



MINUTES
 Twin Falls City Planning & Zoning
 Commission
May 29, 2013-6:00 PM
 City Council Chambers
 305 3rd Avenue East Twin Falls, ID 83301

PLANNING & ZONING COMMISSION MEMBERS

CITY LIMITS:

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

AREA OF IMPACT:

Lee DeVore Steve Woods
Vice-Chairman

CITY COUNCIL LIAISON

Suzanne Hawkins Rebecca Mills Sojka

ATTENDANCE

PLANNING & ZONING MEMBERS MEMBERS

PRESENT:
 Boyd
 Derricott
 Frank
 Munoz
 Sharp
 Tatum

ABSENT:
 Grey

AREA OF IMPACT

PRESENT:
 Woods

ABSENT:
 DeVore

CITY COUNCIL MEMBERS PRESENT: Mills-Sojka

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

AGENDA ITEMS FOR CONSIDERATION AND PUBLIC HEARING

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to allow an addition on an existing non-conforming detached accessory building greater than 1000 sq. ft. on property located at 1259 Madrona Street North c/o Mitchell and Brittany Moffitt (app. 2568)
2. Request for a Special Use Permit to operate a paint booth, detail, service and repair shop in conjunction with an existing automobile and truck dealership on properties located at 236 & 318 Shoshone Street West, 161, 140 & 186 3rd Avenue West, 235 Shoshone Street South and 139 3rd Avenue South c/o Wills Motor Company, Inc. (app. 2569)
3. Request for a Special Use Permit to operate a Chiropractic Office on property located at 2068 Addison Avenue East c/o Geoffroi Golay, DDC, PLLC (app. 2571)
4. Request for Special Use Permit to replace an existing 90' wood Wireless Communication Facility with a 93' monopole on property located at 2404 Addison Avenue East c/o Brandon Beagles on behalf of FLATCO, LLC (app. 2572)
5. Request for Special Use Permit to operate an automobile sales business on lots 1, 2, 3, & 5 of the Cowham Subdivision aka 629 Washington Street North and to include one (1) display pad site c/o Velasquez Enterprises, Inc. dba Cash Now and Auto Sales (app. 2574)

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. Chairman Frank introduced the newest member to the Commission Jolinda Tatum.

II. CONSENT CALENDAR:

1. Approval of Minutes from the following meeting(s): **None**
2. Approval of Findings of Fact and Conclusions of Law:
 - Maverik (SUP 05-14-13)
 -

THE FOLLOWING ITEM HAS BEEN WITHDRAWN AND IS NOT RESCHEDULED AT THIS TIME:

Request for a Special Use Permit to add a U-Haul truck and trailer rental business in conjunction with an existing retail store on property located at 850 Shoshone Street West c/o Wes Overlin on behalf of Twin Falls Community Market (app. 2554) **WITHDRAWN**

III. ITEMS OF CONSIDERATION: NONE

IV. PUBLIC HEARING ITEMS

1. Request for a Special Use Permit to allow an addition on an existing non-conforming detached accessory building greater than 1000 sq. ft. on property located at 1259 Madrona Street North c/o Mitchell and Brittany Moffitt (app. 2568)

APPLICANT PRESENTATION:

Mitchell Moffitt, the applicant stated he and his wife recently purchased this property approximately 4 acres from the Reeder Family. The property was annexed into the City with plans for the property to be subdivided into small lots, which they are not interested in doing there is a barn on the property and they would like keep the 4 acres in tact with plans to eventually build a single family residence. The barn is a special part of this property and they would like to maintain the structure. The entrance to the barn is on the east side of the barn and faces the newer Reeder residence that was built in the late 1980's. The side on the west is a long wall with no entrance and no windows. They are proposing to add a similar addition to the west side that is on the east side making it more symmetric. There was an out cropping with an office in the building and they would like to build a similar structure on the west which will be the side closest to the proposed new residence. There would be an entrance and some old reclaimed windows making the building more functional. The City requires a special use permit approval to proceed with this plan which is why he is here tonight. They look forward to beautifying the property and maintaining the barn that has been there longer than any other structure north of Falls Avenue. He asked that the Commission approve the request.

STAFF PRESENTATION:

Planner I Spendlove reviewed the exhibit and the history of the property. He stated the property is currently zoned R-2. In 1986 a home was constructed on the greater piece of property. Later after some research it was discovered that the 4 acres was split off illegally and so a conveyance plat process was completed last year to make it a legal 4 acre parcel. This allowed the property to be sold. Platting would have to occur before someone could build on the 4 acre parcel. This request is just to

expand a non-conforming building. In the R-2 zone a special use permit is required to expand a legal non-conforming building. The barn is approximately 3500 sq. ft. Anything over 1000 sq. ft. in this zone requires a special use permit in order to expand the building and to bring it into compliance with City code. They would like to add an 8 x 20 addition with an entrance. There is no desire to use the building for a commercial business and the expansion will not create any addition impacts to the surrounding area.

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

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
2. Subject to a building permit being issued for the addition to the existing non-conforming detached accessory building.

COMMISSIONER QUESTIONS/COMMENTS:

- Commissioner Boyd thinks this will be a nice addition to the neighborhood and stated the barn is beautiful.
- Commission Munoz asked staff about access to the property and if hard surfacing would be required at this stage or would that be required at a later date.
- Planner I Spendlove state the driveway is hardsurfaced from the access to the barn and the paving would be triggered at the time the single family home is built.

PUBLIC HEARING: OPENED

- Ted Beyrodt, 1380 Galena Drive his property is just behind the barn. His question is what the plans are for future use of the barn.

PUBLIC HEARING: CLOSED

CLOSING STATEMENT:

Mr. Moffitt stated the barn has been used as a storage facility for the past 30 years. There are still personal items in the barn that belong to the previous owners, but for the future they would like to have a few animals. The corrals are currently in disrepair. They have no plans to raise large amounts of horses or cattle just a few animals for pets and mainly storage.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Munoz made a motion to approve the request as presented, with staff recommendations. Commission Boyd 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 & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
 2. Subject to a building permit being issued for the addition to the existing non-conforming detached accessory building.
2. Request for a Special Use Permit to operate a paint booth, detail, service and repair shop in conjunction with an existing automobile and truck dealership on properties located at 236 & 318 Shoshone Street West, 161, 140 & 186 3rd Avenue West, 235 Shoshone Street South and 139 3rd Avenue South c/o Wills Motor Company, Inc. (app. 2569)

Commissioner Munoz stepped down for this item.

APPLICANT PRESENTATION:

Chris Wills, the applicant, stated the reason for the request is that in the process of planning a remodel it was discovered that there was a need to move an existing DEQ certified paint booth from one location to another. In the process of figuring out what was needed to do this, a request was made to have the records reviewed for zoning compliance. In the research it was found that the dealership has been there longer than the zoning code for that area and there were not any Special Use Permits for the original dealership. Through meeting with City staff it was decided it would be easiest, considering the remodel, to have all of the properties incorporated into one Special Use Permit to bring the property into compliance with zoning code. The property located at 161 3rd Ave W there is a paint booth not for retail use but for small cosmetic improves to be made to cars being reconditioned for sale. The plan is to move this paint booth to 186 3rd Avenue West, they have also recently purchased another parcel located at 140 4th Avenue that will be paved, lighted and used for display space which is also included in this Special Use Permit request. The building located at 236 Shoshone Street West has been used for administrative function and servicing will be demolished after adding onto 161 & 131 3rd Avenue West, trading floor space for lot space. Across the street 259 Shoshone Street a piece of property has been rented for overflow of vehicles so this property has been included in the request as well. Nothing in the scope of what the business currently does will change.

STAFF PRESENTATION:

Planner I Spendlove reviewed the exhibits on the history of the property. He stated the business has been operating in this location since 1946. City Ordinance 2012 rezone changed quite a few zones within the City limits including this area. In 1990 a special use permit was obtained to operate a service repair shop, there were conditions on that permit that addressed parking and landscaping and were followed, since that time nothing has change with the business. The request does encompass 41 Original Townsite lots with 3 buildings with multiple display lots. The business is in the stage of remodeling, a few months ago they came through with a consideration item to allow them to align with the current building setbacks. The reason for the request is for the paint booth and no matter what zone a paint booth is established in a special use permit is required. It was decided that with the paint booth being relocated that it would be best to include all of the services provided by the business as well as the auto dealership through the special use permit process to bring the property into compliance with current zoning code. In the future with

the remodel they will be able to have the ability to move things around without having to go through the process again. All of the locations are located in the P-2 or P-3 parking overlay, the minimum parking requirements have been met.

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

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with applicable City Code requirements and standards.
2. Subject to the paint booth being limited to the Wills Motor Company for their reconditioning process to repair rock chips, rust spots, or other small scale paint issues.

PUBLIC HEARING: OPENED & CLOSED WITHOUT COMMENTS

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Boyd made a motion to approve the request as presented, with staff recommendations. Commission Derricott 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 & Zoning Officials to ensure compliance with applicable City Code requirements and standards.
2. Subject to the paint booth being limited to the Wills Motor Company for their reconditioning process to repair rock chips, rust spots, or other small scale paint issues.

Commissioner Munoz returned to his seat.

3. Request for a Special Use Permit to operate a Chiropractic Office on property located at 2068 Addison Avenue East c/o Geoffroi Golay, DDC, PLLC (app. 2571)

APPLICANT PRESENTATION:

Geoffroi Golay, the applicant, stated he has lived in Twin Falls for 45 years. The purpose of this request is to establish a Chiropractic Office at this location. He purchased the property from Russ Lively who is an architect and thought that the special use permit that was issued for the professional office would cover the property for use as a chiropractic office. After some review it was determined that the special use permit was issued specifically to Russ Lively and that the property would have to have a special use permit approved for the property to be used as a medical office. That is why he is here tonight to request that a special use permit be approved for a medical office. In the future professional office and medical office may be blended but as it stands currently the medical office use has to have a special use permit approved. The property has approximately 9 parking spaces and he cares for 2-3 people an hour. He would like to install a sign on the property and has proceeded with a Lytle Signs to finish the process. The sign would be a monument sign

similar to the one located to the east of the property. No change in the parking and landscaping is sufficient. He lives in the neighborhood and will be walking to work which will be really nice. The original special use permit for the professional office was approved in 1996 and approved by Planning & Zoning and Engineering. He has a dream to be self-employed and provide quality care to his patients; this is the last step to the process.

STAFF PRESENTATION:

Planner I Spendlove reviewed the exhibits on the overhead and the history of the property. He stated in 1995 Ordinance 2517 was approved rezoning this property from R-2 to R-2 Professional Office Overlay, in February of 1996 the Planning & Zoning Commission approved Special Use Permit #437 to allow a professional office at this location with no conditions for approval. In June of 2000 a new ordinance was passed amending Title 10; Chapter 4 to allow land uses by Special Use Permit adding additional development standard along the historic corridors. The property is zoned R-2 PRO and allows residential single households or duplexes with a professional office overlay. The request is to establish a chiropractic office which falls under the medical definition in the zoning code. If the Special Use Permit is granted it will allow the applicant to operate and change the use from a professional office to a medical office use. A professional office is defined in the zoning code as "services offered by persons engaged in the legal, engineering, architectural, design, planning, accounting, banking, auditing, and related professions." The narrative states that the applicant wishes to change the use from an architect office to a chiropractic office which is the reason for the request. The existing building 2300 sq. ft. would require 8 parking spaces, landscaping shall comply with Title 10- 4-18 which is 25% of the total area which equates to 3336 sq. ft. it is on a gateway arterial but is not commercially zoned. For the record paragraph four, of the staff report, has been stricken. The hours of operation will be Monday –Friday 8-6 with 3 employees and approximately 1-3 cars per hour. The request is consistent with the Comprehensive Plan which designates this area as residential business. To establish this as a medical office it is considered a change of use and will require a Certificate of Occupancy per building code. A full review to ensure code compliance shall be completed as part of the building permit review process and must be completed prior to operation of the business or residency. The sign permit will be issued once the application has been reviewed for approval. Staff for the record would like condition #2 of the staff recommendations removed.

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

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

QUESTIONS/COMMENTS:

- Commissioner Munoz asked if there will be any retail items sold and will this be the only tenant for the building.
- Mr. Golay stated there will not be retail offered and currently he will be the only tenant.
- Commission Tatum asked staff if the applicant chooses to add a partner to the practice will the parking area accommodate the addition.
- Planner I Spendlove stated the parking requirements are based on the current building size, if the second tenant was a different type of use the request would be assessed at that time for compliance.

- Commissioner Munoz asked staff if the permit is applicable for just this applicant or the property.
- Planner I Spendlove stated the permit is specific to the use and this property.
- Commissioner Derricott asked if condition #2 that addressed hard surfacing requirements was removed because the area is already hard surfaced or for a different reason.
- Assistant City Engineer Vitek explained that zoning code does allow the Commission to require hard-surfacing of parking and maneuvering areas. The question that comes to play is where that stops, usually it stops at public right-of-way. The City owns the alley it is public right-of-way but it is not paved at this time, so when would the paving be required. Staff is going to bring this question to City Council to see how they would like this to be handled in this type of situation. For example if the alley is going to be used for the purpose of serving their business and an access for such things as drive thru windows, the use increases and will eventually create storm drainage issues, this change in use of the alley could be a reason for reviewing the Special Use Permit and the need for hard-surfacing. At this time staff is going to request for clarification and interpretation by City Council.
- Commissioner Munoz agreed that this needs to be clarified because it can be a hardship for people to have to pave an alley that is not going to have any additional use than what already exists.

PUBLIC HEARING: OPENED & CLOSED WITHOUT COMMENTS

CLOSING STATEMENT:

Mr. Golay clarified to the Commission that he does offer supplements to his patients but that would be the only retail.

Commissioner Munoz explained his question was to clarify that this will not be a retail shop with displays for people to just stop and shop. He is not concerned with what was presented.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

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

APPROVAL, AS PRESENTED, WITH FOLLOWING CONDITIONS

1. Subject to site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with all applicable City Code requirements and standards.
4. Request for Special Use Permit to replace an existing 90' wood Wireless Communication Facility with a 93' monopole on property located at 2404 Addison Avenue East c/o Brandon Beagles on behalf of FLATCO, LLC (app. 2572)

APPLICANT PRESENTATION:

Megan Fuller, representing the applicant, stated the request is to replace a wood monopole with a new 93' monopole for AT&T, Verizon is co-located on the pole as well. The additional antenna equipment has standards requirements for telecommunication sites as well as new technology. The site is located at 2404 Addison Avenue East, this is just a replacement of the existing structure, and it should not have any new or additional impacts on the surrounding area and in fact should improve the wireless service.

STAFF PRESENTATION:

Planner I Spenlove reviewed the exhibits on the overhead and the history of the property. He stated Ordinance 2012 passed in 1981 rezoned the property to a commercial zone. There have been two Special Use Permits issued for this property; the first was Special Use Permit #704 allowing the construction of a construct a 90' wireless communications tower on-site. The approval was for a 90' wooden utility pole, as presented. This request is to change the materials and color of the pole which requires a new Special Use Permit. In 2003 Special Use Permit #832 was approved to allow for additional storage of vehicles in conjunction with the retail business. Special Use Permit #832 has never been acted upon or established as a use. When the original Special Use Permit was granted it was for 90' and the applicant has indicated this pole will be removed and replaced with a new steel pole, the new pole will be the same height however the new antenna's will be 3' higher than what is currently on-site. This will allow for additional co-location of other wireless communication companies. City Code 10-7-17 governs all wireless communication facilities which addresses, height, setbacks, lighting and maintenance. The landscaping shown on the site plan does not meet current code requirements; review for full compliance will be occurring during the building permit review process.

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

1. Subject to the site plan amendments as require Building, Engineering, Fire & Zoning Officials to ensure compliance with applicable City Code requirements and standards.
2. Subject to full compliance with City Code 10-7-17 at time of building application.

PUBLIC HEARING: OPENED & CLOSED WITHOUT COMMENTS

CLOSING STATEMENTS:

Ms. Fuller clarified that the current antennas are 3' about the 90' monopole already. She is not sure how the pole was permitted originally but in order for them to continue service without problems they will be exchange pole for pole so they don't have to reapply for the FAA approvals. She would also like to make it clear that other providers will be co-located on the pole as they are currently.

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

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

APPROVAL, AS PRESENTED, WITH THE FOLLOWING CONDITIONS

1. Subject to the site plan amendments as require Building, Engineering, Fire & Zoning Officials to ensure compliance with applicable City Code requirements and standards.

2. Subject to full compliance with City Code 10-7-17 at time of building application.

5. Request for Special Use Permit to operate an automobile sales business on lots 1, 3, & 5 of the Cowham Subdivision aka 629 Washington Street North with no display pad site c/o Velasquez Enterprises, Inc. dba Cash Now and Auto Sales (app. 2574)

APPLICANT PRESENTATION:

Scott Allen, The Landgroup, Inc, representing the applicant stated that Roger Laughlin the architect that worked with Mr. Velasquez has asked the he make the presentation. The property is known as The Vault Storage on Washington Street North, the property is part of a the Cowham Subdivision and will incorporate only a few of the lots for the business. The applicant is requesting a Special Use Permit to operate an automobile sales facility. He reviewed on the overhead where employees and patrons will park as well as where the automobiles for display will be located. The south approach shown on the exhibit along Washington Street North will be relocated along Wirsching Avenue. The landscaping was impacted when the widening occurred along Washington Street North, but with the relocation of the approach on Wirsching Avenue there should be room to meet the landscaping requirement. Hours of operation will be Monday-Friday 10:00 am -6:00 pm, Saturday 10:00 am – 2:00 pm. Staff has reviewed this and the applicant is aware of the staff recommendations, and he asked that the Commission approve the request.

STAFF PRESENTATION:

Planner I Spendlove reviewed the exhibits on the overhead and the history of the property. He stated the request is for lots 1, 3 & 5 and does encompass the area that was reviewed by Mr. Allen. The property platted in 1960, and then Ordinance 2012 approved in 1981 rezoned a lot of areas in the City and this property was rezoned C-1. There was a Special Use Permit approve in 1992 for the storage units. The property is zoned C-1: Commercial Highway District, the property is approximately 24,000 sq. ft. and the existing building is approximately 3500 sq. ft. The site plan shows an improvement to the property, the existing volt storage will continue to be used and the dealership will be in the space furthest south. The vacant dirt area will be paved for the car storage. City Code 10-4-8.2 B 10C requires a Special Use Permit for the operation for an automobile or truck sales/rental if the special use is approved, it would change from a vacant undeveloped property with a regular C-1 zone retail based business. The narrative states the hours of operation 10-6 Monday-Friday, 10-2 Saturday with approximately 1-5 customers per hour with 4-5 employees. There will not be a public address system and considering the surrounding area this use would be conducive to the area and would not be any different than the existing businesses in the area. Gateway arterial landscaping is required along Washington Street North when the development occurs. There is not a building going in, therefore the landscaping doesn't apply however the applicant is putting in more landscaping than was there and it has already made an improvement to the site. City Code 10-10 addresses the off-street parking; it is required for the storage office, the car lot office and any other office that operates from this building. The parking is determined by square footage of the building and in this case 14 spaces are required, the applicant is showing 19 total spaces satisfying the parking requirement. The change previously requested a display pad, however the location would have placed the car in the sight triangle and therefore this was removed from the request.

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

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

QUESTION/COMMENTS:

- Commissioner Frank asked with this additional use to the property will there be enough room for the RV/Motorhomes to maneuver through the site without problems.
- Mr. Allen explained that the parking was established with the original plan and the new use will not be making alterations to the area. He showed photos of the site previous to this request and explained that he has made major improvements to the appearance of the building.
- Commissioner Frank asked if this will be a multi-tenant building or the applicant will be using the entire space and lastly if the parking will be sufficient.
- Mr. Allen stated currently it is set up for multiple tenants and will be occupied by the applicant, volt storage, and existing tenant, and one additional space that has not been leased.
- Planner I Spendlove stated that the parking is based on the square footage of the building and currently the spaces shown exceed the parking requirements.
- Commissioner Tatum asked if the applicant is limited to the hours of operation as presented in the request.
- Planner I Spendlove explained if the applicant wants to operate from 7am-10pm the commercial zoning code allows that without making an addition request for special use permit.
- Commissioner Munoz asked if when the access is removed along Washington Street North and relocated to Wirsching Avenue if the curb, gutter and sidewalk will be installed along Washington Street North.
- Mr. Allen explained that yes new curb, gutter and sidewalk will be installed and the applicant has already upgraded the landscaping along both Washinton Street North and Wirsching Avenue.

PUBLIC HEARING: OPENED & CLOSED WITHOUT COMMENT

DELIBERATIONS FOLLOWED: WITHOUT CONCERNS

MOTION:

Commissioner Sharp made a motion to approve the request, as presented without the display pad, 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 site plan amendments as required by Building, Engineering, Fire & Zoning Officials to ensure compliance with applicable City Code requirements and standards.

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

VI. UPCOMING MEETINGS:

Next Planning & Zoning Commission public meetings:

Wednesday, June 5, 2013 Public Meeting Planning & Zoning Work Session

Tuesday, June 11, 2013 Public Hearing Planning & Zoning Work Commission

VII. ADJOURN MEETING:

Chairman Frank adjourned the meeting at 7:15 pm

Lisa A Strickland

Lisa A Strickland
Administrative Assistant
Community Development Department