside boat, RV and automobile storage yard for the storage facility customers on undeveloped property within the PUD on property located at 485 Grandview Drive.

City Code requires a preliminary PUD presentation for an amendment be made to the Commission prior to the public hearing. The purpose of this presentation is to allow both the Commission and the adjacent property owners to hear from the developer what type of development is being planned for the property. No action is taken at this preliminary presentation however the Commission and the public can ask questions and make comments at this time prior to the public hearing.

Staff makes no recommendations at this time. A public hearing regarding this request will be heard at the regularly scheduled Planning & Zoning Commission public meeting on Tuesday, April 23, 2013. Further staff analysis will be give at that time.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Munoz asked about the request for deferral for hard surface.
- Zoning & Development Manager Carraway stated all parking and maneuvering areas are to be hard surfaced, however there is a process for requesting a deferral that goes to the City Council who would make the ultimate decision.

PUBLIC COMMENTS/QUESTIONS: OPENED & CLOSED

PUBLIC HEARING SCHEDULED APRIL 23, 2013

2. A preliminary presentation for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD to develop a planned mixed-use development consisting of neighborhood commercial uses, including a financial institution facility, on 4.7 acres (+/-) located at the northwest corner of Eastland Drive North and Addison Avenue East. c/o Scott Allen, The Land Group on behalf of Thomas & Cheryl Arledge and TOMERYL, LLC (app. 2563)

APPLICANT PRESENTATION:

Scott Allen, The Land Group, representing the applicant, stated he would like to review this request a little because there is a lot planned for this location. He reviewed exhibits on the overhead explaining the site is zoned R2 and is surrounded by commercial and residential with some residential businesses. The project had to take into account access and landscaping requirements at this location. There are some restrictions in the right of way agreement the applicant is bound by. There is a flood zone within this area FEMA has requirements for all of which gets addressed through the Engineering review process. There is a financial institute that is interested in this property and a purchase agreement is in place. The City has briefly reviewed this and travel should be fairly smooth through the site. There have been several uses removed from the PUD Agreement that would require a Special Use Permit because they have not been able to get through previous processes for approval. He will provide more details at the public hearing scheduled in a few weeks.

STAFF PRESENTATION:

Zoning & Development Manager Carraway displayed the exhibits on the overhead and stated this is a request for a request for a Zoning District Change and Zoning Map Amendment from R-2 to R-2 NCO PUD to develop a planned mixed-use development consisting of neighborhood commercial uses, including a financial institution facility, on 4.7 acres (+/-) located at the northwest corner of Eastland Drive North and Addison Avenue East.

City Code requires a preliminary PUD presentation for an amendment be made to the Commission prior to the public hearing. The purpose of this presentation is to allow both the Commission and the adjacent property owners to hear from the developer what type of development is being planned for the property. No action is taken at this preliminary presentation however the Commission and the public can ask questions and make comments at this time prior to the public hearing.

Staff makes no recommendations at this time. A public hearing regarding this request will be heard at the regularly scheduled Planning & Zoning Commission public meeting on Tuesday, April 23, 2013. Further staff analysis will be give at that time.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Munoz has a question about the median along Addison Avenue East. Will it be right out only.
- Assistant City Engineer stated there will be right in right and possibly left out from the access along Addison Avenue. This was part of the negotiation for right of way.
- Commissioner Sharp asked where the flood plan was located.
- Assistant City Engineer stated it is located in the parking lot area and will not have buildings in that area. Construction cannot impact the flow or the layout of the existing flood plain.

PUBLIC COMMENTS/QUESTIONS: OPENED

- Paula Brown Sinclair asked for a list of the allowed for the four buildings.
- Zoning & Development Manager Carraway stated she will provide this information in the public hearing packet that will be heard April 23, 2013.

PUBLIC COMMENTS/QUESTIONS: CLOSED

PUBLIC HEARING SCHEDULED APRIL 23, 2013

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to allow a dog grooming and kennel business in conjunction with a photography studio and a residential dwelling unit occupied by the business owner or an employee on property located at 520 Main Avenue South. c/o JoAnna & Emily Thompson (app. 2557)

APPLICANT PRESENTATION:

JoAnna Thomspson, the applicant, state that what she would like to do is be allowed to open a dog grooming salon at this location. She has been a groomer for 40 years and by having this business in the area it will draw traffic to the downtown area. The dogs

are usually with her for about an hour. There should not be any negative impacts to the surrounding area. By adding a photography studio and living quarters it will provide a home for two families and two businesses which would be great for the area.

STAFF PRESENTATION:

Planner I Spendlove displayed the exhibits on the overhead and reviewed the history of the property. He stated the property is in the CB; central business district and the P1; Parking Overlay District. The building was constructed in the 70's. In 2002 a remodel permit came through for Audio Creations, a retail business with an additional Certificate of Occupancy issued in 2005 for the same business. There is not any more recent history for the property. The property consists of two lots that are approximately 12,500 sq. ft total with a 3,100 sq. ft building on one of the lots. The side lot was used for various things with the previous businesses. The applicants narrative stated she will operate the business Monday through Saturday from 10:00 am until 7:00 pm. Very rarely do appointments get scheduled later than 7:00 pm or on Sundays. There will be no additional employees at this time; however potentially one or two employees could be added in the future. The applicant anticipates 10 clients per day. Due to monetary constraints, the residence will not be renovated at this time. In order to meet that goal the applicant has expressed the desire to provide a kenneling service to her clients per request. The kennel would be located in the back half of the building and would supplement the applicants income to meet her goal of being able to live on-site eventually. The majority of the operation will take place indoors, however consideration does need to be taken into account for the surrounding residential uses. There are two one is a duplex and the other is a single family residence. The CB zone does not allow for any new single family homes, because it was created to transition from older residential homes to commercial retail businesses in the downtown area. Currently no new single family homes are being built, duplexes, tri-plexes and other multi-family residents have to have the special use permits prior to being constructed. The photography and future live-work unit are allowed in the CB zone a special use permit is not required for these uses. Since the dog grooming and kennel operation requires zoning action parking can be required. In this scenario the business would require 6 parking spaces. The landscaping requirements are currently met for the zone, however the side yard is in some disrepair and need some work.

Planner I Spendlove stated upon conclusion, should the Commission grant this request, as presented, staff recommends the following conditions.

1. Subject to site plan amendments as required by Building, Engineering, Fire and Zoning Official to ensure compliance with all applicable City Code requirements and standards.
2. Dogs being boarded overnight shall remain primarily indoors between the hours of 8:00 PM and 8:00 AM
3. The side yard shall be maintained in compliance with current City Codes in regards to weeds and refuse/junk. If used as an outside area for the dogs the area shall also remain clean of dog waste.
4. The 6 foot screening fence shall be maintained around the property or location where the dog run is utilized for the grooming or kenneling business.

Planner I Spendlove also stated that with the kenneling business being proposed the Commission could add a condition that requires the permit to be reviewed within a year for compliance.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Boyd asked how many dogs can be kenneled at one time.
- Planner I Spendlove stated a kennel license is required but he is not aware of a specific number.
- Commissioner Munoz stated the applicants narrative stated between 4-10 kennels.
- Commissioner Grey asked about the area for proposed parking and if it is currently hard surfaces.
- Planner I Spendlove stated it is not but would need to be hard surfaced if used for a parking and maneuvering area, currently it is gravel.
- Commissioner Sharp asked if the applicant does provide kenneling is there any requirement that the applicant provide a grassy area for the animals on the empty lot.
- Planner I Spendlove stated there is not a requirement for the applicant to provide a grassy area for the animals.
- Commissioner Frank asked if there would be a need for an additional curb cut for access to the parking area.
- Assistant City Engineer stated there are standards for curb cuts and staff would work with the applicant.
- Commissioner Frank asked if the applicant was familiar with the staff conditions.
- Ms. Thomson stated that paving for the parking area would be quite expensive and it could be cost prohibitive to the business.
- Commissioner Munoz asked how many people would be stopping to drop off and pick up their pets.
- Ms. Thomson stated that she may have 10 dogs and 5 customers or 10 customers with 10 dogs. Currently, where she is located now, she has not had any problems. They don't stay and wait for their animals they drop off and pick up, they are in and out.

- Commissioner Munoz asked should there be a condition that addresses noise levels, if noise is a concern?
- Planner I Spendlove stated a noise level condition could be added. Currently there is a kennel in the area at the Veterinary Clinic and we have not had any complaints. The hours of operation restriction felt like this would address the noise and the animals would need to be kept inside. The other point he would like to make is that the P1; Parking Overlay does not require additional off-street parking. The request for the Special Use Permit allows the Commission to review and add this condition if they feel it is necessary.
- Commissioner Frank asked about future plans for the property and if those plans would trigger the parking to be discussed again at a later date.
- Planner I Spendlove stated yes the parking could be brought up again at a later date because there is required parking for residential uses.
- Commissioner Munoz asked about the kennel and asked if the plan was to board just dogs for the customers that may need to stay overnight.
- Ms. Thomson stated she was planning to provide this service if necessary for the grooming business however she has had customers ask if she could board their dogs for them to go out of town. If she can't do the residential portion right away the kennel service would be a supplement to help her achieve this goal. As for the noise level she has not had any complaints with her current business and she doesn't take in very many dogs so the animals remain calm.

PUBLIC HEARING: OPENED

- Louis Spiker, 905 Shoshone Street North, representing BFI, LLC the owners of the single family home, duplex and business adjacent to this property. He stated his clients are opposed to the request to allow for the dogs to be outside in this location.
- Drew Taylor, 530 Main Avenue South, stated he has a young child and the dogs would have to be exercised and requires the dogs to be able to go to the bathroom. The kennel would be next to his bedroom window and this would be disturbing with dogs barking. There are also lots of parking issues for this area because of the local businesses.
- Curtis Patterson, owner of the property, stated he thinks that the business for grooming is not going to be disturbing. He understands the desire to keep the neighborhood quiet. The conditions listed would address this concern. The business will not have a lot of traffic, the people will be dropping off the dogs and picking them up, with brief stops. This would be a good business to get up and running and help bring in additional tax revenue. The use that is being proposed is within reason.

PUBLIC HEARING: CLOSED

CLOSING STATEMENTS:

Ms. Thompson stated she keeps the dogs separated, she doesn't like noise either. The plan is to get the grooming up and going. If there is a dog that needs to go out they will be kept in the side yard and will be on a leash for their safety. The animals are not going to be walked they will be in and out quickly.

Planner I Spendlove, stated that if the Commission see it necessary, the uses can be separated and the kennel could be removed from the approval process.

DELIBERATIONS FOLLOWED:

- Commissioner Sharp stated he does have some concerns about the kennel with the noise.
- Commissioner Munoz stated having the dogs outside after hours should not be allowed and thinks there should be a limit to the number of animals to boarded.
- Commissioner Grey stated he thinks the conditions are clear and restricted to reduce the impact to the neighbors. This is in conformance with the zoning and it would be a good plan to have a review in a year.
- Commissioner Munoz stated we can put a limitation on the conditions so that another person that may take over the property has to follow the same conditions, because the Special Use Permit remains with the property.
- Zoning & Development Manager clarified that the Special Use Permit can be approved specifically for the applicant, so if the applicant goes away the Special Use Permit would become void.
- Commissioner Derricott asked if the boarding requirements are limited to square footage.
- Planner I Spendlove stated that he is not sure what the requirements are for getting a kennel permit.
- City Attorney Wonderlich displayed the City Code Title 6-4-9 requirement for kennels.
- Commissioner Frank stated he is for this request with conditions listed he would also support a review of the Special Use Permit within a year. This is a special use permit which means if there are issues this can be reviewed again.
- Zoning & Development Manager Carraway stated it can be stated that at the end of the year a review would be presented by staff or it could be stated that the permit expires within a year and the applicant would need to come back through the public hearing process.
- Commissioner Munoz stated requiring 6 parking spaces for this business is going to be excessive and there is no requirement for the parking. This shouldn't be in the conditions. This business is appropriate for the area.

MOTION:

Commissioner Sharp made a motion to approve the request, as presented, with staff recommendations and the additional condition that this permit be reviewed by staff in one year. Commissioner Grey 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 Official to ensure compliance with all applicable City Code requirements and standards.
 2. Dogs being boarded overnight shall remain primarily indoors between the hours of 8:00 PM and 8:00 AM
 3. The side yard shall be maintained in compliance with current City Codes in regards to weeds and refuse/junk. If used as an outside area for the dogs the area shall also remain clean of dog waste.
 4. The 6 foot screening fence shall be maintained around the property or location where the dog run is utilized for the grooming or kenneling business.
 5. Subject to the permit being reviewed within one year of the approval date,
April 9, 2014
2. Request for a Special Use Permit to allow bulk fuel (propane) sales in conjunction with an existing retail business on property located at 628 Main Avenue South c/o Lawry Wilde on behalf of Wildland, LLC (app. 2558)

APPLICANT PRESENTATION:

Lawry Wilde, stated he is asking that bulk fuel sales (500 gallon unit) be allowed at this site. The tank is located approximately 25' from buildings and 10' from property line along the south boarder. This would allow them to fill propane tanks of any size. They have applied for all the permits and are just requesting that the special use permit be approved.

STAFF PRESENTATION:

Planner I Spendlove displayed the exhibits on the overhead and stated there is not a history for the property. The property is located in the CB; central business zone with a P1; parking overlay. The Fire Department has reviewed the site and staff doesn't feel there will be any additional impacts to the surrounding area. He also stated that there are approximately 25 parking spaces provide on-site, the P1 parking zone doesn't require any off-street parking and this use would require 27 spaces in other zones. They are not taking any existing parking spaces with this request.

Planner I Spendlove stated upon conclusion should the Commission approve the request, as presents, staff recommends the following conditions:

1. Subject to the applicant contacting the City of Twin Falls Fire Department to complete the fuel tank application.
2. 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.

PUBLIC HEARING: OPENED & CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Boyd 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 applicant contacting the City of Twin Falls Fire Department to complete the fuel tank application.
2. 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.

Chairman Frank asked the applicant if the next two items could be combined into one presentation. Once the presentation is complete the Commission will make two separate motions to address both requests. The applicant representative agreed and proceeded with his presentation.

3. Requests for the Vacation of Tract E, 25' x 109' (2725 sq. ft.), located between 555 Falling Leaf Lane and 583 Falling Leaf Lane within Canyon Trails Subdivision No. 9. c/o Gary N Nelson on behalf of Canyon Properties, LLC (app. 2559)
4. Requests for the Vacation of platted utility and vehicular access easement, 30' x 478' (14,340 sq. ft), located between Lot 1 and Lot 14, Block 14, of the Canyon Trails Subdivision No. 5. c/o Gary N Nelson on behalf of Canyon Properties, LLC (app. 2560)

APPLICANT PRESENTATION:

Tim Vowser, EHM Engineers, Inc, representing the applicant stated the subject property is located in Canyon Properties PUD. The first request is to vacate a tract that separated Canyon Trails Subdivision No. 9 from Canyon Trails Subdivision No. 5 as part of the PUD agreement process the connectivity of the commercial to the residential was a requirement as part of a walking path. Currently three quarters of

the residential portion is in Escrow and undeveloped. The applicant has a potential user interested in a 6(+/-) acres site which would overlap the existing lot line as part of the other vacation request which also contains public utility access easement. Basically this request would allow the parcel to be moved over 100' to be able to meet the client's needs for the site. At this point is the tract may not need to be vacated the development plans have not been completed yet but they would like to move forward with the request in case someone changes their mind. They plan to rededicate this easement or a tract when necessary. He asked for a recommendation for approval.

STAFF PRESENTATION:

Planner I Spendlove displayed the exhibits on the overhead and stated Item 3 is vacating the tract and Item 4 is vacating the easement. The staff recommendations are the same for both requests. The property in 1999 was in the area of impact in and was rezoned C-1 PUD, the PUD was approved in 2003 and in 2005 the property was annexed into the City Limits. The 160 acres began the platting process in 2000 with the final phase of the subdivision being approved in 2007.

Planner I Spendlove stated upon conclusion, should the Commission recommend approval of both requests, as presented staff recommends the following conditions:

RECOMMENDED FOR APPROVAL, AS PRESENTED, TO THE CITY COUNCIL

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 a new tract being recorded as presented, to be utilized as outlined in the Canyon Properties PUD #229
3. Subject to a new easement being recorded as presented, to be utilized as outlined in the Canyon Properties PUD #229

Zoning & Development Manager Carraway stated she would like to clarify for the new Commission members that this is a request to vacate a platted easement and tract. State law requires a public hearing for this type of request the Commission makes a recommendation and this will go forward to the City Council for final approval. If the applicant determines a vacation is not necessary for development it will not be processed as part of the ordinance.

PUBLIC HEARING: OPENED & CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION ITEM IV-3:

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

RECOMMENDED FOR APPROVAL, AS PRESENTED, TO THE CITY COUNCIL

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 a new tract being recorded as presented, to be utilized as outlined in the Canyon Properties PUD #229
3. Subject to a new easement being recorded as presented, to be utilized as outlined in the Canyon Properties PUD #229

MOTION ITEM IV-4:

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

RECOMMENDED FOR APPROVAL, AS PRESENTED, TO THE CITY COUNCIL

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 a new tract being recorded as presented, to be utilized as outlined in the Canyon Properties PUD #229
3. Subject to a new easement being recorded as presented, to be utilized as outlined in the Canyon Properties PUD #229

PUBLIC HEARING SCHEDULED FOR BOTH ITEM IV-3 & IV-4
CITY COUNCIL MAY 6, 2013

5. Requests for a Special Use Permit to operate an indoor recreation facility -- which may include charity/fundraiser events, comedy club, theater, music events, art show and private events, and to allow alcohol consumption on site in conjunction with a restaurant—all with extended hours of operation until 1:30 a.m. seven (7) days a week, on property located at 516 Hansen Street South. c/o Edward Sabia (app. 2561)

APPLICANT PRESENTATION:

Edward Sabia, the applicant, is requesting that a restaurant and indoor recreation facility be approved through this special use permit process. The staff will be around 25 people, there will be a focus on Jazz, and will be using the upstairs area for events. He is familiar with the conditions recommended and has no problem with these terms.

STAFF PRESENTATION:

Planner I Spendlove displayed the exhibits on the overhead and reviewed the history on the property, there are four special use permit associated with this property relating to the brewery, pub, restaurant sales, and two ordinances on related to a vacation request and the other related to zoning of the property. The property is zone OT; old town zoning, WHO; warehouse district with a P3; parking overlay zone. This building had been used for a similar type of use throughout the past it is compatible with the surrounding businesses in the area. The reason for tonight's hear is that a special use permit is required for the retail sale of alcohol when consumed on premises, for retail uses operating outside of the hour of 7:00am and 10:00pm and for and indoor recreation facility (i.e. an event center) all of which are items included in this request. The build consist of four floor (3 upstairs and a basement) approximately 12,000 sq. ft. All of the items listed are under this request have been considered. The biggest concern currently for an event center is that each event is required to be approved by the police department where alcohol is being served. The applicant has done a good job at meeting this requirement at his existing event center. The special event review process is to review security requirements, trash pick-up and noise. The property is in a P3 parking overlay zone which allows for special considerations on a case by case basis.

The P-3 parking overlay does not exempt occupants from providing off street parking spaces. The P-3 overlay does allow special considerations on a case by case basis to the parking requirements if the standard requirements cannot be applied. The special consideration may be a variance on number, on street parking and/or remote parking. Parking required for this facility would be one per four seats in the restaurant and bar area and one per 250 sq ft of total floor area in the community event areas. The required parking spaces will have to be determined at the time of building permit process for the Certificate Of Occupancy. There are public parking lots to the north, east and south of this proposed facility. The size of the facility could accommodate a large number of occupants. The impacts on the available parking spaces in the area and therefore surrounding businesses could potentially be large. The western portion of the property is currently undeveloped. The Commission may wish to place a condition that the undeveloped portion of the property be developed as parking per City Codes 10-11-4, 10-4-13.3(F)2, and 10-4-22.3. The request is in compliance with the Comprehensive Plan for that area of town.

Planner I Spendlove stated upon conclusion should the Commission approve the request as presents, staff recommends the following conditions:

1. Subject to the applicant contacting the City of Twin Falls Police Department on every event/show to determine if a Special Events Permit and/or Catering Permit is required including a review of the security and trash clean-up plan.
2. Noise level is not to exceed 78 decibels at any point ten (10) feet from the exterior walls of the building.
3. Subject to the undeveloped portion of the northwest side lot being developed as a parking lot per City Codes 10-11-1, 10-4-13.3(F)2 and 10-4-22.3
4. Subject to the applicant complying with all City, County and State Alcohol licensing regulations.
5. 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.

Commissioner Question/Comments:

- Commissioner Derricott asked if the parking areas in this area of town is City owned.
- Planner I Spendlove stated that the majority of the parking areas belong to the Urban Renewal Agency.
- Commissioner Grey asked about the outdoor seating area and if music will be projected outside making the noise an issue for the site.
- Mr. Sabia stated there will not be any live music outside the building so noise should not be an issue. He also explained that they are working on a liquor license for this establishment. Currently because there is not a liquor license in place at this location, catering events requires a special event review. As for the space in the building the 4th Floor will not be used and the basement will have one room for an office. He has spoken to the surrounding neighbors about parking and it should not be an issue.

PUBLIC HEARING: OPENED & CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Sharp 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 applicant contacting the City of Twin Falls Police Department on every event/show to determine if a Special Events Permit and/or Catering Permit is required including a review of the security and trash clean-up plan.
 2. Noise level is not to exceed 78 decibels at any point ten (10) feet from the exterior walls of the building.
 3. Subject to the undeveloped portion of the northwest side lot being developed as a parking lot per City Codes 10-11-1, 10-4-13.3(F)2 and 10-4-22.3
 4. Subject to the applicant complying with all City, County and State Alcohol licensing regulations.
 5. 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.
6. Requests a Special Use Permit to allow an auto rental business in conjunction with an existing multi-tenant office building on property located at 1286 Addison Avenue East. c/o Spencer Wood on behalf of Hertz Local Edition (app. 2562)

APPLICANT PRESENTATION:

Banner Robinson, representative for the applicant, he would like to run their rental car business at this location.

STAFF PRESENTATION:

Planner I Spendlove displayed the exhibits on the overhead and reviewed the history of the property. The property has been zoned C-1 since at least 1996, and perhaps as far back at the 1970's. The records show no other zoning actions taking place on the property. The building was constructed in 1975, since then the building has houses various offices and retail businesses. The latest tenant on record for this space was Magic Valley Realty. There other portion of the building is occupied by 3 other tenants for retail or office space. The narrative stated they would be renting vehicle for business and personal use operating hours would be Monday through Friday 7:30am to 6:00pm, Saturday 9:00am to 12:00pm and closed on Sundays. There is not an estimated customer volume per day, but there will be 3 employees on site. There is not a need for additional improvements, to bring the property into compliance, it is a developed site. The applicant wants to least 1600 sq. ft which translates to a minimum of 6 parking spaces for this use. The total parking spaces required for the building is 16 spaces and there are currently 30 spaces available.

Planner I Spendlove, stated upon conclusion, should the Commission grant this request as presented, 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.

Questions/comments:

- Commissioner Frank asked about vehicle maintenance and how many vehicle would be available.
- Mr. Robinson stated the only thing that will be done is vacuuming the vehicles, and they will have approximately 10 designated stalls in their lease with possibly 5 additional overflow. The bulk would be supplemental use for customers, leisure, and rental for insurance companies.
- Commissioner Munoz asked if there will be large vehicles.
- Mr. Robinson stated the largest vehicle that could be available is 15 person passenger van.

PUBLIC HEARING: OPENED

- Brenda Stayle, 1290 Addison Avenue East, owner of Advanced Drug Detection. She currently has a signed lease for one of the other spaces in the building and use 3 parking spaces for employees. Liberty Taxes is another tenant in the building and they use approximately 3-4 spaces daily for employees, and a Tattoo shop that uses 3-4 spaces for employees. The front is used for the customers and she runs approximately 2000 tests a month through her office and the bulk of the parking is used by her customers. If this is approved it will impact her customers.
- Commissioner Frank asked if the lease states a number of spaces available for the business.
- Ms. Stayle, stated the lease says she has full access to the parking.
- Steve Kohntopp, 2186 East 4200 North, stated he has owned this property since 1990 and it has been zoned commercial since then. The last tenant in this space was a mortgage company. He purchased the building without the parking on the west, there use to be a duplex in this space. In 1997 he purchased the duplex and leased it out for a while and then decided in 2004 to remove the building and replace the space with parking. There is not designated parking it is a common parking area. There has never been any parking provisions assigned to leases. This space has been vacant for 4 years and he would be in favor of this request. He explained that the Advanced Drug Detection lease was initiated in 2010 and expires March 4, 2014. In September of last year the tenant attempted to negotiate a lease for this specific space and an agreement had not been reached. The tenant explained that her business had grown and she needed more office

space. He has never had any complaints about parking with regards to her business. On Monday April 15th, the tax office will only be open one day a week and the Tattoo business is slow. The Advance Drug Detection office has notified him that they have found another space to lease, in the lease there is a clause that state if they find a replacement tenant then they can take over and the existing business can move. She has not been successful at making a move and now she is complaining that this new tenant would negatively impact her business. Some diligent work with her appointments could reduce the impact to her business. He has asked that he be notified when the parking area is full, and never received the call. Parking can be an issue at any location but he has never seen it be an issue at this location. This property has been vacant for a long time and he would like to be able to lease the space to this tenant.

- Commissioner Grey asked about the parking stipulations in the lease agreements.
- Mr. Kohntopp state that it is a common parking area for all the tenants to use.
- Mr. Robinson, stated his lease does state they are allowed 10 parking spaces.

PUBLIC HEARING: CLOSED

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

- Commissioner Frank stated the use of the parking area is not an issue for the Commission.
- Commissioner Grey stated the applicant wants to be a part of the community and wants to be a good tenant.
- Commissioner Munoz asked about the parking that is located on site with the uses in place is parking enough.
- Planner I Spendlove stated with all the uses and square footage of the building considered there are more spaces than required.

MOTION:

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

APPROVED, AS PRESENTED WITH THE FOLLOWING CONDITIONS

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

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

- Zoning & Development Manager Carraway stated the vacation request for Wild Roase Drive was heard by the City Council and will be heard May 10th by the Board of County Commissioners and then will move forward to the Twin Falls Highway District.
- City Council Hawkins reminded the Commission of the open house scheduled for Thursday, April 11, 2013, on the Draft Strategic Plan 2013

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meetings:

Tuesday, April 23, 2013 Public Hearing Planning & Zoning Commission

Thursday, May 2, 2013 Public Meeting Planning & Zoning Work Session

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 8:00 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department